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

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

; MARCH 1, 3, 4, 8, 11, 25; AND APRIL 1, 1976

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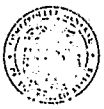
REPORT TO THE CONGRESS

Federal Guidance Needed If Halfway Houses Are To Be A Viable Alternative To Prison

Law Enforcement Assistance Administration
Department of Justice

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

GGD-75-70



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 report discusses the need for guidance by the Law Enforcement Assistance Administration, Department of Justice, if halfway houses are to be a viable alternative to prison.

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

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ABBREVIATIONS

GAO	General Accounting Office
LEAA	Law Enforcement Assistance Administration
SPA	State planning agency.

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

FEDERAL GUIDANCE NEEDED IF HALFWAY HOUSES ARE TO BE A VIABLE ALTERNATIVE TO PRISON

Law Enforcement Assistance Administration
Department of Justice

D I G E S T

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 examination (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 pps. 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.

CHAPTER 1

INTRODUCTION

Major studies of the Nation's correction systems have emphasized the need for change. One change advocated by many is a greater use of adult community-based correction activities in lieu of sending offenders to prison or as a transitional step back into the community after being in prison.

One type of community-based correction effort being used more frequently is community-based correction centers--more commonly known as halfway houses. Respected blue ribbon commissions have urged the Nation to expand such efforts. This report discusses their operation in four States and uses the term "halfway houses" for such operations regardless of size or the sponsors of the projects.

We neither advocate nor oppose the use of halfway houses. The basic purpose of our report is to provide information on how such projects are being operated and to make Federal and State governments more aware of some measures that might be undertaken to improve rehabilitation efforts.

WHAT ARE HALFWAY HOUSES?

All halfway houses have the same basic objective--rehabilitating offenders in the community using community resources. But they differ considerably in the types of offenders they serve and in the methods they use.

Most houses have some criteria for admitting offenders; i.e., legal status, age, offense, and number of previous convictions. Most, however, exclude persons with histories of violent behavior, sexual deviation, or serious mental problems.

Participants may include offenders from a variety of backgrounds, including persons

--released from custody before disposition of the case by the courts,

--placed on probation by the courts with the stipulation by the courts that they enter a halfway house,

--released from prison a few months before completing their full sentences,

--to be considered for parole within a few months, and

--paroled to a halfway house as a condition of their parole.

Each house establishes a program to rehabilitate offenders. Although the program techniques differ, employment and counseling are primary rehabilitation programs. The houses also determine whether an offender is a success or a failure in their program.

Each house offers various services to help rehabilitate offenders. These services, which may be provided by the house or by other sources in the community, usually include assistance in finding jobs, group and individual counseling, and medical and dental assistance.

The house itself can be a former residence, a remodeled store, a dormitory, or a building specifically designed and constructed as a halfway house. Space requirements for individuals and such activities as group meetings, recreation, administration and the general condition of the house usually are subject only to city or State regulations for rooming or boarding houses.

Halfway houses have not been universally accepted by correction personnel or the public. Citizen objections have forced some houses to locate in the deteriorating section of a community or near industrial areas. Also some houses receive little support from criminal justice agencies, especially from agencies philosophically opposed to this mode of treatment of offenders.

The 1973 report on corrections by the National Advisory Commission on Criminal Justice Standards and Goals[1] acknowledged that, though a clear majority of a community may support the concept of halfway houses, a proposal to establish such a facility will generally draw substantial opposition from the immediate neighborhood where it is to be located.

This condition delayed the opening of some of the houses we reviewed for up to 5 months. Others were forced to abandon their planned locations and settle elsewhere, and one house finally had to locate outside the city in a rural area. The opposition came mainly from persons who lived, or owned businesses in, the immediate vicinity of the proposed house and who were concerned about public safety and the devaluation of property values. This opposition usually declined after the houses began operating.

HOW IS THE FEDERAL GOVERNMENT INVOLVED?

The Federal Government helps States and localities establish and operate halfway houses primarily by providing funds as part of LEAA's program.

LEAA was established by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3701). The legislation encouraged the funding of projects that used new methods to prevent or reduce crime or that strengthened criminal justice activities at the community level. The Crime Control Act of 1973, which extended the LEAA programs through fiscal year 1976, reemphasized that legislative intent.

The legislation provides for State criminal justice planning agencies (SPAs), responsible to the Governors, to manage the Federal funds provided by LEAA. LEAA establishes

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[1] The Commission was funded by the Law Enforcement Assistance Administration (LEAA), Department of Justice, in 1971. Membership was drawn from the police, courts, and correction branches of State and local governments, from industry, and from citizen groups. Most members had working experience in the criminal justice area.

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regulations and guidelines to carry out the purposes of the act. Each SPA must develop a State plan stating how it will try to prevent or reduce crime and improve the criminal justice system. Each SPA must determine what projects will be funded and must seek advice from local or regional planning units in developing its plans. This plan, when approved by the LEAA Regional Administrator, is the basis for Federal grants to the State.

LEAA action funds are awarded as either block or discretionary grants. Block grants are awarded in total to SPAs which in turn determine further distribution to programs and subgrantees. Discretionary grants are made according to criteria, terms, and conditions determined by LEAA. They can be awarded to specific groups on the basis of LEAA-approved applications and are designed to

--advance national priorities,

--draw attention to programs not emphasized in State plans, and

--give special impetus to reform and experimentation.

SPAs carry out their plans primarily by awarding funds to subgrantees, usually other State agencies, local governments, or nonprofic organizations, to implement specific projects. All subgrantees must adhere to LEAA and SPA regulations and guidelines in carrying out their projects.

Through fiscal year 1974, LEAA had been appropriated about $2.6 billion for action grants. LEAA had data readily available only for fiscal years 1972-74 pertaining to the amount of funds awarded to community-based correction programs, which included halfway houses, probation and parole efforts, etc. The amount awarded for those years as of April 1974 was about $73 million, including $43 million in block grants and $30 million in discretionary funds. The four States reviewed had awarded a total of $1.1 million of their fiscal year 1973 funds to halfway house projects.

CHAPTER 2

CONCLUSIONS REGARDING THE BASIC ISSUES

Halfway houses are at a crucial stage of development. They have increased substantially in numbers and could become a viable alternative in the correction system for many criminal offenders, or they could die out for the 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 people in outdated and crowded prisons. However, they should not be viewed as a replacement for all prisons since there will always be individuals who are not willing to accept the constraints of halfway house living or would present too great a risk to the public safety if placed in such a facility.

LEAA has assisted halfway houses financially but has provided little guidance in planning or operating them. This stems basically from the way LEAA has administered its block grant program. It permitted each State to choose its own approach for improving criminal justice within broad Federal guidelines.

The States we reviewed, however, did not have well organized, planned, or operated systems that would coordinate both State and locally operated houses. This was partly because no one agency was responsible for coordinating a statewide system. Moreover, LEAA has continued to allow SPAs to fund halfway houses even if the States do not have coordinated correction systems. This has contributed to the fragmented efforts in some States.

The States did not have adequate knowledge about how public and private resources were allocated to operate and develop halfway houses. Such information is desirable because States need to be able to assure the public that they have well planned and supervised community-based correction systems that will safeguard the citizenry while providing rehabilitation.

If local private groups can develop and operate halfway houses without coordinating such efforts with a State correction and rehabilitation strategy, States cannot assure the public that the offenders in their corrections systems are being properly supervised. If the administration of the houses were improved, including increased cooperation and coordination of the jurisdictions involved, the houses most likely could provide more services to the offenders and serve more offenders.

In 1972 a Bureau of Prisons publication dealing with halfway houses stated that the real hope for greater effectiveness lies in system planning. We agree and believe that recent developments indicate that system planning is progressing. For example, the 1973 report by the National Advisory Commission on Criminal Justice Standards and Goals, which had LEAA support, has caused States to begin analyzing their correction programs.

LEAA could require the SPAs to expand the correction section of their State plans to adequately describe the standards for and coordination of the projects it funds. If neither standards nor coordination exists, the SPA should describe the steps it plans to take to obtain desired action. We recognize that, because the SPAs' influence with the States' criminal justice systems varies among the States, some will be more successful in bringing about the changes than others. But SPAs are the primary State groups that control most Federal funds going to the States to prevent crime and improve the criminal justice system. LEAA must look to the SPAs, which in most cases are directly responsible to the Governors, to foster improvements. The SPAs must do a better job in addressing issues such as the development of statewide coordinated correction systems.

The problem of integrating halfway houses into coordinated statewide correction programs involving both State and locally operated facilities may appear to be basically a State problem. But our review and other national studies have shown that the problems of rehabilitating offenders and protecting the public's safety are national. Therefore, the Federal Government, primarily through LEAA, should be more active in helping the States solve the problems.

The basis for these conclusions is presented in chapters 3 through 6. Chapter 7 contains our recommendations to bring about needed improvements in the operation of halfway houses.

CHAPTER 3

NEED FOR STATEWIDE SYSTEMS TO COORDINATE HOUSES

In its 1973 report the National Advisory Commission on Criminal Justice Standards and Goals stated that community-based correction programs were the most promising means of accomplishing changes in offender behavior that the public expects and recommended greater use of such programs. The Commission, however, stated that such activities were not then part of well organized, planned, or programed systems. This statement was still accurate in the four States reviewed.

The 1967 Task Force on Corrections also considered community programs and stated:

> "It is clear that new community programs must be integrated into the main line of corrections, if they are to succeed and survive * * *."

The State Government determines the organizational relationship between halfway houses and the State's corrections system.

LEAA and SPAs are not authorized to make policy as to the course of action a State should take. Their leverage lies in the conditions they place or the use of Federal grant funds and in their recommendations and encouragement to responsible State and local officials. To date LEAA has not provided effective leadership.

Halfway houses are becoming acceptable as an alternative to incarceration or to the minimum supervision provided on probation or parole.

Thus, it becomes desirable to insure that new houses are (1) locating in the communities with sufficient offender populations, (2) locating in communities that can provide adequate employment and other needed services to offenders, and (3) serving a segment of the offender population different from that already served by an existing house unless it can be shown that the existing house cannot handle the population of such offenders. Also, when two or more houses

are in the same community, consolidated administration may be economical. A consolidation of staff might also provide more potential for staff advancement, use of specialized staff, and more full-time rather than part-time positions.

Community approval of a locally operated halfway house is generally essential if the house is to succeed and receive continued local financing. Community pressure can cause a house to accept only the "cream" of offenders eligible to participate in the house's program. A coordinated approach to planning halfway houses could (1) help insure the continued financing of locally operated halfway houses and (2) help the houses meet the statewide offender population's needs.

LEAA GUIDANCE

LEAA's legislation requires that, before funds can be awarded to a State, LEAA must determine that a State's comprehensive plan:

--Discusses, among other things, incorporation of innovations and advanced techniques, including descriptions of general needs and problems; existing systems; available resources; organizational systems and administrative machinery for implementing the plan; and to the extent appropriate, the relationship of the plan to other State or local law enforcement and criminal justice plans and systems.

--Provides for effective use of existing facilities and permits and encourages units of local government to combine or provide cooperative arrangements with respect to services, facilities, and equipment.

LEAA's Office of Regional Operations[1] is responsible for developing guidelines that the SPAs must follow when developing their State plans. This Office also establishes the policies and procedures for LEAA regional offices to use in reviewing and approving State plans.

[1]In November 1973 the Office of Regional Operations was established. It basically assumed the responsibilities previously assigned to the Office of Criminal Justice Assistance which was abolished at that time.

Since most of LEAA's funds are provided to the States as block grants, LEAA has leverage for bringing about positive changes through its approval of the States' plans for spending money. But the Office's planning guidelines have not been specific enough regarding how the State plans must address the completeness of their States' correction system or the extent of the steps that should be taken to make the system more comprehensive. The States have considerable discretion regarding the information that must be included in the plans.

For example, LEAA's December 1973 planning guidelines emphasize the need for an SPA to demonstrate that its efforts to improve all aspects of the criminal justice system are coordinated. In addition, the SPA is to assume a leadership and coordination role in its State's law enforcement and criminal justice system. The guidelines state that one way the SPA can exercise such a role is by developing an overall, long-term plan for criminal justice improvements in the State.

LEAA's guidelines require that, as part of this overall plan, the SPA address such issues as legislative changes needed to develop an overall strategy, the types of research and information systems needed, and the types of noninstitutional rehabilitation efforts that will be undertaken. The guidelines do not, however, require the SPA to specify such things for the various components in a system; i.e., the correction system encompasses institutions, probation, parole, and other community-based activities.

Though LEAA's guidelines provide the broad framework within which the States can develop specific strategies, they do not set down in any detail how specific problems or issues are to be approached.

For example, LEAA's guidelines note that the SPA's plan must discuss such rehabilitative efforts as halfway houses, but do not specifically direct the SPA to discuss the organizational framework within which such houses operate, the type of offenders served, the staffing needed, or the nature of the programs used in the houses. Moreover, the SPA plans reviewed had not developed such information and there was no indication that the information was available anywhere in the State. Without such information it is

difficult for an SPA to assume the type of leadership and coordination role LEAA says it should.

Accordingly we believe it is appropriate for LEAA to tell the SPAs more specifically what kind of information their plans should include.

LEAA has authorized its regional offices to review and approve the comprehensive State plans for the States within their regions. The regional offices responsible for Florida, Missouri, Pennsylvania, and Texas were located in Atlanta, Kansas City, Philadelphia, and Dallas, respectively.

We visited those offices and found that they had not supplemented the basic guidelines on comprehensive plans with any additional requirements concerning how the State believed it should coordinate all correction projects activities in its State, be they financed by public or private funds. The regional office staffs interviewed generally were quite vague on how halfway houses were, or should be, coordinated with the correction programs of the State or whether any State agency could assume overall responsibility for operating or administering all such facilities. The regional offices thus could not effectively promote the development of statewide coordinated correction strategies or effectively use the leverage available to them to improve State efforts.

Each regional office had correction specialists to give technical assistance to States, their planning agencies, and grant recipients. Assistance, however, was generally provided only on request. If a technical assistance request required significant research, the regions generally referred the requestor to LEAA headquarters staff who, in turn, generally referred them to expert consultants.

LEAA financed the development of guidelines and standards for halfway houses and community treatment centers through a contract with the International Halfway House Association and published them in May 1973 as a technical assistance publication with the qualification that they did not necessarily represent the official position of the Department of Justice.

Only one regional office visited knew such guidelines existed and stated that it had distributed the publication to the States in its region. Some halfway houses visited had copies of the guidelines; others had never heard of the guidelines or the association.

In addition, LEAA's National Institute of Law Enforcement and Criminal Justice is funding research into various criminal justice matters although the Institute has not begun to evaluate halfway house operations.

We issued a report[1] to the Congress in 1974 that recommended that LEAA 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. This would develop for similar projects guidelines relating to similar goals, uniform information, standard reporting systems, the standard range of expected accomplishments, and standardized evaluation methodologies. We pointed out that, until such standards and criteria were established and comparable data was gathered on the operation of similar projects, LEAA could not effectively determine what types of approaches work best and why. When LEAA evaluates halfway houses, the above steps should be included.

STATE PLANNING AND ADMINISTRATION

A similar approach was used by the four SPAs to prepare their comprehensive plans for LEAA approval. Each State was divided into regions to facilitate local planning. In these regions, the county or community officials determined local needs and forwarded their requests for funds for certain projects or project areas to their regional planning unit for review and approval. The approved requests were then incorporated into the regional plans and the regional plans became a source of information for the State plan. Although the SPA had final approval authority on grant applications, the incorporation of a specific request in a regional plan usually was tantamount to approval.

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[1] "Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime" (B-171019, Mar. 19, 1974).

Grant applications from State agencies usually do not go through regional planning units but are forwarded directly to the SPA. Thus the SPAs are in a good position to encourage or require the coordination and cooperation needed between State and local correction activities in planning and operating a statewide halfway house effort.

The SPAs, however, had allowed States, local governments, and private agencies to establish houses that apparently satisfied local needs without considering statewide needs based on probationers and potential parolees needing halfway house supervision or the number of institutionalized inmates from the communities that could be placed on work release if such a facility was available./ In addition, State agencies, community officials, and private agencies were allowed to determine the type of offender to be served, the condition of the facility to be used, and the type of program to be offered. As a result there were no well organized or planned statewide correctional or rehabilitation systems to insure that

--the existing houses were not concentrating too heavily on helping one type of offender while ignoring other types,

--the facilities were adequate, and

--the programs met some minimally accepted standards.

The four SPAs had recognized in their State plans that their correction approaches were fragmented. None of them, however, presented detailed proposals to integrate the halfway houses they funded within a coordinated system.

In Florida, for example, State agencies as well as local officials were using LEAA funds to establish halfway houses. The Division of Corrections determined that it needed large, 50- to 100-bed houses to help the transition of State prisoners back to community life.

One of these houses was established in Tampa, which already had a locally operated halfway house that had been established using LEAA funds. Thus, there were two similar programs within the same community, one operated by the

State and the other by the county. Establishing two or more halfway houses in one community may be justified if there are enough potential participants and many types of offenders to be served. However, the work of the houses should be coordinated between local and State agencies to assure that they complement each other and do not end up competing for the same resources. (Utilization is discussed further in ch. 5.)

A similar situation existed in Pennsylvania. State correction officials, in some cases using LEAA funds, established 9- to 18-bed halfway houses to serve State prisoners while local agencies and private organizations were also obtaining LEAA funds to establish houses in the same communities.

In Missouri local officials or organizations established halfway houses based on the needs of offenders returning from prison and those that can be placed in the house while on probation in lieu of incarceration.

In Texas local officials, without coordinating such needs with State agencies, determined needs for halfway houses. One house reviewed was established by a county to serve offenders placed on probation. The house was established by this county rather than the State because Texas has no statewide probation system.

The following sections describe the conditions in the four States reviewed.

Florida

Florida has no single agency to administer or coordinate its adult correction activities. Jails hold pretrial detainees and convicted misdemeanants and are the responsibility of cities and counties, while most other correctional activities fall under State control. The State Division of Corrections is responsible for the custody and care of incarcerated felons, including those in a preparole work release status in community-based facilities. The independent Parole and Probation Commission is responsible for supervising and rehabilitating offenders on parole and probation within the community. Although, at the time of our review

in 1974, there were no provisions for joint planning or policymaking for the two State agencies, we were told that such joint efforts are in effect in 1975.

In 1973 Florida had an offender population of about 41,000. About 10,000 were in institutions under the jurisdiction of the Division of Corrections, and the other 31,000 under the supervision of the Parole and Probation Commission.

In 1974 the Division of Corrections operated 10 major institutions. It also operated 25 halfway houses that could accommodate approximately 1,224 offenders. The Division used LEAA grant funds to help construct seven of the houses in operation at the time our review started. The houses were established so sentenced offenders could be placed in the community to work or study during the last 12 months of their sentences and thereby be assisted in their rehabilitation and transition to community living.

In 1973 the Parole and Probation Commission, under its "Multiphasic Diagnostic and Treatment Center Network," had established 2 houses which could accommodate a total of 35 offenders and planned to establish 4 more. These houses were established for probationers and parolees who need more supervision than regular probation and parole practice could provide.

The SPA provided about $459,000 from fiscal year 1973 LEAA grant funds to seven locally operated halfway houses for adult offenders. The SPA was the only State agency responsible for supervising the operation of these houses. In 1973 the SPA established some standards for the operation of the halfway houses receiving LEAA grant funds. Although brief, the standards did provide requirements on the number of participants, sources from which participants would be accepted, staffing, and programs.

Although there has been no study to determine the number and location of halfway houses needed for a statewide system, Florida has developed a plan that includes using both State and local correction activities and establishes goals that include halfway houses.

The SPA, in commenting on our report, stated:

"Since the State Planning Agency realizes that no one type halfway house or treatment philosophy is best for all client groups, there is a tendency for the SPA to allow localities to define their own needs and propose what they consider to be the most appropriate solutions. Therefore, because of flexible programming which allows for a diversity of halfway house operation and treatment programs, it may appear there is little coordination. However, we would reiterate that the halfway houses which represent viable alternatives to state incarceration are located within two highly structured and coordinated networks operated by the state. Local halfway houses are designed solely to meet local needs which vary throughout the state."

LEAA, Florida, and local government funds were used to construct and operate halfway houses that will help reach these goals. For fiscal year 1974, Florida budgeted about $3.6 million in State funds for the Division of Corrections' halfway houses.

In November 1973, in response to the report of the National Advisory Commission on Criminal Justice Standards and Goals, the State established a Commission on Standards and Goals to develop a comprehensive statewide plan for improving criminal justice.

Some adult correction problems the State Commission had to deal with were identified in the State's 1973 Comprehensive Plan submitted to LEAA. This plan listed the following problems pertaining to community-based correction activities:

—An unmanageable flow of offenders as evidenced by overcrowded prisons and excessive caseloads of offenders under supervision in the community.

--The absence of an evaluation system that reports the results of existing rehabilitation programs.

--Inadequate coordination and communication among the elements that comprise the statewide correction system.

Thus, Florida appears to be recognizing some of the problems caused by the lack of a coordinated statewide strategy.

Missouri

The State Department of Corrections and the Board of Probation and Parole are responsible for statewide adult correction efforts. The county sheriffs have the major responsibility for correction at the county level, and cities oversee their individual jurisdictions.

The Department of Corrections operated 8 penal facilities, which had an average monthly population of 3,428 inmates during fiscal year 1973. The Board of Probation and Parole is responsible for (1) paroling and supervising inmates from adult correction facilities, (2) supervising persons placed on probation by the courts, and (3) supervising probationers and parolees transferring to Missouri from other States. The supervision of parolees and probationers is carried out through 25 district offices. As of December 1, 1973, these 25 districts were supervising 1,454 felons on parole and 6,231 felons on probation.

Neither the Department of Corrections nor the Board operates halfway houses. The Department, however, does operate a community release program in which selected inmates, who have 6 months or less of their sentences remaining, are permitted to leave penal facilities and enter community-based programs operated by other organizations.

We identified 7 halfway houses for adult offenders in the State having a total capacity of 174 participants. The SPA provided a total of about $387,000 to six of these houses--all locally planned and operated--from 1973 LEAA grant funds. The house that did not receive LEAA funds was operated by the Bureau of Prisons. The $21,500 in State funds that the houses received during 1973 was in the form of per diem payments for inmates released to the houses through the Department of Corrections community release program.

No State agency was responsible for supervising locally operated halfway houses. The houses set their own goals, planned their own approaches to helping the offenders, and

determined what services they would provide. There has been no statewide study to ascertain the number or type of halfway houses needed in the State or where they should be located.

The Missouri plan submitted to LEAA for 1974 stated that there was a need for a unified and coordinated system of providing community-based correction treatment programs to include the full use of existing programs and the development of new ones designed to meet individual needs of the offender.

The SPA has funded a statewide task force to develop a master correction plan for Missouri. Areas to be considered in the study include community-based services, manpower needs and training, and alternatives to incarceration and diversionary programs.

This same task force recommended priorities for the State's correction activities in March 1974. Community-based correction services was ranked as the third highest priority after pretrial release programs and personnel training. The report, noting that at that time community-based corrections were not well organized, planned, or programed, recommended a network of community-based treatment centers.

Pennsylvania

The Bureau of Correction and the Board of Probation and Parole are responsible for the State's adult corrections system. The Bureau of Correction is a part of the Pennsylvania Department of Justice and is essentially responsible for adult offenders sentenced to State correction institutions. The Board of Probation and Parole is an independent agency directly responsible to the Governor. It has responsibility for granting parole and subsequently supervising adult offenders sentenced by the courts for 2 years or more. In addition, county courts can also assign parolees and special probation cases to the Board if their maximum sentences do not exceed 2 years.

The Pennsylvania correction system for adults was described as fragmented and lacking coordination in the State's

1974 plan submitted to LEAA. The plan stated that the lack of a clear definition of functional relationships between county and State agencies, and among the several State agencies involved, seriously hampered adult correction efforts. Each of the 67 counties has its own correction institution and adult probation agency, in addition to the State correction institutions and the State Board of Probation and Parole. State agencies have only limited control over the county institutions and agencies.

In August 1973 the Bureau of Correction operated 7 State penal institutions, 1 regional institution, and 9 halfway houses with a combined population of about 5,750 offenders. By February 1974 the number of halfway houses had increased to 13.

In 1969 the Bureau started a program of community-based services and facilities designed to provide an alternative to confinement and help those incarcerated make the transition from prison to the community. Community treatment facilities took two basic forms--halfway houses and group homes.

Halfway houses are designed for 16 to 20 offenders and provide treatment programs geared to specific needs of the participants. Group homes generally are privately operated facilities which provide specialized treatment and services, such as treatment of drug addicts or alcoholics, which the Bureau-operated houses are not able to provide. The Bureau contracts with group homes to provide specific services for selected inmates released to these facilities. As of February 28, 1974, the Bureau had contracts with 8 group homes for treating 24 inmates.

The Bureau states that it is committed to expanding community-based facilities until they can handle all offenders released from State correction institutions. To achieve this goal, the Bureau plans to open 11 additional halfway houses, bringing the total to 24. The Bureau's community treatment program also plans to expand the contractual group home program and begin regional halfway houses for women.

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As of March 1974, the Bureau had received three LEAA grants totaling about $1,276,000 to establish and expand the halfway house program. Of this amount, about $953,000 was allocated for operating the houses and about $323,000 was earmarked for salaries of administrative employees in the Bureau's central and regional offices. In December 1973 the Board of Probation and Parole was supervising about 11,000 offenders. Another 43,000 were under county supervision.

The Board did not use halfway houses to a great extent. During 1973 the Parole Board had contracted with four privately operated houses. These contracts, totaling $18,000, covered per diem payments for persons paroled to the houses. The Board had no formal standards or guidelines for operating those houses. Although we were told that the Parole Board believes there is a need for more houses, it was not collecting complete and accurate data on what resources were available and the number of parolees actually in these houses on a statewide basis.

The SPA, which is a part of the Pennsylvania Department of Justice, has stated that the State's goal is to expand the use of adult community-based services and facilities until at least 20 percent of all prison commitments would be regularly placed within community treatment programs.

The SPA had helped fund 17 halfway houses for adult offenders. Thirteen were operated by the State Bureau of Correction. The others included a house operated by the Philadelphia County Adult Probation Department and three that were privately operated. The SPA had awarded a total of $137,000 of fiscal year 1973 grant funds to two houses as of March 1974.

Data available showed that 15 of the 17 houses had a total capacity of 276 participants. The SPA had not established any policies, criteria, procedures, or guidelines for the houses regarding qualifications of employees, facilities, or services. In addition, no one State agency was responsible for supervising the operation of all halfway houses in Pennsylvania.

In 1973 the Pennsylvania Joint Council on the Criminal Justice System began a study of the State's system with the

SPA's concurrence. The study resulted from the report issued by the National Commission on Criminal Justice Standards and Goals. Although the Joint Council was not an official unit of State government (it was created by the Pennsylvania Bar Association and the Pennsylvania Conference of State Trial Judges), it was established to recommend ways to eliminate fragmentation, to open communication lines, and to encourage the integration of all State criminal justice agencies as well as private and professional organizations.

The Joint Council stated that Pennsylvania needed commonly accepted goals and a strategy that would reduce the fragmented conditions of its criminal justice system.

Texas

The Texas Department of Corrections and the Board of Pardons and Paroles are legally responsible for State correction efforts. There is no statewide probation system. Instead, probation programs are operated on a county-by-county basis. Of the State's 254 counties, 224 have adult probation services. Although no current statewide data was available on the number of persons on probation, an SPA study showed there were about 33,400 felons on probation as of December 31, 1971.

The Department of Corrections operates 14 prison units which had 16,690 inmates on December 31, 1973. The Department does not operate any community-based correction programs or halfway houses. These programs are considered the responsibility of the communities. A Department official said Texas correction programs should use halfway houses more, but State laws do not permit the Department to become directly involved at the community level.

The Board of Pardons and Paroles was supervising 7,232 parolees on December 31, 1973. According to a Board official area parole officers were referring some parolees to various halfway houses in the State. In addition, the Board is considering the development of a statewide halfway house program and has asked other States for information on their programs. The Board plans to include proposals for a halfway house program in its 1975 budget request to the Texas legislature.

We identified 11 halfway houses in Texas for adult criminal offenders. Nine had a total capacity of 234 participants. The SPA provided 1973 LEAA grant funds totaling about $136,000 to three of them. The State provided about $4,600 to one house, the total contribution of Texas funds for halfway houses.

Neither the SPA nor any other State agency administers a halfway house program in Texas. Those houses funded by the SPA are the primary responsibility of the SPA's correction office; however, no specific guidelines, policies, or criteria for their operation have been developed. Grantees establish their own operating procedures, including criteria for types of offenders eligible for participation, and set their own goals according to community needs. In addition, neither the SPA nor any other State agency has studied the total need for halfway houses to serve all eligible offenders--probationers, parolees, work releasees, etc.

The Texas plan for 1974 stated that the lack of resources for helping ex-offenders readjust to the community made it more likely they would return to prison. The plan also recognized that the criminal justice system in Texas is actually a conglomeration of disconnected parts, created by constitution and statute, sometimes working together but occasionally operating in opposing directions.

The State, however, is taking steps to improve the situation; i.e., a conference on State criminal justice standards and goals has been planned. This conference should result in the adoption of specific standards and goals which will be used as a guide by the State agencies in their planning. To date, Texas has relied on those standards and goals set forth by the National Advisory Commission and on the regional planning councils and other State agencies, rather than setting its own priorities.

The SPA also plans to begin master planning, which will entail a complete analysis and evaluation of the existing correction system. A model system will be drawn up and restraints preventing achievement of the system will be identified. Next, alternatives to incarceration will be listed and priorities assigned. Master planning for juveniles'

corrections had already begun, and adult master planning was to start after July 1974. SPA officials expect master planning to recognize the need for a greater emphasis on community-based corrections.

CHAPTER 4

RESULTS ACHIEVED BY HOUSES

The houses were achieving some success in working with offenders, but success varied significantly from house to house. Overall:

--About 65 percent of the participants successfully completed the program. But we estimated that about 25 percent of these were later returned to prison.

--Of those who failed to complete the program, about 27 percent absconded from the houses, 46 percent were returned to prison, and the other 27 percent either were discharged or their status was undeterminable.

--We estimated that about half the offenders treated by the 15 houses were rehabilitated because they had successfully completed the program and had not subsequently been convicted of offenses or had their probation or parole revoked.

None of the States had any criteria for judging if specific houses were effective enough to warrant continuing their present methods of operation. Moreover, none of the States had adequate data on recidivism rates for the different types of correction efforts, such as probation, parole, or direct release from prison to compare with the recidivism statistics for the halfway houses.

Some data collected for specific studies, however, indicated that the results achieved by the houses were not much better or worse than those achieved by other types of correction efforts.

Halfway house offenders work in the community and contribute to society. But these benefits are achieved with some risk to the public's safety--a major concern of correction authorities. About 2 percent of the offenders who went through the halfway houses were arrested and incarcerated for committing crimes--ranging from murder to disorderly conduct--while at the houses.

TYPES OF OFFENDERS IN THE PROGRAMS

Most of the locally operated halfway houses served a mixed group of probationers, parolees, and State or Federal prison releasees. One, however, dealt almost exclusively with probationers; three others concentrated on assisting criminals who had several prior convictions; and one worked mainly with offenders still in the custody of the county's penal system.

Each house, including those operated by State correction agencies in Florida and Pennsylvania, decided on its own which offenders to serve rather than following any organized statewide strategy or specific statewide guidelines. Most houses (apparently because of public pressure) automatically excluded sexual deviants, offenders who had demonstrated violent behavior, and those with serious mental problems.

Except for these exclusions, several houses had few restrictions on offenders they would accept. One, for example, required only that the offender be over 18 years of age and express "an honest desire to change his life." Another required only that the offender be between 17 and 25 years of age, be a convicted felon, and be on probation. A third concentrated on offenders having long histories of crime and required only that they not be juveniles or heroin addicts.

The four State-operated houses mainly served offenders still under the jurisdiction of the State's Division of Corrections. Hillsborough was operated as part of the county prison system and mainly served county inmates. Most participants in the other locally operated projects were probationers or parolees. The most varied mixture of participants from different sources was in Missouri houses. The following table shows the offender mix.

Halfway house	Source of participants (note a)				
	Parole	Probation	Work or study release	Other (note b)	Total
Locally operated:					
Florida:					
Cain	10	29	-	25	64
Hillsborough	-	-	827	-	827
Missouri:					
Alpha	9	3	4	-	16
Dismas	26	35	43	-	104
Magdala	47	70	3	4	124
Morman	8	27	2	1	38
Reality	33	40	4	8	85
Pennsylvania:					
Home of Industry	48	6	1	-	55
Lehigh Valley	53	18	-	2	73
Texas:					
New Directions	152	10	-	162	324
Waco	1	127	-	-	128
Total	387	365	884	202	1,838
State operated:					
Florida:					
Jacksonville	-	-	644	-	644
Tampa	-	-	253	-	253
Pennsylvania:					
Philadelphia	-	-	122	-	122
Scranton	7	1	92	1	101
Total	7	1	1,111	1	1,120

[a]Data was obtained for all houses from the time they began operating (the earliest was Oct. 1969) through April 1974.

[b]The other category included mostly those who had served their full sentences in prison as was the case for 145 of the 162 in the New Directions program. There were also some juveniles, persons on pretrial release, or those who were not offenders.

Background data for those offenders who completed their stays at the houses during a 6-month period is shown in the following table and indicates the characteristics of the offenders served by each house. Five of the locally operated houses concentrated on young offenders with few prior convictions, while four others concentrated an older offenders with multiple offenses. The locally operated houses generally received a wider range of offenders in terms of age and prior convictions.

Halfway houses	Number of offenders (note a)	Age		Number of prior convictions		Grade level achievement	
		Median	Range	Average	Range	Average	Range
Locally operated:							
Florida:							
Cain	8	19	17 to 33	1.3	0 to 3	10	7 to 12
Hillsborough	25	26	17 to 61	4.9	1 to 23	10	3 to 13
Missouri:							
Alpha	-	-	-	-	-	-	-
Dismas	8	30	23 to 65	5.1	1 to 9	10	7 to 12
Magdala	8	18	18 to 21	1.4	1 to 3	9	6 to 11
Norman	1	30		3.0		14	
Reality	10	20	17 to 37	1.6	1 to 3	10	6 to 10
Pennsylvania:							
Home of Industry	18	(b)	(b)	6.4	1 to 15	9	0 to 12
Lehigh Valley	3	19	18 to 29	2.3	1 to 3	10	9 to 10
Texas:							
New Directions	24	37	24 to 53	2.9	0 to 7	10	5 to 16
Waco	20	19	18 to 26	1.1	1 to 2	10	7 to 14
State operated:							
Florida:							
Jacksonville	25	25	19 to 49	3.4	1 to 14	9	5 to 12
Tampa	24	24	20 to 61	1.5	1 to 4	10	5 to 16
Pennsylvania:							
Philadelphia	27	32	18 to 56	3.6	1 to 13	9	3 to 16
Scranton	14	29	22 to 51	3.6	1 to 12	9	5 to 12

[a]Data was obtained for various 6-month periods between October 1972 and October 1973.

[b]Not available.

Although the houses usually concentrated on specific groups, such as young first-time offenders, several had a mixture of residents with wide differences in age and prior criminal offenses. This could have affected the success these houses had in rehabilitating the offenders. It also raises a question on the ability of a house to deal successfully with offenders having different backgrounds, ages, and behavior patterns. For example, several 40- to 50-year-old offenders with many prior convictions may require very different counseling techniques and employment assistance than a group of 17- to 21-year-old first-time offenders. In addition, older hardened offenders could have an adverse psychological effect on young first-time offenders.

THE OFFENDERS: THE EXTENT OF SUCCESSES AND FAILURES

About 3,000 individuals had entered the 15 houses and about 2,600 had left the programs at the time of our review. Nearly all participants had committed criminal acts, some for the first time and some many times before. A few in the locally operated houses had no criminal records and had voluntarily entered because of alcohol or other adjustment problems.

As the table on page 29 shows, 2,570 of the offenders had passed through the 15 houses and 65 percent were considered by the houses' staff to have successfully completed their stays. The other 35 percent either failed to complete their stays successfully, were transferred to another program, died, or were released for some other reason. For example, one asked to be returned to prison and another became too ill to stay at the house.

Results of Houses' Efforts With Participants (note a)

House	Total	Successful completions		Failed to complete		Others	
		Number	Percent	Number	Percent	Number	Percent
Locally operated:							
Florida	811	582	71.8	227	28.0	2	0.2
Missouri	308	141	45.8	149	48.4	18	5.8
Pennsylvania	113	81	71.7	28	24.8	4	3.5
Texas	393	258	65.6	126	32.1	9	2.3
Subtotal	1,625	1,062	65.4	530	32.6	33	2.0
State operated:							
Florida	758	515	67.9	243	32.1	-	-
Pennsylvania	187	95	50.8	48	25.7	44	23.5
Subtotal	945	610	64.5	291	30.8	44	4.7
Total	2,570	1,672	65.1	821	31.9	77	3.0

[a]Data was obtained for all houses from the time they began operating (the earliest was Oct. 1969) through April 1974.

The 15 houses had successful completion rates that varied considerably from the categorizations shown in the table, ranging from 9.3 to 100 percent. Four had successful completion rates of less than 50 percent. The house claiming 100-percent-successful completion did so on the grounds that no offender had to be returned to prison while a resident of the house. However, information we obtained showed that several offenders had not lived up to expected behavior patterns while at the house and would have been considered failures under the criteria used at some other houses.

Failures in the program

As the following table shows, the offenders who failed to successfully complete their stays at the houses either (1) were incarcerated for committing new offenses, for violating the terms of their early release from prison, or for violating the terms of their probation or parole, (2) absconded, or (3) were discharged because they did not adjust or broke rules. The majority of those who were incarcerated had been released early from prison to enter the houses but violated some condition of their release. Those in the third category who were still on probation or parole were returned to the supervision of their probation or parole officers, and those who had served their full sentences and were no longer under jurisdiction of a unit of the correction system were released outright.

Disposition of Offenders Who Failed to Successfully Complete Their Stays (note a)

Name	Total	Incarcerated		Absconded		Discharged		Undeterminable (note b)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Locally operated:									
Florida	227	184	81.1	33	14.5	10	4.4	-	-
Missouri	149	39	26.2	61	40.9	49	32.9	-	-
Pennsylvania	28	2	7.1	6	28.6	18	64.3	-	-
Texas	176	25	19.8	29	23.0	72	57.2	-	-
Subtotal	580	250	47.2	131	24.7	149	28.1	-	-
State operated:									
Florida	243	94	38.7	79	32.5	-	-	70	28.8
Pennsylvania	48	35	72.9	13	27.1	-	-	-	-
Subtotal	291	129	44.3	92	31.6	-	-	70	24.1
Total	871	379	46.2	223	27.2	149	18.1	70	8.5

[a]Data was obtained for all houses from the time they began operating (the earliest was Oct. 1969) through April 1974.

[b]The disposition of these offenders could not be identified from the records kept by the two State-operated centers.

Threat to the public safety

The public safety should be a major concern of correction programs. Halfway houses are a risk to the citizenry because those offenders who would otherwise be in prison are living in the community where they are not as closely supervised, although offenders who would otherwise be on regular probation or parole are receiving more supervision in a halfway house. None of the States, however, had criteria for judging whether, in terms of crimes committed by participants or absconders, the threat to the public safety was sufficient either to close the house or to require that substantial management improvements be carried out if operation was to be continued.

Since halfway houses deal with offenders who obviously did not abide by society's accepted norms, it is unrealistic to expect the houses to rehabilitate all participants: not all individuals change their behavior patterns, no matter how you reward or punish them. The Executive Director of one house included in our review commented that in his opinion:

> "It is a valid function and indeed an obligation for halfway houses to render a well-considered, informed and documentable objective judgement based on a client's behavior as to whether he/she represents threat to the community. If the client does represent such a threat, the house has an obligation to inform the supervising authorities and, if necessary, make appropriate recommendations."

However, a house's failures can point to problems that could be corrected, such as insufficiently trained or dedicated staff or carelessness in selecting participants. The results could also be a symptom of problems that the house cannot correct, such as the community's attitudes toward participants or job shortages.

The State should monitor the activities of every halfway house in the State to verify that a house is properly handling its participants, because the State is responsible for adequately protecting the public. To do so, it should

establish criteria, monitor the houses' operations, and make decisions based on overall achievements rather than reacting to specific one-time incidents that may not represent the houses' operation. Such criteria are especially important when a house is locally operated under no formal relationship with a corrections agency.

Neither the States nor LEAA had established such criteria. The States' experience with halfway houses might dictate general criteria initially.

Of the 2,570 offenders that passed through the 15 houses, 379 (about 15 percent) were incarcerated for improper behavior while residing at the houses, such as (1) committing new crimes, (2) violating the terms of their early release from prison, or (3) violating conditions of their probation or parole.

Only 56 of the 379, however, were arrested for committing new offenses and were convicted or had their probation or parole revoked. This data pertains to all houses from the time they began operating (the earliest was Oct. 1969) through April 1974.

The 56 represent only 2.2 percent of the 2,570 who had passed through the houses. The other 323 had been returned to the legal jurisdictions of the agencies that placed them in the houses primarily because they had violated rules, such as those forbidding drinking or requiring satisfactory performance on a job.

The 56 offenders arrested for new offenses were incarcerated for the following crimes:

Crimes against people:	Number	Percent
Robbery	5	
Assault	4	
Rape	3	
Murder	1	
Accessory to murder	1	
Kidnaping	1	
	15	26.8
Crimes against property:		
Burglary	9	
Breaking and entering	3	
Auto theft	2	
Larceny	1	
Stealing	1	
	16	28.6
Other:		
Drug charges	7	
Weapons charges	4	
Drunken driving	1	
Disturbing the peace	1	
Disorderly conduct	1	
	14	25.0
Not identified	11	19.6
Total	56	100.0

The fact that 223 offenders absconded (about 9 percent of the 2,570) indicates that some offenders reject the houses' rehabilitation efforts stressing socially acceptable behavior.

RECIDIVISM BY SUCCESSFUL PARTICIPANTS

Not all offenders who successfully completed the halfway houses' programs stayed out of prison. Recidivism is a measure of the failure of correction efforts. Though there is no generally accepted definition of "recidivism," we defined it as a conviction for a new offense or an incident

resulting in revocation of probation or parole for which the offender was incarcerated. This definition excludes those offenders who have committed crimes and, if apprehended, have not been convicted.

To measure recidivism and thereby obtain an indication of impact, we attempted to obtain data on the subsequent criminal activity for 614 of the 1,672 successful participants. (See p. 29.) This included all successes for nine houses, and a sample of successes for six because of the large number of successful participants.

The extent of criminal activity for only 467 of the 614 former participants was identified because the sources from which we sought criminal information had no files at all for 147 of the participants in our sample.[1] The extent of their criminal involvement represents what was reported to the sources we questioned and probably does not include every conviction. For example, a former participant may have been convicted of an illegal act in another State which was not reported to our sources. When we acquired the data, the offenders had been out of the houses for various periods ranging from 2 months to over 4 years.

From the data on the 467 offenders considered to have successfully completed the houses' programs, we estimated that 25.1 percent of the total successful participants in the 15 houses had been returned to prison for new crimes or revocation of probation or parole by the time we completed our fieldwork in June 1974. Also some offenders in our sample (an estimated 7 percent of successful participants) had charges pending, had been arrested but no dispositions were recorded, or had absconded while still on probation or parole. Persons in these situations were not classified as recidivists according to our definition.

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[1]The criminal history records of one or more of the following agencies were reviewed in each State: probation agencies, Departments of Corrections or Public Safety, and the State Police. In addition, some centers had obtained data for some of their former participants which we used in our statistics.

How does the recidivism rate of 25.1 percent compare to results achieved by other correction programs? We cannot accurately say. The few recidivism studies available on the results of other correction methods usually use different definitions of recidivism and different time periods which prevent accurate comparison of results. In addition, the type of offender involved in the program studied would likely affect the recidivism rate.

Nevertheless, some available studies do provide a general indication that the halfway houses' results were not that different from those achieved by other methods. To obtain a definitive assessment of comparable recidivism rates would involve an effort which LEAA might wish to undertake.

The combined rate of all 15 houses in the 4 States reviewed was lower than the 33-percent recidivism rate of offenders released from Federal prisons in 1970.[1] Although direct comparison of results is not valid because different groups and timeframes were involved, the results give some indication of the relative success of halfway houses. The Federal study that presented the above-noted finding was based on a 50-percent sample of releasees during a 6-month period, January to June 1970. The study followed the releasees for a period of 2 years. Disposition data on charges made during this period was obtained through January 1973. "Recidivism" was defined by the Federal Bureau of Prisons in its study as:

> "* * * either (1) parole revocation; or (2) any new sentence of 60 days or more, including probation, resulting from an arrest reported to the Federal Bureau of Investigation."

Also the recidivism rates for the State and locally operated houses in Pennsylvania (10.5 and 21.0, respectively) are less than the rate for persons released on parole directly from the State institutions. A study released in September 1972 based on Pennsylvania parolees released between 1964 and 1969 stated that about 26 percent of the State's parolees eventually returned to prison because of new convictions or parole violation.

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[1] "Success and Failure of Federal Offenders Released in 1970," U.S. Bureau of Prisons, Department of Justice, April 1974.

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We estimate, as the following table shows, that approximately 27.4 percent of the offenders who successfully completed their stays at the 11 locally operated houses and 21.1 percent of those from the 4 State operated houses later committed acts for which they were returned to prison.

Estimated Recidivism Rates for Successful Participants (note a)

Halfway houses	Number of successful participants	Basic categories for estimated recidivism: Convicted of new offense	Probation or parole revoked	Both categories
		Percent		
Locally operated:				
Florida	582	37.1	(b)	37.3
Missouri	141	14.1	4.3	18.4
Pennsylvania	81	17.3	3.7	21.0
Texas	258	10.5	1.5	12.0
All locally operated	1,062	26.1	1.3	27.4
State operated:				
Florida	515	16.7	6.4	23.1
Pennsylvania	95	6.3	4.2	10.5
All State operated	610	15.1	6.0	21.1
Combined locally and State operated	1,672	22.1	3.0	25.1

[a]Data obtained between March and June 1974.

[b]Less than one-half of 1 percent.

Note: The estimates assume that those for whom records were available were similar to those for whom records were not available.

Differing results among the houses

The results differed substantially among the houses. The house showing the highest recidivism rate (40 percent) had been operating only 6 months at the time of our review and had released only six participants. The one with the lowest rate (4.5 percent) was a State-operated house in Pennsylvania.

Four of the 15 halfway houses had recidivism rates of 30 percent or more and were all locally operated. We could not determine with any certainty why the four had higher recidivism rates because of the multitude of variables that affect results, such as the offenders' background, ages, and education; social pressures; treatment approach; and dedication and quality of staff assisting the offenders. However, some probable reasons for the different recidivism rates follow.

Alpha house, the one with the highest rate, was fairly new and had only a few offenders participate in its program. The results achieved by the house in its shakedown period may not be representative of the house's achievements over a longer period.

The Hillsborough house, with the second highest rate, used regular county prison guards to oversee offenders. The guards ran the place like a prison in terms of handing out work details and discipline. In addition, the participants were required to eat their meals at the county prison next door. Although the dining facilities were adequate, we were told that participants felt they were being harassed because the prison guards randomly selected participants and thoroughly searched them to prevent the passing of contraband to prisoners. A program supervisor believed the strict regimentation may have been excessive and may have negatively influenced the house's rehabilitation efforts.

Home of Industry dealt with offenders that, on the average, had more prior convictions than those entering the other houses. Participants, therefore, could be considered as more likely to reject the house's rehabilitative efforts. In addition, the house considered that all its participants successfully completed their stays although five of its

successes probably would have been considered as failures by other houses reviewed. This house's recidivism rate was higher than most because these borderline successes (three of whom later returned to crime) were counted.

Morman house, located in a rural area, served mostly first-time offenders on probation. Only 3 of the 32 who had passed through the house successfully completed their stays, and one of these was later sent to prison. The house had difficulty in finding good jobs for participants and also had problems in obtaining enough qualified employees. These factors appeared to cause an ineffective program. However, the house was attempting to correct these deficiencies.

Other differences may have contributed to different recidivism rates between the other houses. The two State-operated houses in Florida, which basically operated under the same requirements, had recidivism rates of 26.3 percent at the Jacksonville house and 14.5 percent at the Tampa house. The Jacksonville house had the capacity to handle 100 offenders while the Tampa house had a capacity of 56.

One difference appeared to be the qualifications and experience of the staff. The Jacksonville house employed 14 counselors, most of whom had no academic background in counseling-related fields, such as sociology or psychology. Most had several years' experience with the State Division of Corrections and four were military retirees. The Tampa house, on the other hand, had eight counselors, four of whom had academic training in counseling-related fields. One had a bachelor's degree in psychology and a master's degree in guidance and counseling. Since Jacksonville participants usually came from a medium security institution while Tampa participants usually came from minimum security facilities, the impact of the staff qualifications may have been significant.

One house having a low recidivism rate (9.1 percent) was the locally operated New Directions house which was directed by a dedicated ex-offender who had spent 30 years in prison. The unique characteristic of this house was that all but 1 of the 14 staff members were ex-offenders and none were academically trained professionals. Apparently, the ability

of ex-offenders to relate to offenders was an important element in the rehabilitation.

Overall, it was very difficult to identify specific factors that directly affected the different houses' abilities to rehabilitate offenders. Much depended on intangibles--two of the most important being the staff's dedication and the offenders' willingness to reform.

OVERALL ASSESSMENT OF PROJECT EFFECTIVENESS

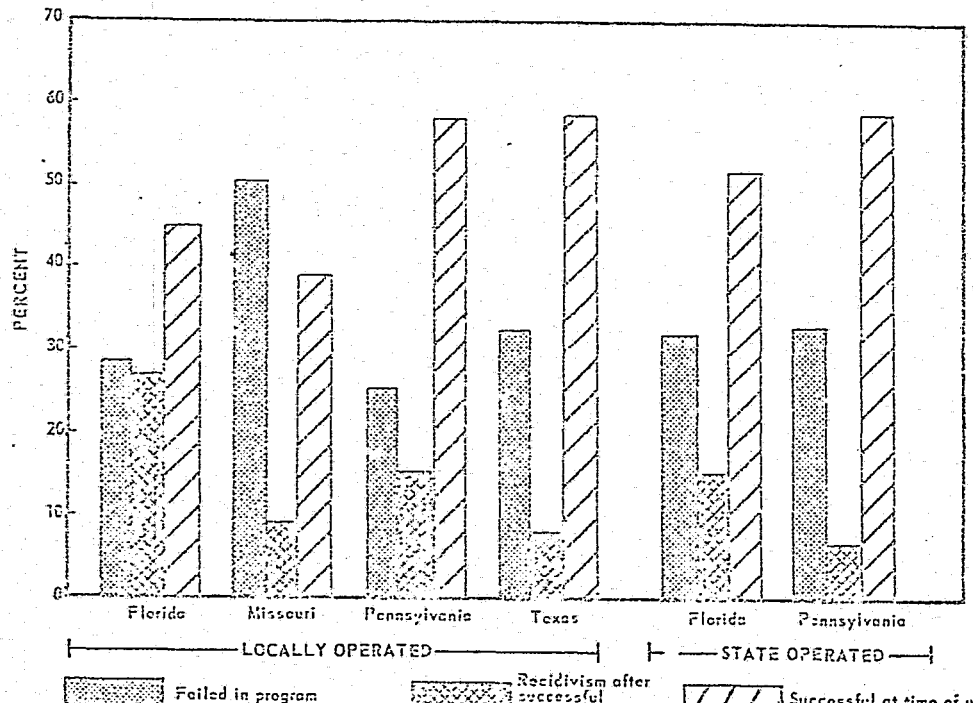
Our previous discussion of recidivism focused on what happened to successful participants. Another way of measuring the impact the houses are having is to consider their success with all offenders whom they treated, regardless of whether the offenders completed the programs, excluding those who died while at the centers, became too ill to continue; or transferred to another program, such as vocational rehabilitation.

This method accounts for the differences among houses in classifying offenders as failures or successes and the corresponding effect such classifications have on recidivism rates. For example, the locally operated houses in Florida and Pennsylvania classified a smaller percentage of their offenders as failures than did the other State or locally operated houses. They in turn had the highest recidivism rates for the successful participants because borderline failures in the projects were classified as successful and their return to crime after leaving the house was considered in determining the recidivism rate for the house.

The following chart shows the percentage of those persons who failed during the program, the estimated percentage of those who had successfully completed the program and were still considered successful when our review was performed, and the estimated percentage of those who had successfully completed the program but whose reinvolvement with the criminal justice system placed them in the recidivism category.

When the percentage of failures during the programs and the estimated percentage of failures (recidivists) after

ESTIMATED PROJECT RESULTS FOR ALL PARTICIPANTS (note A)



A. Data were obtained from the houses from the time they began operating (the earliest was October 1969) through June 1974

successfully completing the programs are combined and subtracted from 100 percent, the remaining percentage represents the houses' effectiveness. Using this method of measurement, the effectiveness of the houses in the four States in terms of their overall ability to rehabilitate the offenders in their programs was as follows:

Locally operated houses:	Houses' effectiveness (percent)
Florida	45
Missouri	40
Pennsylvania	59
Texas	59
State-operated houses:	
Florida	52
Pennsylvania	59

The average for all the houses was about 50 percent.

Many factors could have accounted for the results, some of which are discussed in the following two chapters. We did not attempt to determine whether one factor may have had more impact than others on the houses' rehabilitation efforts. That is the type of research LEAA should undertake.

CHAPTER 5

APPROACHES USED BY HOUSES

The 15 houses basically had the same objectives: to help offenders become productive, law-abiding citizens. Each provided a place in the community for the offenders to live and emphasized employment and counseling as the main approaches to changing the offenders' way of life. Other services, such as education, vocational training, and medical services, were provided when necessary.

Although the basic approaches of the houses were similar, they all differed in the types of offenders served, the formality with which they organized their programs, the methods of providing services, and the number of employees used. The States had no criteria or guidelines that all houses had to follow regarding such factors before they could begin receiving offenders into their program.

We do not propose that all halfway houses be designed to serve the same types of offenders or operate their programs in the same manner. A certain amount of flexibility is desirable.

However, if the States are to develop statewide systems to coordinate halfway houses, they must at least know the various types of programs that exist so they can fit them into an overall strategy. No State agencies we contacted had such information for all houses operating within their jurisdictions. A step toward developing a cohesive statewide system would be for the States, with LEAA direction and assistance, to develop standards specifying what is expected from halfway houses awarded LEAA funds.

STAFFING

Several publications describing an acceptable operation of halfway houses have noted the importance of having the correct number of qualified employees and stated that their temperament is critical in dealing with offenders.

Neither LEAA nor the States had developed staffing guidelines that had to be followed by all houses. The

locally operated houses generally did not have specific requirements for use in hiring, although they attempt to hire the applicants they considered best qualified. State-operated houses, on the other hand, had specific qualification requirements because they were part of the State personnel system. However, we did not evaluate these qualifications.

The staffs generally consisted of a director, several counselors, night attendants to assure 24-hour supervision, and such administrative employees as each house considered necessary. In some cases a program director provided overall supervision if more than one house was operated by the same organization, as was the case in Houston.

The houses used various full-time, part-time, and volunteer workers and varied in the number of staff used and in the types of positions. Six had full-time employment counselors or job placement specialists, 7 had bookkeepers or accountants, 7 had cooks or housekeepers, and 11 had clerk-typists or secretaries.

On the basis of the number of offenders each house stated it could accommodate, the ratio of employees who worked directly with the offenders ranged from an average of 1 for every 2.1 offenders to 1 for every 7.1 offenders. The table on page 44 illustrates the differences in staffing ratios for the 15 houses.

Most house directors and counselors had college degrees in fields related to sociology or psychology and prior related experience. An exception was the New Directions program in Houston, which used ex-offenders having no college degrees. The director, an ex-convict with about 30 years in prison, believed that properly trained ex-offenders who had successfully adjusted to life outside prison could relate to the offenders much better than professionally educated persons.

Only one house director stated he had a problem in attracting qualified staff. His house was in a small town. Four directors, however, also mentioned that salaries were low, a factor that could make it hard to obtain the best qualified individuals.

Halfway house	Number of offenders for each staff member (note a)
Locally operated:	
Florida:	
Cain	4.1
Hillsborough	6.5
Missouri:	
Alpha	3.3
Dismas	2.9
Magdala	2.6
Morman	3.3
Reality	3.0
Pennsylvania:	
Home of Industry	5.0
Lehigh Valley	2.3
Texas:	
New Directions	6.9
Waco	6.0
State operated:	
Florida:	
Jacksonville	7.1
Tampa	7.0
Pennsylvania:	
Philadelphia	3.5
Scranton	2.1

[a] As of the time of our review (Sept. 1973 through June 1974).

Four houses had employee problems that adversely affected program operations. Two of these were locally operated and two were State operated. However, we could not discern any pattern in the staffing problems incurred by

the locally operated house that was different from that in the State houses.

Cain house, a locally operated house in Florida which employed six people, had dismissed four employees during about a 1-year period for misconduct and nonperformance of duties, one of whom was the house manager. The employees were dismissed for such infractions as being intoxicated while on duty, having unacceptable attitudes, and not enforcing rules.

The other locally operated house that had a problem related to staff organization was the Hillsborough County program, which had four counselors reporting to the Director of Programs and five security employees reporting to the County's Director of Corrections. The problem occurred when five house security employees were all transferred at one time. The house supervisor stated that the transfer of all security personnel at one time disrupted the continuity of operation and caused resentment by the participants. The supervisor also desired to change the security personnel from county guards to persons having at least a working knowledge of the social science field so they could aid in counseling and treatment.

Since our review, this situation has been changed and the security officers (now called correctional officers) report to the supervisor of the house program. The correctional officers are required to have specific preservice and inservice training. We were told that over 70 percent of the correctional officers are now enrolled in criminal justice professional courses in a local college.

One State-operated house with staffing problems was in Philadelphia. Although this house was only in its second year of operation at the time of our review, none of the original staff were still employed there. During the 12 months before our review, the house had two different directors and five different counselors. The director said the high turnover caused the counseling process to break down. The participants continuously had to reinitiate counseling programs. This in turn, tended to lower the level of achievement of the program's goals. The director said the professionals quit either because they lacked interest in corrections as a profession, because salaries

were too low, or because of the lack of advancement opportunities.

The other State-operated house with staffing problems was in Tampa, where, the chief corrections counselor said, the staff turnover had been high and had adversely affected the house. He attributed the turnover to counselors leaving to accept jobs with higher salaries and better advancement opportunities. Records at the house showed that

--seven counselors had left because they had been promoted or transferred to other positions within the Division of Corrections,

--four had accepted higher paying jobs with private employers, and

--three had been terminated for unsatisfactory conduct.

The counselor also said that the number of staff was inadequate and that more counselors were needed to provide a closer working relationship with offenders.

Staff training

Staff training at the houses was very limited and, for the most part, on-the-job training. Training programs for halfway house employees are essential primarily because (1) a unique combination of skills is needed to assist offenders back into society and (2) most house employees have had education or experience in either crime-related fields, such as criminology and corrections or social sciences, but not in both. A combination of training or experience in both would be most desirable.

Only 3 of the 15 houses had what we considered a formal training program. One was the New Directions program, which had no professionally trained employees. Each staff member was required to attend a six-part counseling course offered by a local university.

The other two were the State-operated houses in Pennsylvania, which required all new employees to attend a 3-week orientation course conducted by the State. Although the course concentrated mainly on corrections in an institutional setting rather than in the community, it was supplemented by inservice training in the areas of drug use, counseling, and understanding the offenders' motivations.

Staff members from the houses did try to improve their skills. Some continued to attend college and took courses in counseling-related fields. Others attended seminars, workshops, and conferences that would improve their skills in working with offenders. But generally there was no employee training plan on a statewide level which the houses could follow.

PROGRAMS

All houses had developed programs to help offenders become productive, law-abiding citizens. The houses, however, differed in the structure of their programs and in the techniques used. Offenders on probation or parole, and those who entered voluntarily, successfully completed the programs when the staffs decided they were ready to leave. Prison releasees, which made up the majority of those offenders in State-operated houses, usually completed the programs successfully by receiving a parole or serving out their sentences.

Seven of the 11 locally operated houses had structured programs in which the offenders were expected to pass through a series of levels that gave progressively more freedom for more responsive behavior. The most formal of these programs was the one operated by Magdala house. It consisted of five levels and required about 3 to 3-1/2 months to complete.

The first level was devoted to orienting the new participant, obtaining his background data, and giving him vocational and psychological tests. A handbook describing the program was given to him at this time.

In the second level the staff and the offender set mutually agreed upon goals and the way to achieve them. The goals (generally related to employment and education) were

stated in a contract that served as a means of gaging the offender's performance and determining his progress.

In the third and fourth levels, the offender executed his contract; i.e., he found a job, started educational courses, or entered vocational training. He was also expected to change antisocial attitudes and perform certain other things, such as opening a savings account and acquiring an alarm clock so he could get to work on time.

During the first four phases, the offender was subject to a point system used to determine his progress. He earned or lost points for doing or not doing certain things, such as finding a job, going to work each day, attending group meetings, and keeping his room clean. The points were exchanged for such privileges as no household tasks, having visitors, or receiving evening or weekend passes.

The fifth level was called the attitude level; here the offender was expected to continue constructive activity, such as a job or training. He entered this level after accumulating $60 in his savings account and continuing constructive activity in the fourth level for 4 consecutive weeks. He was permitted to leave the program once he saved $100 and showed a good attitude for 4 consecutive weeks, with two of those weeks falling in the fifth level.

The Magdala house also had a followup program to maintain regular contact with former participants. Those still on probation or parole were expected to remain in the aftercare program for 6 months and could be required to return to the house if they failed to maintain proper behavior. This was the only halfway house reviewed which had a followup program.

The remaining six houses that had structured programs did not use a point system to measure the offender's progress but did have a system of levels. These levels generally provided more freedom as the offenders progressed from one level to the next. For example, a participant would be granted permission to stay out later at night at one level than at the preceding level; on another level he would receive weekend passes, etc.

Eight of the 15 houses (4 locally operated and 4 State operated) did not have formally structured programs involving various levels. Three locally operated houses--Home of Industry, Waco house, and New Directions house--and the two State-operated houses in Pennsylvania could be characterized as operating liberal programs. For example, at one house

--there were times when no employee was present to provide supervision and

--very few rules had been established for the offenders to follow.

The locally operated Hillsborough house and the two State-operated houses in Florida were quite strict in comparison to the other houses reviewed. These houses were run by correction agencies which exercised greater control over the offenders. The Hillsborough house had prison guards stationed in the house and the guards tended to treat the participants as prisoners, which they were. The State-operated facilities in Florida were operated under the philosophy that, while certain rules had to be adhered to, the residents were to be treated as adults in a relaxed atmosphere.

The houses generally had written rules regarding the behavior expected from the residents. These rules ranged from 1 typewritten page at a locally operated house to a 26-page handbook for Florida State-operated houses that went into great detail to explain exactly what was required. The rules generally dealt with visitors; absences from the house; financial matters; and specific prohibitions on using or possessing drugs, alcohol, weapons, and automobiles.

The offenders successfully completing the programs did so within about 2 to 5 months. Some, however, did not wish to leave and remained at the houses for over a year and one stayed for 17 months. The offenders were generally permitted to leave when the house staff decided they were capable of following socially acceptable behavior. One house, however, required that each offender receive unanimous approval from his fellow participants before the staff approved his release.

Those offenders released from prison to participate in a house's program were technically still prisoners of a correction facility and generally had to be granted parole or serve their full sentences before they could be released from a house as successfully completing the program. Others who were on probation or parole when they entered continued under those terms after they left.

SERVICES

All 15 houses generally provided or made available to the offenders the following services:

--Temporary financial assistance.

--Group and individual counseling.

--Vocational counseling and training.

--Employment counseling and placement.

--Medical, dental, and psychiatric services.

--Academic upgrading.

--Food and shelter.

The extent of these services and the methods of providing them differed considerably among houses. Our comments on the shelter provided are in chapter 6.

Employment services

The 15 houses considered employment as one of the most essential elements for returning offenders to society, and all required their participants either to be employed or to attend a vocational training program or a school. The State-operated houses appeared to be more successful in getting their participants to find employment promptly and stay employed, primarily because they could be easily returned to prison if they did not work.

Some locally operated houses need to increase efforts to obtain employment for participants. For example, the low rate of employment at the Cain house seems to indicate that

the staff was not adequately encouraging and assisting the offenders to obtain jobs. Officials advised us that they recognized the problem and had plans to correct it. Also the Morman house was having difficulty finding jobs for offenders in the rural area where it was located.

A meaningful job is important to an ex-offender. Not only can it assist his reintegration into society, but it may also be the critical difference between an ex-offender successfully adjusting to freedom or committing new crimes. In his search for employment, an ex-offender faces many obstacles; for example he probably has a history of poor work experience or a lack of a specific job skill or training. Accordingly, helping him find meaningful employment within his capabilities and interest is one of the prime requisites of a successful program.

The extent to which the locally operated houses helped their participants secure jobs varied. Some houses had full-time employment specialists; some helped new participants determine their fields of interest; a few gave them tests to ascertain their vocational interests and aptitudes; and a few conducted individual sessions or classes on how to look for jobs, how to fill out applications, and how to work with and impress employers. The Magdala house, for example, required all new participants to attend a 5-day course designed to teach them skills needed in finding and holding a job.

Most of the houses required the offenders to find their own jobs on the theory that they would have to find their own after leaving the houses. These houses, however, would help the offenders find jobs if they encountered difficulty.

Three of the houses usually started the offenders working at temporary or menial jobs to give them experience at working and to teach the importance of showing up for work, being on time, and performing tasks assigned to them by employers. After this initial work experience, they were permitted to take more permanent jobs.

The houses referred offenders to a wide variety of sources to assist them to find jobs. These sources included want ads, lists of employers willing to hire offenders

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compiled by the houses, State employment service offices, and local employment programs funded by Federal agencies.

The two State-operated houses in Florida had employment counselors who helped the offenders find jobs if they desired assistance and provided counseling when required. Neither house had any problems in finding jobs for the offenders, and both offered transportation to and from worksites for a charge of $1 a day.

The two State-operated houses in Pennsylvania stressed employment but generally required offenders to find their own jobs. Both houses referred offenders to the State employment service, and one house had contacted a few employers who were willing to provide jobs.

A 1973 report, "Crime, Recidivism and Employment" by a U.S. Bureau of Prisons task force discussed the effect that employment had on crime and cited the results of related studies. Criminal offenders were said to resemble the disadvantaged group they came from--young, unemployed, undereducated minority group members who had been generally classified as failures. Because many factors were involved, the report said, it was difficult to relate crime to only one variable, such as employment, a complex variable in that it involves economic, social, psychological, and cultural dimensions besides the technical skills.

Although few studies had been made that directly examined the effect of unemployment on crime, there was evidence that suggested a direct correlation.

Evidence cited in the report came from many sources and included:

--A study of a group of prison releasees showed that property crimes vary directly with unemployment.

--46 percent of the offenders in one study had been employed less than 50 percent of the time during the 2 years before incarceration, and 56 percent were unemployed or were employed less than 6 months in the jobs held just before incarceration.

--63 percent of the persons committed to Bureau of Prisons facilities in a 6-month period needed improved vocational skills.

The report stated that evidence was stronger with respect to the effect of employment on recidivism and reported that:

--Unemployed releasees from Federal Community Treatment Centers during a 2-year period failed at a 42-percent rate as compared to a 33-percent rate for those who had jobs.

--Several studies concluded that job stability (holding one job for a significant period) was positively correlated to success.

--One study showed that those employed in administrative, professional, or business occupations before incarceration had high success rates, while only half those working at lower occupations were successful.

--Eighty percent of the offenders who earned over $600 a month were successful while only 47 percent of those earning less that $300 a month were successful.

--Another study showed that the more savings available to offenders when they left the houses the greater the probability of their success.

Employment experience of participants

We sampled offenders who successfully completed their stays at the 15 houses to determine the extent of their employment while in the houses and after leaving. The sample included 215 offenders who had been out of the houses for an average of about 11 months. However, we were restricted by the absence of complete records.

The houses generally had poor data on the offenders' work histories while in the program and after leaving. We tried to obtain work history data from probation and parole agencies, when applicable, but those agencies also had

incomplete information on periods of employment and salary rates.

Of the 215 offenders, 201 worked at least some of the time while they were at the houses. Three never worked, two were too ill to work, one attended school. There was insufficient data for the remaining eight to ascertain any of their employment histories.

The offenders were generally engaged in unskilled jobs, such as laborers, custodians, and food service workers, or in such jobs as machine operators, carpenters, painters, and repairmen. Data showed that offenders in the houses held each job for an average of 2.8 months while in the houses.

The offenders' earnings while in the houses is a significant monetary benefit not otherwise available to prisoners and their families. Although most of the houses did not keep complete records of earnings by the offenders, several did. The Hillsborough County house in Florida, for example, reported that its participants had earned about $830,000 over a 4-1/2-year period. The offenders paid about $208,000 to the house for room and board, about $227,000 went to the support of their families, and about $148,000 was placed in savings for the offenders when they left the house. The remaining $247,000 went for taxes and personal expenses.

Both the locally operated and State-operated houses referred offenders to vocational training programs in the communities when they expressed an interest in a specific program. These community sources included State employment service and vocational rehabilitation programs as well as public and private schools.

Although many houses encouraged offenders to pursue vocational training, the offenders generally did not display interest in such training. One reason was the excessive time required to complete vocational training since many were not in the houses long enough. Another was the long waiting periods for entering training programs. Those that did enter training programs usually did not complete them.

Of our sample of 215 offenders, only 11 entered vocational training programs while at the houses and 6 of the 11 did not complete them. The reasons for not completing included

--the offender's attendance was poor,

--he was tired of it, or

--he did not feel he was learning anything.

Counseling

The 15 houses provided group counseling for the offenders and all but 1 required them to attend. The frequency with which group sessions were held varied from one a week to four a week.

The houses offered two basic approaches to group counseling. Some had house meetings in which general subjects were discussed, such as house activities and personal problems. Others, which were all locally operated, used a therapy approach and conducted group counseling aimed at improving the offenders' behavior. One of these locally operated houses used pressure from the offenders' peers to try to convince them to change their behavior.

All 15 houses provided individual counseling for the offenders, usually on a day-to-day basis and when determined necessary by the staff. This counseling, usually based on the individual's needs, covered many different areas, such as family relations and financial and behavior problems.

Medical, dental, and psychiatric services

Medical, dental, and psychiatric services were generally provided on a referral basis through existing community services. These included private physicians and dentists, county health services, city hospitals, college health centers, and State or city mental health facilities.

Medical and dental expenses were paid in various ways. Four houses required the offenders to pay for their own expenses, while three were able to acquire the services free from community services. Two others required the offenders to pay for their own expenses or obtain the service free through the State's prison hospital. The remaining six houses each had different methods.

--One arranged for services through private physicians and dentists at reduced fees.

--One paid for small charges but solicited aid from local agencies, such as welfare, for more costly services.

--Another required the offender to pay small charges but, depending on his income, shared part of the cost of expensive services.

--Another required the offender to pay all charges if he were capable; if not, the house paid.

--One required the offender to pay or to apply for welfare.

--Another required offenders to pay for small costs but obtained expensive services free through existing community agencies.

Psychiatric services were generally provided free through local organizations, usually community or college mental health facilities.

Educational services

Although the houses did not place a great deal of emphasis on educational services, these services were usually made available and recommended to the offenders. The reasons for the lack of emphasis were that the offenders, as a group (1) were usually deficient in education and (2) were more interested in working than in improving their education.

Seven houses did provide offenders the opportunity to prepare for and take a high school equivalency examination. One, however, had to drop this service because the volunteer teachers withdrew their services. Another required all non-high-school graduates to attend evening classes conducted four times a week by licensed teachers. Several other houses had offenders who had attended adult education or college courses.

Food service

As was the case with other services, the houses took many different approaches in providing food to offenders. Only one did not provide some type of food service at the house. Three others did not serve meals at the houses but did provide kitchens for the offenders to use. Otherwise, the offenders at these three houses had to buy their meals at local restaurants.

The two State-operated houses in Florida used offenders as full-time cooks to prepare and serve meals for the other offenders. The Hillsborough County house in Florida, operated by the county correction agency, required participants to eat in an adjacent county prison. The county has recognized this as a poor situation and plans to provide a separate facility for this program.

The other houses used various combinations for serving food that included the offenders preparing their own breakfasts and lunches, offenders and staff members preparing evening meals, and staff cooks preparing all meals.

CHAPTER 6

THE HOUSES: THEIR PHYSICAL ADEQUACY, USE, AND SOURCES OF FUNDS

What physical standards should a house meet? What percentage of use of a house's capacity should be considered acceptable? What financial arrangements are available to locally operated houses? There are no standard answers.

The 15 houses reviewed were quite different in physical appearance and cost, some were not being fully used, and most had to acquire operating funds from many sources.

Funding differences were due basically to the different concepts under which the various houses were organized. Eleven were locally operated and 4 were operated by State correction agencies. The 11 locally operated houses included 5 operated by nonprofit organizations under the sponsorship of local governments, such as counties or cities; 3 operated by nonprofit organizations without any local government sponsorships; and 3 operated by local governments.

Neither LEAA nor the four SPAs reviewed had established physical requirements covering all houses. The standards that were imposed usually were city or State requirements established for rooming or boarding houses. These standards do not insure an adequate facility since they do not cover the specialized requirements needed by a rehabilitation center, such as counseling rooms, office space, or recreation facilities.

A certain amount of fluctuation in the use of the capacity of a halfway house must be expected. Failures during the program, such as an offender who absconds, refuses to abide by rules, or is arrested for a new crime, cause unplanned vacancies. The prompt placement of a new participant depends on the house's coordination with placement agencies, such as courts and parole boards. Because of these inherent delays in obtaining participants, the houses must work closely with all sources from which they receive offenders.

An inability to obtain new placements promptly leads to less than 100 percent use, thus increasing the cost for each participant. The occupancy rate that indicates that a project is having managerial problems or is receiving less than acceptable support from criminal justice agencies had not been established by LEAA of the SPAs reviewed.

Another problem inadequately addressed by LEAA and the SPAs was the potential inability of the locally operated houses to obtain adequate financial backing once LEAA funds are no longer available. Generally, LEAA funds are available for about 3 years, and, for locally operated houses, LEAA funds represent a significant percentage of their total budgets.

Locally operated nongovernmental houses usually functioned in an unstable financial environment. Besides LEAA aid, funds were obtained from participants by charging them for room and board, from the sources placing persons in the house if the source had available funds, from charitable groups, and from private contributions. State-operated facilities work in a relatively stable financial environment because they receive State funding.

The following sections describe in detail the differences in physical adequacy, use, and sources of funds for the houses.

FACILITIES

The halfway houses occupied several different types of facilities but for the most part were former residences. Other types of facilities used included a former fraternity house, a remodeled 100-year-old convent, a remodeled store, and buildings designed and constructed as halfway houses.

There were no city or State code or zoning requirements that specifically covered these houses, but most of the locally operated ones had to meet city code and zoning requirements for rooming or boarding houses, while State-operated houses had to meet requirements established by State agencies. The facilities were usually inspected by State or city inspectors, but regulations were not always enforced.

We observed the physical condition of 19 facilities operated by the 15 houses and considered that 5 facilities were excellent, 11 were adequate, and 3 were poor. Our evaluation was based on our assessment of the adequacy of the plumbing, visible electrical system, size of rooms, recreational and counseling space, and general appearance. (See app. I for details on the houses.) Generally the house directors agreed with our observations.

Also eight facilities had fire safety deficiencies in that they did not have fire extinguishers readily available or lacked adequate fire escapes. House directors and SPA officials said they would try to correct these deficiencies.

The five facilities in excellent condition included three locally operated and two of the four State-operated houses. The three locally operated houses were a newly constructed house in Hillsborough County, Florida; a newly remodeled store building in Springfield, Missouri; and a very well maintained former residence in Waco, Texas. The two State-operated houses in excellent condition were both in Florida--one was a newly constructed facility in Tampa and the other a remodeled facility in Jacksonville.

Although most facilities were in good condition, many needed some work, such as painting and minor repair. For example, the facility in Columbia, Missouri, appeared structurally sound but generally provided a depressing atmosphere. There were cracks in the ceiling and walls and the interior needed a good cleaning and painting. Most of the furniture was already used when it was acquired by the house and was in poor condition. Several minor repair jobs were also needed, bathroom fixtures were coming loose, and the front door lock did not work. The pilot lights on the gas cooking stove would not stay on causing gas to escape into the room.

When we visited one facility in Houston in April 1974, it was being remodeled because of the poor condition of the interior. This facility was a former residence that was first occupied as a halfway house in December 1972 and had been donated rent free by a local church. The remodeling work was being done by house participants and members of the church that owned the property.

The facility in the worst condition was the Philadelphia house operated by the State Bureau of Correction. The overall appearance was dreary. Both the exterior and interior were in serious disrepair. Plaster was falling from the walls in some of the bedrooms, tile was falling from the walls in the bathrooms, and the fixtures were in poor condition. In addition, the fire alarm did not work; there was no fire escape plan; virtually no space for visitors; and, except for a radio and television in a small crowded reception room that also served as an office, there was no space, equipment, or facilities for recreation. Furthermore, many bedrooms were furnished only with a cot, and the other furniture in the building was in poor condition.

Although the facility was leased by the State Bureau of Correction, the State Department of Labor and Industry was responsible for inspecting its safety and livability before any lease agreement was finalized. However, it had never been inspected by that State agency, apparently because the Bureau never notified the agency that the facility was being leased. Following our discussions of the problems with State officials, the Bureau of Correction notified the owner that, if the poor conditions were not corrected within 90 days, the State would cancel the lease and move the program to another facility.

Living space provided for participants in the facilities was generally adequate, but sleeping areas in several appeared crowded. Gross square footage (including sleeping, dining, indoor recreation, and office space) ranged from 118 square feet to 786 square feet for each participant.

The facilities were acquired in several different ways that could have affected their condition. For example, the owner of a rented facility would be less likely to remodel, especially for a house having an uncertain future. Ten of the facilities were rented; five were purchased by nonprofit organizations that operated the houses; two were designed and constructed specifically as halfway houses; and two were provided free by the owners. The latter two were both in Houston and were being used by the New Directions program. One of these had been donated by a local church and the other by a mental health organization.

The rented facilities were obtained at annual rates ranging from $3,600 for about 5,700 square feet of floor space in Springfield, Missouri, to $14,310 for about 5,400 square feet in Philadelphia.

The purchased facilities ranged in price from $9,000 for about 5,600 square feet of floor space to $25,000 for about 3,800 square feet. Remodeling costs however, were incurred for each of the five purchased facilities and ranged from $1,925 to $38,600.

The two facilities designed and constructed as halfway houses were in Florida. One was built by a county correction agency for $24.55 a square foot and could accommodate up to 52 participants. The other was built by the State for $20.90 a square foot and could house up to 56 participants.

USE OF FACILITIES

Efficient use of halfway houses requires that they stay as full as possible. Houses operated by a State correction agency, such as those in Florida and Pennsylvania, have less of a problem in obtaining participants than locally operated ones because the State prisons, also operated by the correction agency, have many offenders potentially eligible for placement in halfway houses.

Locally operated houses, however, had to use a different approach because they depended on those agencies with jurisdiction over potential participants, such as probation, to voluntarily send them participants. They therefore must have continued coordination and cooperation with those agencies to obtain participants.

The 15 houses' occupancy rates ranged from 46 percent to 93 percent of capacity. The locally operated houses had occupancy rates ranging from 46 to 90 percent and averaging about 69 percent. Three of the 11 had less than 60-percent occupancy. The State-operated houses, however, had occupancy rates ranging from 68 to 93 percent and averaging about 80 percent.

The following table shows occupancy rates for the 15 houses.

Halfway house	Percent of occupancy (note a)
Locally operated:	
Home of Industry	46
Cain	51
Hillsborough	53
Alpha	68
Morman	69
Reality	70
Waco	71
Dismas	79
Lehigh Valley	79
New Directions	85
Magdala	90
State operated:	
Philadelphia	68
Scranton	72
Jacksonville	86
Tampa	93

[a]Generally for 6-month periods between March and December 1973.

Other sources could be developed to increase use of the houses having low occupancy rates. For example, the Home of Industry in Philadelphia, which had an occupancy rate of only 46 percent, had received 89 percent of its offenders from the State correction agency and only 11 percent from probation sources. The low occupancy, we were told, was due to the lengthy procedures used by the State Board of Probation and Parole to approve the release of offenders to the house.

Another example was Cain house in Florida, which had only 51-percent occupancy. The courts and voluntary admissions accounted for 84 percent of the participants, and the State correction agency furnished 16 percent. The house received no offenders from the Bureau of Prisons or county and local jails. The low occupancy, according to the house directors, stemmed from employee problems which had seriously disrupted the house's ability to work with

offenders. Consequently, the number of referrals by the courts was significantly reduced.

Usually the houses were established to serve certain groups of offenders, such as probationers; repeat offenders; or, in one case, county prisoners, so the county jail population could be reduced. If these usual sources do not provide enough participants, house officials should seek others. For example, probation and parole officials in Missouri helped establish two houses designed to serve young male probationers but the number of probationers being referred was not enough to fill the facilities. To increase their occupancy, the two houses contacted the Missouri Department of Correction and obtained offenders being released under the State's parole and work release programs.

SOURCES OF FUNDS

Another requirement for operating a halfway house is an adequate and continuing source of funds. There are many possible sources, including Federal, State, county, and city governments as well as local civic organizations and private citizens. The locally operated houses relied primarily on grants from LEAA but also acquired funds from other sources. These included those sources mentioned above; room and board charges paid by offenders; and payments from Federal, State, and local agencies which placed offenders in the houses.

Nine of the 11 locally operated houses had not developed adequate and continuing sources of funds and, consequently, were in danger of closing or reducing the scope of their programs when LEAA financial support stopped. It is imperative for locally established and operated houses to explore new funding sources early in their development. If they do not seek out new funding sources--the most logical ones are State and local governments--some worthwhile programs could be lost.[1]

[1]The problem of continual funding of worthwhile projects once LEAA funding stops is discussed in detail in a previous GAO report, "Long-Term Impact of Law Enforcement Assistance Grants Can Be Improved," GGD-75-1, December 23, 1974.

The State-operated houses, in contrast, were virtually assured of continued existence as long as the States believed that halfway houses contributed to their correction efforts.

The following table shows the sources of funds for each house as set out in the grant budgets submitted to the SPAs.

Halfway house	Percentage of funds	
	LEAA	Local
Locally operated:		
Cain	72	28
Hillsborough	44	56
Alpha	67	33
Dismas	82	18
Magdala (note a)	55	45
Marmen	74	26
Reality	70	30
Home of Industry	70	30
Lehigh Valley	67	33
New Directions (note a)	26	74
Waco	67	33
State operated:		
Jacksonville	60	40
Tampa (note b)	48	52
Philadelphia (note c)	83	17
Scranton (note c)	59	41

[a]These two houses received grants from Federal agencies other than LEAA, which were included in their budgets as local share funds. Total Federal funds received by Magdala house were 94 percent of the budget, and total Federal funds received by New Directions were 44 percent.

[b]The Tampa house received only one grant of LEAA funds for constructing the facility. The State then assumed operating costs.

[c]The two houses each received only one grant of LEAA funds. The State then assumed total operating costs.

The houses secured operating funds from many different sources other than Federal grants, and the locally operated houses generally had more difficulty securing funds than the State-operated houses. Officials at only two of the locally operated houses firmly believed they could continue without Federal financial support, and both of these were sponsored by county governments which could assume financial responsibility. Hillsborough officials told us in February 1975 that the county had assumed complete financing of the program.

All 15 houses charged the offenders for room rent and for food, if provided. The income helped finance the operation but did not begin to cover all costs. In addition, the offenders were generally not required to pay if they were not working. At some houses the room and board rates were graduated based on the offender's income. The maximum weekly rates ranged from $10 to $31.50.

The five houses in Missouri received funds from the State Department of Corrections for housing prisoners under the State's prerelease program. Two other locally operated houses in other States also received similar payments--one from a probation and parole agency and one from a mental health program. Eight houses, including five locally operated and three of the four State operated, also received payments from the Bureau of Prisons for housing Federal prisoners under its prerelease program.

Two of the locally operated houses--one each in Pennsylvania and Texas--received State funds--about $5,000 each--as a part of their grants from SPAs.

County and city governments also contributed to three of the locally operated houses. These included Reality house in Missouri, which received cash from both the county and city government; Cain house in Florida, which received cash from the county; and the Hillsborough house in Florida, a part of a county correction program.

One source of funds unique to locally operated houses was the contributions in the form of cash, goods, and services from civic and religious organizations, businesses, and private citizens. In some cases these contributions

were significant amounts. For example, the New Directions program in Houston received about $57,000 in cash and about $27,000 in goods and services over 4 years.

Other examples were the Lehigh Valley house, which received cash of about $26,000 over about 2 years, and the Dismas house, which received $15,000 from a private individual when the center began.

Florida and Pennsylvania received LEAA grant funds to help start their State-operated houses. The States then assumed financial support.

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CHAPTER 7

RECOMMENDATIONS AND AGENCY COMMENTS

RECOMMENDATIONS

We recommend that the Attorney General direct the LEAA Administrator to:

--Require that each SPA that is funding or intending to fund halfway houses include certain information in its comprehensive plan before LEAA approves it. The information should address (1) whether a system exists in the State for coordinating the efforts of governmental and nongovernmental houses with each other and with other operating or planned rehabilitation efforts or programs and (2) what standards halfway houses must follow to receive LEAA block grant funds from the SPA. Standards should cover such areas as:

  --Minimum physical requirements for facilities.

  --Minimum size and qualification of staff in relationship to the number and type of offenders at the house.

  --Inhouse training for staff.

  --The services to be provided the participants during their stays.

  If such information is not in the State plan, LEAA's approval of the plan should be conditional and funds not released for halfway house projects until such information is included.

--Require any SPA whose State does not have a system for coordinating such efforts to identify the impediments to establishing such a system, including the legal, organizational, and political constraints. For example, the SPA might cite legislation that precludes establishing one agency with overall

responsibility for coordinating the operations of houses.

--Require such SPAs to specify an action plan that they and other appropriate State agencies may take to eliminate the impediments to establishing a coordinated rehabilitative system.

--Require the SPAs, in those States where a coordinated system exists, to review the systems to determine if their guidelines and procedures are adequate and, if not, to work with appropriate State agencies to improve them.

We further recommend that the Attorney General direct the LEAA Administrator to use resources available to its National Institute of Law Enforcement and Criminal Justice to evaluate the impact of the different approaches of halfway houses and to develop criteria for assessing the houses' effectiveness.

AGENCY COMMENTS

The Department of Justice, by letter dated April 11, 1975, generally agreed with our conclusions and recommendations. (See app. II.) The Department:

--Noted that the report raised two basic issues: (1) the need for statewide coordination and (2) standards relative to adult correctional halfway house programs.

--Noted that the premise underlying those two points is that a fragmented development of alternative systems exists throughout the corrections field. The Department is pursuing several policy-level efforts to address the problem that should define more precisely the Federal role in law enforcement and criminal justice activities.

--Recognized the importance of coordinating halfway house programs with other correction efforts, but pointed out the difficulty of such efforts because it involves an effort that transcends the public

and private sector; State and local correctional and human resources; agencies and organizations; and a number of treatment categories. Nevertheless, the Department generally agreed with our recommendations regarding the need for States to incorporate certain information into their comprehensive plans concerning coordination. LEAA will work toward requiring States to do this. LEAA will also consider setting parameters in terms of guidelines to be followed in developing a coordination policy for statewide correctional halfway house programs.

--Said that, regarding our recommendations that minimum standards be established for halfway houses to receive LEAA block grant funds, it shared our concern and that LEAA needs to take an affirmative stand on developing and enforcing standards whenever its block grant funds are involved. LEAA will initiate action to require each State to incorporate certain information in its comprehensive plan relative to minimum standards which halfway houses must meet to receive LEAA block grant funds. We believe that in carrying out this action LEAA should specify a minimum level of standards which all States must meet for their plans to be approved.

--Stated it would be feasible to withhold block grant funds programed to halfway houses if a State's plan did not contain the preceding information. However, the Department considered that such action would be premature until adequate time had lapsed to permit the States to develop and incorporate such information into their comprehensive plans. This observation is valid.

--Stated it would implement our recommendation regarding the need for LEAA to evaluate halfway house approaches by considering incorporation of such approaches in LEAA's National Evaluation Program for looking at certain areas, in this case, community-based alternatives to incarceration.

The Department's indicated actions, if effectively implemented, will help halfway houses become a more viable

alternative to prison. Moreover, effective implementation should help clarify for the Congress how the Federal Government can play a positive role to improve the criminal justice system within the general framework of LEAA's authorizing legislation.

The States generally agreed with our findings, conclusions, and recommendations. Florida, however, pointed out the difficulty of coordinating locally and State operated halfway houses because, in effect, the effort would have to transcend governmental boundaries and public and private efforts. We believe, however, that these problems do not negate the need to try to coordinate such efforts.

Comments from the houses reviewed are recognized, where appropriate, throughout the report.

CHAPTER 8

SCOPE OF REVIEW

To obtain the basic information on halfway house operations, we reviewed State and locally operated programs in Florida, Missouri, Pennsylvania, and Texas. We inquired into

--the extent to which LEAA has helped and encouraged States to establish community-based correction systems and assess their effectiveness;

--whether States have coordinated, effective strategies for using LEAA funds to develop a system for halfway houses and integrate them into their overall correction efforts; and

--specific problems involved in operating halfway houses and their impact on offenders.

For each State we obtained information on the extent of the SPA's actions in administering community-based activities and the extent of coordination and administration by State operating agencies.

We reviewed 15 halfway houses of the 42 that had received LEAA funds. They were chosen because they appeared to be representative of the efforts in each State and most had existed for at least 2 years. The selected houses were reviewed between September 1973 and June 1974 and included those operated by local organizations and by State agencies. We reviewed five in Missouri; four each in Florida and Pennsylvania; and only two in Texas, where the SPA had funded very few halfway houses.

At each project we inquired into the objectives and rehabilitation program, staffing, services, operating costs, sources of funds, and condition of facilities. We also obtained statistics on participating offenders.

To assess LEAA's role, we reviewed LEAA's headquarters operations and the work of LEAA regional staff in Atlanta; Dallas; Kansas City, Kansas; and Philadelphia.

PROJECTS REVIEWED

The following projects were reviewed. Most references to these projects in the report used a shortened name to assist readability.

CAIN HOUSE

Community Out-Reach Services, Inc.
(Formerly Cain Offender Halfway House, Inc.)
Daytona Beach, Florida
Sponsored by Volusia County

Cain house occupied an old two-story wood frame house. It was formerly a private residence that had been converted into an apartment house with about 3,300 square feet. Both the exterior and interior needed painting and minor repairs. The interior was generally dreary and untidy and needed a good cleaning. However, the facility was considered to be in adequate condition. Cain house was near the city's central business district in a commercially zoned area. Other businesses and apartment houses were in the immediate neighborhood.

HILLSBOROUGH HOUSE

Hillsborough County Offender Diagnostic and Treatment Center
Tampa, Florida
Sponsored by Hillsborough County

The halfway house occupied a new one-story concrete block building constructed to house inmates. It contained about 6,150 square feet but had no dining facilities. The offenders were required to eat in the dining facilities of the county prison adjacent to the house. The facility was considered to be in excellent condition.

The county prison camp was enclosed by an 8-foot-high fence and had armed guards on duty at all times. It was constructed in 1926 and contained three main buildings or

3-1/2 acres: a two-story concrete cell block for inmates, a dining facility, and a one-story concrete block building. The concrete block building contained about 2,100 square feet and was used to house inmates participating in the county's rehabilitation program. It was considered to be in adequate condition.

The house was about 6 miles from the central Tampa business district adjacent to a county minimum security prison. The immediate area included residences and commercial buildings. The county prison camp was also about 6 miles from the central Tampa business district in a heavily commercialized area.

JACKSONVILLE HOUSE

Jacksonville Community Corrections Center
Jacksonville, Florida
Sponsored by Florida Division of Corrections

The Jacksonville house was housed in a one-story concrete block building which contained about 17,000 square feet. The building was formerly the administration building of the Florida Air National Guard. It was considered to be in excellent condition. The facility was in an industrial park that was formerly an airport. The site was about 10 miles from the Jacksonville central business district.

TAMPA HOUSE

Tampa Community Corrections Center
Tampa, Florida
Sponsored by Florida Division of Corrections

The Tampa house occupied a one-story metal building constructed for the State in 1972. The building was constructed to serve as a halfway house and contained about 10,000 square feet. It was considered to be in excellent condition. The house, about 8 miles from the Tampa central business district, was adjacent to a highway near several commercial buildings.

ALPHA HOUSE

Alpha House of Springfield
Springfield, Missouri
Sponsored by Springfield Area Council of Churches

Alpha house was located in a 50-year-old two-story brick building formerly used as a retail store with apartments on the second floor. The 5,700-square-feet building was an excellent facility but extensive remodeling, costing about $25,000, was required before it could be used. It was considered to be in excellent condition. Alpha house was near the city's central business district in an area zoned for light manufacturing.

DISMAS HOUSE

Dismas House of Kansas City, Inc.
Kansas City, Missouri
Sponsored by Jackson County, Missouri

Dismas house was in a 60-year-old three-story stucco frame house. It contained about 5,600 square feet and needed painting and some minor repair. About $1,900 was spent on remodeling a bathroom. The facility was considered to be in adequate condition. Dismas house was in an old residential section of the city several blocks from a neighborhood business area. The immediate vicinity consisted of old homes similar in size to Dismas house and several larger apartment buildings.

MAGDALA HOUSE

Magdala Men's Residence
St. Louis, Missouri
Sponsored by Magdala Foundation (a nonprofit organization)

The Magdala Foundation men's program occupied a 100-year-old three-story brick building originally built as a convent. It contained about 4,200 square feet. Although major renovation work started in 1971, floor repairs were still underway in 1974 and the interior needed painting.

Otherwise, the facility was adequate except the bedroom space for some offenders was too cramped.

The men's house is in an old residential section of St. Louis that generally consists of small two- and three-story apartment buildings and shops. The house is adjacent to a church. The rest of the block has been cleared of buildings except for two that house social welfare programs.

NORMAN HOUSE

W. Howard Norman House
Farmington, Missouri
Sponsored by Southeast Missouri Law Enforcement Assistance Council

Norman house occupied a two-story frame house formerly used as a family dwelling. The house contained about 1,900 square feet. Overall, it was considered to be in adequate condition. Norman house was about 4 blocks from the town's central business district in an area that included both residential and commercial facilities.

REALITY HOUSE

Reality House, Inc.
Columbia, Missouri
Sponsored by Mid-Missouri Law Enforcement Assistance Council

Reality house occupied a three-story brick and frame building that was formerly a fraternity house. It contained about 11,000 square feet and appeared structurally sound. Its interior, however, was rather dismal. The walls were cracked and soiled, the furnishings were in poor condition, and the plumbing needed repair. The facility was considered to be in poor condition. Reality House was on the edge of the University of Missouri campus near several sorority and fraternity houses and rooming houses for students.

HOME OF INDUSTRY HOUSE

Home of Industry for Discharged Prisoners
Philadelphia Pennsylvania
Sponsored by Home of Industry for Discharged Prisoners
(a nonprofit corporation)

The program was in an old three-story brick and frame house which was formerly a private residence. It was in adequate condition and contained about 3,250 square feet. The bedrooms appeared too small to accommodate the stated maximum capacity of 15 residents. Twelve appeared to be a more reasonable figure.

There were several deficiencies regarding fire safety: no escape plan; no fire extinguishers; and an inadequate wooden fire escape that did not extend to the third floor. In February 1975 we were told that fire extinguishers had been installed and fire drills had been instituted. The house is in an old residential section of the city.

LEHIGH VALLEY HOUSE

Lehigh Valley Opportunity Center, Inc.
Bethlehem, Pennsylvania
Sponsored by City of Bethlehem

The Lehigh Valley program was in a 65-year-old three-story brick and stone house formerly used as a private residence. The house contained about 3,150 square feet, was clean and in adequate condition, and was adequately furnished. The third floor was not occupied because there was no fire escape. The house was in a commercially zoned area surrounded by residential homes and was adjacent to a university campus.

PHILADELPHIA HOUSE

Philadelphia Community Treatment Center #2
Philadelphia, Pennsylvania
Sponsored by Pennsylvania Bureau of Correction

The program occupied two adjoining brick apartment houses. The old three-story buildings contained about 5,400

square feet, and, except for the recently remodeled first floor area, they were in deplorable condition. Plaster had fallen from the walls in some bedrooms and in the hallways. One bedroom had no heat, and spots from water leaks were prominent throughout the upper two floors. Window casings were rotted and the bathrooms had tiles missing and fixtures that were old and in poor condition. There were very few furnishings and some bedrooms had only metal cots. The overall appearance was dreary and depressing. The houses were in an old residential area of small apartment buildings with some small stores nearby.

SCRANTON HOUSE

Scranton Community Treatment Center
Scranton, Pennsylvania
Sponsored by Pennsylvania Bureau of Correction

The program occupied a two-story brick and frame building formerly used as a funeral home. It contained about 6,600 square feet of floor space, and extensive renovations had made it into a facility considered to be in adequate condition. The house was in a commercial area with many stores nearby. Across the street was a small park.

WACO HOUSE

Rehabilitation Center for Young Adult Offenders
Waco, Texas
Sponsored by McLennan County Adult Probation Department

The Waco program was located in an old three-story house and adjacent garage apartment. The facility provided about 5,000 square feet, was in excellent condition, and was well furnished. The Waco house is near the central business district in a combination residential and small business area.

APPENDIX I APPENDIX I

NEW DIRECTIONS HOUSE

New Directions Club, Inc.
Four houses in Houston, Texas
One house in Galveston, Texas
Sponsored by New Directions Club, Inc.
(a nonprofit corporation)

House No. 1 is a 35-year-old two-story brick residence with an adjacent garage apartment. House No. 2 is a 59-year-old three-story brick house with an adjacent garage apartment. House No. 3 is a two-story wooden frame house. House No. 4 occupies the second floor of a 13-year-old two-story brick house. House No. 5 is a 10-year-old one-story brick home formerly used by a mental health program. House No. 1 provided about 3,400 square feet, while the others provided about 3,800, 2,600, 1,000, and 1,800, respectively. All but House No. 3 were considered to be in adequate condition. House No. 3 was considered to be in poor condition but needed renovation had been started.

The Houston houses are in integrated, middle income neighborhoods around the perimeter of the central Houston area. The Galveston house is in a rural area because citizen complaints forced center officials to locate outside the city.

APPENDIX II APPENDIX II

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated and Refer to Initials and Number

APR 11 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 "Guidance Needed for Halfway Houses to be a Viable Alternative to Prison."

We are in general agreement with the findings and recommendations presented in the draft report. State and local governments are utilizing Law Enforcement Assistance Administration (LEAA) funds to support halfway houses as an alternative to continued incarceration of offenders, and there is an obvious accompanying need to assess thoroughly the manner in which this approach is being implemented. The development of a consistent and coordinated planning process by the States is a primary Departmental concern, and the problem areas identified in the GAO report related to this goal are valid.

The draft report points out the need for a more aggressive Federal role in formulating development of (a) systems for statewide coordination of adult correctional halfway house programs and (b) standards for halfway houses to follow. Also, GAO recommends that LEAA's National Institute of Law Enforcement and Criminal Justice evaluate the various operational modes used by halfway houses to determine which approaches work best in order to develop criteria to assess the effectiveness of halfway houses. The premise underlying these two points is that a fragmented development of alternative systems exists throughout the field of corrections. The Department recognizes this problem and is undertaking a number of policy-level efforts to address the basic causes. For example, the Department is

pursuing an in depth study to explore fundamental policy issues which have significant operational and procedural impact. An attempt is being made to define more precisely the Federal role in law enforcement and criminal justice activities.

Because crime and almost all efforts to reduce it have been consistently and legislatively defined as State and local problems, direct Federal involvement is seriously limited. However, the Department is attempting to more clearly delineate appropriate ways for the Federal Government to become more actively involved. Federal incentives toward improving the planning process, which is a recurring theme throughout the GAO report, is one area being given attention. Appropriate usage of the National Institute's resources, as well as the leverage available to LEAA through its administration of the primary fund-dispensing mechanism--the Block Grant Program--are two matters which relate directly to the appropriate level of Federal involvement in State and local programs.

Statewide Coordination

The concept of statewide coordination of halfway houses is currently receiving much attention in criminal justice circles. The need to address this coordination concept is quite understandable when one examines the myriad of agencies and organizations, both State and local, charged with similar authority and responsibility. However, the complexity of the coordination concept and its ability to escape a realistic, operational definition and implementation should not be underestimated.

The ability of State planning agencies (SPA's) and State correctional authorities to coordinate overall operation of the many different types of halfway houses presents a paramount problem because such a coordination effort must transcend public and private sectors, State and local correctional and human resources, numerous agencies and organizations, and several treatment categories, such as drugs and alcohol. While establishment of one agency to have overall responsibility for supervising and approving the operations of all halfway houses represents one approach, other alternative approaches to the problem would also have to be fully tested and their efficiency established. The issues involved here are far reaching and will require further study by LEAA.

In criticizing LEAA's hitherto nondirective stance toward encouraging a coordinated statewide planning system, the GAO report does acknowledge that many States face legislative restrictions in institutionalizing such a structure. This is an impediment which confronts both LEAA and the SPA's in attempting to organize a more effective and coordinated system.

We agree with GAO's recommendation that LEAA require each SPA to incorporate in its comprehensive plan certain information relative to coordinating statewide adult correctional halfway house programs. LEAA intends to move in this direction by requiring each SPA to furnish such information in its future comprehensive plans. We view the development of an LEAA coordination policy regarding statewide correctional halfway house programs as a very essential step and, where feasible, LEAA will evaluate the need for setting parameters in terms of guidelines to be followed.

Minimum Standards

Generally, we agree with GAO's conclusion that minimum standards need to be established for halfway houses to follow, and that LEAA block grant funds could be used as leverage to encourage halfway houses to follow the standards. For the most part, SPA's and State and local correctional agencies have not taken the initiative in this area. Although it has been pointed out that the halfway house movement is new in relation to the concept of incarceration, the knowledge needed to develop standards can be drawn from a number of analogous programs, such as group houses for delinquents and children in need of supervision, and residential centers for treatment of mental health problems.

We wish to point out that LEAA has not overlooked the need for standards. For example, LEAA has sent 3,222 copies of the document "Guidelines and Standards for Halfway Houses and Community Treatment Centers" by the International Halfway House Association to interested organizations, including copies to every SPA. Copies of another study funded by LEAA in 1972, entitled "Guidelines and Standards for the Use of Volunteers in Correctional Programs," were sent to each SPA. In addition, 100 copies of the study were sent to each regional office, and 894 copies were sent to correctional institutions. In total, 5,971 copies of the study were disseminated.

LEAA also provided funds to the University of Illinois for development of "Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults." Twenty-one hundred copies of this guideline have been disseminated. Personnel at the University of Illinois are currently preparing guidelines specifically for halfway houses entitled "Planning for a Community Re-integrative Program: Halfway House." They expect wide dissemination of these guidelines when completed.

We also agree that LEAA needs to take a more positive stand on the development and enforcement of standards whenever LEAA block grant funds are involved. LEAA will initiate action to require each SPA to incorporate in its comprehensive plan certain information relative to minimum standards which halfway houses must meet in order to receive funds from the SPA. The inclusion of such minimum standards in annual plans should prove beneficial in upgrading the program and where feasible, LEAA will consider addressing, or setting parameters, in terms of guidelines to be followed.

Need for Evaluation

We agree, in general, with the GAO recommendation regarding the need to evaluate different operational approaches halfway houses may use and to identify the best aspects of each approach in order to develop criteria by which to assess the effectiveness of halfway houses. As we have indicated in previous 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, including the effectiveness of the halfway house programs.

Currently, plans for evaluating programs concerning "Community-Based Alternatives to Incarceration" are being considered under LEAA's National Evaluation Program (NEP). Basically, NEP consists of a series of phased evaluation studies which include the collecting, developing, and assessing of basic information about programs of interest to LEAA and developing designs for further in-depth study. Where appropriate, these in-depth study designs will be used for carrying out intensive evaluations of the programs.

As one method of measuring the success of halfway houses, the report makes comparisons of halfway house releasees with releasees from Federal institutions, as reported in the 1970

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Bureau of Prisons (BOP) study on recidivism. This comparison is misleading. The two groups of releasees are not comparable because the GAO halfway house release group contained probationers, parolees, pre-trial detainees, and possibly other groups not represented in the BOP release population. Moreover, the 1970 BOP recidivism study maintained a follow up on releasees of at least 2 years, whereas the study of halfway house releasees included several who had been discharged for only 4 months.

Other Comments

The report suggests that information pertaining to coordination of State rehabilitation efforts and standards which halfway houses must follow should be in the State plan, and if "such information is not in the State plan, LEAA's approval of it should be conditional and funds not released for halfway house projects until such information is included." Although this may be a feasible approach to ensure incorporation of such information in State plans developed 2 or 3 years from now, we do not believe such a rigid policy would be feasible, or in the best interest of all parties involved, for plans developed in the next year or two. The difficulties in operationally defining and delineating the issues of statewide coordination and halfway house standards are such that considerable time may be necessary for the SPA's to adequately develop and incorporate such information into their comprehensive plans. Once these obstacles have been overcome by the SPA's, LEAA intends to consider the feasibility of withholding funds to ensure that each SPA plan includes the necessary information on statewide coordination and halfway house standards.

We appreciate the opportunity to comment on the draft report. If you have any further questions, please feel free to contact us.

Sincerely,

Glen E. Pommerening
Assistant Attorney General
for Administration

APPENDIX B-8

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

REPORT TO THE CONGRESS

Problems In Administering Programs To Improve Law Enforcement Education

Law Enforcement Assistance Administration

Department of Justice

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

GGD-75-67

JUNE 11, 1975

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 report discusses problems that the Law Enforcement Assistance Administration experienced in administering programs to improve law enforcement education and suggests ways to correct these problems so that students and the criminal justice system can derive the maximum benefits from the 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; and the Administrator, Law Enforcement Assistance Administration.

Comptroller General
of the United States

Contents

ABBREVIATIONS

GAO	General Accounting Office
JFMIP	Joint Financial Management Improvement Program
LEAA	Law Enforcement Assistance Administration
LEEP	Law Enforcement Education Program

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

PROBLEMS IN ADMINISTERING PROGRAMS TO IMPROVE LAW ENFORCEMENT EDUCATION

Law Enforcement Assistance Administration
Department of Justice

D I G E S T

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

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 arrest, 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.

CHAPTER 1

INTRODUCTION

To improve the Nation's criminal justice systems, the Law Enforcement Assistance Administration (LEAA) of the Department of Justice provides funds to institutions of higher education primarily for

--making loans and grants to eligible students employed (inservice) or preparing for employment (preservice) in criminal justice,

--awarding internships to students interested in obtaining criminal justice work experience, and

--improving the schools' criminal justice curriculums.

We reviewed LEAA's educational assistance programs to determine whether students and the criminal justice system were benefiting from LEAA educational assistance and how well LEAA was administering the programs.

The Omnibus Crime Control and Safe Streets Act of 1968, as amended, created LEAA and authorized it to help State and local governments reduce crime by increasing the effectiveness of the criminal justice system. Most LEAA assistance is provided through a State criminal justice planning agency which, in conjunction with local planning groups, (1) determines how the State will use LEAA funds and (2) administers the program.

For fiscal years 1969-74, the Congress appropriated about $2.6 billion for States' use. LEAA is the sole administrator of its educational assistance programs, however, and the institutions of higher education receive funds directly from it. The State criminal justice planning agencies' role in these programs is very limited.

For fiscal years 1969-74, LEAA had about $161.5 million to spend as follows:

--$154.8 million for loans and grants to students.

--$1.5 million for internships for students to obtain criminal justice experience.

--$5.2 million for educational development at selected schools.

LEAA had about 378 staff members at its headquarters and about 308 in its 10 regional offices as of January 1975. As

of November 1974, only three headquarters staff members were responsible for administering its educational assistance program. To help schools administer funds awarded them, LEAA has encouraged each regional office to employ at least one specialist concerned with the educational needs of the criminal justice community within its jurisdiction.

EDUCATION PROGRAMS

Law Enforcement Education Program

LEAA provides most of its educational assistance funds to schools under the Law Enforcement Education Program (LEEP). The schools use the funds to make loans and grants to eligible inservice or preservice students in criminal justice.

LEAA's Office of Regional Operations is responsible for allocating LEEP funds among 10 regional offices. The regional offices determine, partially on the basis of recommendations received from the State criminal justice planning agency, how much each participating school will receive.

LEEP funding and the number of participating schools and students by category are shown below.

Fiscal year	Amount	Number of schools	Number of students		
			Pre-service	In-service	Total
	(000 omitted)				
1969	$ 6,500	485	1,248	19,354	20,602
1970	18,000	735	7,000	43,000	50,000
1971	21,250	890	13,327	59,953	73,280
1972	29,000	962	16,000	71,000	87,000
1973	40,000	993	19,000	76,000	95,000
1974	40,000	1,030	20,000	80,000	100,000
Total	$154,750				

Internship Program

The 1971 amendments to the Omnibus Crime Control and Safe Streets Act established the LEAA Internship Program, which provides grants to students desiring criminal justice work experience. LEAA was authorized to award grants of up to $65 a week to college students to work in criminal justice agencies for at least 8 weeks (for a minimum of 30 hours per week) either during their summer recesses or while they are on leaves of absence from their degree programs. The employing agencies can supplement the internship grant by providing salaries to participants.

LEAA's headquarters office allocates the internship funds to the 10 regional offices, which select and award funds to schools. The schools, in turn, obtain internship positions for their students. The program has grown steadily since its inception in fiscal year 1971 when approximately $119,000 was awarded to 262 interns from 52 schools. During fiscal year 1974 LEAA spent about $800,000 at 140 schools for about 1,000 interns.

Educational Development Program

The 1971 amendments also authorized LEAA to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to help them plan, develop, improve, or carry out programs or projects for developing or demonstrating improved methods of law enforcement education.

LEAA has implemented the program by providing 3-year grants to seven institutions to promote the development and improvement of their criminal justice doctoral studies programs. Since fiscal year 1971, LEAA has allocated $5.2 million to Michigan State University, the University of Maryland, Arizona State University, Eastern Kentucky University, the University of Nebraska, Northeastern University, and Portland State University.

CHAPTER 2

IMPACT OF LEEP

LEEP's objective is to improve the criminal justice system by providing educational opportunities to persons employed in, or considering, criminal justice careers. Specifically, the program was designed to

--attract persons to careers in criminal justice, primarily at the State and local levels, and

--help persons already in the criminal justice system to do their jobs better.

To determine whether these objectives were being accomplished, we randomly selected 550 individuals who had successfully completed studies and attained certificates or degrees with LEEP assistance. We queried them on their experiences in the program, their employment status, what they learned, and how LEEP affected their decision to enter or remain in a criminal justice career. (See app. II for details on our approach.)

Most graduates believed they benefited from participation in the program. Specifically:

--The LEEP graduates believed that participation in LEEP improved their knowledge of criminal justice work, enhanced their understanding of human behavior, and helped them deal with others on the job.

--Availability of LEEP funds motivated individuals, who otherwise could not have afforded it, to pursue higher education.

--Most graduates who had no criminal justice work experience before taking LEEP courses and who later obtained employment with a criminal justice agency believed LEEP influenced their career decision.

--LEEP graduates believed that participation in LEEP improved their knowledge and understanding of matters important in criminal justice work.

--A significant percentage of graduates with no criminal justice work experience, especially women, had difficulty obtaining jobs in the criminal justice system.

--Less than half of the graduates attributed their promotion potential and/or pay increases to LEEP.

--Proportionately, police are participating in LEEP much more than court, corrections, and probation and parole employees.

TYPE OF STUDENTS RECEIVING DEGREES UNDER LEEP

An objective of LEEP is to strengthen the court, probation and parole, correctional, and police systems by encouraging persons to obtain education in these areas.

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 our LEEP-trained respondents employed in criminal justice were working in these areas. Of the respondents who had prior criminal justice experience, only 14 percent of those then working in criminal justice were working in nonpolice areas. Of those with no prior criminal justice experience, 39 percent of those working in criminal justice were working in nonpolice areas. Although the proportion of LEEP participants should not necessarily be directly related to the proportion of people working in the various parts of the criminal justice system, the results indicate that staff in nonpolice areas of the system are not taking full advantage of the program.

TYPES OF DEGREES EARNED

Most LEEP graduates have received bachelor degrees. The following table shows degrees and certificates received by graduates.

	Preservice		Inservice		Total	
	Number	Percent	Number	Percent	Number	Percent
Masters	6	4.1	32	10.1	38	8
Bachelor	117	80.1	134	42.3	a/253	54
Associate	22	15.1	138	43.5	160	35
Certificate	1	.7	4	1.3	5	
Other (note b)	0	0	6	1.9	6	3
No response	0	0	3	.9	3	
Total	146	100	317	100	465	100

a/Two graduates who did not indicate whether they had been preservice or inservice students also earned bachelor degrees.

b/Indicated other types of degrees but did not specify type.

Of the masters degrees, 24 were earned by individuals with more than 5 years of criminal justice experience. Eighty-four percent were earned by inservice LEEP students.

Eighty percent of the preservice respondents and 42 percent of the inservice respondents earned bachelor degrees. In-service respondents earned most of the associate degrees.

Twenty-one percent of the respondents with masters degrees (8 of 38) are receiving LEEP assistance for additional courses, and 32 percent of those with masters degrees (12 of 38) plan to request financial assistance for additional study. Of those with bachelor degrees, about 22 percent (56 of 253) are receiving LEEP financial assistance and 53 percent plan to request further assistance. Of those with associate degrees, about 58 percent (93 of 160) are receiving assistance and 75 percent plan to request further financial assistance.

The following table shows the types of degrees earned by respondents working in the various criminal justice fields.

Degree	Police		Probation or parole		Courts		Corrections		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Masters	19	6	6	33	4	25	2	7	31	9
Bachelor	134	46	12	67	10	63	18	60	174	49
Associate	130	44	0	0	2	12	8	27	140	39
Certificate	5	2	0	0	0	0	0	0	5	1
Other (note a)	5	2	0	0	0	0	2	6	7	2
Total	293	100	18	100	16	100	30	100	b/357	100

a/Includes those who did not specify degree obtained.

b/Excludes those not employed in criminal justice jobs.

About 33 percent of our respondents working in probation or parole and about 25 percent of those working in the courts had attained masters degrees. About 46 percent of the degrees attained by police were below the bachelor level. Although the number of LEEP graduates working in nonpolice areas is relatively small compared with those in police work, they have generally obtained a higher level of education.

CRIMINAL JUSTICE EMPLOYMENT

The analyses that follow show that LEEP's objective of attracting people to criminal justice careers is being achieved but that more attention needs to be given to helping preservice students find jobs in criminal justice agencies.

Attraction to criminal justice careers

We asked the 59 respondents who are now working in criminal justice but who had no such experience before receiving LEEP funds to indicate the extent to which LEEP courses had influenced their career decisions. Sixty-six percent (39)

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said LEEP courses significantly influenced their decision, and 97 percent of this group said they would or probably would continue their careers in criminal justice. Overall, most respondents who are working in criminal justice said they would probably continue their careers in the field.

About 96 percent of LEEP graduates who are police said they would probably pursue careers in criminal justice. A large portion of LEEP graduates who are currently working in nonpolice areas stated that they too would probably pursue careers in criminal justice (corrections, 83 percent; probation and parole, 81 percent; courts, 94 percent). A majority of the nonpolice graduates considered LEEP courses to have strongly influenced this decision. However, most police graduates said LEEP was not a strong influence, perhaps because they had already decided on their careers before entering the program.

Difficulties in finding jobs

Some of the benefits from LEEP have been lost because of the absence of a system to help program participants find criminal justice jobs. Ninety-six respondents who had no prior criminal justice experience before they took LEEP courses actively looked for criminal justice employment. About 39 percent (37 of 96) of these respondents failed to find such employment. Some of these cited a need for placement assistance. The problem is more serious among women; 65 percent of the women respondents could not find jobs compared with 32 percent of the men. (See app. II, table D.)

Some of the comments we received follow:

"I have made over 200 applications to enter Federal, state, or local law enforcement and socially related agencies and have been rejected for many reasons--wrong sex--no money for such future employment--job eliminated--nothing available."

"When graduated from college, I applied for jobs in law enforcement state, local, federal but could find nothing--needed experience or no openings."

"I have passed the police officers recruitment test, written and oral, I have passed the FSEE [intern-management] test--I am a magna cum laude graduate--I am a veteran--I don't know why I can't get a job."

The following table shows the status, after obtaining a degree or certificate, of 146 LEEP graduates with no prior criminal justice experience. In all cases, at least 6 months had elapsed from the time they graduated until they responded to our questions. Regardless of whether they actively sought criminal justice jobs, 48 percent of the graduates were not employed in criminal justice agencies. This adversely affects the program's objectives and means that improvements are needed.

Status	Number of graduates	Percent
Employed in criminal justice agencies	59	40
Not employed in criminal justice agencies	70	48
Pursuing additional education	17	12
Total	146	100

Our questionnaire did not ask graduates specifically why they did not obtain employment or whether they had rejected any offers. However, some respondents did comment on this matter. Although many reasons may account for an individual's not being able to obtain a job, our respondents did not indicate that their failure to find jobs was because of low scholastic achievement or their own highly selective requirements.

Rather, graduates were sometimes told that no openings existed or that prior criminal justice experience was required.

In many instances, both respondents who could not find jobs and those who had jobs said that LEAA should help match graduates with existing criminal justice needs. For example:

> "The money received was a great assistance in my finishing school. However, I do feel there needs to be more emphasis on placement after graduation. I had to take a job out of the criminal justice area because of poor placement assistance at my school. I just fell into the job I now have--I looked over two states for employment in the field and had no luck."
>
> "I had found it extremely difficult to find a permanent job within the criminal justice system upon graduation with a BS degree. * * * I strongly recommend that LEEP should organize some type of regional offices throughout our nation in order to assist the many desperate people who seek employment."
>
> "LEEP possibly could provide employment counselling service."
>
> "There should be a placement job program for future employment or present part time."
>
> "LEEP should incorporate a more effective vocational guidance program and placement service."

To insure that the benefits of a criminal justice education are applied, LEAA must determine criminal justice manpower needs and devise a way to advise LEEP graduates where these needs exist. Although in early 1974 LEAA was planning to develop such data in accord with the requirements of the Crime Control Act of 1973, an LEAA official told us such a study would not be complete for 2 years.

Nature of employment

What types of jobs did those who were already working or who had found work in the criminal justice system have, and at what level of government were they working?

Types of jobs

Most graduates (86 percent) who had previous criminal justice experience were police. Most graduates (61 percent) with no such previous work experience also found criminal justice employment with police agencies.

The distribution of new criminal justice employees entering various professional areas and the corresponding distribution for respondents with previous criminal justice experience follow.

	Prior experience		No prior experience	
	Number	Percent	Number	Percent
Police	256	86	36	61
Probation/parole	9	3	9	15
Courts (note a)	13	5	3	5
Corrections	19	6	11	19
Total	297	100	59	100

a/Because one court employee did not state whether he was an inservice or preservice graduate, he is not included in this table.

Although both inservice and preservice graduates were more likely to enter police work than any other criminal justice employment, preservice graduates were more likely to enter other areas of the criminal justice system. (See app. II, table A, for statistical tests used.)

Level of employment

One objective of LEEP is to provide education to those working or planning to work at the State, county, and local levels of the criminal justice system. Our survey showed that 47 percent of all LEEP graduates were employed at the local level and 32 percent at the State and county levels. Three percent were employed at the Federal level.

LEEP inservice and preservice graduates' employment by level of government

	(percent)					
Agency	Local	County	State	Federal	No response	Total (note a)
Police	45	13	6	2	16	82
Probation/parole	0	2	2	0	1	5
Courts	1	3	0	0	0	5
Corrections	1	2	4	1	0	8
Total (note a)	47	20	12	3	18	100

a/May not add due to rounding.

Our survey also showed that county and local government agencies are the major employers of preservice LEEP graduates, as shown in the following table.

Criminal justice employment of preservice graduates

(percent)

Agency	Local	County	State	Federal	No response	Total (note a)
Police	29	22	3	3	3	61
Probation/parole	0	9	3	0	3	15
Courts	0	3	0	2	0	5
Corrections	0	5	10	3	0	19
Total (note a)	29	39	17	8	7	100

a/May not add due to rounding.

RELEVANCE OF COURSES TO WORK

Generally, LEEP graduates believed their education provided useful knowledge and helped them in their jobs, particularly by improving their understanding of human relations and performance of criminal justice tasks.

To determine to what extent LEEP courses were helping graduates employed in criminal justice jobs to increase their technical knowledge and human understanding, we asked them to specify, for each of 20 criminal justice or human relations areas, whether the area was important in their jobs and whether LEEP courses had provided useful knowledge in the area. Appendix III lists all 20 areas.

At least 70 percent of the respondents considered each area, except preparing inmates for parole, to be at least somewhat important in performing their jobs. Over 90 percent indicated that the following areas were important.

Area	Percent
Good human relations principles	97
Ability to communicate with supervisors and co-workers	96
Community relations	95
Preparation of records and reports	95
Legal aspects of arrest, escape, detainment, search, etc.	94
Legal definitions of crime and participants in crime	93
Recognizing and dealing with evidence of deviant behavior	91

In general, the proportion of respondents who believed that LEEP had improved their knowledge and understanding in an area was less than the proportion who indicated that the area was important in their work. The areas in which the highest proportion of respondents felt LEEP had improved their competence were as follows.

Area	Percent
Human relations principles	84
Community relations	82
Recognizing and dealing with evidence of deviant behavior	81
Legal aspects of arrest, escape, detainment, search, etc.	80
Legal definitions of crime and participants in crime	80

Apparently, the higher the proportion of respondents who believed the area was important, the higher the proportion of respondents who believed they had received useful training in the area. This suggests that the schools are emphasizing the criminal justice areas with widest applicability.

The areas in which there seem to be the largest differences between importance of the area and receipt of education in the area are shown below.

	Percent who believed area to be important	Percent who received useful education in area
Care and use of firearms	78	31
First aid	76	30
Methods of restraint	82	45
Prevention and suppression of riots and disturbances	79	50
Control of contraband	77	56
Familiarity with black ghetto language and customs	81	60
Recognizing and dealing with drug dependency	87	66

Most of these areas where the differences are greatest are likely to be taught by individual criminal justice agencies as part of internal training programs; therefore, the schools cannot be criticized for not adequately addressing most of the areas.

To determine the extent to which LEEP courses provided useful information in each criminal justice field, employees in each field were asked, for various specialized areas, whether knowledge of that area was useful in their specific jobs and if the LEEP training they received improved their ability or knowledge. The following results show that in most instances LEEP courses met the employees' needs.

Educational Areas GAO Believed
Relevant to Court Employees

Area	Percent of court employees who believed they needed education in the area and who received useful education
Legal definitions of crime and participants in crime	100
Legal aspects of arrest, escape, detainment, search, etc.	93
Current issues in court reform	93
Legal aspects of sex offenses	91

Educational Areas GAO Believed
Relevant to Probation and Parole Employees

Area	Percent of probation and parole employees who believed they needed education in the area and who received useful education
Legal aspects of pardon, probation, parole	80
Counseling	71
Rehabilitative vocational education	62
Religious motivation in rehabilitation	56
Preparing inmates for parole	42

Educational Areas GAO Believed
Relevant to Corrections Employees

Area	Percent of corrections employees who believed they needed education in the area and who received useful education
Facilities, resources, and job functions in institutions	82
Dealing with conflicts and tensions in an institution	78
Maintenance of resident discipline in an institution	74
Legitimate use of force against an inmate	64

Educational Areas GAO Believed
Relevant to Police Employees

Area	Percent of police employees who believed they needed education in the area and who received useful education
Community relations	83
Dealing with conflicts and tensions in a neighborhood	80
Crowd dispersal	64
Prevention and suppression of riots and disturbances	61
Use and care of firearms	38
First aid treatment	35

IMPACT OF LEEP ON PROMOTION POTENTIAL OR PAY INCREASES

Although promotions and pay increases are given for many reasons, we thought that program participants' views on the effect of LEEP on their career advancement would be useful. We asked the following questions:

1. Does your employer have an incentive pay and promotion program which rewards additional education?

2. If you work in criminal justice, did your LEEP-supported courses result in a promotion for you?

3. Did your LEEP-supported study result in a pay increase?

About 31 percent of the respondents worked for criminal justice organizations having pay and promotion systems which rewarded them for continuing their education. Of the 328 respondents who answered the question about promotions, 42 percent believed their promotions were, or probably were, attributable to their participation in LEEP. For the 348 who answered the question about pay increases, 43 percent indicated that LEEP was, or probably was, an important factor in these pay increases.

However, the existence of an educational incentive program apparently influences individuals to attribute their promotions and/or pay raises to LEEP courses. (See app. II, tables B and C.) For example, 54 percent of the respondents working for organizations with an incentive plan believed their promotions were, or probably were, a result of their LEEP participation, compared with 36 percent of those working where no such program existed.

Our study did not show the extent to which criminal justice agencies consider LEEP participation when promoting personnel. Nonetheless, LEEP apparently is a motivating factor when agencies have educational incentive plans.

LEEP IMPACT ON EDUCATIONAL EXPENSES

LEEP has helped defray educational costs but has not covered all expenses. Because the costs of education vary widely--depending on the location, school, and student--we did not attempt to establish the percentage of each graduate's educational costs paid by LEEP. Rather we asked the graduates how many college courses they had taken and how many of these courses LEEP helped fund.

About 74 percent had taken 31 or more courses, and LEEP assistance had been provided for over half of the courses taken by at least 58 percent.

Sixty-nine percent of the respondents who were in a criminal justice job before entering the program had taken 31 or more courses, while 85 percent who had no previous criminal justice experience had taken 31 or more courses.

Although the question was not specifically asked, 94 of the respondents commented that they could not have obtained advanced education without LEEP assistance. About

80 percent of these respondents are currently working in criminal justice. Some of their comments were:

"Without LEEP funding I could have never made it through school."

"Without LEEP I would never have been able to go to college."

"I feel that the assistance given to me under LEEP has been significant in allowing me to continue my education in a major university. I feel without it my studies would probably have to have been discontinued intermittently to work on the outside to gain enough money to cover what I am getting under LEEP."

"Thanks to the LEEP program for providing me with funds necessary for me to complete my degree requirements."

"It gives a person the financial assistance that a family man needs to go to college."

We also received comments from some respondents that the amount of assistance they were receiving was not sufficient to meet their educational costs. However, for the most part, LEEP funds have helped defray educational costs and thus enabled students, who might not otherwise have been able, to complete courses and take jobs in the criminal justice field.

RESPONDENTS' OPINIONS OF LEEP

We asked respondents to make general comments about LEEP.

They generally had positive attitudes toward LEEP. Some respondents (16 percent), however, commented on the problems they had experienced with administrative matters and LEAA's billing system. (See ch. 4.) For example, some graduates required to pay back their loans or grants because they did not obtain employment with a criminal justice agency received incorrect statements. Others, who continued their criminal justice jobs or found such jobs and therefore did not have to repay, received statements requesting payment to LEAA.

CONCLUSIONS

Most LEEP graduates are pursuing careers in criminal justice and believe that the education they received has helped them improve in their jobs. However, many LEEP graduates who do not have criminal justice work experience have been unable to obtain jobs in the field. Therefore, criminal justice agencies apparently are not fully using LEEP's benefits.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

We recommend that the Attorney General direct the Administrator, LEAA, to:

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

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

AGENCY COMMENTS AND ACTIONS

The Department of Justice, in a letter dated May 12, 1975, advised us that it generally agreed with our recommendations regarding the need to improve criminal justice employment opportunities for LEEP graduates. (See app. I.)

The Department stated that a long-range effort is needed to provide adequate employment information to graduates. It noted that such an effort might include establishing justice manpower information exchange centers in each State. But the Department did not indicate whether it endorsed such a concept. LEAA is apparently still studying the issue.

The Department was clearer as to what LEAA will do over the short run to provide preservice students more effective job placement and provide better assurance that graduates take criminal justice jobs. Program policy changes proposed for fiscal year 1976 require institutions participating in the LEEP preservice program to, among other things, develop and sponsor a criminal justice internship or work experience as part of the program and provide placement services for preservice students.

If proposed changes are adopted and enforced, better assurance that LEEP preservice students are committed to and find work in the criminal justice field should result.

CHAPTER 3

PROBLEMS IN ADMINISTERING LEEP

LEEP has experienced the following administrative problems:

--Untimely and subjective distribution of funds to schools, resulting in inefficient use of funds and hampering the effective operation of the program at the schools.

--Deficiencies in accounting for payments for individual participants, resulting in LEAA's inability to hold participants accountable for receiving LEEP funds.

--Insufficient program monitoring, preventing LEAA from determining how well schools are administering the program.

--Absence of program evaluation, preventing LEAA from determining the program's success.

The administrative problems occurred in part because of (1) a lack of adequate direction of the program by LEAA headquarters officials and (2) insufficient staff.

LEAA began addressing these problems in 1973 and, with the help of a Joint Financial Management Improvement Program (JFMIP)1/ task force, has tried to resolve some of them. (See ch. 4.)

PROBLEMS IN ACCOUNTING FOR LEEP FUNDS

Because of its inability to establish and maintain an effective accounting system, LEAA at various times

--did not have accurate information on the amount of LEEP funds schools spent for LEEP and the amounts of unused LEEP funds the schools held and

--could not identify students who owed LEAA for loans or grants received because they had not met certain legal obligations to pursue or continue criminal justice careers.

1/A cooperative program of GAO, the Office of Management and Budget, the Department of the Treasury, the Civil Service Commission, and the General Services Administration to improve financial management throughout the Federal Government.

These problems affected LEAA decisions on resource allocation to schools, school planning and use of LEEP funds, and student participation in the program.

As early as June 1969, officials responsible for administering LEEP recognized the need to establish an automated data processing staff and to develop procedures to support the LEEP institutional and student accounting operations. LEEP's accounting system and number of personnel were inadequate to maintain the institutional and student accounts.

In February 1970 the Director of the Office of Academic Assistance noted in a memorandum to the LEAA Administrator that the Office's Program Operations Division was not staffed sufficiently. The division, which was responsible for all LEEP accounting functions, had nine employees--two professionals, six fiscal support staff employees, and one secretary. Initially the Director had estimated that the task would require a minimum of 26 employees. He subsequently noted that about 20 additional persons, mainly low-grade fiscal support employees, would be needed by fiscal year 1971.

Because of the inadequacy of the accounting system, LEAA awarded a contractor about $56,000 in June 1970 to design and set up a computer system to maintain LEEP institutional and student accounts. Institutional accounts primarily involved keeping records on the amounts of funds advanced to and spent by the institutions. Student accounts mainly involved keeping records on the total loan or grants provided each student and on the extent to which the student was obligated to repay.

When accepted by a school to receive assistance under LEEP, a student completes and signs a Student Application and Note, which includes biographical data; the amount of the LEEP loan (for preservice students) or grant (for inservice students); and, for inservice students, employer certifications of the student's employment. It officially specifies the student's contractual obligation to LEAA under LEEP. It also commits inservice students to remain with a criminal justice agency for 2 years following completion of any course for which they receive grant funds.

The preservice student, to be eligible for a loan, must acknowledge his intentions to enter the criminal justice field or otherwise repay LEAA the moneys received plus interest. To verify both the student's intent to enter the criminal justice system and his employability in the system, LEAA requires all preservice students--before entering the program--to obtain a letter from a criminal justice agency stating

that, if the student passes all the necessary tests and otherwise meets the qualifications for employment, the agency will consider him eligible for employment. The statement is not a commitment by the agency to employ the individual.

Loan recipients have their loans plus interest canceled at the rate of 25 percent for each year of full-time service as criminal justice employees following completion of LEEP. A LEEP loan must be repaid to LEAA when a borrower (1) ceases to be a full-time student or (2) is not employed by a law enforcement agency after he graduates. Grant recipients must repay the amount of their grant plus interest to LEAA if they do not remain with a criminal justice agency for 2 years.

Both LEEP loan and grant recipients must repay the principal amount of the loan or grant within 10 years with 7-percent per annum interest on the unpaid balance. The repayment and interest accrual periods for loans begin 6 months after the person ceases to be a full-time student. For grants, the recipient enters repayment status the first day of the calendar month after he terminates employment with a criminal justice agency. The LEEP manual states that repayment for grants and loans must not be less than $50 per month, paid in regular quarterly installments of $150. Students are required to submit a new Student Application and Note for each semester or quarter they request additional assistance.

The contract to improve the system to account for institutional and student funds was scheduled to terminate in November 1970. Eventually it was extended to September 30, 1971, at an additional cost to LEAA of $118,019 and then extended again to February 29, 1972, at an additional cost of $61,425. The total contract was for 20 months and cost about $235,700. The extensions were necessary because neither LEAA nor the contractor had accurately estimated the time and costs involved in designing and implementing a computerized system.

But, when the contract was finally terminated in February 1972, LEAA was not prepared to operate the system--primarily because of a lack of properly trained employees.

Top LEAA management had been aware for some time that additional employees would be needed, as numerous memorandums written between October 1970 and October 1972 show. For example, an October 12, 1970, memo from the Assistant Director of the Office of Academic Assistance to the Director of the Office stated:

> "* * * The main objective in writing this memorandum is to start some thinking into the need for a supplemental study by [the contractor] of the manpower requirements to implement the system they are proposing. Otherwise, we might buy the system and then not have the staff to implement it."

A December 29, 1970, memo from the Director of the Office of Academic Assistance to an LEAA Associate Administrator stated:

> "This survey should be accomplished if we are to make reasonable position requests in the FY 71 supplemental. Further, to achieve maximum benefit from this system it is essential that it be adequately staffed."

A June 1972 memorandum from the Director of the Manpower Development Assistance Division to the Assistant Administrator of the Office of Criminal Justice Assistance stated:

> "What has been needed--and should have been arranged far back in April--was a 'program analyst' at a GS-9 or GS-11 level to work in-house as a responsible operator. Lacking this, I predict that the [contractor's] system will not operate long after June 30, 1972."

Another memo from him to the same Assistant Administrator dated October 20, 1972, stated:

> "Since July, 1972, repeatedly we have pointed out operational problems which jeopardize LEEP. We have urged that a programmer analyst be available to bring the LEEP computer system to an operational status and to maintain operations."

LEAA management, however, did not provide sufficient staff to operate the computer system. As a result, the system never functioned properly and LEAA maintained inaccurate and incomplete LEEP institutional and student financial data.

Institutional accounts

LEAA did not have adequate information on the amount of individual institutional expenditures or the amount of unspent funds on hand at institutions at the end of the fiscal years. Thus, LEAA did not have accurate financial data to use in recommending LEEP institutional awards for fiscal years 1970-72 and could not determine how well schools were managing and using LEEP funds.

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LEAA's Office of Audit recognized some of these problems and issued an interim report in February 1972 recommending a reconciliation of LEEP institutional accounts for fiscal years 1969-71. In March 1972 LEAA's Office of Inspection and Review began to reconcile a discrepancy of about $3.5 million for the years 1969-71 and accounted for all but about $700,000. The discrepancy occurred because LEAA did not process all notes in its possession and also because many institutions had inaccurate expenditure reports or were delinquent in submitting notes to LEAA.

The Office of Audit issued its report on LEEP in October 1972, stating that LEAA's reconciliation efforts had not been completed and that the LEEP accounts probably would never be fully reconciled because LEAA had not adequately (1) maintained records of funds advanced to individual schools and (2) accounted for student LEEP notes.

In April 1973 the LEAA financial management task force was formed to reconcile LEEP institutional accounts for fiscal years 1969-73 by direct correspondence with the institutions. This effort was completed in August 1973 and, according to LEAA officials, resulted in a total reconciliation of LEEP institutional accounts for the first 5 years of the program. The task force report indicated that LEAA's records of LEEP funds disbursed, refunded, and on hand at schools agreed with records maintained at the schools.

Student note accounts

LEAA also did not have adequate information on LEEP participants, did not maintain adequate records, and could not hold individuals responsible for having received LEEP assistance. Problems arose because of such factors as (1) untimely keypunching of notes, (2) incomplete or inaccurate preparation of notes by students and institutions, (3) rigid computer program edit criteria which caused considerable delay in processing notes, and (4) lack of sufficient LEAA staff.

As a result, the first billing of LEEP students was not made until February 1971, even though some students should have been billed as early as the end of the 1969 school term. This first billing included all loan recipients LEAA could identify as having either dropped full-time status or who had failed to find jobs in the criminal justice system.

The number of student notes that could not be accounted for at LEAA headquarters gradually increased. As of March 1972, about 28,000 notes were unfiled and not in any order

which would facilitate locating an individual student's note. By August 1973 the total had reached about 250,000, an increase due in part to the yearly growth in the number of students participating in LEEP. But included in the unfiled notes for fiscal years 1969-73 were most of the approximately 20,000 student notes rejected from the LEEP computerized accounting system because of problems with the computer program.

LEAA's inability to adequately maintain participant accounts for fiscal years 1969-73 prevented LEAA from accurately determining:

--How many LEEP students were pursuing degrees, had attained degrees, or had completed their coursework.

--Which former LEEP students had not met their legal obligation to pursue or continue a criminal justice career.

--How much of a refund each student owed LEAA for a loan or grant.

LEAA had inadequate financial and administrative control over the program.

Until LEAA updates and completes information on each student and is assured that schools are notifying LEAA of changes in student status, it cannot be certain that all LEEP students who have dropped from the program or who have not continued or entered criminal justice careers have been identified and collection action has begun. In addition, the large number of unfiled notes for such a long time precluded LEAA from doing any evaluation studies on LEEP graduates.

EFFECTS OF ACCOUNTING PROBLEMS ON SCHOOLS AND STUDENTS

The accounting problems adversely affected LEAA decisions on what schools should receive funds and in what amounts. The problems also prevented LEAA from efficiently and equitably allocating funds to schools. Schools were uncertain about how much money they would receive from LEAA for LEEP students and this created administrative problems for them. Students could not be certain whether the school would receive enough funds to cover their requests for LEEP assistance.

Lack of information hampered effectiveness of review panels

LEAA's problems in allocating LEEP funds to schools were due, in part, to the lack of information available to review panels for the first 4 years of the program. From the inception of LEEP in the second half of fiscal year 1969 until the beginning of fiscal year 1973, annual LEEP awards to participating institutions were made directly by LEAA's headquarters staff on the recommendations of a review panel of four college student financial aid officers assisted by LEAA staff members. For fiscal years 1970-72, the panel was expanded to include criminal justice educators.

The review panel, however, did not have adequate institutional financial data upon which to base funding decisions because LEAA could not accurately account for LEEP institutional funds. The panel, divided geographically into subpanels to facilitate review of institutional applications for funds, convened once a year for approximately 1 week to review applications and make recommendaitons to LEAA on yearly LEEP funding levels for participating institutions. The LEAA Administrator then reviewed the panel's recommendations and approved the final awards.

LEAA instituted the review panel process because of precedent established by the Office of Education of the Department of Health, Education, and Welfare, where a panel decides on student financial aid awards. Such a panel supposedly offsets potential criticism about favoritism in dispensing Federal dollars.

For the first year of LEEP funding--fiscal year 1969--the review panel members had to make such basic decisions as which schools to fund and what amount to give each school. These decisions established the baseline for all future decisions regarding institutions and amounts provided for the program.

LEAA established criteria to aid the panel members in making the basic decisions, including such factors as school location, size, and criminal justice degrees offered. However, because the panel members did not have sufficient information to adequately consider these criteria in making their decisions, selecting and funding was done subjectively.

In the succeeding years the process improved, but limited information and time prohibited panel members from fully using the established criteria in making funding decisions. For example, in fiscal year 1971, 9 individuals had to process

approximately 900 institutional applications in 3 days. They did not attempt to determine school and student needs but based funding decisions on previous allocations which, because of lack of data, had been subjective.

As a result, many schools received larger amounts of funds than they needed, which contributed to large unspent LEEP balances at numerous institutions. Other schools received less LEEP funds than students might have used. For example, the University of Maryland was forced to refuse funding to 58 new inservice applicants for the fall 1973 semester because of insufficient funds.

Other administrative problems

During fiscal year 1972, the LEAA Administrator delegated to LEAA regional administrators the authority to approve, administer, monitor, modify, extend, terminate, and evaluate LEEP grants to institutions of higher education. This authority was subject to the policy, allocation of funds, and guidelines promulgated by the LEAA Administrator.

The LEAA Administrator made the decision to delegate the major part of the responsibility for the operation of LEEP to its regional offices because he believed regional operation of LEEP would facilitate administration of the program and improve its effectiveness. This decision was in line with the LEAA Administrator's policy of granting more responsibility to the regional offices for the administration and operation of major programs. Although LEEP's headquarters staff had written guidelines, many of these guidelines were broad and allowed the regional offices to choose how to administer the program. The guidelines also changed frequently.

LEAA's numerous changes in LEEP policy have caused confusion and difficulty for schools in administering the program. Officials at several schools told us that new LEEP procedures were often initiated by LEAA before old ones could be fully implemented. School officials also said it took more time to administer LEEP than other federally assisted programs because LEEP's policy and procedures apparently changed more than those of any other Federal program at their schools. They told us this added to the frustrations, because LEEP did not reimburse the schools for their administrative expenses.

LEEP policy changes have focused on such questions as student eligibility, institutional eligibility, and courses qualifying for LEEP funding. LEEP fiscal policy changes have been primarily concerned with establishing priorities

for awarding LEEP funds. Some of these changes resulted from statute, but many originated administratively. Although some administrative policy changes were necessary due to LEEP's growth, many were the result of organizational changes and LEAA's failure to develop specific program goals and objectives.

The change which had the most detrimental effect on the schools' ability to administer LEEP was LEAA's decision to stop funding new preservice students. Schools whose enrollments consisted mainly of preservice students were forced to cut back their LEEP participation and thus reduce the eventual inflow of educated individuals into the criminal justice system. Many of the institutions in this category were those with highly developed criminal justice programs.

Soon after LEEP was regionalized in fiscal year 1973, wide divergences developed in how regional offices administered LEEP policies, the most notable example being different interpretations of the LEEP funding priority schedule. The April 1973 LEEP guideline manual set forth program priorities for LEEP funds; for example, returning inservice students were to be funded before preservice students. An LEAA internal memorandum describes how regional interpretations of the use of the priority schedule have differed and what the results of such diffences have been.

> "Equitable implementation of the priority schedule has been precluded, in part, by differing regional methods of determining institutional LEEP allocations. Some regions earmark available funds for their constituent states on the basis of population or other factors not directly related to the national priorities. Some regions solicit institutional award recommendations from State Planning Agencies; others delegate to the SPA the authority to determine the institutional awards. Some regions reserve a portion of the regional allocation for purposes of making award adjustments later; others reserve no funds for contingency purposes. Some regions restrict institutional awards because of the nature of the academic programs.
>
> "That which is cause for restriction in one region may be quite different from the cause in another region. These examples, although not all-inclusive, demonstrate the lack of uniformity in award procedures. As a result, the awards announced at the beginning of the fiscal year

allowed some schools to serve all students in the first six priority groups while others had insufficient funds for the first three."

LEAA believes that regional offices should use their own discretion as much as possible in dealing with the needs that arise in their regions. In 1974 LEAA directed that the regions obtain recommendations from their State criminal justice planning agencies on how schools in a State might best benefit from LEEP. The region will make final allocations to the schools after considering the recommendations of the State criminal justice planning agencies.

The following are examples of other problems resulting from LEAA's inability to manage and implement an effective computerized institutional and student accounting system.

--Second-term fiscal year 1972 LEEP disbursements were mailed a month later than requested by some institutions.

--Two-fifths of all LEEP participating institutions received their fall 1972 LEEP disbursements after the school term had begun.

--As of October 20, 1972, 207 of 894 schools had not received any LEEP disbursement for fiscal year 1973. LEAA also had inaccurate fiscal year 1972 expenditure data for about 100 of the 687 schools that had received checks.

--Several institutions in LEAA's Chicago region had not received their first-term fiscal year 1974 LEEP disbursement as of November 15, 1973.

We visited several institutions participating in LEEP to assess the impact of LEAA's accounting and allocation problems on the institutions and their students. From these visits and information from other schools, we determined that:

--Uncertainty about yearly allocations caused serious planning problems for some schools. School administrators had difficulty each term detemining how many students to fund and how much to allow each because they could not be certain of the amount and timing of LEEP disbursements to be received from LEAA. Meaningful planning by the schools was difficult because final award information was not always available on time. For example, one school did not

receive this information until 1 week after classes had begun. This school had already accepted and registered 40 new students because it anticipated the award would be consistent with its estimated increase in enrollment. Because the school felt obligated to these additional students, it was forced to use funds from other accounts in lieu of LEAA funds.

--Some schools were forced to reject new inservice applicants during fiscal year 1974 because of insufficient funds. Rejection of inservice applicants inhibits fulfillment of one of LEEP's primary objectives--to upgrade the educational level of criminal justice employees. This situation could force an individual to delay or cancel his plans for attaining higher education.

--LEAA's prohibition on funding new preservice students, instituted during fiscal year 1973 and continued through fiscal year 1974, forced many applicants to be rejected and discouraged many others from applying for LEEP funds. In addition, some schools with large preservice enrollments had to remit large portions of their fiscal year 1974 LEEP award to LEAA because they were not permitted to fund new preservice students.

LEAA's institutional accounting problems and allocation procedures contributed to the large unspent balances at the schools at the end of each year for fiscal years 1969-73. The totals shown below are based on data compiled during LEAA's reconciliation of the institutional accounts in August 1973.

Fiscal year	Total advanced to schools	Total refunded	Cash on hand	Total refunded and cash on hand
1969	$ 5,658,597	$ 457,830	$2,801,004	$3,258,834
1970	19,889,992	1,263,480	4,548,162	5,811,642
1971	25,887,846	779,055	1,684,339	2,463,394
1972	29,606,604	720,502	1,819,125	2,539,627
1973	36,656,031	4,028,444	1,204,456	5,232,900

The Federal Government incurred a minimum of $169,000 in unnecessary interest costs to borrow money because of the unused funds at many schools for fiscal years 1969-73. To compute this amount, we had to use the 3-month period (June through August) of each year for which we knew the exact total of cash on hand at all institutions participating in LEEP.

We could not use 12-month periods because (1) LEAA made grant awards at different times in the various years and (2) school terms were not uniform.

Also, LEAA did not require institutions to make uniform or predetermined numbers of loans each term. Since we did not know the cash balances for all institutions at the beginning of each term, we could not calculate how much money LEAA should have recovered at various times during the years. No loans, however, could have been made after the end of the program years. Thus, each June LEAA could have recovered the amount of cash on hand and saved the Government at least the $169,000 in interest costs.

INSUFFICIENT PROGRAM MONITORING AND EVALUATION

LEAA did not adequately monitor LEEP at participating institutions and thus could not be certain schools were effectively carrying out the program or that the program was favorably affecting criminal justice manpower needs.

LEAA did not monitor or evaluate the program adequately because it did not assign sufficient staff to the task. During fiscal years 1970 and 1971, the 8 professionals in LEAA's Office of Academic Assistance monitored about 100 schools, or about 11 percent of all participating LEEP institutions. They gave priority to schools which were experiencing problems or which had requested LEAA assistance. Generally, however, only half a day was spent at each institution. A program review guide was the primary document used by LEAA staff during visits to institutions. Using the guide, LEAA personnel prepared internal reports after the visits. The reports were based on school administrators' responses to questions on various aspects of their LEEP program operations.

At the beginning of fiscal year 1973, each LEAA regional office was given the responsibility for monitoring the institutions within its region participating in LEEP. The adequacy of the regions' monitoring varied, however, because LEAA headquarters had not given them sufficient guidance and because the regions had different numbers of employees available to do the monitoring. For example, during fiscal year 1973, the Philadelphia Regional Office visited about half the schools in its region, the Chicago Regional Office visited only about 10 percent of its schools, and the Atlanta Regional Office visited 80 percent of its LEEP schools.

The Philadelphia and Chicago Regional Offices' partial monitoring was due to insufficient staff. Since the beginning of fiscal year 1973, Chicago has had 1 person assigned sole responsibility for about 195 LEEP institutions. Philadelphia, with about 95 institutions, also had one person with a similar assignment during this time. Moreover, from May to October 1973, the Philadelphia region had no LEEP coordinator.

Regional LEEP coordinators are primarily responsible for processing institutional applications and answering institutions' inquiries. In regions such as Chicago and Philadelphia with many LEEP institutions, fulfilling these responsibilities consumed most of the LEEP coordinators' time, leaving little opportunity for monitoring institutions.

During the early stages of a new program such as LEEP, it is especially important to determine if schools are effectively discharging their responsibilities and following prescribed standards to insure accountability and efficient administration of the program.

Our visits to schools and discussions with school officials in the LEAA Chicago and Philadelphia regional office jursidictions made apparent the results of LEAA's failure to adequately monitor the program. LEEP was being administered inconsistently. For example, institutions differed in their methods of disbursing funds to students and defining changes in student status reported to LEAA. Some institutions gave LEEP checks directly to students while others credited the students' accounts for all LEEP expenses incurred. Some schools considered a student as having withdrawn from the program if he or she did not enroll in any classes for a single semester. Other schools continued to classify a student as a LEEP participant until the student failed to enroll in any classes for several consecutive semesters. Also, financial aid officials commented on the difficulties of keeping track of the numerous changes in LEEP forms and guidelines. These inconsistencies meant that it was difficult for LEAA to properly account for students in the program and hold them accountable for repaying loans or grants if they did not meet their legal obligations regarding employment with criminal justice agencies.

LEAA's failure to adequately monitor LEEP at participating institutions for fiscal years 1970-73 prevented LEAA from:

--Insuring uniform compliance with LEEP guidelines.

--Ascertaining institutions' problems in administering LEEP.

--Assessing the overall effectiveness of LEEP at the institutions.

Because LEAA lacked information on participating LEEP students, it could not make comprehensive studies to determine if, and to what extent, LEEP students were benefiting from the program. Absence of program evaluation also prevented LEAA from determining such factors as the value of specific criminal justice course offerings, the number of preservice graduates obtaining jobs in the criminal justice system, and LEEP's success in improving the inservice student's performance and standing on the job.

Secion 402(c) of the Crime Control Act of 1973 requires LEAA to evaluate criminal justice manpower needs. In early 1974 LEAA officials told us such a study was in the early planning stages. The findings in chapter 2 of this report should assist LEAA in this effort.

CHAPTER 4

LEAA EFFORTS TO IMPROVE ITS ADMINISTRATION OF LEEP

In an October 1973 letter to the Administrator, LEAA, we pointed out certain basic deficiencies in LEAA's financial management of LEEP and recommended that LEAA act immediately to correct them. Because of increasing concern with problems in LEEP, and in response to our letter, LEAA requested JFMIP's assistance to help solve LEEP's financial problems. A JFMIP-LEAA task force was created in January 1974, and a 3-month review was begun. The major areas covered in the review were institutional accounting and note processing and billings and collections.

TASK FORCE'S FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

The task force analyzed LEEP problems and reported its findings in April 1974. The following findings and conclusions are those relevant to matters discussed in this report.

--Problems existed in the timely awarding and disbursement of funds to the institutions.

--Improvements, including closer monitoring, were needed in the use of funds to reduce unspent balances.

--The billing and collection process needed to be improved. It lacked adequate staff, which caused numerous backlogs both in processing LEEP employment certifications and answering LEEP correspondence.

--Improvements in note processing were needed in computer programing support, document flow and processing, and personnel capabilities. The current computer system was inadequate to provide LEEP program management information to process and integrate notes into the LEEP accounting system and to handle day-to-day operations.

The JFMIP-LEAA task force recommended that LEAA:

--Design, develop, and implement a computer program for processing and integrating LEEP notes into the LEAA mainline accounting system.

--Design and document improved LEEP billing and collections systems as part of a total management system for the LEAA manpower program and mainline accounting system.

--Institute improved procedures for LEEP note processing and filing and eliminate backlogs.

--Develop a total LEAA manpower program.

--Establish the regional offices as the organizations primarily responsible for operating the LEAA manpower program.

--Prepare a directive on developing regional manpower needs assessment methodology and manpower effectiveness evaluation methodology.

LEAA staff also recommended procedures for improving allocation of and accounting for LEEP funds, program monitoring, and staffing.

IMPLEMENTATION OF TASK FORCE RECOMMENDATIONS

The task force presented LEAA with the recommendations applying to LEEP and others pertaining to the development of a total LEAA manpower program in the form of a time-phased implementation program plan. LEAA management and the JFMIP Executive Director approved the project report, including the implementation plan. Implementation of the program plan began about May 1, 1974, and was scheduled to be completed at the end of 14 months.

LEAA's Office of Planning and Management is responsible for systematically implementing the improvements. The Offices of the Comptroller, Regional Operations, the Inspector General, and Operations Support and the National Institute of Law Enforcement and Criminal Justice are to provide all required support.

Full, effective implementation of the recommendations and the addition of staff at selected LEAA regional offices should improve the administration of LEEP, especially in note processing, billing and collections, and allocating and accounting for funds disbursed to schools. Although insufficient time had elapsed for us to determine if LEAA would effectively implement the recommendations, as of November 1974 LEAA had:

--Instituted improved procedures for reducing excess balances at the schools.

--Instituted improved procedures for LEEP note processing and filing, thus eliminating backlogs.

--Developed specifications for the design of an improved LEEP billing and collections system.

For example, as of October 1974, all previously backlogged student notes had been entered into the master file and all processed notes had been filed, as had the 250,000 prior-year notes. Improved document flow procedures were implemented which eliminated a series of unnecessary steps in LEAA's note processing, thus facilitating the transfer of employees to more critical areas and further reducing the backlog of unfiled notes. A contractor edited and filed notes and thus eliminated the need to assign a large portion of LEEP personnel to do the task.

The task force also believed that improved cash flow procedures reduced the level of unspent funds at the schools. The following is JFMIP's computation of the status of the total unspent LEEP funds at the schools since the initiation of LEAA's efforts to improve its institutional accounting.

	Total funds awarded to schools for fiscal year	Total funds refunded	Total funds on hand	Total funds on hand and refunded
As of 8-31-73	$41,294,000	$4,278,522	$1,227,143	$5,505,665
After institution of new procedures for fiscal year 1974	As of 2-25-74: $42,574,000 Estimate as of 8-31-74: $43,000,000	As of 2-28-74: $2,928,571	-	Estimate as of 8-31-74: $2,250,000

LEAA regional office staff members are responsible for monitoring the unspent balances of loan funds maintained at institutions and for initiating action so LEAA can recover any excess balances. To assist them, LEAA established new reporting procedures in fiscal year 1975 to provide more current and accurate information on the extent to which funds are used in accordance with institutions' estimates.

The information on these reports is to be forwarded to the appropriate LEAA regional staff so they can identify institutions which are not making loans and grants at their estimated rates and therefore maintaining excessive cash balances. Thus LEAA regional office staff are expected to take the initiative in identifying and correcting fiscal problems which might exist at participating institutions.

CONCLUSIONS

The procedures discussed above appear to be a reasonable way to control cash balances at the institutions. However, to effectively implement these procedures, LEAA regional offices will have to be sufficiently staffed.

Our review indicated that, before the regions were given additional responsibilities, LEAA did not have adequate staff in all of its regional offices to effectively administer LEEP. However, LEAA does not plan to assign additional regional office staff solely to manage LEEP. This may create problems since some regions have many more participating institutions than others and may need more employees to effectively carry out their old and new LEEP management responsibilities.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

We recommend that the Attorney General direct the Administrator, LEAA, to monitor the effectiveness of LEAA's regional offices in carrying out their LEEP management responsibilities and determine whether some regions need additional staff.

AGENCY COMMENTS AND ACTIONS

The Department of Justice stated in its May 12, 1975, letter to us (see app. I) that LEAA is taking administrative actions to restructure and clarify the LEEP financial and program responsibilities of its regional office staffs. Each regional office must have, as a minimum, a manpower specialist for LEEP program administration in addition to financial management staff.

If such positions are promptly filled, progress in overcoming earlier LEEP problems should be sustained. However, it is still appropriate for LEAA to assess, on the basis of the operations of appropriate regional office staff, whether one program staff position is sufficient in each of its regional offices. For example, if the proposed new fiscal year 1976 program requirements to assure that more preservice students find employment in criminal justice jobs are adopted (see p. 17), it will be the regional office's responsibility to monitor institutions' implementation of them. It is still unclear as to whether one regional staff member can assure effective implementation of all LEEP policies at the institutions within the boundaries of his LEAA regional office. The adequacy of having one program staff position in each office can be assessed only after experiencing operations under the new program policies.

RECOMMENDATION TO THE CONGRESS

Steps to improve law enforcement education programs should be completed by the fall of 1975. Therefore, we recommend 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 LEAA's administration of its law enforcement education programs and report to the committees by the end of fiscal year 1976.

CHAPTER 5

DELAYS IN IMPLEMENTING THE INTERNSHIP AND EDUCATIONAL DEVELOPMENT PROGRAMS

LEAA management deficiencies also contributed to problems in administering the Internship and Educational Development Programs, including:

--Untimely distribution of funds, resulting in delays in implementing the programs and large unspent fund balances at the end of each year.

--Insufficient monitoring of the Internship Program, preventing LEAA from determining how well schools were administering it.

Because of these problems, LEAA has been slow to initiate and carry out these programs and thus implement the intent of the Congress.

INTERNSHIP PROGRAM

The 1971 amendments to the Omnibus Crime Control and Safe Streets Act established an Internship Program to enhance a student's college education by combining classroom study with practical experience gained by working for a criminal justice agency.

Although the legislation was enacted in the middle of the fiscal year, funds were not available to finance the program until the Congress passed a supplemental appropriation in May 1971--even though interns were to be available during the summer of 1971. In April 1971 LEAA publicized the program in some of the country's largest police, courts, and corrections agencies to encourage them to consider hiring interns. The first set of program guidelines were mailed in May 1971 to

--all police departments serving cities with populations of over 25,000,

--the 350 largest correctional institutions,

--275 judges in the largest cities,

--the State criminal justice planning agencies,

--LEAA regional offices, and

--LEEP participating institutions.

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These guidelines explained how the program would operate and who would be eligible for participation. In July 1971, the supplemental appropriation of $500,000 was applied to the first internship awards.

Applications for participation in the Internship Program were mailed to LEEP institutions in May 1971--about the same time guidelines were issued. Because institutions need advance notification of internship awards so that they can place students in programs with criminal justice agencies, only 52 schools applied for and were granted a total of $119,000 during the summer of 1971. Most of these schools did not spend the full amount of their internship award and voluntarily refunded the balance to LEAA.

The LEAA regional offices were given responsibility for selecting schools and awarding funds for the Internship Program for the summer of 1972. However, processing of institutional applications was delayed due to late issuance of revised program guidelines, insufficient staff to administer the program at some of the LEAA regional offices, and LEAA's failure to promote the program at the schools. As a result, a large portion of the available funds was not used. In the summer of 1972, 68 schools representing 595 students applied for funds. In 1973 the number increased to 136 schools and 1,101 students.

Even though administration of the Internship Program improved in fiscal year 1973, large unspent balances still remained. According to an LEAA official, the primary reason for this was LEAA's continued failure to promote the program adequately and to indicate to the schools early enough what funds would be available. The following summarizes funding for the program for fiscal years 1971-74.

Fiscal year	Funds appropriated	Funds spent	Unliquidated yearend balance
1971	$500,000	$ -	$500,000
1972	-	294,000	206,000
1973	500,000	331,000	375,000
1974	500,000	800,000	75,000

LEAA also did not adequately monitor the program to determine school compliance with LEAA requirements. The extent of monitoring varied among the regions, but generally little or none occurred. For example, through fiscal year 1974 the Chicago Regional Office monitored the program at only one institution and only in conjunction with LEEP monitoring visits--although from fiscal years 1972 to 1974,

13, 30, and 24 schools, respectively, participated in the program. The Philadelphia Regional Office monitored 1 of 12 schools in fiscal year 1973 and 1 of 13 in fiscal year 1974. Without proper monitoring, LEAA has had to rely almost exclusively on the schools and students for information on its Internship Program and, consequently, has failed to maintain adequate control over the schools' administration of the program.

EDUCATIONAL DEVELOPMENT PROGRAM

The 1971 amendments also authorized LEAA to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to help them plan, develop, strengthen, or carry out programs or projects for developing or demonstrating improved methods of law enforcement education. Although funds had been available for this purpose since fiscal year 1971, LEAA awarded only a small portion of them for educational development before fiscal year 1974, primarily because of management indecision.

LEAA sent applications for participation in the Educational Development Program to approximately 1,000 institutions in 1971. About 300 institutions responded by submitting "concept papers." LEAA assigned one staff member and three consultants to evaluate these papers. They recommended to the LEAA Administrator that nine schools be considered for funding.

After reviewing the recommendations, the LEAA Administrator did not award funds to any schools but directed the staff to develop a new approach for determining the most efficient use of the funds.

The revised approach was called the centers of excellence concept. LEAA defined a "center of excellence" as a university or a consortium of academic institutions which offered doctoral degrees in the social sciences and was affiliated with an accredited medical school and law school. Institutions which conformed to this definition were considered for centers of excellence funding.

The centers of excellence concept was developed because LEAA believed it could best use the available Educational Development funds by awarding the funds to a limited number of universities. This was LEAA's first attempt to define a concept which would, when implemented, fulfill the purposes of the educational development amendment. After considerable debate within LEAA regarding institutions to be funded, LEAA's Associate Administrators, who were then awaiting the appointment of a new Administrator, vetoed implementation of the centers of excellence program.

During fiscal year 1973, a new LEAA Administrator was appointed and another attempt was made to use the educational development funds by forming a consortium of schools to strengthen graduate research and doctoral programs in criminal justice. In effect, this was a new version of the centers of excellence concept. The same criteria used to select schools under the centers of excellence program was used to choose consortium members. LEAA employees made site visits to examine the criminal justice programs at 25 institutions. Each institution was given a numerical rating, which was submitted to LEAA to help in selecting institutions to participate in the consortium.

The institutions presently in the consortium are Arizona State University, Eastern Kentucky University, Michigan State University, Northeastern University, Portland State University, the University of Nebraska, and the University of Maryland. The consortium agreement provides for the exchange of faculty and graduate students among the participating schools and for the strengthening of research activities and graduate programs in criminal justice. The consortium became operational in fiscal year 1974 when the schools were awarded a total of about $5 million. The grant period extends through fiscal year 1976.

Before fiscal year 1974, only $5,000 of funds appropriated for educational development had been spent. The funding for fiscal years 1971-74 is shown below.

Fiscal year	Funds appropriated	Funds provided to schools	Unliquidated yearend balance
1971	$ 250,000	$ -	$ 250,000
1972	1,000,000	-	1,250,000
1973	2,000,000	5,000	3,245,000
1974	a/2,000,000	2,500,000	2,329,000

a/$416,000 was unobligated in fiscal year 1974.

CAUSES OF PROBLEMS

The causes of the problems in the Internship and Educational Development Programs were similar to those in LEEP.

For fiscal years 1969-74 one office administered the programs. Although the designation of the office changed periodically, it maintained overall program responsibility. However, it did not adequately define what it hoped to accomplish with the programs in terms of determining and satisfying the manpower and educational needs of the criminal justice system. In addition, the office underwent at least

four major staff and administrative changes between 1968 and 1973; each time, a different person was given overall responsibility for the programs.

Another basic problem has been the lack of staff. To administer all educational programs at headquarters, LEAA had designated only 3 full-time professional employees as of November 1974--a drop from 10 in February 1970. As of then 8 full-time employees were to handle the programs' financial matters with the assistance of 21 part-time workers.

These problems are very similar to those addressed by the LEAA-JFMIP task force and, if the task force's recommendations are followed, they should be corrected. Therefore, we do not believe it is necessary to make separate recommendations on steps to improve management of these programs.

CHAPTER 6

SCOPE OF REVIEW

We sent questionnaires on LEEP to 550 recent college graduates who had received LEEP assistance. Eighty-five percent of those sampled responded. (See p. 51 for details of sampling method and statistical analysis.)

To determine how effectively LEAA has administered LEEP and the Internship and Educational Development Programs, we reviewed appropriate LEAA documents and interviewed LEAA officials at LEAA headquarters and at the Philadelphia and Chicago Regional Offices. We also visited and held discussions with officials at Northern Virginia Community College, Annandale, Virginia; Catonsville Community College, Catonsville, Maryland; the University of Maryland; Virginia Commonwealth University; Southern Illinois University; and Michigan State University to determine what problems institutions were experiencing in administering LEEP and the Internship and Educational Development Programs.

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated Refer to Initials and Number

May 12, 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 "Problems in Administering Programs to Improve Law Enforcement Education."

Generally, we agree with the report and its recommendations and share GAO's concern regarding the need to address the problems in administering programs to improve law enforcement education. We also wish to thank GAO for its excellent work. The overall validity of GAO's review and the methodological techniques used to formulate conclusions were highly sophisticated and reflected a true sense of professionalism.

Many of the problems and recommendations contained in the report are timely and will help guide both the Law Enforcement Assistance Administration (LEAA) and the Department in taking corrective actions to improve the administration and management of LEAA's Law Enforcement Education Program (LEEP). We also consider GAO's observations and comments on the problems mentioned in the report to be relatively fair and objective.

LEAA recognized most of the problems cited in the report before GAO made its review and, in many cases, LEAA had initiated corrective actions. The GAO report acknowledges that LEAA had taken steps to make improvements and that, indeed, significant elements of past problems have already been resolved. This letter comments on LEAA's most recent actions and plans for dealing with the recommendations and problems contained in the draft report.

GAO note: The numbers in brackets refer to page numbers in the final report.

[17]

On page 36 of the report, GAO recommends that LEAA:

> Provide information on employment opportunities to LEEP participants and determine what factors are precluding many LEEP graduates with no criminal justice work experience from finding criminal justice employment.
>
> Consider how career counseling and placement services might be afforded to LEEP participants to insure that criminal justice agencies will benefit from their knowledge and training.

The need to provide employment information to LEEP recipients was recognized by the LEAA-Joint Financial Management Improvement Program task force, which was established in January 1974 to help improve LEEP management and operations. The task force recommended the establishment of criminal justice manpower information exchange centers in each state and the nationwide exchange of information concerning manpower needs through regional and national information summaries. To achieve this goal, a long-range effort will be required. The congressionally mandated national manpower survey (P.L. 93-83, Section 402(c)) will identify ways of matching students with available job opportunities. As the first phase, LEAA has initiated a national manpower survey to identify ways of reducing the number of students who do not find criminal justice jobs. Survey results will be available at the end of fiscal year 1976, at which time LEAA will issue appropriate guidelines as required by the Act.

About 85 percent of the students participating in LEEP are already in the criminal justice system and are participating in the in-service portion of the program. However, in recognition of the problems encountered by preservice students in obtaining information on employment opportunities and finding criminal justice employment, LEAA has prepared policy revisions for implementation in fiscal year 1976, which prescribe new program requirements for both preservice programs and selection of preservice students. Program requirements are designed to assure that the student will (a) learn about criminal justice principles, standards, and concepts in the classroom; (b) obtain practical experience in the field; and (c) receive assistance in obtaining employment. These policy changes will require institutions participating in the LEAA preservice loan program to:

1. Offer a criminal justice degree.

2. Employ a full-time criminal justice program director.

3. Develop and sponsor internship arrangements with criminal justice agencies so students may obtain criminal justice work experience.

4. Provide placement services for criminal justice preservice students.

Under an educational development grant authorized by Section 406(e) of the Act, a consortium of seven schools is now devising model counseling services to address the needs of both criminal justice agencies and the students.

The Internship Program, authorized under Section 406(f) of the Act, provides preservice students with valuable on-the-job experience which will assist them in making career choices and increase opportunities for employment by relating conceptual education to job performance. The past level of funding at $500,000 per year, however, has limited participation to less than 1,000 students per year.

In addition, new criteria has been developed which is designed to aid school officials in identifying and selecting preservice students with a greater degree of commitment to a criminal justice career than students have shown in the past. The criteria requires the student to be enrolled in a criminal justice degree program and to be at least a sophomore. In selecting preservice students, school officials will be expected to consider the student's demonstrated ability and familiarity with the criminal justice field. In addition, the guideline criteria will clearly set forth the requirements for counseling preservice students. Specifically, school officials must discuss with the student his potential for successful service in the criminal justice system.

[19]

On page 38 of the draft report, GAO states that:

> LEAA, at various times, could not identify students who owed LEAA for loans or grants received because they had not met certain legal obligations to pursue or continue criminal justice careers.

Since the time GAO made its audit, LEAA has taken significant steps to correct the deficiencies cited in the draft report. By using improved processing techniques and

additional staff, LEAA has been able to eliminate serious backlogs in the processing and filing of LEEP notes and is now operating in a timely manner. Actions taken by LEAA include:

1. Reorganizing LEAA's Billing and Collection Division into teams with specific areas of responsibility.

2. Developing an operating procedures manual and a training manual to assist the Billing and Collection Division.

3. Developing specifications for a new computer system.

4. Modifying the current billing and collection system to enhance document processing and eliminate the correspondence backlog.

5. Dividing quarterly billings into monthly cycles to make the workload more manageable.

6. Processing and updating billing statements within 30 to 60 days of receipt.

[22]

GAO states, on page 44 of the report, that:

> LEAA did not have adequate information on the amount of individual institutional expenditures, or the amount of unexpended funds on hand at institutions at the end of the fiscal year.

The use of a new LEEP grant award document has made it easier for LEAA to identify the status of funds at individual institutions participating under LEEP. Furthermore, LEAA recently began assigning grant numbers to all LEEP grant award documents. The grant numbers will be included in the main line accounting system and will be used in all subsequent fiscal years. This procedure will ensure fiscal year integrity as well as maintain the status of each grant.

[23]

On page 46 of the report, GAO states that:

> LEAA also did not have adequate information on LEEP participants, did not maintain adequate records and could not hold individuals responsible for having received LEEP assistance.

LEAA has taken considerable action to correct these weaknesses since the GAO audit. Many of LEAA's problems were caused by sheer volume of documents received at one time. LEAA now has a system of scheduling and monitoring student notes to assure timely submission. The system is designed to distribute the workload more evenly which, in turn, improves the movement of the documents through the processing operation. Additional staff has also been made available to assist in this activity. In addition, a contract recently awarded for manually editing student notes has contributed significantly to the timely processing of grant award documents.

In the past, the LEAA staff attempted to correct incomplete or inaccurate student notes. Now, LEAA's accounting system will not accept improperly completed notes until they are corrected by the responsible institution. These procedures have decreased note processing time from an indefinite time period ranging from 3 months to over 1 year to an average of less than 60 days. Moreover, LEAA has improved the processing of LEEP data by working closely with its contractor in programming and using the computer. LEAA is presently working on an improvement which will ultimately reduce the total processing time for LEEP notes to less than 30 days.

[25]

GAO states, on page 48 of the draft report, that:

> Problems encountered by LEAA in allocating LEEP funds to schools were due, in part, to the lack of information available to review panels for the first 4 years of the program.

In response to this problem, LEAA has initiated policy and procedural changes to bring more objectivity into the process of determining institutional allocations. The program guidelines for fiscal year 1976 state that the purpose of LEEP is to "provide financial assistance for higher education which will contribute to the development of human resources needed by the criminal justice system to reduce crime and delinquency." These guidelines also establish criteria for evaluating applications from institutions for funds.

Recently developed guidelines establishing minimum qualifications for institutions to participate in LEEP will provide evaluation criteria regarding the nature of academic

programs, qualifications of faculty, and quality of past program management. Furthermore, insofar as LEEP being defined as a manpower development program, institutional LEEP applications will be evaluated in relation to overall criminal justice manpower needs as determined in LEAA and State plans and programs.

When reviewers begin the application evaluation process for fiscal year 1976, they will have detailed information showing prior year expenditures for each school. Copies of all "Summary and Certification Sheet" forms submitted to LEAA in fiscal year 1975 will be attached to the fiscal year 1976 applications from institutions. This form shows executed student notes classified according to funding priorities and summarized by number and dollar amounts.

LEAA regional offices responsible for award determination will be provided with copies of Note Control Log sheets processed by the LEAA's Headquarters Office. These sheets verify institutional LEEP expenditures, represented by fiscal year 1975 student notes, accepted into the central accounting system.

On page [28]
On pages 54 and 55 of the report, GAO states that:

> School administrators had difficulty each term determining how many students to fund and how much to allow each because they could not be certain of the amount and timing of LEEP disbursements to be received from LEAA.

During fiscal years 1974 and 1975, LEAA revised its internal procedures to ensure timely fund disbursements to institutions participating under LEEP. Currently, fund disbursements are approved and initiated by LEAA's regional offices on the basis of their assessment of each institution's (a) need for funds, (b) expenditure documents for student notes, and (c) compliance with procedures established for reconciling the institution's account for the previous fiscal year. It is now policy to delay disbursements only when the school does not follow established fiscal management procedures.

Beginning with fiscal year 1975, LEAA regional offices have been assigned responsibility for monitoring the closeout of institutional LEEP accounts at the end of each fiscal year.

[36]

On page 68 of the report, GAO recommends that LEAA:

> Monitor the effectiveness of LEAA's regional offices' staff in carrying out their responsibilities to determine whether additional staffing may be necessary in some regions to effectively administer the LEEP program.

Currently, LEAA's Office of the Comptroller and Office of Regional Operations are taking administrative action to restructure and clarify the financial and program responsibilities assigned to regional office staffs who carry out LEEP management functions. Staffing guidelines for regional offices have been issued. As a minimum, the guidelines require each regional office to have a manpower specialist for LEEP administration in addition to the personnel assigned to the regional office's financial management division.

We appreciate the opportunity to comment on the draft report. Please feel free to contact us if you have any further questions.

Sincerely,

Glen E. Pommerening
Assistant Attorney General
for Administration

APPENDIX II APPENDIX II

SAMPLING METHOD AND STATISTICAL ANALYSIS OF LEEP QUESTIONNAIRE

We developed a questionnaire to obtain the opinions and experiences of former program participants. We obtained lists of students from school years 1972 and 1973 who had successfully completed the program of instruction (i.e., obtained a degree or certificate) at 50 randomly selected schools. These institutions geographically represented all participating schools and also included schools with both large and small LEEP programs. From these lists, 550 names were randomly selected to receive a questionnaire. Because schools eligible to provide LEEP grants include 2-year as well as 4-year colleges, the term "successfully completed" means that the student received either a certificate or an associate, a bachelor, or more advanced degree. In many instances students completed a lower level program (e.g., an associate degree) and then, with LEEP assistance, continued their education to achieve a higher degree.

Following is a breakdown of responses to our questionnaire:

	Number	Percent
In sample	550	
Questionnaires returned	465	85
No response	60	11
Address unknown	25	4

Chi-square tests of independence and goodness of fit

Our chi-square test of independence was made to establish whether an association (dependency relationship) existed between the variables being tested and to determine the strengths of identified associations.

For example, as shown in the tables below, a higher proportion of respondents who were working in agencies which had educational reward programs attributed their pay increases to LEEP courses.

	Educational reward programs		
Pay increases	Yes	No	Total
Yes/probably yes	84	56	140
No/probably no	24	153	177
Total	108	209	317

APPENDIX II APPENDIX II

The chi-square test of independence can be used to determine whether the difference in proportions is significant or is merely the result of chance variations of our sample selection.

Using a chi-square statistic and chi-square table, we determined the significance of the association between the variables tested and a confidence level which represents the probability that the association was not a product of chance related to our sample selection.

We interpreted the confidence levels with the chi-square test of independence and goodness of fit as follows.

Confidence that observed association is not a product of chance	Definition of association
95 percent or greater	Highly significant
90 to 94 percent	Significant
Less than 90 percent	Insignificant

Tests of independence:

Table A

Association Between Prior Criminal Justice Experience and Professional Area

Prior criminal justice experience	Professional area: Police	Professional area: Other (note a)	Total
Yes	256	41	297
No	36	23	59
Total	292	64	356

a/ Includes probation and parole, courts, and corrections.

Significance of assocation: Highly significant

Degrees of freedom: 1

Corrected chi-square value: 19.489

Confidence level: 0.99+

Phi: 0.23397

Table B

Association Between Educational Reward Program and Promotion

Promotion	Educational reward program: Yes	No	Total
Yes/probably yes	56	71	127
No/probably no	47	126	173
Total	103	197	300

Significance of association: Highly significant

Degrees of freedom: 1

Corrected chi-square value: 8.572

Confidence level: 0.99+

Phi: 0.16903

Table C

Association Between Educational Reward Program and Pay Increase

Pay increase	Educational reward program: Yes	No	Total
Yes/probably yes	84	56	140
No/probably no	24	153	177
Total	108	209	317

Significance of association: Highly significant

Degrees of freedom: 1

Corrected chi-square value: 73.003

Confidence level: 0.99+

Phi: 0.47989

Table D

Relationship Between Sex and Difficulty in Finding Criminal Justice Jobs

Sex	Got a job	Could not find a job	Total
Male	50	24	74
Female	7	13	20
Total	a/57	37	94

Significance of association:	Highly significant
Degrees of freedom:	1
Corrected chi-square value:	6.419
Confidence level:	0.9887
Phi:	0.25724

a/ Two additional respondents did not identify their sex and therefore are not included in the table.

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APPENDIX III APPENDIX III

CRIMINAL JUSTICE AND HUMAN RELATIONS AREAS

Community relations

Prevention and suppression of riots and disturbances

Preparing inmates for parole

First aid treatment

Current issues in court reform

Crowd dispersal

Preparation of records and reports

Control of contraband

Familiarity with black ghetto language and customs

Familiarity with other ethnic attitudes and customs

Recognizing and dealing with deviant behavior

Legal aspects of sex offenses

Legal aspects of arrest, escape, detainment, search, etc.

Dealing with conflicts and tensions in a neighborhood

Recognizing and dealing with evidence of drug dependency

Legal definitions of crime and participants in crime

Methods of restraint

Use and care of firearms

Ability to communicate with supervisors and coworkers

Good human relations principles

APPENDIX IV APPENDIX IV

PRINCIPAL DEPARTMENT OF JUSTICE OFFICIALS RESPONSIBLE FOR ADMINISTERING ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
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

APPENDIX B-9

CONDITIONS IN LOCAL JAILS REMAIN INADEQUATE DESPITE FEDERAL FUNDING FOR IMPROVEMENTS, APRIL 5, 1976

REPORT TO THE CONGRESS

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

Conditions In Local Jails Remain Inadequate Despite Federal Funding For Improvements

Law Enforcement Assistance Administration
Department of Justice

Standards for the adequacy of physical conditions and services to be provided in local jails are needed in the United States. The standards should be developed jointly by the States and the Law Enforcement Assistance Administration.

This is shown by GAO's findings that Law Enforcement Assistance Administration funds did not result in adequate improvements of overall jail conditions and by recent Federal court decisions mandating that some localities improve their local jails or close them.

This report raises questions concerning whether Law Enforcement Assistance Administration funds should be spent to improve local jails that remain inadequate--even after Federal funds are spent.

GGD-76-36

APRIL 5, 1976

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 report discusses the less than satisfactory results achieved when Law Enforcement Assistance Administration (LEAA) funds were applied to the renovation or construction of local jails. In 1972 there were over 3,900 local jails in this country holding about 142,000 inmates. Many of these jails were built before 1900 and were in such condition that Federal courts were ruling that individual jails had to be improved or closed.

We did the review to determine how LEAA funds were being applied to the problem and whether the approach was producing acceptable jails. This report discusses steps that LEAA could take to better assure that local jails, when improved with Federal funds, will meet acceptable jail standards.

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

CONDITIONS IN LOCAL JAILS REMAIN INADEQUATE DESPITE FEDERAL FUNDING FOR IMPROVEMENTS

Law Enforcement Assistance Administration
Department of Justice

D I G E S T

This report raises questions concerning whether Law Enforcement Assistance Administration funds should be spent to improve local jails that remain inadequate even after Federal funds are spent. This lack of progress in improving local jails is disconcerting.

A GAO review of conditions in 22 local jails in Ohio, Iowa, Louisiana, and Texas showed that overall physical conditions of the jails and the availability of services remained inadequate. The communities are identified in appendix II.

The problem calls for national leadership from the Law Enforcement Assistance Administration when Federal funds are requested. (See pp. 38 and 39.) Direction from the Congress is needed to indicate the extent to which the block grant concept allows the Law Enforcement Assistance Administration and the States to adopt agreed upon minimum national standards when using Federal funds for certain types of projects. (See p. 41.)

To date, there are no nationally acknowledged standards to be applied in determining whether physical conditions are adequate and whether sufficient services are available in local jails. (See p. 10.) In the absence of positive actions at all levels of government, the Federal courts in some localities have mandated standards to be met by individual jails. (See app. I.)

The Attorney General should direct the Administrator of the Law Enforcement Assistance Administration to develop, in

conjunction with the States, standards that must be met if Federal funds are to be used to improve the physical conditions of local jails.

The Attorney General should also direct the Administrator to deny block grant funds for use in improving local jails if an applicant does not submit a plan which will bring the jail up to the minimum standards regarding physical conditions developed with and agreed to by the States. (See p. 39.)

Only 29 to 76 percent of the desirable characteristics for local jails cited by criminal justice experts were present in the 22 local jails GAO visited. (See p. 19.) For example:

--Inmate security and safety did not always exist.

--Nine local jails and one State unit did not have operable emergency exits.

--Five jails and the same State unit did not have fire extinguishers.

--Three had cell doors which did not lock, although doors to cell blocks did.

--All but four jails had multiple occupancy cells.

--Nine did not provide matron service to supervise female inmates 24-hours-a-day.

--Sanitary conditions were inadequate.

--Elementary commodities (toothpaste, razors, and clean bedding) frequently were in short supply or absent.

--Four jails had cells which either did not contain toilets or did not have ones which worked.

--Eating space in 16 of the 22 jails was either in the cells or in the cell block, with sanitary facilities in full view.

--Only 11 jails had visiting space separate from the cells; only 6 provided space where inmates could converse privately with visitors, but generally private space was provided for conferences with attorneys.

--Five jails did not have a private area to search the prisoners. (See ch. 3.)

Services provided inmates in the local jails were inadequate. The low number of offenders incarcerated in the jails for long periods makes it impractical to develop sophisticated service programs; nevertheless, some services should be provided.

Generally, jail administrators had not shown any initiative in trying to use community service agencies or volunteers to provide the inmates some minimal services. Moreover, neither the Law Enforcement Assistance Administration nor the States had developed any guidelines requiring jails receiving Federal moneys to begin such actions.

More services could be provided because, in most localities, community resources were available to provide some services to inmates. Sixty-three percent of the local organizations visited had not been contacted by jail administrators. Yet, many were willing to provide some services.

As a minimum, local jails should consider either hiring a counselor or using a volunteer to discuss inmates' problems with them and refer them to community service agencies for help once they leave the jails. (See ch. 4.)

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

--establish minimum standards in conjunction with the States relating to services that should be provided and the types of community assistance jail administrators should seek and

--use the Administration's regional offices to encourage State and local officials to seek out community resources and to suggest that States require localities seeking funds to improve jails to specify what services are offered and available in the community.

The Department of Justice generally agreed with GAO's conclusions and recommendations and said that the Law Enforcement Assistance Administration recognizes the leadership it must provide and plans to use every resource within the framework of the block grant concept to improve local jail conditions. (See app. VI.) The specific actions contemplated by the Law Enforcement Assistance Administration, including making the upgrading of jails a national priority program, enacting new planning requirements, and enforcing more adequately certain State planning requirements, should help to assure that Federal funds are used to improve local jail conditions.

However, the Department stated that rather than developing agreed upon minimum national standards, it will encourage each State to establish minimum standards. Such a proposal would not adversely affect local jails in progressive States and localities. They would probably establish acceptable standards. But what about those States less willing to change? One way is to place a condition on the use of appropriate Federal funds. Developing agreed upon mimimum standards could facilitate positive changes in such localities should they choose to use Law Enforcement Assistance Administration money for local jails.

Thus, GAO recommends that the cognizant congressional legislative committees discuss with the Justice Department whether the block grant concept allows the adoption of agreed upon minimum standards to be applied nationally for federally funded projects or whether additional clarifying legislation is needed. (See p. 41.)

CHAPTER 1

INTRODUCTION

In 1972 there were over 3,900 local jails in the country with about 142,000 inmates. About 75 percent of the jails were small, holding 20 or fewer inmates. National studies have shown that many local jails are in poor physical condition and do not provide adequate facilities and services to rehabilitate the offender.

Local jails (as distinguished from lockups) are authorized to hold persons for longer than 48 hours and, generally, house persons awaiting trial (pretrial) as well as persons sentenced to incarceration for a term of 1 year or less. Local jails are generally operated by local law enforcement agencies and represent the initial contact that persons have with the corrections system.

During the past decade the courts have found that some jail systems constitute "cruel and unusual punishment" in violation of the Constitution. The conditions found unacceptable by the courts have included both the physical conditions of the facilities and the lack of adequate programs or services available to the occupants. Details of several relevant Federal court decisions are summarized in appendix I.

This report discusses the conditions in 22 local jails in Ohio, Iowa, Louisiana, and Texas after Federal funding had been spent for construction and/or renovation and discusses the impact that Federal funding has had on improving the conditions for local jail occupants.

We reviewed jails of varying capacity to determine if some of the problems were solved more easily when handling larger populations. We also reviewed four State-operated institutions--three in Delaware and one in Rhode Island 1/--for comparison purposes. The capacity breakdown of the jails visited was:

1 to 50	14
51 to 150	8
151 and more	4

Chapter 6 discusses in detail the scope of our review.

1/The four Rhode Island facilities are discussed as one institution in this report because one warden administers all of them. These four facilities are in close proximity to each other even though they are not within one enclosure.

THE FEDERAL GOVERNMENT INVOLVEMENT IN CRIMINAL JUSTICE

The Federal Government helps State and local governments improve their local jails primarily by providing funds through the Law Enforcement Assistance Administration (LEAA). LEAA was established by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3701). The act provides for State criminal justice planning agencies (SPAs), responsible to the Governors, to manage the funds provided by LEAA. Each SPA must develop a State plan to indicate how it will try to prevent or reduce crime and improve the criminal justice system. The SPA is to be assisted in preparing the State plan by regional planning units composed of representatives from law enforcement and criminal justice agencies, units of general local government, and public agencies. The plan, when approved by the LEAA regional administrator, is the basis for LEAA's grant to the State.

LEAA's Office of Regional Operations develops guidelines the States must follow when developing State plans and establishes the policies and procedures for LEAA regional offices to use when reviewing and approving State plans. Each LEAA regional office has designated a representative for each State in its region to provide assistance in developing and reviewing comprehensive annual plans. The regional office also provides technical assistance to the States when requested.

LEAA's legislation provides funds to be awarded to States and local governments for programs and projects to improve and strengthen law enforcement and criminal justice. These funds are referred to as action grants and are awarded as either block or discretionary grants. Block grants are awarded in total to the SPAs which determine further distribution of the funds. Discretionary grants are awarded to specific groups on the basis of LEAA-approved applications in accordance with LEAA criteria, terms, and conditions.

Action grants are available under two major sections of LEAA's legislation--part C and part E. Part C was established in the original legislation, and part E was added in 1971 to supplement, not supplant, part C funds. The following describes the major features of the two parts of the Omnibus Crime Control and Safe Streets Act as of the 1973 amendments.

	Part C	Part E
Funds available to	All aspects of law enforcement and criminal justice	Correctional institutions, facilities, programs, and practices
Percent available for:		
Block grants	85	50
Discretionary grants	15	50
Minimum matching funds required (percent):		
Construction projects	50	10
Nonconstruction projects	10	10
Matching funds will be	Money appropriated in the aggregate by the State or units of general local government or provided in the aggregate by a private nonprofit organization	Money appropriated in the aggregate by the State or units of general local governments

For fiscal years 1969-74, LEAA was appropriated $2.6 billion, which included $347.7 million part E funds, to improve the criminal justice system. Block and discretionary grants to the States reviewed through fiscal year 1974 are summarized in the following table.

	Rhode Island	Delaware	Ohio	Iowa	Louisiana	Texas
	(000 omitted)					
Part C:						
Block	$ 8,793	$5,143	$ 99,520	$26,343	$34,044	$104,315
Discretionary	1,638	2,525	21,003	2,070	7,232	19,382
Total	$10,431	$7,668	$120,523	$28,413	$41,276	$123,697
Part E:						
Block	$ 860	$ 497	$ 9,652	$ 2,216	$ 3,300	$ 10,147
Discretionary	696	783	11,010	417	8,892	7,919
Total	$ 1,556	$1,280	$ 20,662	$ 2,633	$12,192	$ 18,066
Parts C and E:						
Block	$ 9,653	$5,640	$109,172	$28,559	$37,344	$114,462
Discretionary	2,334	3,308	32,013	2,487	16,124	27,301
Total	$11,987	$8,948	$141,185	$31,046	$53,468	$141,763

Correction projects, including projects involving construction or renovation of local jails, are reported by the States under various categories. The following unverified data for jail construction or renovation projects from 1971 through 1974 was obtained from SPA records and may not reflect all projects. The projects reviewed were selected from this data. Information for 1969 and 1970 was not readily available at some locations.

Funds Provided for

Construction and/or Renovation of Jails

Fiscal Years 1971-74 (note a)

Funds	Amount				Percent of total funds			
	Ohio	Iowa	Louisiana	Texas	Ohio	Iowa	Louisiana	Texas
	(000 omitted)							
Part C:								
Block	$1,854	$ 809	$2,645	$1,733	2	3	9	2
Discretionary	2,921	-	200	-	15	-	3	-
Total	$4,775	$ 809	$2,845	$1,733	4	3	7	2
Part E:								
Block	$ 990	$ 250	$ 11	$ 996	10	12	-	10
Discretionary	550	280	6,100	270	5	67	69	3
Total	$1,540	530	$6,111	$1,266	8	22	50	7
Parts C and E:								
Block	$2,844	$1,059	$2,656	$2,729	3	4	8	3
Discretionary	3,471	280	6,300	270	12	12	41	1
Total	$6,315	$1,339	$8,956	$2,999	5	5	18	2

a/No construction and/or renovation projects were awarded to the State institutions in Delaware or Rhode Island.

CHAPTER 2

LOCAL JAILS: PROBLEMS, PROPOSED SOLUTIONS, AND DIRECTION OF EFFORT

In the States visited, little has been done to improve overall conditions of local jails that were renovated. Moreover, neither the Law Enforcement Assistance Administration nor the State planning agencies had specific criteria as to what constituted an acceptable facility or minimum standards against which to evaluate a project for funding purposes. New facilities that had received LEAA funds for construction had not incorporated some general standards advocated by corrections experts but overall were in better condition than renovated jails. The States had not developed adequate general plans to overcome some of the pressing problems faced by jail administrators.

The need for jails will not be completely eliminated even if all communities avail themselves of such alternatives as pretrial release, halfway houses, probation, and parole, since there will always be some individuals who either are not willing to accept the constraints in community-based programs or would present too great a risk to public safety if placed in such a program. Therefore, LEAA and the States must develop a workable strategy to provide acceptable jail facilities and services for local communities in a manner that can be economically and humanely justified.

PROBLEMS IN ATTAINING ACCEPTABLE JAILS

The "1970 National Jail Census" 1/ stated that, of the 3,319 local jails which served counties or were located in municipalities of 25,000 or more, 86 percent provided no exercise or recreation facilities and almost 90 percent had no educational facilities. A followup survey 2/ to the "National Jail Census" indicated that rehabilitative programs were very limited. For example, about 80 percent of the jails provided no inmate counseling, remedial education, vocational training, or job placement. A report by the National Advisory

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1/"1970 National Jail Census," Law Enforcement Assistance Administration, Department of Justice, Feb. 1971.

2/"Survey of Inmates of Local Jails 1972: Advance Report," Law Enforcement Assistance Administration.

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Commission on Criminal Justice Standards and Goals 1/ also commented on the poor physical conditions of jails and their lack of adequate services to those incarcerated.

These problems are still confronting many administrators throughout the Nation. Many jails need replacing as illustrated in the following comments from selected 1974 and 1975 comprehensive State plans.

--Many local jails are old, deteriorating, and unsafe and are located in areas too small in population and too short in resources to provide adequate correctional services.

--Inspection of facilities indicated a state of general deterioration compounded by other shortcomings, such as lack of fire extinguishers, lack of fire exits, and lack of operative fixtures--toilets, lavatories, lighting, beds, mattresses, heating, windows, painted walls, and showers. A survey of basic services provided to the offender--meals, exercise, and special custody--revealed an alarming absence of these services as well as a lack of ability to segregate offenders by age, sex, type of offense, or other special custody needs.

--For the most part, the local facilities are generally dirty, in need of paint and repair, poorly heated and ventilated, and sometimes fail to provide adequate security. As a whole, the county jails can best be described as "warehouses of human flesh" in which little or no rehabilitation efforts are made except for maintenance work.

--Many county jails and lockups are substandard. These facilities present health and safety hazards for both prisoners and staff, and many do not provide secure custody due to structural or equipment problems. In most county jails, work release is the only treatment program available.

--The majority of (the State's) jails are in such an advanced state of disrepair that the introduction of effective rehabilitation programs is impossible.

1/"Corrections, "National Advisory Commission on Criminal Justice Standards and Goals, 1973.

The length-of-stay for local jail inmates can vary from a few hours to several months, but transiency and rapid turnover characterize the jail population. In 20 locally operated jails visited, more than 70 percent of the inmates were incarcerated less than a week, many for alcohol or traffic related offenses. These offenders generally represent no danger and could be housed in minimum security facilities.

Local jails, however, also house persons awaiting trial or those sentenced for periods exceeding 6 months but generally less than 1 year. Although the number of these persons is low, they represent a much different challenge to the jail administrator. Some probably represent a danger to other inmates as well as to the community. Thus, the availability of maximum security arrangements becomes an issue in providing for the safety of other persons.

Deficiencies in the physical conditions of the jail may not represent a serious hazard to the health of inmates housed for short periods. However, the length-of-stay for some persons can be considerable, and deteriorated physical conditions can be detrimental to the physical well-being of such persons.

Services offered to inmates who will be incarcerated on the average less than a week must be nominal. However, such persons should be informed of services available in the community which may be beneficial to them. Offering assistance programs to persons incarcerated for a longer period would be feasible, but the cost of providing diverse beneficial programs to a few long-term inmates would probably be more than the community would approve.

None of the local jails visited were adequately coping with the needs of the diverse jail populations. The jails offered substantial security to jail personnel and the community but did not necessarily provide security to inmates. The physical conditions were often inadequate, and there were little or no rehabilitation services offered regardless of the length-of-stay or an inmate's need.

The money needed to provide adequate facilities and services to the jail population is probably much greater than local and State governments are willing to provide, especially when the taxpayers must authorize such expenditures. LEAA funding represents a limited source for the amount needed for the entire criminal justice system. In addition, for a grantee to be eligible for LEAA block grant funds, the Federal grant must be matched by State and/or local

funds. Therefore, the use of LEAA funds for any particular aspect of criminal justice is affected by the extent to which the State and local governments desire to or are capable of addressing the problem.

PROPOSED SOLUTIONS

Criminal justice authorities have suggested solutions to the local jail problem, as described in the following sections.

Community-based corrections

Criminal justice authorities, including the 1967 President's Commission on Law Enforcement and Administration of Justice, the National Advisory Commission on Criminal Justice Standards and Goals, and the National Clearinghouse on Criminal Justice Planning and Architecture, believe that many persons incarcerated in local jails are not a danger to society and should not be in jail. According to the National Advisory Commission, offenders are perceived as stereotyped prisoners regardless of the seriousness of the offense. Authorities stress the need to develop a broad range of alternatives to incarceration of the nonviolent offender.

Along these lines, LEAA and States are directing their effort to community-based corrections--alternative measures emphasizing community participation to reduce involvement of offenders with the institutional aspect of corrections. Although this solution may reduce the jail's population, it does not solve the problem of how to provide an adequate facility to those considered ineligible for release.

State-operated local jails

In 1973 the National Advisory Commission on Criminal Justice Standards and Goals reported that the most striking inadequacy of jails is their "abominable" physical condition. Recognizing that few local communities can be expected to have sufficient resources to resolve the problem and provide appropriate services, the Commission recommended that States take over the operation and control of local institutions by 1982.

As of late 1972, only five States operated and controlled all of their correctional facilities--Alaska, Connecticut, Delaware, Rhode Island, and Vermont. Each has only a few facilities. For example, Rhode Island has one location where it incarcerates all offenders, from pretrial to those with life sentences. Delaware has jails in 3 different communities, and Connecticut has 11 correctional facilities.

Regional-operated jails

The regional jail concept has been suggested as a solution to the local jail problem for some time. The 1967 President's Commission on Law Enforcement and Administration of Justice and the 1973 National Advisory Commission of Criminal Justice Standards and Goals referred to this concept under which one jail would serve multicounty or city-county needs. With the consolidation of the jail population from several counties, the size of the operation could justify a better physical plant and some rehabilitation services.

In the four States with locally operated jails visited, SPA officials endorsed the regional concept; however, there does not appear to be widespread acceptance and implementation of this concept. These 4 States have 670 jails, and there are only 3 facilities serving multicounties. One of these facilities is a farm which has been in existence since 1930 and is limited to sentenced minimum security offenders. The other two 1/ have only recently expanded into multiparish facilities, and participation by surrounding parishes has not been fully realized. Moreover, within the geographical area served by these facilities, local jails are still heavily used, which directly conflicts with the concept of regional facilities. Parishes within one of the geographical areas often refuse to send inmates to the regional facility because of the cost of daily prisoner upkeep.

Barriers that are difficult to overcome confront efforts to regionalize jails. With emphasis on community-based corrections, criminal justice authorities believe the offender should be kept in the community into which he will be reintegrated. With a centralized facility serving multiple communities, keeping the individuals involved in their home communities would be difficult.

A second barrier acknowledged by criminal justice experts and referred to continually by law enforcement personnel contacted is a transportation problem. Under a regional system, the offenders would be subject to constant movement, particularly in the pretrial stage. The transporting of inmates would require security guards. Some of the local sheriffs indicated that they were operating with an inadequate staff; thus, because of the security required to transport offenders, a regional jail would further stretch their

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1/Although these facilities are under one administrator, we have considered them as two facilities in this report because of their dissimilar characteristics.

limited resources and would reduce the time available for actual enforcement activities.

Various officials contacted also did not consider the regional concept to be politically or economically expedient. The regional concept could remove the local jail from the county along with the jobs it involves. Moreover, under the regional jail concept, the participating counties would have to appropriate funds for capital and/or operating costs to support an operation outside the county.

Because of the limited use of regional jails, we did not attempt to evaluate the barriers to implementing this concept. We believe, however, that it would be appropriate for LEAA to study the concept to determine the validity of cited problems in establishing regional facilities and develop a plan to eliminate or overcome them.

One variation of the regional jail concept that appears to have more promise is the combination city-county jail. If a city and contiguous county determine that the offender population is large enough to justify combining the correctional facilities of only the two jurisdictions, the above-mentioned barriers do not appear to be major problems. LEAA might study the feasibility of encouraging appropriate cities and counties to consolidate their operations.

DIRECTION OF EFFORT

LEAA has stressed the need to improve community-based corrections and, in line with this emphasis, States have also given priority to them. While the priorities followed by the units of government appear consistent with the recommendations of criminal justice authorities, the need to improve unacceptable local jails which house thousands of inmates is not ruled out. Generally, LEAA has provided little guidance concerning the need to improve local jails.

LEAA guidance

No firm standards exist as to what physical conditions and rehabilitative services should be available in a jail after LEAA funds have been spent. In practice, LEAA funds have been used on facilities which continued to have undesirable characteristics, if judged against criteria developed by certain corrections experts.

The 1971 legislation establishing part E funds required LEAA to prescribe basic criteria for part E applicants and grantees. Part C of the authorizing legislation does not contain similar language. In anticipation of the

1971 legislation, LEAA contracted with the University of Illinois for the services of a group in the University's Department of Architecture now called the National Clearinghouse for Criminal Justice Planning and Architecture (Clearinghouse). Under this contract the Clearinghouse developed the publication "Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults" (Guidelines).

In 1972 LEAA issued a directive that made it mandatory for all construction or renovation projects to be reviewed by the Clearinghouse following the criteria established in the Guidelines before part E funds could be awarded. This directive did not require such review for part C-funded projects.

The Guidelines suggested general methods for housing offenders and offering them services--they did not set minimum conditions to be met. Clearinghouse personnel told us that the Clearinghouse considers the Guidelines to be a flexible planning tool designed to accommodate each unique situation. They do not consider it mandatory for the project to provide all the physical conditions and rehabilitative programs in the Guidelines. If the Clearinghouse is unwilling to favorably recommend the project proposed even after discussions with the prospective grantee, part E funds cannot be awarded unless the proper LEAA regional administrator approves the project.

LEAA has established procedures that require projects funded by part E to be reviewed by the Clearinghouse. However, neither LEAA nor the Clearinghouse have established procedures to insure that the Clearinghouse is advised of the funding status on projects it has reviewed or that recommendations are incorporated into the project.

In November 1974 LEAA's regulations limited the use of its discretionary funds to not more than 5 percent of part C funds and 30 percent of part E funds in any one year for constructing any type of facility. According to LEAA, this policy was adopted because of limited available funds and urgent needs in other areas.

The above restrictions do not apply to block funds. LEAA permits each State to set its own priority for using block funds. However, it has recommended that the States require local areas to contribute a greater percentage of the project's total cost than required by law in order to increase the total funds available to the criminal justice system.

SPA efforts

Under the LEAA concepts, each State determines its own priority needs and allocates its funds accordingly. In approving the State comprehensive plans, LEAA does require that the major segments of the criminal justice system--police, courts, and corrections--receive adequate consideration. However, a State decides the allocation of its funds to the various types of projects within each system. Funds for corrections can be allocated to various programs, such as pretrial release, halfway houses, probation, parole, rehabilitative programs and renovations in large institutions, training of personnel, and local jail projects.

The need for improving local jails may not insure that such projects will receive higher funding priority than other correction projects whose need may be as great. The pattern of funding local jail construction or renovation projects varies among States. The following chart shows the number of jails and the number of improvement projects funded in 1971-74 for the States visited.

	Number of	
	Jails (note a)	Projects
Ohio	160	84
Iowa	92	19
Louisiana	96	11
Texas	322	28

a/Number of jails as reported in the "1970 National Jail Census."

In Ohio, although there were numerous grants for small amounts, multiple small grants were awarded to the same grantee. Therefore, grants were awarded for facilities in only 48 of Ohio's 88 counties. In Louisiana and Texas, large amounts were granted for relatively few projects. Iowa awarded only a few grants--some for new construction for combined city-county detention facilities and some for minor renovation of existing facilities.

The small number of jail projects in these States is not necessarily indicative of the number needing improvements. Officials of LEAA regional offices generally agreed that most local jails in their regions were in unacceptable condition. The following discusses the needs in each State and some reasons why LEAA assistance had not been provided to meet these needs.

Ohio

In referring to county jails, Ohio's 1974 Comprehensive Criminal Justice Plan stated:

> "Thus, many of these jails are hopelessly inadequate to provide even reasonable security and sanitation, let alone needed programmatic services."

In 1971 the Ohio Buckeye State Sheriff's Association surveyed the 88 county jails in Ohio. The survey showed that many of the jails were in poor condition and identified the 15 worst jails. Small project grants were awarded in 1972 and 1973 for renovating and repairing inadequate jails disclosed in the survey. Ohio has currently adopted a policy that new construction projects will generally be limited to facilities that serve an area encompassing a population of 150,000 or more and is placing primary emphasis on community-based corrections. The 1974 State plan allocated only $156,000 for constructing or renovating adult facilities, down from more than $1.8 million in the 1972 plan.

Iowa

Iowa's 1974 Comprehensive Criminal Justice Plan stated that many local jails were in satisfactory condition based on the Iowa Department of Social Services' inspections. However, the consensus of SPA and other State officials contacted was that local jails were in poor condition. Moreover, Iowa's 1973 plan stated that most county jail time is literally "dead time" with no programs aimed at rehabilitation or reintegration.

The SPA, however, has a policy directed toward community-based corrections rather than constructing and renovating local jails. Construction will, generally, be considered only if it involves a combined city-county law enforcement center. The SPA believes these centers have proven to be politically expedient while being cost effective and providing a "higher level" of services to the inmates. Four of the six projects reviewed were for this purpose. 1/ In each case, the facilities previously serving the locality had been closed or condemned.

1/Although these projects did achieve some consolidation, the ability of these facilities to offer some of the desirable standards--both physical and programmatic--is not practicable because of the small capacity of the new facilities (4, 12, 18, and 31).

The Iowa SPA in commenting on our report cited the following funding problem:

> "One other aspect which deserves mention is a requirement in the federal act as amended in 1973 which mandates the state to provide one half (1/2) of the local match. In a construction project such as the report deals with, the state share would therefore be 25% of the total cost. This stipulation has had the effect of curbing financial assistance in regard to this matter and as a consequence has also diminished the chances of continued work in improving available services. Thus, it is difficult to expect realistic objectives to be achieved without realistic support to be available to achieve said objectives."

The SPA director suggested that the Congress eliminate the one-half State share stipulation.

Louisiana

In commenting on local jails in Louisiana's 1974 State plan, the SPA said:

> "The majority of these facilities are aged, overcrowded, and constructed without forethought of sound correctional practices."

Before fiscal year 1975, the Louisiana SPA had encouraged local jail improvement. However, two SPA funding policy changes now preclude or discourage using LEAA funds for jail improvements in the State. Currently, the Federal share of a construction project funded under part C of the act cannot exceed 50 percent of the cost, and the State must provide at least one-half of the non-Federal funding. The State government is not willing to spend funds to provide its share for construction. Therefore, the SPA has adopted a policy not to fund construction using part C block funds. Any new local construction would be limited to discretionary or part E funds. Under part E funds, the SPA limits the Federal funds to only 50 percent of the project cost rather than up to 90 percent as authorized by the act. The SPA also requires the local government to provide the entire 50-percent non-Federal share.

In addition, the Louisiana SPA has adopted other funding policies to better insure that regional jails are developed. The SPA believes that regionalization will

--foster greater rehabilitative measures,

--provide adequate security measures to meet modern-day correctional standards, and

--result in economic advantages.

Texas

Texas recognized its local jail needs in its 1975 Criminal Justice Plan when it commented:

"Detention facilities in the State mainly suffer from lacks--lack of repair, lack of acceptable security standards, lack of programs that might minimize the social damage sometimes inflicted on persons detained, lack of financial and service resources, lack of community support, and lack of personnel training."

In Texas, priorities for projects to be funded with LEAA money are determined primarily at the regional planning unit level. At the time of our review, there had been few requests for jail improvement projects in Texas. This was attributed, in part, to the community attitude that jails are places of punishment. However, as a result of recent Federal court orders to improve local jail conditions, more attention might be given to local jails.

In commenting on this report, the Texas SPA stated:

"The Texas Criminal Justice Division (SPA) has been cognizant of the serious problems in the jails, but with limited funds in the area of jail renovation and construction and 254 counties in the State, the agency has been concentrating primarily on assisting the counties in the corrections system planning process. Unfortunately, once the county or counties (consolidation) have reached a decision based on comprehensive planning, in most instances, sufficient funds are not available on the local level to finance a major portion (66 2/3 to 75%) of the renovation and construction phase of the project. Based on these conditions, a significant increase of funds from other sources is desperately needed."

The Texas SPA was concerned that the conditions found in the few jails we visited might not present a true picture of the jail problem in Texas. Accordingly, the SPA

cited a survey of Texas jails completed by the Texas Department of Corrections' Research and Development Division. The survey, done from November 1973 to November 1974, covered 94 percent of the State's counties and found that:

--Approximately 49 percent of the jails have from one to four full-time employees and 50 percent indicate that they use part-time help.

--Approximately 58 percent of the county jails do not provide 24-hour supervision for each cell block.

--Sixteen percent of the jails were built before 1900 and 61 percent were built before 1940.

--Forty-four percent of the counties were in the process of constructing or renovating their jails.

--An estimated 12 percent of the jails added additional bunks during peak periods, while 40 percent reported sleeping prisoners on the floor.

--Sixty-seven percent of the jails indicated that their bed capacity ranged from 3 to 40, and 29 percent indicated their bed capacity ranged from 41 to 1,431.

--The number of cells in each county jail ranged from 1 to 30 for 85 percent of the jails and from 31 to 100 for 6 percent of the jails.

--Approximately 42 percent of the jails reported serving less than three meals per day, and the onsite survey revealed the absence of dietary programs for the jails. In addition, a significant number of jails indicated having inadequate facilities for serving or preparing meals.

--The onsite survey revealed that 10 percent of the jails provided visiting rooms, 58 percent provided religious services, and 70 percent provided commissary services.

--A maximum of 12 percent of the counties indicated the use of rehabilitation programs in their jails.

--Approximately 48 percent of the counties indicated that they were experiencing plumbing and/or electrical malfunction.

In our opinion, the Texas survey shows that the conditions we found in the renovated jails were rather common in the State.

The SPA believed that the "mechanism" needed to upgrade Texas jails may be contained in recently passed State legislation. However, this action does not resolve the problems of financing needed improvements. The SPA described the recent legislation thusly:

> "In 1975, the Legislature of the State of Texas passed House Bill No. 272 which established a Commission on Jail Standards. The Commission was created due to increasing pressure from Federal Courts acting on law suits that have so far targeted facilities and treatment of prisoners in twenty (20) Texas jails. Reports show only six (6) of the 254 counties have jails that meet State health department standards on sanitation, health and population.
>
> "Basically, the duties of the Commission are: (1) to promulgate reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance and operation of county jails; custody, care, and treatment of prisoners; the number of jail supervisory personnel and for programs and services to meet the needs of prisoners; and programs of rehabilitation, education, and recreation in county jails; (2) to provide consultation and technical assistance to local government officials with respect to county jails; (3) to review and comment on plans for the construction and major modification or renovation of county jails; and (4) to inspect county jails annually to insure compliance with State law, commission orders and rules and procedures promulgated under the Act. In addition, to the above general duties, the Commission has specific enforcement powers as follows:
>
> "When the Commission finds that a county jail is not in compliance with State law or rules and procedures of the Commission, or fails to meet the minimum standards prescribed by the Commission or by State law, it will report the noncompliance to the county commissioners and sheriff of the county responsible for the jail that is not in compliance.

The Commission will send a copy of the report to the Governor. The Commission will grant the county or sheriff a reasonable time, not to exceed one year after a report of noncompliance, to comply with its rules and procedures and with State law. If the county commissioners or sheriff does not comply within the time granted by the Commission, the Commission may, by order, prohibit the confinement of prisoners in the noncomplying jail and designate another detention facility for their confinement. The county responsible for a noncomplying jail will bear the cost of transportation and maintenance of prisoners transferred from a noncomplying jail by order of the Commission. The Commission, in lieu of closing a county jail, may institute an action in its own name to enforce, or enjoin, the violation of its orders, rules, or procedures, or of Article 5115, Revised Civil Statutes of Texas, 1925, as amended. The Commission will be represented by the Attorney General."

The diverse approach to funding local jail projects is matched by the diverse level of improvement achieved by the various projects as described in the following two chapters. Appendix II contains details on the amounts and purposes of the projects selected for review.

CHAPTER 3

NEED TO IMPROVE OVERALL PHYSICAL CONDITIONS OF LOCAL JAILS

Only 29 to 76 percent of the desirable characteristics for local jails generally cited by various criminal justice authorities were present in the 22 local jails reviewed. The 22 jails included 6 newly constructed facilities and one renovated facility not previously used as a local jail. The conditions in some of the jails appeared similar to conditions in other jails which had been found unacceptable by the courts.

DESIRABLE CHARACTERISTICS FOR LOCAL JAILS

What are acceptable physical conditions in local jails? There are no nationally acknowledged standards. Although some States have established criteria for inspecting local jail conditions, an American Bar Association report published in August 1974 stated that only 15 States have statutory authority to prescribe and enforce minimum standards and inspect local jails. Other States may have established inspection requirements but have no procedures for insuring corrective action.

Several associations or groups have issued advisory standards or discussed desirable characteristics for local jails. These include:

--"Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults," National Clearinghouse for Criminal Justice Planning and Architecture.

--"Guidelines for Jail Operations," National Sheriffs' Association.

--"Corrections," National Advisory Commission on Criminal Justice Standards and Goals.

--"A Manual of Correctional Standards," American Correctional Association.

Using these sources, we developed a compendium of desirable characteristics to assess the physical conditions of the local jails visited. We grouped the characteristics into four major categories.

Under the category of inmate security and safety, we assessed whether the jails had (1) populations not exceeding capacity, (2) single occupancy cells only, (3) adequate segregation of offenders by sex, age, and degree of violence, (4) operable emergency exits and fire extinguishers, (5) operable cell doors, (6) matrons present for female offenders, and (7) no drunk tanks.

To assess the sanitary conditions, we considered whether cells had operable toilets and wash basins and whether showers were clean and worked. We also considered the availability of such personal items as soap and toothpaste and the cleanliness of such things as blankets, sheets, and towels. To assess inmate comfort and rehabilitation, we considered whether dining facilities were separate from the cell blocks and whether such things as recreation facilities, ventilation, and lighting were adequate. Regarding privacy, we assessed such things as whether visiting space was separate from the cells and whether there was a private area where the prisoners were searched when first imprisoned.

INADEQUATE CONDITIONS

The absence of a significant number of desirable characteristics in the jails visited, after the jails had spent Law Enforcement Assistance Administration funds, indicates the extent of deficiencies in local jails and the need for a strategy for improving such facilities. To assume that every jail should have all of these characteristics is unrealistic. Inmate comfort, rehabilitation, and privacy characteristics increase in importance proportionately to the length-of-stay. Other characteristics, especially inmate security and safety, are important regardless of the length of incarceration.

In evaluating the conditions at each location, we determined the total number of listed features available at a particular jail and computed it as a percentage of the total items applicable to that particular jail. The following table summarizes by State and by general area the characteristics found in locally operated jails. The detail for each jail is shown in appendix III.

Percentage of Desirable Features Found by State

	Ohio	Iowa	Louisiana	Texas
Number of jails visited	5	6	6	5
Desirable features available:				
Inmate security and safety:				
Range	40/60	40/80	40/100	50/80
Average	50	60	58	65
Sanitation:				
Range	43/71	29/79	36/86	36/86
Average	57	63	61	60
Inmate comfort and rehabilitation:				
Range	10/70	10/40	20/80	20/50
Average	28	22	45	34
Privacy:				
Range	25/75	50/100	25/100	25/100
Average	45	71	64	55
Total:				
Range	34/68	29/63	34/76	42/68
Average	46	52	57	54

We also visited some State-operated facilities serving the type of population that is housed in local jails in other States. These States had not used LEAA funds to physically improve their institutions, but we visited them for comparative purposes. Our evaluation of the physical characteristics of these facilities indicated that, generally, they offered a better facility to inmates although they did not meet all desired characteristics, as shown in the following table and illustrations V and IX. The detail for each facility is shown in appendix III.

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Percentage of
Desirable Features
Found by State

	Rhode Island	Delaware
Number of jails visited	1	3
Desirable features available:		
Inmate security and safety:		
Range		56/71
Average	79	61
Sanitation:		
Range		64/93
Average	89	81
Inmate comfort and rehabilitation:		
Range		90/100
Average	98	93
Privacy:		
Range		100/100
Average	100	100
Total:		
Range		74/87
Average	92	82

Some of the more common problems in the jails are (1) lack of adequate segregation of classes of inmates, (2) multiple occupancy cells, (3) the presence of guard corridors, 1/ (4) drunk tanks, and (5) lack of dining and recreation facilities and space for rehabilitation programs. Some lack operable toilets in cells and laundry facilities for inmates' personal clothing and do not provide items such as toothpaste, razors, sheets, or pillows. Regular visiting space is frequently not separate from cell areas and does not offer any privacy, even for minimum security offenders. The following sections discuss why some characteristics are deemed desirable and why the facilities visited were or were not acceptable.

1/A guard corridor is a passageway between the exterior wall and the back of the cells. Inmates are generally not permitted in these corridors.

Inmate security and safety

This category includes the features of jails that provide protection to the inmate, such as segregation of various classifications of inmates and female supervision of female inmates.

According to the criteria we used, cells should be designed for single occupancy. In addition, all handling and supervision of female prisoners should be by female employees, and 24-hour matron service should be available. Normally, no male employee should enter the women's quarters unless accompanied by the matron.

Four of the 22 local jails visited had only single occupancy cells. The other 18, including 3 of the new facilities, had multiple occupancy facilities with varying capacities. For example, the McLennan County, Texas, jail had eight single occupancy cells, two 4-man cells, eight 6-man cells, one 8-man cell, and two 16-man dormitories.

Jail administrators usually allowed all males to leave cells and congregate in cell block corridors. In three jails, the cell doors would not lock, although the doors to the cell block did lock. Operable cell block doors are necessary to insure the safety of the public, and operable cell doors are necessary to provide for the safety of all inmates.

Illustrations I and II depict a typical cell in the new facility in Kossuth County, Iowa. This facility has single occupancy cells. However, single occupancy cells were not present in all the Iowa jails which received LEAA funds. As shown in illustration III, the area to house females in Woodbury County, Iowa, was constructed to house at least three in a room. The depressing cell areas in the Hamilton County, Ohio, jail (illustration IV) and the Sussex Correctional Institution in Delaware (illustration V) also show cells in which at least two persons were kept. The Hamilton County jail had 170 double occupancy cells. The jail population on the date of our visit was 235 inmates, and the jail generally housed an average of 270 inmates.

Desirable characteristics for housing female inmates were not always met. Five of the 22 local jails did not provide adequate audio segregation of adult female inmates from male inmates. For example, in Perry County, Ohio, the second floor of the jail was used to house female offenders, if the male population did not exceed the first floor capacity. If the second floor was needed for male inmates,

female inmates were transported to a neighboring county jail. No provision had been made for audio segregation between floors. Eleven facilities failed to provide audio segregation between adults and juveniles.

In regard to fire protection, nine of the local jails and one State facility did not have operable emergency exits and five local jails and the same State facility did not even have fire extinguishers or hoses available. These conditions are probably not even acceptable under local fire and building safety regulations.

Nine of the 20 local jails having accommodations for females did not provide 24-hour-a-day female supervision. Although it might be argued that it is not necessary to have 24-hour matron service, it is considered essential by correctional experts. A recent event demonstrated the reason why a matron should supervise female inmates 24 hours a day.

On August 27, 1974, a female inmate stabbed to death a male jailer whom she alleged was attempting to rape her. She was charged with first degree murder but was subsequently acquitted of the reduced charge of second degree murder. When the incident occurred, the woman had been in jail for 81 days. The jail had no matron on the staff and, according to the Southern Poverty Law Center's "Poverty Law Report,"

> "Women * * * had no privacy while bathing, changing clothes, or using toilet facilities. Prior to the jailer's death, they were under 24-hour surveillance by closed circuit television cameras which male personnel, or anyone in the jailer's office, could watch."

Since the incident, attorneys for the woman have filed a Federal court suit asking, among other things, that constitutional standards be set for care of female inmates in this particular county's jail.

Sanitation

This category includes the toilet and shower accommodations available to inmates as well as other hygiene items. A pervasive characteristic of the jails visited was their general low level of sanitation and cleanliness, which affects the health and morale of inmates and staff confined together in the jail. Such elementary commodities as towels, toothpaste, safety razors, 1/ and clean bedding were frequently in short supply or totally absent.

1/Safety razors and blades are accounted for by the jail staff to guard against theft and misuse.

Moreover, since single occupancy cells are more desirable for housing inmates, they should be equipped with necessary plumbing to assure that cells need not be opened at night. The lack of operable toilets in each cell precluded some jails from being able to confine their inmates within the cells. Four of the 22 local jails visited had cells which either did not contain a toilet or did not have an operable toilet at the time of our visit. For instance, the Logan County, Ohio, jail has 3 toilets for the entire 2-tier main cell block with a capacity of 18. One of these is in an isolation cell; the others are for the rest of the inmates.

The depressing physical characteristics of some jails visited are illustrated by the cells in Hamilton and Logan counties in Ohio and in the Sussex Correctional Institution in Delaware. (See illus. IV, V, and VI.) Some of the cells in Hamilton County were improved by the installation of new toilets in front of the in-the-wall facility. However, due to limited local funds, not all the cells were improved. The cell shown was one that was improved under the LEAA-funded project.

The condition of shower facilities also varied greatly as shown in illustrations VII, VIII, and IX. Four of the 22 local jails and 1 of the State-operated facilities we visited had, in our opinion, very unsanitary shower facilities that were extremely rusty and moldy.

Inmate comfort and rehabilitation

This category includes

--the dining area outside the cell and toilet area,

--adequate ventilation and lighting within each cell,

--recreation space, and

--absence of guard corridors.

The principle of human dignity and the purposes of rehabilitation require that offenders be accorded generally accepted standards of decent living. This applies to food, clothing, and shelter, as well as physical and mental health needs including recreation.

According to the criteria we used, inmates should not eat in cells, particularly if the cells contain sanitation facilities. The National Clearinghouse for Criminal Justice Planning and Architecture suggests that the dining setting convey a sense of eating together in an informal environment and recommends individualized seating through moveable furniture and small tables. Straight line eating arrangements should be avoided.

The State-operated jails had separate dining facilities; however, only three of the local jails had such facilities, and two of these involved facilities at the multiparish minimum security farms. The dining facilities at the Hamilton County, Ohio, jail consisted of permanently affixed tables with a bench on one side, as shown in illustration X. Although all inmates must face the same direction, at least the eating area was not in the cell block area. Typically, either a picnic-type combination dining/recreation table was located in a cell block corridor or no dining arrangement was provided, thus forcing inmates to eat in their cells. Illustrations III and XI show the combination dining/recreation table arrangement. In 16 of the local jails visited, inmates must eat in full view of toilet facilities; 9 facilities had either picnic table or table and chair accommodations; and 7 facilities offered no accommodations and inmates ate in their cells.

Recreation should be recognized as a wholesome element of normal life, and numerous criminal justice sources advocate the need for recreation facilities. However, only four of the local jails had indoor recreation facilities and only five had outdoor facilities.

Many facilities are designed generally for maximum security and include guard corridors, areas between the cells and exterior walls. The National Clearinghouse for Criminal Justice Planning and Architecture does not believe guard corridors are needed even with maximum security. They diminish natural lighting and prevent access to an exterior view. Illustration XII shows a typical guard corridor. Seventeen of the local jails had guard corridors which restricted the outside area that an inmate could view from his cell. This situation contributes to the boredom and frustration that offenders in such facilities experience.

Privacy

This category includes the type of space available for (1) visiting families and officials and (2) receiving or admitting procedures.

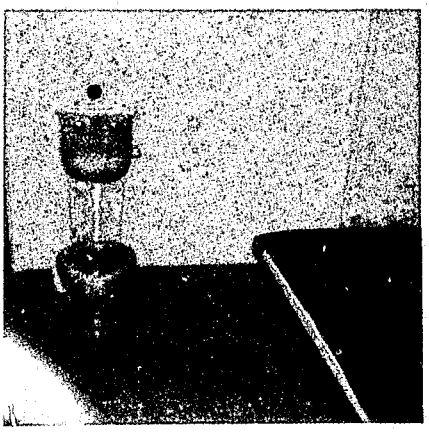

Illustration I

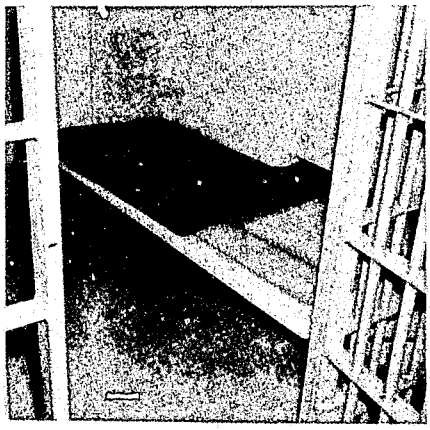

Illustration II

Typical cell
Kossuth County, Iowa

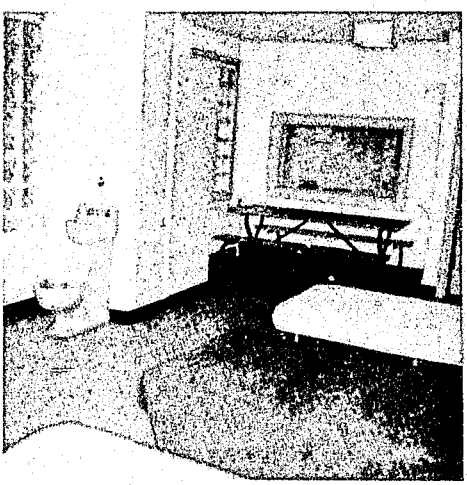

Illustration III

Female adult and juvenile area
Woodbury County, Iowa

Illustration IV

Typical cell
Hamilton County, Ohio
(Note multiple occupancy)

Illustration V

Typical cell, maximum security section,
Sussex Correctional Institution.
State-operated facility at Georgetown,
Delaware.

Typical cell
Logan County, Ohio
(No sanitary facilities in cell)

Illustration VI

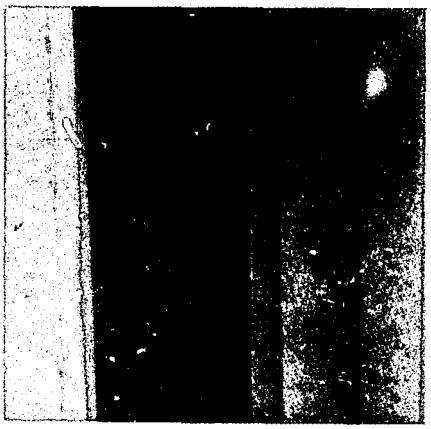

Illustration VII

Shower
Shelby County, Ohio

Illustration VIII

Shower
Hamilton County, Ohio

Illustration IX

Shower
Sussex Correctional Institution.
State-operated facility at
Georgetown, Delaware

Illustration X

Dining space
Hamilton County, Ohio

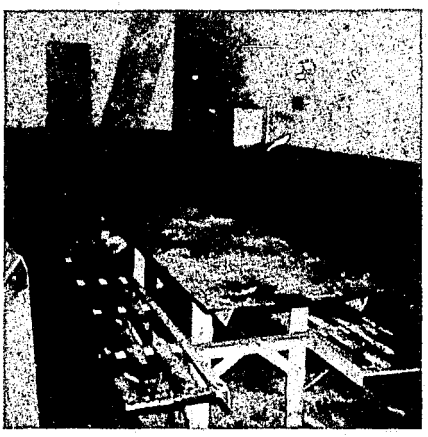

Illustration XI

Dining/recreation space
Logan County, Ohio
(Note opening for food pass-through)

Illustration XII

Guard corridor
Licking County, Ohio
Open rear of cells are to the right; exterior windows are to the left.

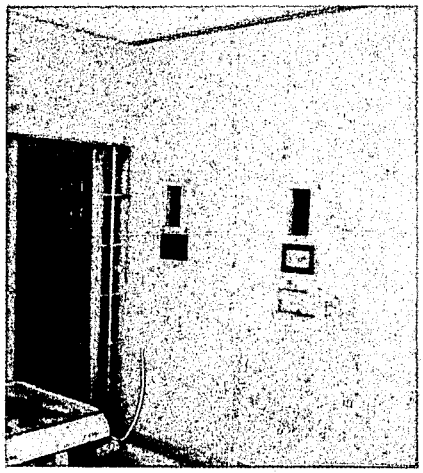

Illustration XIII

Inmate visiting portals
Childress County, Texas

Illustration XIV

Attorney visiting space
Scott County, Iowa

As important as it is to provide a healthy, safe environment to inmates, the ability to have frequent visits in an area that affords privacy is also important. Short length-of-stay inmates who offer little custody risk could be allowed face-to-face visiting in informal settings, and special consultation rooms should be available for visits from law enforcement personnel, attorneys, and clergy. Space should also be available so incoming prisoners can be searched in private.

Illustration XIII shows the visiting facility for the Childress County, Texas, jail. It consists of a small port through which the inmates converse with visitors. Many of the facilities we visited did not have adequate visiting space. Normal visiting space (excluding that provided for meetings with legal counsel) was separate from the cell area in 11 of the local jails we visited. The visiting space afforded privacy for conversations in only six of these facilities. Illustration XIV is an example of private visiting space made available for conferences with attorneys. Most of the jails did provide some type of private area for legal discussions.

Five of the local jails did not have a private area for search. Prior to LEAA aided renovation, the Hamilton County, Ohio, jail, conducted strip searches in an open corridor between the two main cell blocks. The renovation project provided a private area for strip searches.

CONCLUSION

Overall, the local jails we visited did not appear to be in adequate physical condition even after receiving LEAA funds to improve them. Many of the characteristics considered by criminal justice experts and Federal courts to be necessary to classify the jails as physically adequate were not present.

There will never be unanimous agreement on the standards necessary in jails to make them acceptable for housing offenders. Objections might be taken on the criteria we used to assess the physical adequacy of the jails. It might be argued that offenders do not deserve such facilities. Our purpose in using the criteria we did was not necessarily to endorse all aspects of those criteria, but to assess the improvements to the conditions of jails after expenditure of LEAA funds.

Any public facility should meet certain minimum safety and health standards. Thus, LEAA and the States should address what standards and criteria should be applied to

judge the adequacy of the physical conditions of local jails. The criteria we cited earlier in this chapter could be a starting point for arriving at standards acceptable to both LEAA and the States.

CHAPTER 4

NEED FOR ASSISTANCE TO INMATES IN LOCAL JAILS

Local jails are considered to be the intake point of the criminal justice system and, as such, should provide an opportunity to help inmates at an early stage. Five jails offered no services. Fifteen of the 22 locally operated jails provided only limited services, which were generally religious- or alcoholic-oriented or limited work release. The two farms offered more services. (See app. V.) The four State-operated facilities offered a greater variety of services, but these were not available to all classes of inmates.

The President's Commission on Law Enforcement and Administration of Justice stated in 1967,

> "* * * even the short term of most misdemeanant sentencing can be turned to advantage given more adequate resources and better developed processes for referral to community treatment agencies outside the criminal justice system."

The National Advisory Commission in 1973 recommended as one of its standards that local correctional facilities provide activities oriented to the inmates' individual needs, personal problem-solving, socialization, and skill development. The Commission recommended that these activities include:

--Educational programs available to all residents in cooperation with the local school district.

--Vocational programs provided by an appropriate State agency.

--A job placement program operated by State employment agencies and local groups representing employers and local unions.

--Counseling.

Although services are considered desirable, there are no nationally acknowledged standards.

According to jail administrators, one reason why assistance programs had not been provided was the inmates' short length-of-stay. Extensive assistance programs are not practical for this class of inmate. However, considering the

number of inmates incarcerated at the local level and the apparent pattern in their demographic background, such as young age and alcohol-related offenses, minimal counseling should be provided so the offenders could use further services upon release. This counseling could be provided by a jail staff member or a volunteer. For longer term inmates, greater consideration needs to be given to work or assistance release programs.

In most communities, the educational system, church and civic groups, social welfare agencies, and county alcoholics anonymous organizations could provide some assistance. Representatives of the organizations we contacted were willing to provide assistance although, in some instances, financial limitations restricted the extent of help that could be offered. Generally, the organizations had not been contacted by personnel responsible for jails; furthermore, there is no requirement by either the Law Enforcement Assistance Administration or the States that the local jail officials do so.

CHARACTERISTICS OF INMATES IN JAILS VISITED

We developed or obtained demographic data to determine the characteristics of the inmates in the 22 local jails and the 4 State-operated facilities visited.

Local jails

Some of the data for the locally operated jails is shown on the following page. More information is in appendix IV.

The demographic data shows that the inmate population was predominantly under 30 years of age. Traffic- and alcohol-related offenses constituted a significant percentage of the reasons for incarceration--over 50 percent in about half the jails. In all of the locally operated jails, excluding the farm which housed sentenced inmates only, more than 70 percent of the inmates were incarcerated less than a week.

As shown in appendix IV, the local jail population consisted predominantly of male residents of the county in which the jail is located or of neighboring counties. In addition, 60 to 90 percent of the individuals were awaiting trial.

Jail	Percentage of inmates		
	Under 30 years of age	With alcohol- or traffic-related offenses	With length-of-stay less than 7 days
Ohio:			
Licking County	56.9	51.8	84.9
Perry County	45.0	55.0	95.0
Logan County	50.5	59.0	89.4
Shelby County	57.5	59.7	90.3
Hamilton County	77.9	a/4.0	71.3
Iowa:			
Dubuque County	77.3	45.5	88.6
Kossuth County	45.0	52.5	92.5
Woodbury County	79.7	18.9	78.2
Monona County	71.4	33.3	88.1
Appanoose County	85.0	42.5	80.0
Scott County	60.7	39.3	88.8
Louisiana:			
Ouachita Multi-parish prison (note b)	59.5	46.0	78.0
East Carroll Multiparish:			
Jail	37.5	10.0	87.5
Farm	60.0	22.5	(c)
St. Martin Parish	60.8	22.2	89.9
Leesville City	71.9	37.9	83.7
Texas:			
Bastrop County	43.4	58.7	88.7
Atascosa County	59.3	65.5	92.3
Gillespie County	60.0	61.0	100.0
McLennan County	59.1	39.8	86.5
Childress County	44.5	60.0	88.9

a/Alcohol- and traffic-related offenses are handled at the Cincinnati Workhouse. There is also a program in operation in Cincinnati to handle drunk drivers in lieu of incarceration.

b/Separate records for the jail and farm populations were not maintained.

c/Only sentenced minimum security offenders are housed at the prison farm.

State-operated jails

Demographic data for the four State-operated jails was obtained from recent State studies. The studies show that inmates of State-operated facilities are also predominantly under 30 years of age. The offenses and lengths-of-stay of inmates at these institutions, however, are not comparable to those in local jails. Local jails primarily house persons awaiting trial and offenders sentenced to less than 1 year. State-operated jails also house such persons, as well as those sentenced to longer terms, including life in prison.

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The 1970 and 1972 national studies on local jails have shown that jail inmates are predominantly young males; over half are pretrial detainees or otherwise not convicted. Sentenced inmates are usually associated with misdemeanors, the most common being drunkenness or vagrancy, traffic violations, and drug possession. The 1972 study reported that about 6 in 10 were less than 30 years old. The demographic data we obtained also showed that the percentage of inmates under 30 ranged from 37.5 percent to 85 percent with the median being 59.3 percent.

AVAILABILITY OF SERVICES

We inquired as to the availability of services at the jails, such as those suggested by criminal justice experts and those available from community resources (vocational and educational agencies and alcohol, drug, religious, or social service counseling agencies).

Local jails

A summary of services available to the inmates of the 22 locally operated jails is shown below. More information is in appendix V.

	Ohio	Iowa	Louisiana	Texas	Total
Number of jails visited	5	6	6	5	22
Number of jails offering these services:					
Work release	-	5	2	-	7
Furlough	-	-	2	-	2
Educational release	-	-	-	-	-
Vocational training	-	-	2	-	2
Vocational counseling	-	-	2	-	2
Job placement	-	-	1	-	1
Education	-	-	2	-	2
Alcohol	1	3	1	1	6
Drug abuse	-	-	1	1	2
Religious	4	3	5	2	14
Social service counseling	1	-	1	-	2

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The locally operated jails, even those with a larger capacity, offered practically no services. Work release and religious services were the most commonly available, but even the existence of these varied among the States. In almost every instance, local jail administrators attributed the lack of services to inmates' short length-of-stay. They believed services are not practical unless an inmate is confined for at least 90 days, which generally was not the case in the jails visited.

As shown in appendix V, 5 of the 22 jails offered no services and 7 offered only 1. The Hamilton County, Ohio, jail, the largest of the local jails we visited, offered only religious services. The two multiparish farms in Louisiana offered the most services, but these facilities housed only sentenced minimum security inmates.

State-operated jails

The two State-operated systems shown in the following table generally offered a number of programs for inmate assistance. The existence of such programs supports the proposition that larger institutions, with inmates serving longer lengths-of-stay, are more likely to offer services.

	Rhode Island	Delaware	Total
Number of jails visited	1	3	4
Number of jails offering these services:			
Work release	1	3	4
Furlough	-	3	3
Educational release	1	3	4
Vocational training	1	2	3
Vocational counseling	1	2	3
Job placement	1	1	2
Education	1	3	4
Alcohol	1	3	4
Drug abuse	-	3	3
Religious	1	3	4
Social service counseling	1	3	4

Even the services in these State institutions, however, were limited in capacity and had restricted participation. In Rhode Island, where all types of offenders are housed at one location, services were available only to sentenced inmates, even though about 20 percent of the approximately 590 inmates were awaiting trial. Jobs in most shops, such

as the printing, tailoring, publication, and hobby shops, were available only to inmates in the maximum security unit, and about 75 of the 366 inmates in maximum security were employed in those efforts. The work release program had only 25 participants, and only 3 inmates were in study release programs.

In Delaware, educational and vocational programs were available to both sentenced and pretrial inmates but the programs were limited. There was no vocational training or counseling available at the Women's Correctional Institution, and only jobs in a furniture shop or farmwork were available at the Sussex Correctional Institution. In addition, sentenced or pretrial inmates could participate in vocational or educational programs only if it could be shown that the inmate would be incarcerated long enough to complete a course and had the basic intelligence quotient to handle course material. Only sentenced inmates could participate in work release, and the approximate number of participants was 71 of an average daily population of 700.

The services available at the facilities we visited are detailed in appendix V.

AVAILABLE COMMUNITY RESOURCES

In the communities visited, we inquired into the availability of organizations to provide minimal services to local jail inmates. The organizations contacted included school boards, alcoholic programs, employment services, ministerial societies, and public welfare agencies. Since States with State-operated jails do offer various services--even if on a restrictive basis--we limited our effort to communities in the four States operating local jails.

Resources were available in many communities, and organizations were willing to provide some services. However, 63 percent of the organizations visited had not been contacted by jail administrators. Another 23 percent had been contacted infrequently.

As an example, representatives of five organizations we contacted in Childress, Childress County, Texas, commented on services. Representatives of Alcoholics Anonymous and the State employment service indicated they provided limited services and were willing to continue with no additional financial resources. The superintendent of schools and members of the Council of Ministers had not been contacted by the jail administration and did not provide services but would be willing to do so. The superintendent of schools indicated

that additional funding would be needed. A representative of the Department of Public Welfare stated the department could provide assistance only to inmates' families.

We received similar responses from five organizations in Centerville, Appanoose County, Iowa. The five organizations--the Indian Hills Community College, the County Ministerial Association, and the three discussed below--had not been contacted and did not provide services but were willing to do so. However, the Iowa State Department of Social Services and the Iowa employment service indicated a need for additonal funds and/or staffing. The superintendent of the district community schools stated that by law, any services provided by the schools had to be limited to persons under 20 years of age.

The following table summarizes by State the results of our inquiries.

	Ohio	Iowa	Louisiana	Texas	Total
Number of communities visited	4	6	5	5	20
Number of organizations contacted	24	35	25	25	109
Contacted by jail officials to provide services:	----------(percentages)----------				
No contact	63	68	48	72	63
Informal and/or infrequent contact	33	6	36	24	23
Currently providing services	4	26	16	4	14
Organization's attitude toward providing services:					
Willing to provide services	62	57	44	56	55
Unable to provide services	13	3	24	28	16
Unwilling to provide services	21	14	16	12	15
Currently providing services	4	26	16	4	14
Restrictions to providing services:					
No restrictions	23	63	60	72	55
Inadequate resources	46	23	36	28	32
Miscellaneous	31	14	4	-	13

Sixty of the 109 organizations contacted (55 percent) were willing to provide services; however, 36 of the 109 organizations (32 percent) stated their present financial or staffing resources would restrict such services.

Therefore, other means should be found to supplement such groups' efforts. One available resource could be community volunteers. Criminal justice experts believe that volunteers are a viable resource for rehabilitative programs. They also point out that volunteers can serve a secondary purpose of communicating to citizens an awareness of the conditions of jails and possibly exert community pressure to improve the jails.

An LEAA-funded study 1/ concluded that between 60 to 70 percent of the criminal justice agencies surveyed had volunteer programs. Literature on criminal justice includes examples of successful programs using volunteers, such as:

--In a Royal Oak, Michigan, program volunteers are a major element in an extensive program for misdemeanants which offers individual and group counseling, job placement assistance, and aid with family problems. Partial pay is provided for some participants, but many other citizens serve without pay.

--The objective of a project in Westchester County, New York, was to demonstrate how citizen volunteers could effectively enrich the activities program in a short-term institution. Forty-one volunteers with various professional backgrounds but without any prior experience working with offenders were recruited and trained in the special requirements governing work in a correctional institution. Courses in needlecraft, typing and shorthand, personal grooming, nursing, and arts and crafts were organized. The results showed that citizen volunteers can enrich the activities program in a short-term correctional institution.

--Charlottesville, Virginia, has a program involving about 100 volunteers working with individual inmates at the county jail. A broad range of inmate programs operate in the jail including work release; alcoholism counseling; remedial educational, art, and hobby programs; and limited indoor recreation. All are conducted without cost to the jail.

1/"Guidelines and Standards for the Use of Volunteers in Correctional Programs," National Institute for Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Aug. 1972.

On the basis of information developed in the LEAA-funded 1972 study and in the three locations just mentioned, jail administrators apparently actively sought and used community resources. However, in the local jails visited, the adminstrators made little effort to contact the community to obtain any services for the inmates. One reason for their lack of action may have been the pressing needs to attend to other duties. One way to ease the problem would be for each jail to use a county social service worker, a volunteer, or someone hired specifically to act as a resource person and counselor to inmates in the jails to encourage the inmates to use available community resources. Such an approach is a relatively effortless and inexpensive way for small jails to at least begin to address the needs of offenders.

CONCLUSION

Local jails have not provided adequate services to inmates; more needs to be done. However, because of the low number of offenders incarcerated in the jails for long periods, it is apparently impractical and probably cost ineffective to assume that such jails should develop sophisticated service programs. Nevertheless, some actions could be taken.

Local jails could rely much more on community resources already available. More consideration could be given to work release programs. Finally, local jails could employ resource counselors to talk to the inmates about their problems and to act as catalyst to get the inmates to avail themselves of services once they leave the jail. At a minimum, LEAA and the State planning agencies should do a better job of encouraging local jail administrators using LEAA funds to use those community organizations available to assist inmates. LEAA and the SPAs should also work together to develop standards and criteria citing the services needed for different offenders and the types of community assistance that jail administrators should seek.

CHAPTER 5

OVERALL CONCLUSIONS, RECOMMENDATIONS AND AGENCY COMMENTS

CONCLUSIONS

Inadequate physical conditions and lack of services are still problems in local jails. The lack of action in some communities to correct these problems has led the courts to order communities to either improve the conditions in local jails or close them. Such court action indicates the general lack of priority given the problem by executive agencies at all levels of government.

Both the Law Enforcement Assistance Administration and the States have emphasized community-based correction programs as alternatives to incarceration. This emphasis appears consistent with congressional interest in community-based correction efforts. But even recognizing that emphasis should be given to improving other aspects of the corrections system, the lack of progress in improving local jails is disconcerting, as is the fact that in many cases LEAA funds have been used for minor improvements and repair of jails. Such actions have undoubtedly improved the jails, but from an overall standpoint the impact on their condition has been insignificant.

The problem calls for some national leadership from LEAA. LEAA should consider what long-term role local jails should have in our correctional system based on research and evaluation and then adopt funding strategies to move the Nation toward that end.

One issue that could be addressed is whether LEAA should continue to allow its funds to be used to correct minor problems in local jails--especially small ones that house mainly nonviolent offenders for periods usually less than 1 week--when improvements will not result in the jails' meeting certain minimum standards. Even if LEAA decides to continue funding local jail improvements to prevent court-ordered closure, how long should such a policy continue? Such efforts, at best, overcome only immediate needs.

We believe that LEAA and the States should insure that block grant funds are used to bring local jails up to certain minimum standards for physical conditions and programs to assist inmates. The Federal Government has some obligation to try to bring about improvements when its funds are spent.

States or localities should use their own funds if they want to make minor improvements in jails which will not meet minimally acceptable physical standards. Also, LEAA should require States and grantees to justify the use of funds for specific local jails if it appears that regional jails might be more efficient and effective.

LEAA could be a positive force in improving the jail situation through its plan approval process and its ability to persuade the States to move in certain directions. This would be in line with the response of the Department of Justice to our May 28, 1975, report entitled, "Federal Guidance Needed if Halfway Houses Are To Be a Viable Alternative To Prison" (GGD-75-70). In that response, the Department acknowledged the need for minimum standards for facilities and that LEAA had leverage through block grant funds to encourage following standards.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

We recommend that the Attorney General direct the LEAA Administrator to:

--Analyze LEAA's position regarding the way local jails should be used in the entire correctional effort, including a study of the barriers to establishing regional facilities and the means to overcome these barriers. One possible action LEAA could take would be to require justification for funding local jail improvements if it appears that regional jails might be more efficient and effective.

--Establish, in conjunction with the States, minimum standards for physical conditions of local jails that must eventually be met if LEAA moneys are provided to improve such jails and require, as a condition of awarding any such funds, that the communities seeking such awards submit a plan detailing what actions, over a specified period, would be taken to bring the jail up to the established standards. (The plan would serve as a basis for allowing LEAA to seek recovery of Federal funds spent on the jails if the community does not adhere to the actions and timetable detailed in it.)

--Establish, in conjunction with the States, minimum standards as to the services needed for different types of offenders in local jails and the types of community assistance that jail administrators should seek.

--Institute procedures using resources within LEAA regional offices to act as catalysts to encourage State and local officials to seek out community resources for services for inmates in local jails.

To help accomplish the above, we recommend that LEAA suggest to State planning agencies that they require localities seeking funds to improve jails to specify in their grant applications (1) what type of services are operated by the jail to assist offenders, (2) what services are available within the community, and (3) what plans the jail administrator has to use available community resources to improve services provided offenders.

AGENCY COMMENTS

The Department of Justice, by letter dated February 9, 1976, generally agreed with our conclusions and recommendations. (See app. VI.) The Department stated that:

--LEAA intends to make upgrading jails and minimizing their use one of its national priority program thrusts.

--LEAA will attempt to develop a funding policy to achieve a more effective correctional system at the local or regional level. LEAA's objective will be to insure that a methodology is developed (by the State or locality) and implemented to accomplish the desired objectives.

--In LEAA's judgment, efforts by the National Clearinghouse for Criminal Justice Planning and Architecture and the National Advisory Commission on Criminal Justice Standards and Goals have provided the cornerstone for the States to develop jail standards. LEAA will fund State efforts to develop such standards.

--In addition, LEAA will try to better assure that steps are taken to upgrade State and local jail conditions by requiring more detailed information from the communities on their plans to achieve established physical standards and desirable services for the inmates.

The Department also pointed out certain limitations that preclude LEAA from directly being able to improve local jail conditions. The Department stated that while LEAA recognizes the leadership role it must play and plans to use every resource at its disposal, the block grant concept places primary responsibility on the States for formulating and enforcing standards for local jails. The Department also noted that the program's matching fund requirements

reflect the extent to which local governments desire to or are capable of addressing the local jail problem. The Department stated that if local governments are not committed to improving jail conditions, they simply will not "buy-in" to an LEAA program, particularly if strict standard-setting requirements are conditioned with the grant.

If effectively implemented, the Department's proposed actions should better assure that Federal funds are used to improve local jail conditions as opposed to perpetuating unacceptable situations. However, we continue to believe that LEAA and the States should determine the extent to which certain standards should apply to all States. Progressive States and localities will, by definition, probably establish acceptable standards. The more difficult question to answer is how to develop acceptable standards and conditions in those States less willing to change. One way is to place a condition on the use of appropriate Federal funds. Developing agreed upon minimum standards could facilitate positive changes in such localities should they choose to use LEAA funds for local jails.

RECOMMENDATION TO THE CONGRESS

While the Department of Justice agreed with our recommendations that minimum standards are desirable when spending Federal moneys to improve local jails, it stated that it did not believe the block grant concept gives the agency sufficient power to mandate agreed upon national minimum standards to be applied if Federal funds are used in constructing or renovating local jails.

We believe that LEAA, in cooperation with the States, does have the flexibility to develop agreed upon minimum standards. In addition, the issue of whether LEAA, in conjunction with the States, can develop minimum standards has also been addressed in several of our previous reports to the Congress on the LEAA program. 1/ We, therefore, recommend that the cognizant legislative committees discuss with LEAA whether the block grant concept does contain sufficient flexibility to enable LEAA and the States to adopt agreed upon minimum standards to be applied nationwide when determining whether LEAA funds could be used for certain types of projects or whether additional, clarifying legislation is needed.

1/"Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime," B-171019, March 19, 1974.

"Federal Guidance Needed if Halfway Houses Are To Be a Viable Alternative to Prison," GGD-75-70, May 28, 1975.

CHAPTER 6

SCOPE OF REVIEW

The policy of the Congress under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is to assist State and local governments in (1) strengthening and improving law enforcement and criminal justice, (2) developing new methods for preventing and reducing crime, and (3) detaining, apprehending, and rehabilitating criminals. We reviewed the conditions of local jails to assess what effect the Law Enforcement Assistance Administration grant program has had on improving conditions of local jails.

To assess LEAA's role, we looked into operations at LEAA headquarters and at the regional offices in Boston; Philadelphia; Chicago; Dallas; and Kansas City, Kansas.

To obtain basic information on local jail improvements, we visited State planning agencies and 26 jails in 6 States as follows:

LEAA region	State	Jails
Boston I	Rhode Island	1
Philadelphia III	Delaware	3
Chicago V	Ohio	5
Dallas VI	Louisiana	6
	Texas	5
Kansas City VII	Iowa	6
Total		26

The States were selected for review on the basis of (1) the amount of LEAA funds used for construction or renovation, (2) the types of facilities (local, regional, and State-operated), and (3) the geographic coverage.

The jails reviewed were selected on the basis of LEAA funding, jail capacity, and geographic distribution. Seventy-five percent of local jails in the United States have a capacity of 20 or less and, therefore, 14 jails visited were small. However, we visited 8 medium-sized jails with a capacity of 51 to 150 inmates and 4 jails with a capacity exceeding 150. The four facilities visited in Rhode Island and Delaware are State-operated and were selected for comparison with the locally operated jails in the four other States. Two facilities visited in Louisiana were minimum security regional farms serving multiple parishes.

We talked with officials and reviewed records at the LEAA regional offices, each State planning agency, and selected regional planning units. We reviewed the conditions of jails, the policies and procedures to improve these conditions through LEAA funding, and the extent of actual funding.

At the jails visited, we discussed with jail administrators the conditions of the jails, the availability of services, and the extent of efforts to improve inadequate conditions. Between July 1974 and April 1975, we inspected each jail and randomly sampled the jail records to obtain demographic data on the inmates. We also contacted representatives of agencies providing services to the communities where the jails were located to determine their knowledge of the needs for services in local jails, the extent to which they had been approached for assistance, and their willingness and ability to provide services.

ANALYSIS OF LEGAL STANDARDS FOR MAINTENANCE AND SERVICES REQUIRED TO BE PROVIDED PRISONERS IN LOCAL JAILS

Local jails, in principle, are subject to local law, including municipal ordinances. However, the past 6 years have witnessed a rapidly accelerating and not yet settled development of Federal case law pertaining to the operation of State (including local) prison facilities, a development largely attributable to the collapse of two obstacles to relief: (1) the abstention doctrine (Federal judicial nonintervention) and (2) the requirement of exhaustion of State remedies. The latter is now viewed as inapposite; the former, proscribed. Procunier v. Martinez, 416 U.S. 396, 400 et seq. (1974); Wilwording v. Swenson, 404 U.S. 249 (1971); Jones v. Metzger, 456 F.2d 854 (6th Cir. 1972); Wright v. McMann, 387 F.2d 519, 522-523 (2d Cir. 1967). The breadth of recent decisions may be ascribed to the application of the concept of pendent jurisdiction, a concept that allows Federal district courts to interpret, correct violations of, or enforce ancillary State law. See, e.g., Taylor v. Sterrett, 499 F.2d 367, 368 (5th Cir. 1974), cert. denied, _____ U.S. _____, 43 U.S.L.W. 3500 U.S. Mar. 17, 1975, applying Hagans v. Lavine, 415 U.S. 528, 545 et seq. (1974).

It is now generally recognized that a prisoner is deprived only of those rights "expressly or by necessary implication, taken from him by law." Moore v. Ciccone, 459 F.2d 574, 576 (8th Cir. 1972), quoting from Coffin v. Richard, 143 F.2d 443, 445 (6th Cir. 1944), cert. denied 325 U.S. 887 (1945).

Among basic requirements, courts have included: (a) the essential elements of personal hygiene (e.g., soap, towel, toothpaste, toothbrush, and toilet paper); (b) clothing and blankets; (c) access to sinks (including hot water) and showers; (d) clean laundry (or use of laundry facilities) provided on a reasonable basis; (e) essential furnishings (elevated bed, mattress, a place to sit, and sanitary toilet facilities); (f) adequate drinking water and diet, prepared by persons screened for communicable disease in kitchens meeting reasonable health standards; (g) shelter; (h) adequate (but not excessive) heat; (i) exposure only to reasonable noise levels; and (j) light and ventilation. To the extent isolation or segregation cells may still be used at all, for punitive or administrative reasons (including a prisoner's own protection), such detention facilities should be so designed as to allow custodial (preferably, medical or psychiatric) supervision.

Prisoners may not be housed in unsanitary or permanently overcrowded cells, or under conditions which may be reasonably anticipated will endanger personal safety or sanity. See, e.g., these Arkansas cases: Finney v. Ark. Bd. of Corr., 505 F.2d 194 (8th Cir. 1974) (Finney), aff'g in part, rev'g in part Holt v. Hutto, 363 F. Supp. 194 (E.D. Ark. 1973), modifying Holt v. Sarver, 442 F.2d 304 (8th Cir. 1971) (Holt III), aff'g 309 F. Supp. 362 (E.D. Ark. 1970), (Holt II), 300 F. Supp. 825 (E.D. Ark. 1969), (Holt I).

While local jails may be exempt from compliance with local health and housing codes, prison conditions are unlikely to meet minimum community standards of decency if they totally fail to comply with essential health, safety, and housing (particularly space, ventilation, plumbing, heating, electricity, or sanitation) regulations. Cf. Gates v. Collier, 501 F.2d 1291 (5th Cir. 1974), adopting and aff'g 349 F. Supp. 881 (N.D. Miss. 1972). Similarly, courts have ordered that prison kitchen standards be made to conform with State board of public health restaurant standards. Little v. Cherry, 3 Pris. L. Rep. 70 (E.D. Ark. Jan. 31, 1974).

While the nature of appropriate medical treatment falls within the sound discretion of medical personnel, prisoners may not be deprived of competent medical and dental care. Gates v. Collier, supra; Nerman v. Alabama, 349 F. Supp. 278 (M.D. Ala. 1972). Adequate supportive facilities should be available--not necessarily within the prison--to meet reasonably foreseeable medical and dental needs, including pharmaceutical and medically prescribed dietary requirements. Finney, supra, 202-204; Steward v. Henderson, 364 F. Supp. 283 (N.D. Ga. 1973).

Medical care must include treatment of drug dependent prisoners, or medically supervised drug detoxification. Wayne County Inmates v. Wayne Co. Bd. of Commr., 1 Pris. L. Rep. 5, 51, 186 (Mich. Cir. Ct. 1971, 1972), substantive issue not disputed on appeal, sub nom., Wayne County Jail Inmates v. Lucas, 216 N.W.2d 910 (Mich. 1974). Differences in services afforded based on anticipated length of imprisonment have been permitted, provided at least that classification of services afforded prisoners is rational, is based on differences in sources of available funding, and does not deny basic medical needs. Kersh v. Bounds, 501 F.2d 585 (4th Cir. 1974), cert. denied, ____ U.S. ____, 43 U.S.L.W. 3452 (U.S. Feb. 14, 1975).

Reasonable access to the courts may not be denied or obstructed. Johnson v. Avery, 393 U.S. 483 (1969). Facilities must be adequate to permit confidential attorney-client visits. A basic collection of representative legal materials

(including case law and search materials) should be available, at least on a loan basis. Gilmore v. Lynch, 319 F. Supp. 105 (N.D. Calif. 1970), aff'd under the name of Younger v. Gilmore, 404 U.S. 15 (1971). Library size and number of required copies of basic materials necessarily depend on the size and character of the institution. If materials may not be removed to the cells, size and furnishings should be adequate to afford prisoners a reasonable opportunity for research and study. Cf. White v. Sullivan, 368 F. Supp. 292 (S.D. Ala. 1973); Stone v. Boone, 3 Pris. L. Rep. 285 (D. Mass., Oct. 10, 1974) (consent decree).

Prisoners must be permitted to follow the tenets of their religion, including the right to conform to dress and dietary requirements, insofar as their religious beliefs can be reasonably accommodated. Ross v. Blackledge, 477 F.2d 616 (4th Cir. 1973). Chapel or similar facilities and religious materials must be adequate to accommodate the needs of minority faiths, if available to others. Pitts v. Knowles, 339 F. Supp. 1183 (W.D. Wis. 1972), aff'd 478 F.2d 1405. Religious privacy must be protected with services being held in places where prisoners not choosing to attend are not made unwilling participants. Cf. Edwards v. Davis, 3 Pris. L. Rep. 54 (D.N.C. Dec. 11, 1973) (consent decree).

Prisoners are not entitled to benefits not generally recognized as rights enjoyed by the community at large. James v. Wallace, 382 F. Supp. 1177 (M.D. Ala. 1974). Adult education is not provided as a matter of right, and except as otherwise required by local law, rehabilitative services including educational or job training programs need not be provided for adult prisoners. But cf. Holt III, supra, 378-379; Finney, supra, 209.

Moreover, where local jails are used to house persons detained under civil commitment or pretrial detainees unable to raise bail, facilities must be designed and equipped to meet additional requirements. The detainee is presumed not guilty of criminal misconduct; he may not be punished without or before trial. He may be held only under conditions comprising the least restrictive means of achieving the purpose requiring and justifying his detention. Hamilton v. Love, 328 F. Supp. 1182, 1192 (E.D. Ark. 1971). Note, "Constitutional Limitations on Pretrial Detention," 79 Yale L.J. 941, 949-950 (1970). Detention may not be more punitive than incarceration within the State's penal system; it should not be substantially more burdensome than detention in other State or Federal institutions used for the same purpose, in the same area. Rhem v. Malcom, 507 F.2d 333, 336-337 (2d Cir. 1974) (Rhem III), aff'g in part,

rev'g in part 377 F. Supp. 995 (Rehm II), 371 F. Supp. 594 (Rehm I) (S.D.N.Y. 1974); Inmates of Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676 (D. Mass. 1973), aff'd 494 F. 2d 1196 (1st Cir. 1974), cert. denied 419 U.S. 977 (Eisenstadt).

Detainees committed under civil commitment for psychiatric evaluation or treatment should be committed to facilities designed to provide suitable professional treatment and evaluation. Cf. O'Connor v. Donaldson, ___ U.S.___ 43 U.S.L.W. 4929 (U.S. June 26, 1975) vacating Donaldson v. O'Connor, 493 F.2d 507 (5th Cir., 1974); see the latter, and cases cited therein, 518-527.

Whether or not the courts will eventually require classification of detainees, they have recognized that maximum security conditions cannot be justified as "the least restrictive means" of assuring that the great majority of pretrial detainees will appear at trial. In individual cases, courts have held that detainees were entitled: (1) to have privacy (including, in one case, the right to be locked in as well as out of the cell), Rehm I, supra, 628, in others, to single cell occupancy, Eisenstadt, 360 F. Supp. 676; (2) to associate with other detainees (to assemble, e.g. for religious services, United States ex rel. Jones v. Rundle, 453 F.2d 147 (1971)); (3) to enjoy access to a broad range of reading and writing materials, (Inmates v. Peterson, 353 F. Supp. 1157, 1168-1169 (E.D. Wisc. 1973) (Peterson)); (4) to engage in recreational activities and to use recreational facilities, (Rehm I, supra, 594); and (5) to have outside communication by telephone (Brenneman v. Madigan, 343 F. Supp. 128, 141), letter (Peterson, supra, 1167-1168), and personal contact, including visits by children (Brenneman, supra) and, in one case, conjugal rights arranged in a discreet and circumspect manner (Government v. Gereau, 3 Pris. L. Rep. 20 (D.V.I. May 30, 1973)).

Courts have ordered the reduction of jail population, the closing of nonconforming jails, or substantial alteration of existing facilities, including: (1) removal of cells to provide recreational areas, (2) dismantling of prisoner-visitor telephone systems and walls separating prisoners from their visitors, and (3) the installation of outside telephones. E.g., see Rehm II, supra. Generally, detainees have a right to participate in training or educational programs offered other prisoners. Wilson v. Beame, 380 F. Supp. 1232 (E.D.N.Y. 1974). And one recent case has held that a pretrial detainee participating in a State-approved, medically supervised (methadone) drug treatment program prior to arrest is entitled to continue

the prescribed course of treatment, and could not be subjected to forced (withdrawal) detoxification even though medically supervised. Cuknik v. Kreiger, 3 Pris. L. Rep. 221 (E.D. Ohio, July 16, 1974).

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PURPOSE OF LOCAL JAIL

PROJECTS REVIEWED

The following information describes the facility on which Law Enforcement Assistance Administration funds were spent and the results that were to be achieved with the funds.

PERRY COUNTY, OHIO

Year facility built--1886
Current capacity--21
Proposed project cost--$75,436
LEAA funds awarded--$28,125 (part C)
$25,125 (part E)

Purpose of the project was primarily to install electronically operated cell doors, a fire escape, two-way monitoring, a ventilation system, vandalproof lighting, toilets and showers, steel-framed bunks, and a visitor speaking and observation port. Painting was also included.

LICKING COUNTY, OHIO

Year facility built--1879
Current capacity--68
Proposed project cost--$78,980
LEAA funds awarded--$50,000 (Part E)

Purpose of the project was primarily to install toilets and showers, electrical lighting, ventilation, steel bunks, and visiting ports. Painting was also included.

SHELBY COUNTY, OHIO

Year facility built--1893
Current capacity--45
Proposed project cost--$105,270
LEAA funds awarded--$35,000 (part C)

Purpose of the project was primarily to convert one cell into a maximum security cell; install toilets, showers, and ventilating fans; improve the laundry and kitchen facilities; and remodel one cell block to segregate juveniles.

LOGAN COUNTY, OHIO

Year facility built--1870
Current capacity--18
Proposed project cost--$45,390
LEAA funds awarded--$34,040 (part E)

Purpose of the project was primarily to convert one cell into a maximum security cell; install toilets, a shower, and a steel-screened enclosure for visiting and temporary holding; and improve existing heating, ventilation, lighting, and electrical wiring. Painting was also included.

HAMILTON COUNTY, OHIO

Year facility built--1917
Current capacity--363
Proposed project #1 cost--$300,000
LEAA funds awarded--$150,000 (part C)

Purpose of the project was primarily to rehabilitate the cell blocks to permit segregation of different classes of inmates and to remodel the kitchen.

Proposed project #2 cost--$46,487
LEAA funds awarded--$34,697 (part E)

Purpose of the project was to obtain emergency repairs to toilets and plumbing.

DUBUQUE COUNTY, IOWA

Year facility built--1974
Current capacity--31
Proposed project cost--$966,000
LEAA funds awarded--$351,875 (part C)

The purpose of the project was to construct a new law enforcement center, including combined city-county detention facilities.

KOSSUTH COUNTY, IOWA

Year facility built--1973
Current capacity--4
Proposed project cost--$28,480
LEAA funds awarded--$10,000 (part C)

(For purpose of project see Dubuque County description.)

MONONA COUNTY, IOWA

Year facility built--1974
Current capacity--12
Proposed project cost--$71,736
LEAA funds awarded--$38,836 (part C)

(For purpose of project see Dubuque County description.)

APPANOOSE COUNTY, IOWA

Year facility built--1974
Current capacity--18
Proposed project cost--$73,541
LEAA funds awarded--$39,456 (part C)

(For purpose of project see Dubuque County description.)

WOODBURY COUNTY, IOWA

Year facility built--1918
Current capacity--81
Proposed project cost--$26,547
LEAA funds awarded--$9,610 (part C)

Purpose of the project was to improve the sanitary facilities and the electrical system and to repair the flooring. Painting was also included.

SCOTT COUNTY, IOWA

Year facility built--1892
Current capacity--138
Proposed project cost--$5,237
LEAA funds awarded--$2,619 (part C)

Purpose of the project was to build an exercise yard.

OUACHITA PARISH, LOUISIANA

Year jail facility built--1924
Year farm facility built--unknown
Current capacity (jail and farm)--257
Proposed project cost--a/$896,653
LEAA funds awarded--$271,300 (part C)

Purpose of the project was to increase capacity by 22 cells, to construct a metal building at the farm for teaching automotive maintenance, and to purchase supplies and equipment.

EAST CARROLL PARISH, LOUISIANA (JAIL)

Year facility built--1931
Current capacity--39
Proposed project cost--a/$244,561
LEAA funds awarded--$88,390 (part C)

Purpose of the project was to install guard corridors, security devices, and all new bunks and to repair plumbing.

EAST CARROLL PARISH, LOUISIANA (FARM)

Year facility built--1910
Current capacity--70
Proposed project #1 cost--a/$194,560
LEAA funds awarded--$71,686 (part C)

Purpose of the project was to expand rehabilitation services at the farm by constructing a metal building and purchasing equipment for vocational course counseling.

Proposed project #2 cost--a/$40,801
LEAA funds awarded--$12,345 (part C)

Purpose of the project was to purchase meat-processing equipment to meet State health department requirements.

ST. MARTIN PARISH, LOUISIANA

Year facility built--1955
Current capacity--56
Proposed project cost--$70,000
LEAA funds awarded--$35,000 (part C)

Purpose of the project was to enlarge the existing facility for 20 additional inmates; provide separate space for female, juvenile, and maximum security inmates; provide visiting space; and enlarge the kitchen and dayroom areas.

LEESVILLE CITY, LOUISIANA

Year facility built--1910
Current capacity--36
Proposed project cost--$304,995
LEAA funds awarded--$100,000 (part C)

Purpose of the project was to provide a city jail separate from an unacceptable parish jail by acquiring and renovating a building to meet city needs.

BASTROP COUNTY, TEXAS

Year facility built--1974
Current capacity--20
Proposed project cost--$335,940
LEAA funds awarded--$243,900 (part E)

Purpose of the project was to construct the new jail with innovative modular design.

ATASCOSA COUNTY, TEXAS

Year facility built--1915
Current capacity--19
Proposed project cost--$201,822
LEAA funds awarded--$128,665 (part E)

Purpose of the project was to renovate the jail to provide separation of classes of inmates, single occupancy units, recreation space, a visiting area, and rehabilitation programs.

GILLESPIE COUNTY, TEXAS

Year facility built--1975
Current capacity--17
Proposed project cost--$279,840
LEAA funds awarded--$119,125 (part E)

Purpose of the project was to construct a new jail.

McLENNAN COUNTY, TEXAS

Year facility built--1950
Current capacity--104
Proposed project cost--$91,717
LEAA funds awarded--$29,890 (part C)
$11,994 (part E)

Purpose of the project was to provide segregation for maximum security inmates, ventilation and air conditioning, and improved food preparation facilities.

CHILDRESS COUNTY, TEXAS

Year facility built--1938
Current capacity--19
Proposed project cost--$61,466
LEAA funds awarded--$37,500 (part E)

Purpose of the project was to increase the capacity, provide segregation for different classes of inmates, improve sanitary facilities, upgrade kitchen facilities, and provide a recreation room.

a/We requested LEAA to review the validity of the in-kind match, because the appraised value of the existing jail facility was used to match the LEAA funds. LEAA has concluded that the in-kind match is unallowable based on available data. LEAA has requested the Louisiana State planning agency to review and comment on the apparent overpayment of Federal funds. As of January 1976, the SPA had made no comment.

COMPARISON OF CONDITIONS OF JAILS IN RELATION TO

DESIRABLE CHARACTERISTICS OUTLINED BY CRIMINAL JUSTICE EXPERTS

Inmate Security and Safety

Facility	Designed capacity not exceeded	Single occupancy cells only	No drunk tank	Segregation adequate for: Male/female	Segregation adequate for: Adult/juvenile	Segregation adequate for: Offender classes held	24-hour matron	Operable emergency exits	Fire extinguishers	Operable individual cell doors
Rhode Island institution:										
All-male units (3)	1	1(1), 0(2)	1	n/a	n/a	1(2), 0(1)	n/a	1	1	1
Women's unit	1	1	1	n/a	0	1	1	1	1	1
Delaware:										
All-male institutions (2)	0	0	1	n/a	n/a	1(1), 0(1)	n/a	1	1	1
Women's unit (co-correctional)	1	0	1	1	n/a	0	1	0	0	1
Ohio:										
Licking County	1	0	0	1	0	0	1	0	1	1
Perry County	1	0	0	0	1	0	0	1	1	1
Logan County	1	1	1	1	0	0	0	0	0	0
Shelby County	1	0	1	1	0	0	1	0	1	0
Hamilton County	1	0	1	1	0	0	1	0	1	1
Iowa:										
Dubuque County	1	0	0	1	0	0	1	1	1	1
Kossuth County	1	1	0	1	0	0	1	1	1	1
Monona County	1	0	0	1	0	0	0	0	1	1
Appanoose County	1	0	0	1	1	0	1	1	1	1
Woodbury County	1	0	1	1	1	0	1	1	1	1
Scott County	1	0	0	1	1	0	1	0	0	0
Louisiana:										
Ouachita Multiparish jail	1	0	1	1	0	0	0	1	1	1
Ouachita Multiparish farm	1	n/a	n/a	n/a	n/a	1	n/a	1	0	n/a
East Carroll Parish jail	1	0	1	0	0	0	0	0	1	1
East Carroll Multi-parish farm	1	n/a	n/a	n/a	n/a	1	n/a	1	1	n/a
St. Martin Parish	1	0	1	0	0	0	0	0	1	1
Leesville City	1	0	1	1	1	0	0	1	1	1
Texas:										
Bastrop County	1	1	1	1	1	0	1	1	0	1
Atascosa County	1	0	1	1	1	0	0	1	0	1
Gillespie County	1	1	0	0	0	0	1	1	1	1
McLennan County	1	0	1	1	n/a	0	1	1	1	1
Childress County	1	0	1	0	1	0	0	0	1	1

Key: 1 = acceptable
0 = unacceptable

COMPARISON OF CONDITIONS OF JAILS VISITED IN RELATION TO

DESIRABLE CHARACTERISTICS OUTLINED BY CRIMINAL JUSTICE EXPERTS

Inmate Comfort and Rehabilitation

Facility	Toilets not in view of dining area	Recreation facilities: Indoor	Recreation facilities: Outdoor	Recreation facilities: Library	In-house medical facilities	Ventilation	Lighting in cells: Artificial	Lighting in cells: Natural	No guard corridors	Space for programs
Rhode Island institution:										
All-male units (3)	1	1	1	1	1	1	1	1	1(2), 0(1)	1
Women's unit	1	1	1	1	1	1	1	1	1	1
Delaware:										
All-male institutions (2)	1	1	1	1	1	1(1), 0(1)	1	1	1(1), 0(1)	1
Women's unit (co-correctional)	1	1	1	1	1	1	1	1	1	1
Ohio:										
Licking County	0	0	0	0	0	1	1	0	0	0
Perry County	0	0	0	0	0	1	0	0	0	0
Logan County	0	0	0	0	0	1	1	0	0	0
Shelby County	0	0	0	0	0	1	1	0	0	0
Hamilton County	1	1	1	1	1	1	1	0	0	0
Iowa:										
Dubuque County	0	0	0	0	0	1	1	1	0	1
Kossuth County	0	0	0	0	0	1	1	0	0	0
Monona County	0	0	0	0	0	1	1	1	0	0
Appanoose County	0	0	0	0	0	1	1	0	0	0
Woodbury County	0	0	0	0	0	1	0	0	0	0
Scott County	0	0	1	0	0	0	0	0	0	0
Louisiana:										
Ouachita Multi-parish jail	0	1	0	0	1	1	0	1	0	0
Ouachita Multi-parish farm	1	1	1	1	0	1	1	1	1	0
East Carroll Parish jail	0	0	0	0	0	1	1	1	0	0
East Carroll Multiparish farm	1	1	1	0	0	0	1	1	1	1
St. Martin Parish	0	0	0	0	0	1	1	0	0	0
Leesville City	0	0	0	0	0	1	1	0	1	0
Texas:										
Bastrop County	0	0	0	0	0	1	1	1	1	0
Atascosa County	0	0	1	1	0	1	1	1	0	0
Gillespie County	0	0	0	0	1	1	1	1	0	0
McLennan County	0	0	0	0	1	1	1	0	0	0
Childress County	0	0	0	0	0	1	0	1	0	0

Key: 1 = acceptable
0 = unacceptable

APPENDIX III

COMPARISON OF CONDITIONS OF JAILS VISITED IN RELATION TO

DESIRABLE CHARACTERISTICS OUTLINED BY CRIMINAL JUSTICE EXPERTS

	Sanitation													
					Items issued						Cleaned before reissuance			
Facility	Operable in cells: Toilets	Operable in cells: Wash basins	Sanitary showers	Laundry for personal clothing	Soap	Tooth-paste	Razor	Uni-forms	Mat-tress	Pillow	Blanket	Sheet	Pillow case	Towel
Rhode Island institution:														
All-male units (3)	1(2), 0(1)	1(2), 0(1)	1	1	1	1	1	1(2), 0(1)	1	1	1	1	1	1
Women's unit	0	0	1	1	1	1	1	NI	1	1	1	1	1	1
Delaware:														
All-male institutions (2)	1(1), 0(1)	1	1(1), 0(1)	1	1	1	1	1	1	1(1), NI(1)	0	1	1(1), NI(1)	1(1), NI(1)
Women's unit (co-correctional	1	1	1	1	1	1	1	a/NI	1	1	1	1	1	1
Ohio:														
Licking County	1	1	1	0	1	1	1	NI	1	NI	1	NI	NI	1
Perry County	0	1	1	0	1	NI	NI	NI	1	NI	1	NI	NI	1
Logan County	0	0	1	0	1	NI	NI	NI	0	1	1	1	1	1
Shelby County	1	1	1	0	1	NI	NI	NI	1	NI	1	1	NI	1
Hamilton County	0	1	0	1	1	1	1	1	1	NI	1	1	NI	1
Iowa:														
Dubuque County	1	1	1	1	1	1	1	1	1	NI	1	NI	NI	1
Kossuth County	1	1	1	0	1	1	1	1	1	1	1	NI	NI	1
Monona County	1	1	1	0	1	NI	1	NI	1	NI	1	NI	NI	1
Appanoose County	1	1	1	1	1	NI	1	NI	1	1	1	NI	NI	1
Woodbury County	1	1	1	0	1	NI	1	NI	1	NI	1	1	NI	1
Scott County	0	0	0	1	1	1	1	NI	0	NI	0	NI	NI	NI
Louisiana:														
Ouachita Multi-parish jail	1	1	1	1	1	NI	NI	NI	1	NI	1	1	NI	1
Ouachita Multi-parish farm	n/a	n/a	1	1	1	NI	NI	NI	0	1	1	1	1	1
East Carroll parish jail	1	1	0	0	1	NI	NI	NI	1	NI	1	NI	NI	NI
East Carroll Multiparish farm	n/a	n/a	0	1	1	NI	NI	1	1	1	1	1	1	NI
St. Martin Parish	1	1	1	0	1	NI	1	1	1	1	1	1	1	1
Leesville City	1	1	1	1	1	NI	NI	NI	1	1	0	0	0	1
Texas:														
Bastrop County	1	1	1	0	1	NI	1	1	1	1	1	1	1	1
Atascosa County	1	1	1	0	1	NI	NI	NI	1	NI	0	NI	NI	NI
Gillespie County	1	1	1	0	1	NI	1	1	1	1	0	NI	NI	1
McLennan County	1	1	1	1	1	NI	1	NI	1	NI	0	NI	NI	1
Childress County	1	1	1	1	1	NI	1	NI	1	NI	0	NI	NI	1

a/Female inmates wear civilian clothing; male inmates are issued uniforms.

Key: 1 = acceptable
0 = unacceptable
NI = not issued

COMPARISON OF CONDITIONS OF JAILS VISITED IN RELATION TO DESIRABLE CHARACTERISTICS OUTLINED BY CRIMINAL JUSTICE EXPERTS

Privacy

Facility	Visiting space (note a)		Privacy for search on entry	No closed circuit TV in living area
	Separate from cell area	Space for private conversations		
Rhode Island institution:				
All-male units (3)	1	1	1	1
Women's unit	1	1	1	1
Delaware:				
All-male institutions (2)	1	1	1	1
Women's unit (co-correctional)	1	1	1	1
Ohio:				
Licking County	0	0	1	1
Perry County	0	0	0	1
Logan County	0	0	0	1
Shelby County	0	0	1	1
Hamilton County	1	0	1	1
Iowa:				
Dubuque County	1	0	1	1
Kossuth County	0	0	1	1
Monona County	1	1	1	1
Appanoose County	0	1	1	1
Woodbury County	1	0	1	0
Scott County	0	0	1	1
Lousiana:				
Ouachita Multi-parish jail	1	1	1	1
Ouachita Multi-parish farm	1	1	n/a	0
East Carroll Parish jail	0	0	0	1
East Carroll Parish farm	1	1	n/a	1
St. Martin Parish	1	0	1	0
Leesville City	0	0	1	1
Texas:				
Bastrop County	1	0	1	0
Atascosa County	1	0	0	1
Gillespie County	1	1	1	1
McLennan County	0	0	1	1
Childress County	0	0	0	1

a/Excludes arrangements for visits with legal counsel.

Key: 1 = acceptable
0 = unacceptable

APPENDIX IV

APPENDIX IV

INMATE DEMOGRAPHIC DATA

FOR LOCAL JAILS

Item	Ohio				
	Licking County	Perry County	Logan County	Shelby County	Hamilton County
Capacity	68	21	18	45	363
Sample size (note a)	139	40	95	134	199
	(percentage)				
Type of incarceration:					
Awaiting trial	68.4	82.5	57.9	64.9	92.0
Serving sentence	25.2	17.5	23.2	31.4	0.5
Other	6.4	-	18.9	3.7	7.5
Type of offense:					
Alcohol-related	41.0	52.5	49.5	45.5	3.0
Traffic-related	10.8	2.5	9.5	14.2	1.0
Subtotal	51.8	55.0	59.0	59.7	4.0
Other felonies and misdemeanors	43.2	42.5	24.2	40.3	92.5
Other	5.0	2.5	16.8	-	3.5
Length-of-stay:					
Less than 1 day	43.9	42.5	48.4	42.5	37.2
1 and 2 days	17.3	40.0	26.3	21.7	18.1
3 through 6 days	23.7	12.5	14.7	26.1	16.0
Subtotal	84.9	95.0	89.4	90.3	71.3
7 through 30 days	9.4	2.5	7.4	5.2	10.6
31 through 90 days	3.6	2.5	2.1	3.7	10.6
Over 91 days	2.1	-	-	0.8	7.5
Average length-of-stay (days)	8.6	2.4	3.8	4.5	15.0
Sex:					
Male	84.2	100.0	89.5	93.3	92.5
Female	15.8	-	10.5	6.7	7.5
Age:					
Under 18	2.9	2.5	9.5	1.5	3.0
18 through 29 years	54.0	42.5	41.0	56.0	74.9
30 years and over	42.4	55.0	49.5	42.5	22.1
Unknown	0.7	-	-	-	-
Residence:					
Within county	73.4	90.0	67.0	51.1	82.9
Neighboring county	16.5	10.0	5.3	14.3	6.0
Other	10.1	-	27.7	34.6	11.1

a/Sample size was 10 percent of the prior calendar year inmate population but not less than 40 nor more than 200.

INMATE DEMOGRAPHIC DATA

FOR LOCAL JAILS

Item	Iowa					
	Dubuque County	Kossuth County	Woodbury County	Monona County	Appanoose County	Scott County
Capacity	31	4	81	12	18	138
Sample size (note a)	44	40	138	42	40	178
	(percentage)					
Type of incarceration:						
Awaiting trial	68.2	75.0	(b)	61.9	(b)	91.6
Serving sentence	31.8	12.5	(b)	16.7	(b)	8.4
Other	-	12.5	(b)	21.4	(b)	-
Type of offense:						
Alcohol-related	25.0	45.0	10.8	19.0	27.5	25.3
Traffic-related	20.5	7.5	8.1	14.3	15.0	14.0
Subtotal	45.5	52.5	18.9	33.3	42.5	39.3
Other felonies and misdemeanors	54.5	45.0	55.8	50.0	57.5	59.0
Other	-	2.5	25.3	16.7	-	1.7
Length-of-stay:						
Less than 1 day	47.7	35.0	32.6	28.6	45.0	55.1
1 and 2 days	34.1	50.0	29.7	40.5	27.5	25.3
3 through 6 days	6.8	7.5	15.9	19.0	7.5	8.4
Subtotal	88.6	92.5	78.2	88.1	80.0	88.8
7 through 30 days	11.4	5.0	15.9	9.5	15.0	6.2
31 through 90 days	-	2.5	2.2	-	2.5	3.9
Over 91 days	-	-	3.7	2.4	2.5	1.1
Average length-of-stay (days)	3.0	2.5	9.9	5.5	6.6	5.2
Sex:						
Male	93.2	90.0	77.5	97.6	97.5	83.7
Female	6.8	10.0	22.5	2.4	2.5	16.3
Age:						
Under 18	6.8	5.0	31.9	28.6	10.0	10.1
18 through 29 years	70.5	40.0	47.8	42.8	75.0	50.6
30 years and over	11.4	55.0	20.3	16.7	15.0	26.4
Unknown	11.3	-	-	11.9	-	12.9
Residence:						
Within county	77.3	70.0	79.0	59.6	82.5	83.7
Neighboring county	4.5	10.0	4.3	19.0	-	1.1
Other	18.2	20.0	16.7	21.4	17.5	15.2

a/Sample size was 10 percent of the prior calendar year inmate population but not less than 40 nor more than 200.

b/Information was not readily available.

APPENDIX IV

APPENDIX IV

INMATE DEMOGRAPHIC DATA

FOR LOCAL JAILS

Item	Louisiana				
	Ouachita Multiparish Prison (note a)	East Carroll Parish Jail	East Carroll Multi-parish Farm	St. Martin Parish	Leesville City
Capacity	257	39	70	56	36
Sample size (note b)	200	40	40	148	153
	(percentage)				
Type of incarceration:					
Awaiting trial	81.0	60.0	-	90.5	85.6
Serving sentence	15.5	17.5	100.0	8.1	8.5
Other	3.5	22.5	-	1.4	5.9
Type of offense:					
Alcohol-related	23.0	10.0	22.5	14.8	35.9
Traffic-related	23.0	-	-	7.4	2.0
Subtotal	46.0	10.0	22.5	22.2	37.9
Other felonies and misdemeanors	51.5	70.0	75.0	68.3	51.0
Other	2.5	20.0	2.5	9.5	11.1
Length-of-stay:					
Less than 1 day	63.0	32.5	-	58.1	26.8
1 and 2 days	10.0	30.0	-	20.3	34.0
3 through 6 days	5.0	25.0	-	11.5	22.9
Subtotal	78.0	87.5	-	89.9	83.7
7 through 30 days	8.5	10.0	10.0	8.1	15.7
31 through 90 days	4.0	2.5	22.5	2.0	0.6
Over 91 days	9.5	-	67.5	-	-
Average length-of-stay (days)	24.0	4.0	241.0	3.0	4.0
Sex:					
Male	90.5	85.0	100.0	85.1	91.5
Female	9.5	15.0	-	14.9	8.5
Age:					
Under 18	4.0	17.5	7.5	11.5	17.0
18 through 29 years	55.5	20.0	52.5	49.3	54.9
30 years and over	40.0	30.0	27.5	37.8	25.5
Unknown	0.5	32.5	12.5	1.4	2.6
Residence:					
Within county	64.5	90.0	55.0	54.7	75.8
Neighboring county	8.0	5.0	30.0	31.1	1.3
Other	27.5	5.0	15.0	14.2	22.9

a/Separate records were not maintained for the jail and farm operated by this parish.

b/Sample size was 10 percent of the prior calendar year inmate population but not less than 40 nor more than 200.

APPENDIX IV APPENDIX IV

INMATE DEMOGRAPHIC DATA

FOR LOCAL JAILS

Item	Texas				
	Bastrop County	Atascosa County	Gillespie County	McLennan County	Childress County
Capacity	20	19	17	104	19
Sample size (note a)	53	91	40	193	45
	(percentage)				
Type of incarceration:					
Awaiting trial	88.7	95.6	90.0	87.6	95.5
Serving sentence	-	-	-	2.1	4.5
Other	11.3	4.4	10.0	10.3	-
Type of offense:					
Alcohol-related	44.4	55.2	56.1	29.0	40.0
Traffic-related	14.3	10.3	4.9	10.8	20.0
Subtotal	58.7	65.5	61.0	39.8	60.0
Other felonies and misdemeanors	36.5	33.6	29.3	57.0	38.0
Other	4.8	0.9	9.7	3.2	2.0
Length-of-stay:					
Less than 1 day	18.9	71.4	60.0	72.0	37.8
1 and 2 days	58.5	13.2	37.5	8.8	46.7
3 through 6 days	11.3	7.7	2.5	5.7	4.4
Subtotal	88.7	92.3	100.0	86.5	88.9
7 through 30 days	11.3	3.3	-	8.8	4.4
31 through 90 days	-	3.3	-	2.6	4.4
Over 91 days	-	1.1	-	2.1	2.3
Average length-of-stay (days)	3.0	5.0	1.0	7.0	7.0
Sex:					
Male	92.5	87.9	92.5	88.1	84.4
Female	7.5	12.1	7.5	11.9	15.6
Age:					
Under 18	5.7	7.7	15.0	7.8	6.7
18 through 29 years	37.7	51.6	45.0	51.3	37.8
30 years and over	54.7	40.7	35.0	40.9	53.3
Unknown	1.9	-	5.0	-	2.2
Residence:					
Within county	66.0	64.8	52.5	75.7	40.0
Neighboring county	11.3	14.3	7.5	7.8	22.2
Other	22.7	20.9	40.0	16.5	37.8

a/Sample size was 10 percent of the prior calendar year inmate population but not less than 40 nor more than 200.

ASSISTANCE SERVICES AVAILABLE AT SELECTED JAILS

Facility	Capacity	Work release	Furlough	Educational release	Vocational Training	Vocational Counseling	Job placement	Education	Alcoholic	Drug abuse	Religious	Social service counseling
Rhode Island institution	728	a/1	0	a/1	a/1	a/1	a/1	a/1	a/1	0	1	1
Delaware:												
All-male institutions (2)	672	1	1	1	1	1	1(1), 0(1)	1	1	1	1	1
Women's unit (co-correctional)	50	1	1	1	0	0	0	1	1	1	1	1
Ohio:												
Licking County	68	0	0	0	0	0	0	0	1	0	1	0
Perry County	21	0	0	0	0	0	0	0	0	0	0	0
Logan County	18	0	0	0	0	0	0	0	0	0	1	0
Shelby County	45	0	0	0	0	0	0	0	0	0	1	1
Hamilton County	363	0	0	0	0	0	0	0	0	0	1	0
Iowa:												
Dubuque County	31	1	0	0	0	0	0	0	1	0	1	0
Kossuth County	4	0	0	0	0	0	0	0	1	0	1	0
Monona County	12	1	0	0	0	0	0	0	1	0	1	0
Appanoose County	18	1	0	0	0	0	0	0	0	0	0	0
Woodbury County	81	1	0	0	0	0	0	0	0	0	0	0
Scott County	138	1	0	0	0	0	0	0	0	0	0	0
Louisiana:												
Ouachita Multi-parish jail	137	0	0	0	0	0	0	0	0	0	1	0
Ouachita Multi-parish farm	120	1	1	0	1	1	0	1	0	0	1	1
East Carroll Parish jail	39	0	0	0	0	0	0	0	0	0	0	0
East Carroll Parish farm	70	0	1	0	1	1	1	1	0	0	1	0
St. Martin Parish	56	1	0	0	0	0	0	0	0	0	1	0
Leesville City	36	0	0	0	0	0	0	0	1	1	1	0
Texas:												
Bastrop County	20	0	0	0	0	0	0	0	0	0	0	0
Atascosa County	19	0	0	0	0	0	0	0	1	1	1	0
Gillespie County	17	0	0	0	0	0	0	0	0	0	0	0
McLennan County	104	0	0	0	0	0	0	0	0	0	1	0
Childress County	19	0	0	0	0	0	0	0	0	0	0	0

a/Not available to persons awaiting trial.

Key: 1 = acceptable
0 = unacceptable

APPENDIX V

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated and Refer to Initials and Number

FEB 9 1976

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 draft report titled "Conditions in Local Jails Remain Inadequate Despite Federal Funding for Improvements."

The draft report dramatically points out the seriousness of the "local jail problem" and we agree that the Law Enforcement Assistance Administration (LEAA) should make the upgrading of local jails and the minimizing of their use one of its national priorities. The report provides a generally accurate reflection of the lack of progress in community corrections, the problems associated with acceptance of the regional jail concept, the failure of local jail administrators to identify and utilize existing community resources, and the substandard conditions which exist in many local jails.

A Blue Ribbon Committee was appointed by the LEAA Administrator in June 1975 to assist in the development of an LEAA corrections strategy. The Committee's observations on State and local jail conditions were consistent with those cited in the GAO report. The Committee recognized that jails are physically inadequate, lack services to safeguard the health of prisoners, are overcrowded, provide few, if any, services for inmates, and allow offenders to spend most of their time in idleness. In general, the Committee feels that jail confinement is extremely destructive to the inmate and should be limited to those persons who are

dangerous or who might not otherwise appear for court proceedings. The Committee concluded that discretionary grant monies should be allocated to State, county and municipal jurisdictions to develop a range of pre- and post-trial alternatives to jails and to assist localities in implementing jail standards. LEAA intends to adopt this recommendation. Also, as recommended by the Committee, LEAA intends to make the upgrading of jails and the minimizing of their use one of its national priority program thrusts.

In line with another of the GAO report recommendations, LEAA intends to analyze its position regarding the way local jails should be used in the entire correctional effort. This analysis will, of necessity, include the issue of establishing regional jail facilities, as well as other alternatives such as community-based corrections, which, as pointed out in the report, have not gained widespread acceptance. LEAA will also attempt to develop a funding policy compatible with the objective of making the correctional system more effective at the local or regional level. Consistent with the block grant concept, LEAA does not intend to develop funding policies which favor one method or the other; rather, LEAA will insure that a methodology is developed and implemented that accomplishes desired objectives.

The report also recommends that LEAA establish, in conjunction with the States, minimum standards for physical conditions of local jails and the types of service needs that should be addressed for different types of offenders. We believe this recommendation has considerable merit. In this regard, the study pertaining to desirable characteristics for local jails, which was undertaken by the National Clearinghouse for Criminal Justice Planning and Architecture and cited in the GAO report, was funded by LEAA. In addition, LEAA funded a report of the National Advisory Commission on Criminal Justice Standards and Goals. The Commission's report, issued in January 1973, contains one volume entitled "Corrections." In LEAA's judgment, these efforts provide the cornerstone for development of the standard-setting process. Furthermore, we believe that funding policies can be an effective inducement for States to upgrade physical conditions and seek out community assistance for offenders. Accordingly, LEAA plans to continue directing its funds to support the development of more definitive standards and establish the types of community assistance that jail administrators should seek for offenders.

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Like GAO, LEAA believes that the decision to fund (or not fund) should be related to a realistic and comprehensive plan, developed by State and local jurisdictions, which will effectively upgrade jails and minimize their use. Consideration is being given to requiring a detailed plan from communities seeking LEAA block and discretionary funds stating what actions, over a specified period of time, will be taken to bring local jails up to established physical standards.

LEAA plans to make every concerted effort to encourage State formulation of corrections standards. The Crime Control Act, while leaving the selection and implementation of law enforcement programs with the States, imposes certain conditions for the approval of grants with which the SPA's must comply. Section 501 of Title I of the Crime Control Act authorizes LEAA, after appropriate consultation with representatives of States and units of general government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this Title. Accordingly, LEAA plans to take the steps necessary to upgrade State and local jail conditions. Specifically, LEAA will:

1. Make additional efforts to assure that State and local units receiving Part E Federal funding comply with conditions stated in Part E of the Crime Control Act of 1973 and paragraph 84 of the State Planning Guidelines. The latter paragraph specifies the need to implement advanced standards governing the operations and conditions of State facilities and local jails.

2. Encourage the use and implementation of national jail standards, such as those laid out in the report of the National Advisory Commission on Criminal Justice Standards and Goals.

3. Encourage States currently developing State standards and goals to include standards for the upgrading of jails in their effort; and

4. Continue to provide the services of the National Clearinghouse for Criminal Justice Planning and Architecture to assist in the planning, development and renovation of jails.

The final recommendation suggests that LEAA institute procedures using resources within the LEAA regional offices to act as a catalyst to encourage State and local officials to seek out community resources to provide assistance services for inmates in local jails. We believe this recommendation has considerable merit. LEAA plans to revise its "Guide for Discretionary Grant Programs" and "State Planning Agency Grants" to encourage State and local officials to seek out community resources with respect to all grants involving assistance services for inmates in local jails.

While LEAA does recognize the leadership role it must play to improve local jail conditions and plans to use every resource at its disposal, we must also face the realities of the framework within which LEAA must operate. The draft report recommendations are heavily based on the assumption that LEAA funding can be used as a strong leverage tool to force implementation of minimum jail standards. Although it is true that some "leverage" to influence the general direction of such programs is available to LEAA through administration of the block grant program, the block grant concept places primary responsibility on the State for the formulation and enforcement of standards for local jails. Also, as the report points out, "LEAA funding represents a limited source for the amount of funding needed for the entire criminal justice system." As a consequence, the matching funds requirement serves to reflect the extent to which local governments desire to or are capable of addressing the local jail problem. If local governments are not committed to improving jail conditions, they simply will not "buy-in" to an LEAA program, particularly if strict standard-setting requirements are conditioned with the grant.

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

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF JUSTICE RESPONSIBLE FOR ADMINISTERING ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
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

APPENDIX C

HOW THE STATES ADMINISTER LEAA BLOCK GRANTS

APPENDIX C–1

STATE OF THE STATES REPORT, 1976

(A Report by the National Conference of State Criminal Justice Planning Administrators)

I.

SUMMARY OF MAJOR FINDINGS

State Planning Agencies (SPAs) are becoming more involved in Statewide criminal justice planning and budgeting activities, and are being recognized as agents of change.

A new profession of criminal justice planning has emerged. New tools and techniques have been developed. Emphases are changing. Nearly one-half of the SPAs rate their role in influencing State criminal justice budget requests as great or moderate. Most SPAs draft legislative proposals, and nearly half of these proposals have been enacted into law. These trends will have even greater significance as economic conditions and patterns change, and as greater accountability is expected from the criminal justice system.

The capabilities of SPA staff have steadily increased over the years.

Over seventy-five percent of the States rate the change in their planning capabilities as greatly increased over the past few years. An additional twenty-three percent rate the change in their planning capability as moderately increased. Other significant increases are cited in the areas of grant review, monitoring, evaluation, auditing, and establishing and funding priorities.

State and local governments are assuming the costs of projects and programs initiated with Safe Streets monies.

One commonly used criterion of the success of the Safe Streets Program is the degree of program "institutionalization"—or how many projects and programs continue with support entirely from State and local general revenues. States estimate that approximately 64 percent of the projects have been assumed by State and local governments.

Safe Streets appropriations have been declining while inflation and the range of administrative responsibilities have been on the rise.

Safe Streets appropriations have never been approved at the full authorization level. Not only are total appropriations declining, but the proportion of funds directly available to States—those with the majority of responsibility for program administration—has decreased steadily since fiscal year 1970. Continuing reductions, particularly during times of economic and social stress, will restrict or eliminate the opportunities to continue to improve capabilities and experiment with new ideas.

The continuity of the bloc grant concept established in 1968 has been eroded through legislative and administrative categorization.

Some of the flexibility inherent in the original bloc grant program has been diminished through legislative categorization in 1971, and 1974. Additionally, administrative guidelines, promulgated by LEAA, have placed constraints on what and how something can be done, and imposing greater manpower requirements to get it done.

Safe Streets funds are encouraging a broad range of programs to control crime and improve the administration of justice at the State and local level and in all sectors of the criminal justice system.

Safe Streets monies are being distributed in a balanced plan. Local jurisdictions generally are receiving funds in accordance with their population and crime rates. Additionally, distinct trends are emerging in the allocation of funds among the components of the criminal justice system. Police funding is declining; the percentage of funds granted to courts has greatly increased; and correctional funding has remained relatively constant since fiscal year 1970.

State supervisory boards are broadly representative of State and local government, the various components of the criminal justice system and the general public.

The State supervisory board is the vehicle through which the components of the criminal justice system and non-criminal justice officials—both public and private—come together to assess needs and priorities, and begin to develop appropriate responses. Data indicate that no single interest dominates these boards.

II.

RECOMMENDATIONS

The bloc grant approach of the safe streets program is fundamentally sound, and should be strengthened and reauthorized for 5 years

Seven years operation under the Safe Streets Act 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 States are constitutionally in the appropriate position to coordinate criminal justice programming and allocate scarce resources. The bloc grant approach provides States and their localities—those who are closer to and have more knowledge of local problems than the Federal Government—with the flexibility to put resources where those needs, problems, and priorities are. The continuation of the bloc grant approach is warranted based upon these factors.

Some of the flexibility which was inherent in the original bloc grant program has been diminished through legislative categorization and administrative oversight. Without the elimination of categorizing language, the Safe Streets Act will be a bloc grant in name only, and difficult to distinguish from other federal categorical grant-in-aid programs.

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 and local characteristics, and hence problems, vary, and then insist that each State place a certain percentage of funds available in a specified program area.

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 in 1976. 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 has been initiated.

Congress should 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 State 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 a commitment by the Federal Government to long-term and stable funding, State and local governments are unlikely to give a similar commitment.

States should be permitted to prepare and submit comprehensive plans covering a multi-year period, together with annual update documentation

The Safe Streets 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 on 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 concentrate on more meaningful planning and evaluation.

In addition, statutory language describing the specific requirements of the comprehensive plan should be minimized. 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 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, Federal, State and local governments find themselves involved in a paper war to a large degree. Specific plan requirements that are relevant to the needs of individual jurisdictions are better developed by flexible regulations than by legislative provisions which specify the format of each State's plan.

The State Planning Agency (SPA) should function as an executive branch agency, subject to the jurisdiction of the Governor, with the authority to perform comprehensive planning for the State's criminal justice system

One of the strengths of the Safe Streets 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 who are the chief planning officers of the States, to receive system-wide criminal justice advice. As a result of this new resource, Governors have been better able to exert much more effective leadership in the criminal justice field. The Governor is the chief executive, the agency performs executive functions, and therefore, it should be subject to the jurisdiction of the State's chief executive.

Many SPAs do more than merely plan for and allocate federal funds. Some SPAs have been asked to comprehensively plan for the integration of all resources into a single planning and budgeting process for the criminal justice system within their States. In some States, SPAs work closely with 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. These activities should be encouraged in all States to more completely fulfill the mandate set forth in the Safe Streets Act.

Each State, by 1980, should implement a set of goals, objectives and standards for crime reduction and the administration of justice

Standards and goals efforts have become a significant part of SPA planning and operations. The SPAs have 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 products produced by the National Advisory Commission are worthwhile, as are the standards and goals produced by other national groups such as 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.

States must be permitted and encouraged to establish their own unique processes for developing goals, objectives and standards, tailored to their own needs, problems, concerns and institutions. Specific implementation activities should be initiated, with the goal of achieving positive results, by 1980. Such standards should provide a sound basis for assessing planning priorities and establish benchmarks of accomplishments in fulfilling the intent of the Safe Streets Program.

States must retain complete discretion in determining the representative character of State supervisory boards

Any attempts to establish quotas for any interest group on State supervisory 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.

LEAA should be charged with implementing a more rational, effective and efficient system for discretionary and research activities

LEAA's discretionary grant program and research efforts should be closely coordinated. However, this has not appeared to be the case to date. LEAA has not developed a long-term strategy or plan for its discretionary and research activities. It has funded a scattered number of projects, many of which on review would seem to be of lower priority in light of nationwide needs. Even where significant efforts have been undertaken, there have been problems, as in the case of the Impact Cities program.

LEAA also has had significant difficulty coordinating the efforts of its centralized office with its regional operations. The National Institute has made decisions on LEAA's research program, while the Office of National Priority Programs has made decisions on national scope discretionary projects and the ten LEAA regional offices have made their own decisions as to small scale, supplementary discretionary programs. In each of these cases, there has been little coordination by the federal managers with the key State and local personnel. It is hoped that a recent LEAA administrative reorganization, consolidating the functions of the Office of National Priority Programs into the Office of Regional Operations, will help to ameliorate some of the difficulties experienced in the past.

LEAA's efforts should 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 decision-makers. To date, strategies and plans have been developed without significant State and local involvement. LEAA should be required to consult with State and local government prior to developing long-term research and discretionary strategies and plans so that results of these efforts will be useful to the people in the field.

LEAA should be required to concentrate on the development of meaningful technical assistance and evaluation capabilities

Evaluation, monitoring, standard-setting and other technical assistance activities are integral parts of planning, and a high priority for SPAs. 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. The standards were established by the SPAs early in the program because they recognized the need for information (not otherwise available) for themselves as grant administrators and for agency heads as policy decision-makers. Unfortunately, evaluation in any social science field, and specifically in the field of criminal justice, is in 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. LEAA must be called upon to provide useful assistance in these critical areas of need. Educational and training efforts have been provided primarily by the National Conference.

INTRODUCTION

The National Conference of State Criminal Justice Planning Administrators is an organization of governmental officials who are the directors of the fifty-five (55) State Planning Agencies (SPAs) for criminal justice operating in each of the States and territories. These agencies have been charged with the responsibility for comprehensive criminal justice planning and for administering funds made available by the Federal Government to the States under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The Safe Streets Program, enacted by Congress in 1968 and adminintered at the federal level by the Law Enforcement Assistance Administration (LEAA), was the first major bloc grant program of federal assistance to State and local governments, as well as the first significant federal assistance program in the field of criminal justice. Key to the bloc grant experiment is the recognition that crime and the administration of justice are essentially local problems which can be best addressed at the State and local level. As a result, the majority of responsibility for implementing the program—planning, monitoring, auditing, evaluation, fund allocation, etc.—resides with the States rather than with the Federal Government. Each State and territory is awarded an annual amount of bloc grant funds based upon the development and approval of a comprehensive plan. The States and territories then allocate funds to State and local agencies for the operation of projects and programs consistent with the comprehensive plan.

This report reviews the multitude of projects, programs and activities of the States and territories in carrying out their responsibilities under the Safe Streets Act. It is also a report of the various activities of the National SPA Conference. The report presents a picture of SPA efforts to reduce crime and improve the administration and quality of justice. It provides an overview of common approaches adopted by SPAs, including descriptions of many of the efforts currently underway.

In compiling this report, the National SPA Conference, in conjunction with the Advisory Commission on International Relations, developed and administered a questionnaire which was sent to each SPA director in June, 1975. This survey included 114 questions addressing a broad range of SPA activities. Responses were received from 53 of the 55 SPAs. In addition, extensive use was made of the FY 1976 Planning Grant applications of each of the 55 jurisdictions, various project and program reports, data from the LEAA Grants Management Information System (GMIS), and numerous other reports and documents published by the SPAs and LEAA. Information was also collected from various reports and other documentation of the Federal Bureau of Investigation, the Advisory Commission on Intergovernmental Relations, the Bureau of the Census, the Office of Management and Budget, the General Accounting Office, the National Center for State Courts, the National Governors' Conference, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National

Conference of State Legislatures, Congressional committees, and other sources as appropriate.

1965 to the Present: Challenge and Response

Prior to 1965, there was no federal financial assistance program for State and local criminal justice agencies. Responding to a growing public concern about the problems of crime and the administration of justice, President Lyndon Johnson proposed and Congress enacted a small federal assistance program under the Law Enforcement Assistance Act of 1965. The program, under the jurisdiction of the Department of Justice, funded demonstration and research 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 with an annual appropriation of slightly more than $7 million, was an experimental attempt to promote new ideas and research. However, this initial federal attempt to aid the criminal justice system, while worthwhile as an experimental program, made no notable impact on the system or on crime.

In 1965, President Johnson also established the Commission on Law Enforcement and Administration of Justice (President's Crime Commission) to examine the causes and extent of and possible solutions to crime. The Crime Commission worked for nearly two years, and documented in detail the problems of the Nation's criminal justice system. In its final report, issued in 1967, the Crime Commission described antiquated police practices and deplorable conditions in our jails and prisons, and documented abuses of justice which had occurred in some of our courts. Indeed, the 1967 Commission cited many of the same issues and problems which had been chronicled by the Wickersham Commission in 1931.[1]

The Crime Commission blamed many of the difficulties of our fragmented criminal justice system on its reluctance to change old ways or, to put the same proposition in reverse, its reluctance to try new ones.[2] 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".[3] The Commission strongly endorsed the concept of and need for a federal criminal justice assistance program "totaling hundreds of millions of dollars a year during the next decade".[4] The Commission also urged that State and local criminal justice planning efforts be supported by the Federal Government.

The Commission outlined seven objectives which, if actively pursued, could lead to a reduction in crime:

> First, society must seek to prevent crime before it happens by assuring all Americans a stake in the benefits and responsibilities of American life, by strengthening law enforcement, and by reducing criminal opportunities.
>
> Second, society's aim of reducing crime would be better served if the system of criminal justice developed a far broader range of techniques with which to deal with individual offenders.
>
> Third, the system of criminal justice must eliminate existing injustices if it is to achieve its ideals and win respect and cooperation from all citizens.
>
> Fourth, the system of criminal justice must attract more and better people-police, prosecutors, judges, defense attorneys, probation and parole officers, and correction officials with more knowledge, expertise, initiative and integrity.
>
> Fifth, there must be much more operational and basic research into the problems of crime and criminal administration by those within and without the system of criminal justice.
>
> Sixth, the police, courts, and correctional agencies must be given substantially greater amounts of money if they are to improve their ability to control crime.

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[1] The National Commission on Law Observance and Enforcement, appointed by President Herbert Hoover in 1929, popularly known as the Wickersham Commission, was an eleven member panel chaired by former Attorney General George Wickersham. The Commission filed fourteen reports during 1930 and 1931: one each on prosecution, criminal procedure, the federal courts, lawlessness in law enforcement, police, criminal statistics, cost of crime and the foreign born, enforcement of the deportation laws, and the child offender in the federal justice system; and two on prohibition.

[2] President's Commission on Law Enforcement and Administration of Justice "The Challenge of Crime in a Free Society" (Government Printing Office, Washington, D.C., February 1967), p. 14.

[3] Ibid., p. 15.

[4] Ibid., p. xi.

Seventh, individual citizens, civic and business groups, religious institutions, and all levels of government must take responsibility for planning and implementing the changes that must be made in the criminal justice system if crime is to be reduced.[5]

The Commission noted: "Many Americans take comfort in the view that crime is the vice of a handful of people. This view is inaccurate . . . Many Americans also think of crime as a very narrow range of behavior. It is not . . . No single formula, no single theory, no single generalization can explain the vast range of behavior called crime . . . Many Americans think controlling crime is solely the task of the police, the courts, and correction agencies. In fact, as the Commission's report makes clear, crime cannot be controlled without the interest and participation of schools, businesses, social agencies, private groups, and individual citizens." [6]

By 1967, crime rates were escalating, and were a major concern of private citizens and public officials alike. In February, President Johnson proposed the "Safe Streets and Crime Control Act of 1967" as a vehicle to implement the recommendations of the Crime Commission. The debate in Congress ensued for many months, much of it occurring during a time of widespread civil disorders, riots and social upheaval. Final action came in June 1968, when Congress approved and President Johnson signed into law the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351). The resultant document, a product of heated and prolonged debate and political rhetoric, embodied the first bloc grant program of federal assistance in any field, and the first major federal program to aid State and local criminal justice.

The Act established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice as the administering federal agency headed by a triumvirate administration. The Act also created a State Planning Agency (SPA) in each of the States and territories (fifty-five (55) jurisdictions).

The objectives of the new bloc grant program, as enunciated by Congress, were: "to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) 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."[7] The Act also required that initial emphasis be given to developing techniques for combating organized crime and for preventing and controlling riots.

States were assigned the major responsibility for implementing the program. Funds were made available, on a matching basis, for planning grants (Part B) and action grants (Part C). Planning grants were earmarked for the establishment of the State Planning Agencies, which were charged with developing a comprehensive plan for reducing crime and improving criminal justice capabilities throughout the State. The Act required that action funds be distributed to local and State agency applicants on a 75-25 percent ratio, respectively. The Act also stipulated that 40 percent of each State's planning grant be channelled to units and combinations of units of local government to insure their participation in the development of the plan. All planning grant funds and eighty-five (85) percent of the action grant funds were to be distributed among the States according to their relative populations. The balance (fifteen (15) percent) of the action funds and all research and development funds were to be administered by LEAA.

In addition, the Act established a National Institute of Law Enforcement and Criminal Justice within LEAA to conduct research, and initiated an academic assistance program to further education among law enforcement personnel.

Neither the 1971 nor the 1973 amendments significantly altered this emphasis of "system improvement". Only recently, with the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, has the system emphasis been amended to include the recognition of and assistance to "non-system" activities. The Act emphasizes the significance of resources and institutions external to the traditional criminal justice system in dealing with crime and delinquency, and authorizes support for a broad range of community oriented activities. Specifically, the Act stresses the need to focus on prevention and diversion programs. This expanded purpose, however, is confined to the juvenile justice area.

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[5] Ibid., p. vi.
[6] Ibid., p. v.
[7] Public Law 90-351, Omnibus Crime Control and Safe Streets Act of 1968—Declaration and Purpose.

The critical nature of and relationships between the components of the criminal justice system, and non-system entities in impacting upon crime was reiterated in 1973 in the report of the National Advisory Commission on Criminal Justice Standards and Goals. The twenty-two (22) member commission was appointed in 1971 and charged with the formulation—for the first time—of national criminal justice standards and goals for crime reduction and prevention at the State and local level.

After nearly two years of study, the Commission proposed the goal of a fifty (50) percent reduction in "high-fear" crimes by 1983.[8] The panel also proposed four priority action areas in achieving this goal:

> Juvenile Delinquency: The highest attention must be given to preventing juvenile delinquency and to minimizing the involvement of young offenders in the juvenile and criminal justice system, and to reintegrating juvenile offenders into the community.

Thus, the Omnibus Crime Control and Safe Streets Act of 1968 provided the basic structure for the Nation's criminal justice assistance program. Although this structure has remained fundamentally unchanged since the passage of the 1968 legislation, Congress has amended the original Act on two occasions and has added a new juvenile justice program. These changes have expanded and attempted to clarify the responsibilities of LEAA and the SPAs.

1971 Amendments

Extensive Congressional hearings were initiated in early 1970 to review the first two years experience with the "Safe Streets Program" and to consider the reauthorization of the program. Among the major issues receiving attention were: the ability of the States to administer the program, the distribution of funds to major urban areas and among criminal justice functional areas, and the program's administrative structure.

At the conclusion of hearings and floor debate, Congress voted to reauthorize the program for three years and to amend several of its provisions. Among the key changes were: a requirement that States distributive action funds on a "level of effort" basis (based upon the State and local percentages of overall criminal justice expenditures); the establishment of a new Part E which provided funds for correctional programs and facilities; the addition of assurances that adequate funding would be provided to units of local government with high crime rates and high levels of criminal justice activity; a provision requiring broader representation on State and local supervisory boards; the expanded use of "cash match" (as opposed to credits for donated goods and services); a requirement that States provide a share of the cash match for local programs; and an adjustment of the LEAA top management structure. Authorization levels were increased.

In sum, the 1971 amendments—contained in the Omnibus Crime Control Act of 1970—represented the first attempt by special interests to change the focus and format of the program. However, in its response, Congress elected to retain the fundamental structure of the bloc grant program devised in 1968 with only a few modifications.

1973 Reauthorization

The 1973 Congressional review focused on efforts to enact an Administration (President Nixon) proposal for a special revenue sharing program. However, as in 1971, Congress chose to reauthorize the program, in substantially its original form, for a period of three years.

The amendments, contained in the Crime Control Act of 1973, required that local and regional planning boards be composed of a majority of locally elected officials. They also mandated that procedures be established by SPAs whereby political subdivisions of 250,000 or more inhabitants could submit comprehensive plans to SPAs rather than submitting applications on a project-by-project basis. Regional planning units were allowed up to 100 percent federal planning funds, and planning grants to interstate metropolitan or regional planning boards were authorized.

Comprehensive plan requirements were made more specific as well. States were called upon to include in their plans a comprehensive program for the improvement of juvenile justice, funding incentives for the coordination or combination of law enforcement activities, and the development of narcotic and alcoholism treatment programs in correctional institutions. Under the amendments, SPA review of grant applications was limited to a period of 90 days, and

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[8] The "high-fear" crimes are murder, rape, robbery, aggravated assault and burglary, when committed by strangers.

the same 90-day "turnaround" time was applied to LEAA's review of comprehensive State plans.

Matching contributions for most grants were reduced from 25 to 10 percent of the total project cost. Match was required to be in cash, with States providing one half of the required match for local projects and programs. Construction projects remained on a 50–50 cash match basis. Authorization levels were again increased.

Part E was amended to require States to monitor and report the progress of their entire correctional system with respect to prisoner rehabilitation and recidivism rates. The amendments also broadened and specified the responsibilities of the National Institute of Law Enforcement and Criminal Justice, requiring that the Institute undertake a detailed national survey of criminal justice personnel needs and develop guidelines for LEAA education, training, and manpower programs. Evaluation of programs was also designated as an Institute responsibility, to be conducted with the assistance of the SPAs through the submission of detailed reports and project data.

New confidentiality provisions were added to the legislation designed to regulate the dissemination and usage of statistical, research and criminal history information. And the LEAA three-man (troika) management arrangement was eliminated.

1974 Juvenile Justice Amendments

A new programmatic emphasis was added to the Safe Streets Program upon the enactment of the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation had its genesis in earlier attempts to categorize the LEAA program, as well as in efforts to improve the administration of juvenile delinquency prevention programs of the Department of Health, Education and Welfare (HEW) under the authority of the Juvenile Delinquency Prevention and Control Act of 1968. Much of the Congressional debate focused on which agency would administer the program (LEAA or HEW), programmatic emphasis, and appropriation levels.

Final action by Congress assigned program responsibility to LEAA and created a new administrative structure within LEAA to manage the program. Although this action aided in the centralization of federal efforts to assist the juvenile justice system, this new responsibility also added to the further categorization and administrative burdens of the LEAA program.

1976 Reauthorization

In July 1975, President Ford submitted a proposal (the "Crime Control Act of 1976") to reauthorize the LEAA program for a period of five years. The President's proposal contained no major changes which would affect the basic structure of the existing program. It did, however, contain several provisions addressing concerns voiced by many interest groups, Congressional observers and interested citizens. Among the recommended changes were provisions for: an advisory committee (appointed by the Attorney General) to advise the LEAA administrator on the expenditure of discretionary funds; a program, including a $50 million annual authorization for programs focusing on crime reduction in heavily populated and high criminal justice activity areas; an added emphasis on court planning activities and programs; greater oversight and policy direction by the Attorney General; and the redesignation of the Institute as the National Institute of Law and Justice with authority to conduct research in the area of civil justice under the direct authority of the Attorney General.

Again, however, the Administration did not propose any significant changes to alter the basic structure of the program.

PERSPECTIVES

The Emergence of a Program

Since 1968, the Safe Streets Program has assisted and encouraged a wide range of projects and programs to coordinate, modernize and increase the effectiveness and efficiency of all components of the criminal justice system. The program has also developed new approaches to crime reduction. More importantly, for the first time, States and localities are providing a coordinated and comprehensive approach to criminal justice and crime reduction problems, and together they are developing new methods for the prevention and reduction of crime and the establishment of criminal justice goals and priorities.

Over the past seven years, SPAs have developed and supported projects in all areas of police services—from community relations units, and training and education programs, to crime laboratories, improved telecommunications networks and specialized patrol techniques. Efforts to bring the services of numerous, independ-

ent law enforcement agencies into close coordination through the development of both communication and operational systems have been of prime importance. Many programs have been implemented—and with demonstrated success—which have as their target the reduction of specific crimes. These activities, in operation in all parts of the country, are being closely monitored. The evaluation of the results of these efforts will measurably assist in the identification of what techniques work best—and under what conditions—so that other jurisdictions may benefit.

States have also become actively involved in programs to upgrade all areas of court, prosecution and defense operations. In addition to assisting with the employment of specialized personnel, programs have been initiated to expedite case flow management and reduce court backlogs and processing time, improve courtroom security and provide training and education programs for judges, clerks and other court personnel. Programs have been initiated to increase the "fairness" of the administration of justice by providing the courts with the tools to analyze offender data. This information can then be translated into judicial practices and guidelines to achieve greater consistency in sentencing practices.

A major thrust of the SPAs 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 localities. With Safe Streets assistance, 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. The recidivist rate—that is, the repeat-offender rate—is being contained and even reduced in some jurisdictions throughout the country as a result of programs initiated under the Safe Streets Act. The reduction of recidivism means that fewer offenders are engaged in new criminal activity—and that means fewer crimes.

A substantial amount of activity has been focused on the juvenile justice system. As a result of recent Congressional action (the enactment of the Juvenile Justice and Delinquency Prevention Act of 1974), additional emphasis is anticipated. Among the projects supported by the Safe Streets Program are youth service bureaus, halfway houses, group and foster homes, and expanded counseling, diagnostic and referral services. States have been instrumental in establishing treatment services, emergency units, hot lines and crisis intervention programs to help deal with the problems of drug and alcohol abuse. Programs have also been initiated to prevent and detect drug-related crimes.

Many community crime prevention efforts are a result of State leadership under the Safe Streets Program. Acitivities include street lighting campaigns, architectural design innovations which reduce the opportunity to commit crimes, rape prevention programs, anti-shoplifting and anti-burglary campaigns, and numerous law-related education and citizen involvement programs.

These efforts, and the partnership between Federal, State, and local government require continued support if this Nation is to attain its goals of a truly responsible and responsive system of criminal justice and greater public safety. Greater demands will be made to demonstrate positive results in combatting crime. Some will challenge the program because crime has increased. But to expect crime to go down solely because of the Safe Streets Program is to misunderstand both the nature of crime and the nature of the program.

Conflict and Criticism

Since 1968, the Safe Streets Program has been the object of much controversy and criticism in the face of rising crime rates. Only once, in 1972, did the criticism subside briefly when crime statistics indicated an actual decrease in reported crime. However, it is not appropriate to relate statistical aberrations contained in the crime statistics with a judgment that the Safe Streets Program has either succeeded or failed. Likewise, it is not appropriate to claim credit or take responsibility for failure solely on the basis of what the crime statistics appear to indicate. As Attorney General Edward Levi recently noted at a meeting of Governors in Washington, D.C., the crime statistics simply "cannot withstand the light of day". In fact, over ninety-five (95) percent of the SPAs responding to the National SPA Conference and ACIR questionnaire indicated that bloc grant funds have had at least some success in reducing crime or slowing the growth in the crime rate, even though the reported statistics portray an overall increase (see Table 1).

The short eight year history of the Safe Streets Program has been confused at best, in some measure because of the constantly changing priorities and the ever broadening purpose Congress has invoked. During each of the two previous

reauthorization processes, Congress—in response to various criticisms and pressures from special interest groups—has frequently altered Safe Streets priorities. In 1969 emphasis was on law enforcement assistance, and riot and organized crime control. The 1971 Amendments stressed correctional activities, and in 1973 attention was shifted to standards and goals and crime reduction. Most recently, renewed emphasis was placed on juvenile justice.

This trend can be expected to continue during the 1976 reauthorization process, given the variety of pressures to change the law already expressed, particularly in the area of aid to local governments and courts.

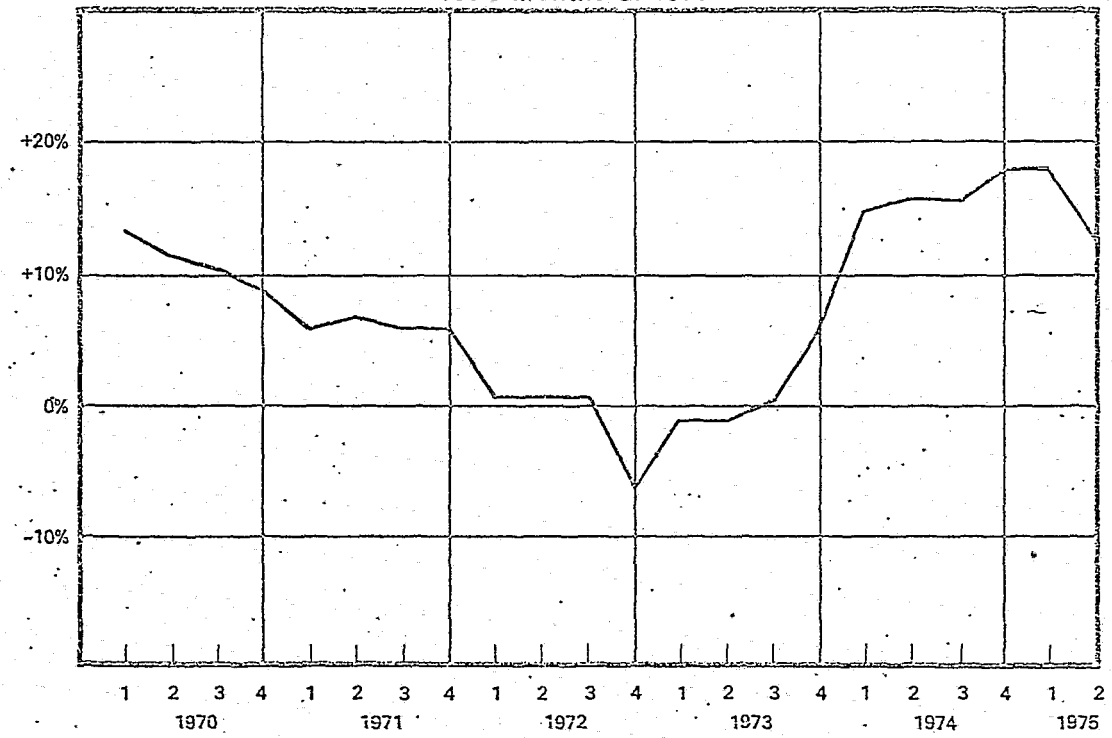
With each change has come a new level—or at least a different type—of expectation regarding accomplishments and results, and even more confusion about the overwhelmingly ambitious programmatic goal expressed in 1968—the reduction of crime. For although it was clearly stated and supported by the Crime Commission in 1967 that aid directed only to the criminal justice system was not enough, the Administration proposed and Congress approved a program of assistance to the criminal justice system with every expectation that crime would decline.

Although the Administration and Congress accepted the Crime Commission's findings, the program which emerged in 1968 focused primarily on efforts to improve the system. For example, the "Declaration and Purpose" preamble to the 1968 legislation stated:

TABLE 1

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



"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. *To prevent crime* and to insure the greater safety of the people, *law enforcement 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* at every level by national assistance. It is the *purpose of this title* to (1) encourage States and units of general local government to prepare and *adopt comprehensive plans* based upon their evaluation of State and local problems of law enforcement; (2) *authorize grants* to States and units of local government in order *to improve and strengthen law enforcement;* and (3) 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.*" (Emphasis added.)

Further, Section 301(a)—which authorized the use of "action grant" monies—specifically stated that "It is the *purpose* of this part to encourage States and units of general local government *to carry out programs and projects to improve and strengthen law enforcement.*" (Emphasis added.)

The legislation was predicated on the assumption that by promoting efforts to improve the components of the criminal justice system, crime would be reduced. But at the time, in 1967 and 1968 during Congressional review, no one seriously questioned the popular belief that the infusion of money to improve the criminal justice system would, in fact, automatically reduce crime. Questionning such was not in the realm of political or popular acceptability—particularly in the aftermath of the widespread civil disorders and riots of the 1960's. "War on crime" and "law and order" were the by-words.

Delivery of Social Services: Public and private service agencies should direct their actions to improve the delivery of all social services to citizens, particularly to groups that contribute higher than average proportions of their numbers to crime statistics.

Prompt Determination of Guilt or Innocence: Delays in the adjudication and disposition of criminal cases must be greatly reduced.

Citizen Action: Increased citizen participation in activities to control crime in their community must be generated, with active encouragement and support by criminal justice agencies.[9]

The Commission's seven volume report not only contained hundreds of standards and recommendations for the improvement of the criminal justice system, but also suggested many standards and recommendations pertaining to the social service delivery system.

While a number of the conditions cited by the 1967 Commission had been ameliorated, the National Advisory Commission found that progress was nonexistent in other areas of the criminal justice system, and the system was still in much need of reform. But as in the earlier Commission's report, the 1973 panel stressed the need for concomitant action in non-criminal justice areas, citing:

(1) Citizen apathy and indifference contribute to crime;

(2) Private and public agencies outside the criminal justice system influence rises and declines in crime rates; and

(3) Community crime prevention efforts include demonstrable benefits for existing institutions and agencies organized toward the achievement of other primary goals.[10]

Wholesale and lasting crime reduction through limited planning efforts and financial assistance confined solely to the criminal justice system is an unrealistic expectation. There is no single formula for determining the causes of crime. There is no single prescription for dealing with crime. There is no uniform manner for dealing with criminal offenders. Rather, crime reduction and prevention can only be accomplished by addressing the total social, political and economic needs and attitudes of citizens. The elements of the criminal justice system can contribute to efforts to help reduce crime; but traditionally the police, courts and corrections components deal with crime and criminals *after* they have become statistics. As recently noted by Samuel Dash, Director of the Institute of Criminal Law and Procedures at Georgetown University in Washington, D.C. and former counsel to the Senate Watergate Committee: "How we handle a criminal after he's in the system won't cut down on crime. The criminal administration system simply can't do it."

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[9] National Advisory Commission on Criminal Justice Standards and Goals, "A National Strategy to Reduce Crime" (Government Printing Office, Washington, D.C., January 1973), p. xvi.

[10] National Advisory Commission on Criminal Justice Standards and Goals, "Community Crime Prevention" (Government Printing Office, Washington, D.C., January 1973), p. 1.

In the short-run, improved law enforcement and strengthened crime suppression activities may have limited impact upon the crime problem. At best, long-term remedies will only be approached through concerted efforts to develop a sound economy, provide job and educational opportunities, ameliorate social inequities, and reduce the opportunity to commit a crime—and the need to commit a crime. Many of the actions which must be taken to impact upon the crime problem are not related to the criminal justice system. The control of crime is an intergovernmental, interfunctional, interdisciplinary and interpersonal responsibility. All levels of government must cooperate in sharing resources and technologies. The various components of the criminal justice system—police, courts, corrections—must function in concert to produce a viable system of justice. The myriad of complex social disciplines must also work together in order to reduce related social ills such as poverty, unemployment and ghetto environments in order to have any effect on crime. Citizen attitudes—distrust, alienation, apathy—toward one another and toward the acceptance of crime as a way of life or as being tolerable, must also be addressed. Many of these issues are beyond the scope of the Safe Streets Program, yet they deal directly with the root causes of crime, and their importance cannot be understated. James Vorenberg, noted Harvard law professor and executive director of the 1967 Crime Commission, in a November 1975 television interview states: . . . "It sounds like a broken record, I suppose, but I really think that you can't make a big dent in crime without doing something about the kind of society we live in. I think the way this country has operated in the last eight years has been the perfect prescription for increasing crime. I think if we're not willing—on a consistent basis—to invest in the kinds of lives people lead, if we keep people out of schools, if we continue discrimination in schools, if we have (high) unemployment, I think we're going to have the same problem ten years from now (that) we have now."

It is understandable that the program which was formulated in 1968 dealt with the "basics" of the criminal justice system. Indeed, it is far easier to see more policemen on the streets, additional judges on the bench, and correctional institutions with improved facilities than it is to determine the effectiveness of a psychological testing program or a pre-delinquency counseling program, or deal with the root problems of such a complex social condition as crime.

The only misconception—born of hope—was to expect an immediate and wholesale reduction of crime as a result of a limited expenditure of federal funds to improve the criminal justice system.

In addition, and most importantly, however, the program which did emerge in 1968 was absolutely essential because the criminal justice system lacked resources, manpower and imaginative leadership. As cited by the Crime Commission:

> Every part of the system is undernourished. There is too little manpower and what there is is not enough trained or well enough paid. Facilities and equipment are inadequate. Research programs that could lead to greater knowledge about crime and justice, and therefore to more effective operations, are almost non-existent. To lament the increase in crime and at the same time to starve the agencies of law enforcement and justice is to whistle in the wind.[11]

The establishment of the Safe Streets Program in 1968 was a realistic attempt to begin to provide desparately needed resources to improve a highly fragmented, inefficient, and at times ineffective system of criminal justice, and to begin to identify methods to reduce crime. In this regard, the program has fulfilled its statutory mandate. All components of the criminal justice system are better trained and equipped and equipped today, and some progress has been made in formulating and testing crime reduction strategies. Although the staunchest critics do continue to evaluate the Nation's crime control purely in the context of its "failure to reduce crime", policymakers, law enforcement and criminal justice officials, academicians, sociologists and the like are far more realistic in their appraisal of success and failure. A recent article in U.S. News & World Report which dealt with crime in America found: "On one point authorities agree: No quick solutions can be expected".

An additional problem inherent to the evaluation of success or failure of crime reduction programs is the determination of what kinds and how many crimes are committed. In measuring crime, most observers look first to the reported crime rate compiled and published annually as the Uniform Crime Reports (UCRs) by the Federal Bureau of Investigation. These reports are developed in conjunction

[11] President's Commission on Law Enforcement and Administration of Justice, op. cit., p. 15.

with the Committee on Uniform Crime Report of the International Association of Chiefs of Police (IACP). 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, 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. These statistics have been utilized primarily because nothing more reliable exists. Much of the initial and on-going State and local expenditures in the Safe Streets Program have supported 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, although they are still far from perfection. 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, for example, confirmed that a great portion of a recent increase in the UCRs for that State was as a result of increased reporting efficiency rather than an increase in crimes being committed. Alabama may also experience a dramatic increase in crime statistics—at least on paper, according to officials in that State. The statistics will be inflated beyond a real increase or decrease in crime because of a mandatory crime reporting system which went into effect last year. Only 37 percent of the law enforcement agencies were reporting data at the beginning of 1975. By the end of the year, the percentage of reporting agencies had increased to 70 percent. These findings exemplify that the UCR statistics are not a clear indication of the seriousness of crime. The real question is not the method of estimation, but whether the yardstick at the present time is too changeable to allow significant trend comparisons to be made at the national level.[12]

Additional reporting problems occur when, as the Wickersham Commission pointed out, agencies "use these reports in order to advertise their freedom from crime as compared with other municipalities." While public sensitivity to and greater awareness of the crime problem serve as a check to this situation, it is possible that political pressures external to the reporting agency (the police department) or perhaps the desire of the police department to advance the proposition that crime is not a serious problem locally have an effect on reporting results. Deficient or defective reporting practices also skew the statistical outcome. Clearly, all of the problems which do exist in the compilation of data serve to prevent an accurate picture of the crime situation in communities throughout the country from receiving the public scrutiny it justly deserves. In the final analysis, it is a violation of the public trust.

Another weakness of the existing crime reporting system is that there is no base comparison against which measurements of crime control and prevention efforts can be made. As a result of these and other problems experienced with crime reporting, a new measurement technique—victimization surveys—is being developed to obtain a more accurate guage of the scope of unreported crime. The first national survey of unreported crime (National Opinion Research Center Field Survey II, Criminal Victimization in the United States) was undertaken in 1967 as part of the comprehensive work of the President's Crime Commission. A recent victimization survey completed in Portland, Oregon, and released in February 1975, showed a 16% drop in the burglary rate during the previous two years. This finding is in direct contradiction to FBI statistics which reflected an increase in burglaries during the same period. Through the use of household interviews, researchers discovered that while fewer persons had been victims of burglaries, a greater proportion had reported the crimes to the police. As a result, the study attributed the FBI data to an increase in the citizen reporting rate, rather than to an actual increase in crime. The report concluded: "Official crime statistics reflect only the crimes which residents report to the police or which the police uncover in progress. If residents begin reporting a greater percentage of all crimes to the police, the official crime rates will be increased even though the total amount of crime could be the same or even declining."

Current national victimization survey work is being conducted by the National Crime Panel of LEAA. Within the next several years, the States will have data

[12] President's Commission on Law Enforcement and Administration of Justice, op. cit., p. 27.

which will aid them in determining whether the actual rate of crime victimization has been changing. These surveys, while not reputed as being the final answer, do in fact, present a clearer, more precise picture of the character and magnitude of the Nation's crime problem. For example, recent surveys have revealed that fifty-five percent (55%) of offenses are committed against persons, forty-one percent (41%) of offenses involve households, and four percent (4%) of offenses are against businesses. Low income families are more likely to be victims of violent crime, while more affluent persons are more victimized by burglaries, other larcenies. Teenagers are the most frequent crime victims, and persons over 65 are the least affected. Men are more often targets of crime than women; blacks fall victim more often than whites. Single persons who rent, rather than own their own houses, are high on the victim list.

For the criminal justice system perspective, these are the kinds of data—together with offender profile data—which are necessary to the development of an effective plan to deal with crime. How can one treat an ailment unless one can analyze the symptoms and diagnose the cause?

Looking Ahead

In 1976, Congress once again will consider the Safe Streets Program. During this process, the Congress and the public must not only examine the program's deficiencies, but also recognize its limitations. More importantly, Congress and the public must review the positive results that have been achieved over the past seven years, and weigh the costs and benefits of continuing the program against the human, economic and social costs of crime.

The development of the program has been an evolutionary process. SPAs, local criminal justice planning agencies and the federal administrative structure did not appear overnight. There was no cadre of trained and experienced "criminal justice planners" waiting to staff and direct the program. There were no set procedures to operate the program in the critical areas of auditing, monitoring and evaluation. There were no precedents for the Nation's first bloc grant program of federal assistance. Little was known about the causes, extent and nature of crime.

In a recent article, Joseph L. White, Fellow at the Academy for Contemporary Problems noted: "Congress must give up its unrealistic notion that by contributing funds to the improvement of criminal justice crime rates and recidivism will go down. . . . LEAA is an agency primarily charged with the management of a grant-in-aid program. Its failure to reduce crime should not obscure what the agency has accomplished. Nor should it obscure the fact that when Congress directed LEAA to reduce and control crime, it asked for too much . . . The Congressional interest in the quality of law, order and justice in America should be more positively focused on increasing the capability of the system to be efficient and humane, and not demand, as a *quid pro quo*, a reduction in crime for every dollar. Congress should continue to express its concern about the quality of criminal justice for the same reasons that it justifies expenditures for other, large social systems. It does not require the health field to eradicate cancer as a condition precedent to funding, nor does it require the educational system to maintain an intellectual level of excellence in America. It does so because those services are the stuff of government, what the people want to collectively provide to themselves."

The system of justice in America today is fundamentally sound, and is substantially superior to that which existed only seven years ago. Safe Streets monies represent almost the only funds available to criminal justice for experimentation. These resources 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 Safe Streets Act, States and localities would be able to do little more than maintain their existing operations.

The Safe Streets Program has demonstrated its ability to increase the efficiency, effectiveness and fairness of the Nation's criminal justice system. Whether or not these improvements and the developing crime reduction efforts have helped stem the rise in crime is impossible to assess at this time; but these efforts represent worthwhile and not inconsiderable goals unto themselves.

The 1967 Crime Commission aptly observed:

> This report has emphasized again and again that improved law enforcement and criminal administration is more than a matter of giving additional resources to police departments, courts, and correctional systems. Resources

> are not ends. They are the means, the means through which the agencies of criminal justice can seek solutions to the problem of preventing and controlling crime. Many of those solutions have not yet been found. We need to know much more about crime. A national strategy against crime must be in large part a strategy of search.[13]

In 1973, this call for a strategy was echoed when the National Advisory Commission issued its comprehensive standards and goals report (entitled "A National Strategy to Reduce Crime"), and noted:

> We have sought to expand their (previous commissions') work and build upon it by developing a clear statement of priorities, goals, and standards to help set a national strategy to reduce crime through the timely and equitable administration of justice; the protection of life, liberty and property; and the efficient mobilization of resources."[14]

The remaining portions of this report review the myriad activities, methods and programs which constitute the Nation's search to reduce crime and to improve the quality of the criminal justice system.

IV.

ADMINISTRATIVE STRATEGIES AND RELATIONSHIPS

During the past seven years, the SPA has been a new, relatively untested and fluid component of State government. Throughout this short span of time, each of the fifty-five (55) SPAs has not only embarked upon its role to perform comprehensive criminal justice planning and the many functions associated with grant administration, but has also sought to establish itself as a viable participant in the dynamics of intergovernmental and inter-agency relations at all levels.

The challenges offered to the SPAs, as well as to their local and federal counterparts to a great extent, have been formidable. As previously noted, there was no cadre of trained and experienced criminal justice planners available to staff and direct the program. As with any emerging discipline, theories abounded as to the most effective and appropriate planning philosophy and process. Administratively, application forms and procedures had to be developed, and budget and program review functions devised. Grant award standards had to be established, and fund disbursement schedules for thousands of projects had to be established, and fund disbursement schedules for thousands of projects formulated. And monitoring guidelines, auditing policies and evaluation strategies had to be prepared. Additionally, each unit had to adapt—indeed conform—to the traditional governmental patterns within which it was to function.

Given the opportunity and the forum to plan and to act together, many elements of the criminal justice system, general government and the public sector have engaged in cooperative efforts never before known. Their goal is the development of initiatives to help control crime and bring about a fairer system of criminal justice.

Organization and Responsibilities

Congress authorized that each SPA be created or designated by the Governor and be subject to his jurisdiction. As of May 1975, twenty (20) SPAs had been established by State statute and thirty-five (35) were operating under a gubernatorial executive order. (See Appendix Table 1.)

Although there is wide diversity among SPAs in terms of their structural organization and location within State government, each shares common traits and responsibilities. Every SPA has a professional staff. In 1969, slightly more than 400 persons (professional or clerical or both) were employed by SPAs to administer a $24.6 million program. As of May 1975, 1,425 professionals were responsible for the administration of a $536.5 million State action programs. (See Table 2.) Staff complements have increased by approximately 350 percent, while total appropriations have risen by over 1300 percent.[1] Professional staff levels range from a low of 4 in American Samoa to a high of 66 in California.[2] While it is practically impossible to establish a uniform staff classification pattern, budget data indicate that greater staff emphasis is being placed on evaluation, auditing, planning and grant administration.

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[13] Ibid., p. 279.
[14] National Advisory Commission on Criminal Justice Standards and Goals, op. cit., Foreward.
[1] Fiscal year 1969 to fiscal year 1976 comparison.
[2] Data obtained from fiscal year 1976 Planning Grant Applications and indicate actual staff employed at the time of application submission.

The overwhelming majority of SPA directors are appointed by the Governor. In some States, legislative confirmation is required. In two States (Montana and Maine), the supervisory board is the appointing authority, while in three others (Kentucky, Missouri and South Dakota), the head of the "umbrella" agency, in which the SPA is located, appoints the SPA director.

It is estimated that the average tenure of an SPA director is approximately two years. Thirty SPAs experienced a change of directors during the eighteen month period commencing in October 1974. This turnover for the most part has been a result of changes in State administrations and normal occupational mobility. Many SPA directors have been appointed to head other State agencies. Several were named to oversee the standards and goals efforts in their States, while others have selected to return to private law practice or to teach. Some have assumed positions with local or federal agencies.

TABLE 2.—FULL-TIME SPA STAFF LEVELS

State	Professional		Clerical	
	Actual	Authorized	Actual	Authorized
Alabama	27	27	8	8
Alaska	8	8	2	2.5
American Samoa	4	4	3	6
Arizona	18	18	5	5
Arkansas	22	22	8	9
California [1]	66	80	48	57.5
Colorado	16	19	6	7
Connecticut	23	29	12	14
Delaware	17	17	4	4
District of Columbia	29	35	11	11
Florida	42	43	23	26
Georgia	24	27	11	11
Guam	12	12	4	4
Hawaii	6	8	4	4
Idaho	13	15	6	6
Illinois	58	58	24	26
Indiana	23	24	14	14
Iowa	20	20	5	5
Kansas	15	16	8	8
Kentucky	30	37	10	13
Louisiana	26	27	12	12
Maine	25	27	8	8
Maryland	29	29	9	9
Massachusetts	52	53	18	18
Michigan	42	45	15	15
Minnesota	28	29	7	7
Mississippi	17	20	14	14
Missouri	23	23	8	8
Montana	12	16	2	6
Nebraska	18	19	5	6
Nevada	12	12	6	8
New Hampshire	10	10	6	6
New Jersey	45	50	22	25
New Mexico	13	13	10	11
New York	44	49	23	24
North Carolina	35	37	13	16
North Dakota	11	11	6	6
Ohio	55	66	28	35
Oklahoma	20	21	10	13
Oregon	26	28	4	5
Pennsylvania	58	59	28	34
Puerto Rico	47	47	22	22
Rhode Island	22	24	6	9
South Carolina	19¾	23¾	9	14
South Dakota	10	10	3	3.6
Tennessee	29	29	9	9
Texas	56	61	17	22
Utah	18	24	5	6
Vermont	14	14	5	5.5
Virginia	37	37	19	19
Virgin Islands	7	11	2	3
Washington	25	25	8	8
West Virginia	29	32	9	12
Wisconsin	28	29	12	13.5
Wyoming	9	10	3	3

[1] Prior to major reorganization.

Source: Fiscal year 1976 planning grants.

Every SPA has a supervisory board which is responsible for reviewing and approving the State Plan. Over 1400 persons are members of State supervisory boards. These bodies are comprised of State and local government and criminal justice members and are representative of citizen and community interests. In 1975, approximately 37 percent represented State government, 40 percent represented local government, and 23 percent the general public. (See Appendix Table 2.) These data can be compared to a 1970 ACIR survey which showed that the State accounted for 37 percent, local governments 46 percent and the general public 17 percent of the board membership. These changes suggest an increasing role for citizen interests and the absence of what has been termed by some critics as "State domination".

Data also reveal that State boards are no longer "dominated" by criminal justice officials. Membership data compiled in 1970 by ACIR revealed that approximately 60 percent of State board membership was comprised of criminal justice system officials. However the 1975 survey revealed that, of total board composition, police account for 20 percent, courts for 21 percent, corrections for 8 percent and juvenile justice for 7 percent.[3] These figures include both State and local officials. (See Appendix Table 3.)

Local officials account for approximately 40 percent of State board membership. This amount is divided between criminal justice representatives (judges, prosecutors, sheriffs, etc.), and non-criminal justice officials (city and county executives, administrators, legislators, etc.). (See Appendix Table 4.) Compared to 1970 data, local non-criminal justice membership has increased from 11 percent to nearly 13 percent of total board composition.

State legislators are members of supervisory boards in thirty-six States.[4] Additionally, State legislators serve on advisory committees to supervisory boards in many States. In one State (California), although there are no legislative members, both houses of the State legislature appoint over 40 percent of the board membership (11 of 27 members).

State and local courts, according to the strictest definition, are represented on every supervisory board except one. The State supreme court is represented by either a supreme court justice or the State court administrator (or both) in at least 85 percent of the States. Additionally, judges serve on advisory committees to the supervisory board in several States. Other States have formed subcommittees of the supervisory board (with judicial representation) to address court-related issues. When the definition of "courts" is expanded to include State and local prosecution and defense functions, and probation and parole responsibilities where appropriate, "courts" representation increases significantly.

The average size of a supervisory board is 26 members; the smallest board is in Guam (8 members) and the largest in Michigan (75 members). The majority of members are appointed directly by the Governor. However, as noted above, the State legislature also is responsible for appointments in some areas, and some members—primarily State criminal justice officials—serve in an *ex-officio* capacity. The chairman of the board is appointed by the Governor in most States. The Governor actually serves as chairman of the supervisory board in six States; the attorney general is designated ex-officio chairman in nine States. Members serve an average term of 2–4 years. Most boards have established by-laws.

Nearly eighty percent of the board members regularly attend meetings. Many States permit members to send representatives to meetings; however, only about half of these "proxies" are allowed to vote. Less than twenty percent of the locally elected officials send criminal justice officials to represent them in their absence.

These data show that no single interest dominates the State supervisory boards and that they do maintain a "representative character." Queried about the effect that board membership has on funding decisions, nearly 90 percent of the responding States indicated that representation was of little or no importance. The majority of respondents also indicated that no agencies, jurisdictions or groups were either over-represented or under-represented. In addition, although over 60 percent of the responding SPAs indicated that the Governor (or his representative) sometimes made recommendations to the SPA for support of certain projects and programs, 30 percent characterized the board's relationship with the Governor as very independent, and an additional 46 percent characterized it as one of occasional communication and consultation. Seemingly, dominance is more a product of individual personalities than of special interest groups.

The breadth of supervisory board involvement in planning and funding activities is great. While seven States indicated that the board only sets broad policies and

[3] Courts is broadly defined to include judicial, prosecutorial, defense and related personnel.

[4] As a result of recent legislation, the Colorado SPA has reconstituted its supervisory board, which includes three legislators, and should be included in the list, raising the number to thirty-seven.

priorities, most State boards review and approve both general and specific activities in the plan based upon staff recommendations. No State board automatically accepts the recommendation of its staff.

Five responding States have delegated all grant approval and disapproval to the SPA staff; several have authorized the staff to act on smaller grants, usually those under $5,000. However, the vast majority of State supervisory boards are actively involved in the review and approval of action grant applications. In addition, approximately 70 percent of the respondents indicated that the supervisory board also reviews and approves Part B allocations.

The forum which the Safe Streets Program provides is essential. It is the vehicle through which the components of the criminal justice system and noncriminal justice officials—both public and private—can come together to assess needs and priorities, and begin to develop appropriate responses. Indeed, all responding States indicated that SFA staff and monies have had a role in encouraging and promoting a more systematic and coordinated approach to criminal justice problems. Over 95 percent acknowledge this role as crucial or important. Additionally, States indicated that the various components of the criminal justice system have begun to view themselves and to function as part of an interdependent and integrated system. The notable, but not unexpected, exception is the court system. As recently noted by Patrick Murphy, President of the Police Foundation: "The courts in particular tend to refrain from cooperating with other criminal justice agencies. The courts, of course, have traditionally considered themselves independent, and this attitude persists. All too often, judges are a law unto themselves, interested neither in the gathering of information by which they could be held accountable for their work, nor in cooperating with state planning agencies on ways to improve their operations."

Although not totally successful in bringing together all the elements on all occasions, the potential exists. In States where a greater degree of cooperation has been developed, the Safe Streets Program has been in large part, responsible.

Responsibilities

Part B funds support the planning and administrative functions of the States. A base amount of $200,000 is made available to each SPA; the remainder of funds is distributed on the basis of their relative populations. Appendix Table 5 itemizes the Part B allocation for each SPA for FY 1976. A maximum of 60 percent of the allocation may be retained by the State for planning and administration unless a waiver is granted; the remainder must be allocated to regional and local planning units. The States must also provide a 10 percent cash match for those Part B funds retained for State purposes. Table 3 lists these fiscal year 1976 match percentages.

TABLE 3.—PART B MATCH

[Percent of State match for State activities [1]]

State	Percentage	State	Percentage
*Alabama	13.76	*Nevada	31.26
*Alaska	46.05	New Hampshire	10.00
*Arizona	16.57	New Jersey	10.00
Arkansas	10.00	*New Mexico	35.66
California	10.00	New York	10.00
Colorado	10.00	North Carolina	10.00
Connecticut	10.00	*North Dakota	20.68
*Delaware	28.97	Ohio	10.00
*District of Columbia	11.41	Oklahoma	10.00
Florida	10.00	*Oregon	10.50
Georgia	10.00	*Pennsylvania	44.30
*Hawaii	20.99	*Rhode Island	11.14
*Idaho	44.71	South Carolina	10.00
*Illinois	32.17	*South Dakota	13.60
Indiana	10.00	Tennessee	10.00
Iowa	10.00	Texas	10.00
Kansas	10.00	*Utah	17.18
*Kentucky	40.30	Vermont	10.00
*Louisiana	16.03	*Virginia	25.16
*Maine	12.41	Washington	10.00
Maryland	10.00	West Virginia	10.00
*Massachusetts	30.01	Wisconsin	10.00
Michigan	10.00	Wyoming	10.00
Minnesota	10.00	*American Samoa	11.00
Mississippi	10.00	*Guam	13.68
*Missouri	11.89	*Puerto Rico	10.16
*Montana	11.01	Virgin Islands	10.00
*Nebraska	10.28		

[1] Statutory minimum is 10 percent; amounts in excess of 10 percent constitute "overmatch". Twenty-seven (27) States overmatch. An asterisk (*) identifies those States.

Source: Fiscal year 1976 State planning grants.

Over the past 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 and others of which are not directly related to the Safe Streets program (i.e. relocation assistance, civil rights compliance, etc.). Inflation also has taken its toll. One study recently conducted in Rhode Island indicated that the minimum amount of planning funds necessary for that SPA to perform its duties was over $500,000. Some adjustment to the allocation process for Part B funds, such as raising the base amount, appears warranted to enable the smaller States to perform the planning and administrative duties imposed upon them, and to permit the larger States to continue to perform at least at their present financial level.

Prior to the enactment of the Safe Streets Act in 1969, little planning was being conducted in the area of criminal justice. A significant outgrowth of the program, one which will have long-term benefits, has been the development of a planning capability for criminal justice at the State and local level.

The development of most SPAs has followed a course from project planning, programming and grant administration, to auditing, monitoring, evaluation and the refinement of planning techniques. A realistic assessment of the program will acknowledge that although agencies—State and local alike—were established to "plan", very little in quantity or worth was accomplished in the beginning stages of the program.

At the outset of the program, the appointment of the LEAA administration was delayed, guidelines were incomplete and hurriedly issued. The initial emphasis was to "get the money moving". As a result, the initial State "plans" were little more than compliance documents. Planning, *per se*, was the exception and not the rule. Unfortunately, the vestige of the early desire to get the money moving (which now has a more scientific term of "fund flow") still haunts the efforts of State and local agencies responsible for the Safe Streets Program. So long as guideline requirements and demands continue to focus on the management of resources rather than on the processes of allocating those resources (i.e. planning) the full potential of the Safe Streets Program will not be realized.

That is not to say, however, that a planning capability is not developing. It is. A new profession of criminal justice planning has merged. New tools and techniques have been developed. Emphases are changing, slowly but positively. Over seventy-five percent of the SPAs believe that their planning capabilities have greatly increased over the past six years. An additional twenty-three percent rate the change in their planning capability as moderately increased. Other significant advances are cited in the areas of grant review, monitoring, evaluation, auditing, and establishing funding priorities.

All SPAs are responsible for developing an annual State plan which must include a description of: general needs and problems; existing systems; available resources; organizational systems and administrative machinery for implementing the plan; the direction, scope, and general types of improvements to be made in the future; and to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice, plans and systems.[5] In most cases planning and programming decisions are made after a review of: data relating to crime and the activity of the criminal justice system (number of police officers, probation officer caseloads, court backlogs, jail capacities, etc.); an assessment of needs; an analysis of past performance; amounts of funds available; State and local priority requests; and an evaluation of goals and objectives to be addressed.

There are three major types of planning utilized by the SPAs: system improvement; standards and goals; and specific crime reduction. The focus of system improvement planning is to develop programs to upgrade the operations of criminal justice agencies. It is probably the most dominant approach because it deals with efforts with the most easily identifiable results.

The standards and goals approach has received increasing attention, particularly since 1973 and the publication of the report of the National Advisory Commission on Criminal Justice Standards and Goals. The focus of this technique is to encourage jurisdictions to adopt and implement standards of practice, and short-term and long-range goals of achievement, including those offered by the National Advisory Commission, the States, or some other recognized institution.

Planning related to actual crime reduction achieved prominence and added importance as crime rates began to rise. Known in trade jargon as "crime specific planning", a target crime is identified and all programs and activities are designed

[5] Section 303(a)(5), Public Law 93-83, Crime Control Act of 1973.

to help reduce the incidence of that particular offense within a given period of time. This approach was utilized in the LEAA Impact Cities program begun in 1972 in eight cities (Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland, and St. Louis).

In practice, most States use a combination of these three approaches.

Auditing, Monitoring, Evaluation

In 1969, States faced not only the challenge of developing a criminal justice planning capability, but also the responsibility of administering the first bloc grant program of federal assistance. There were no precedents, and the availability of technical assistance was limited. Clearly, had technical and financial management assistance been available, many difficulties could have been avoided or minimized.

States have the primary responsibility for auditing, monitoring and evaluating the Safe Streets Program. The States capacity to perform these necessary functions has grown appreciably over the years.

Most SPAs now have an inhouse auditing capability. A few States rely on limited consultant services. In others, such as Indiana, auditing services are performed by a State audit agency. Most audits are not performed until projects are well underway or are terminated. As a result, statistics for current year monies are either unavailable or grossly incomplete. On the average, SPAs indicated that approximately 60 percent of fiscal year 1970 funds, 51 percent of fiscal year 1971 funds, and 36 percent of fiscal year 1972 funds had been audited by mid-1975.

Monitoring and evaluation activities provide the means by which SPAs can determine whether a project or program is achieving its objectives. As such, these activities are crucial to SPA planning and programming decisions. Over 90 percent of the States have developed a State evaluation strategy outlining a program for assessing the impact and results of funded projects and programs.

However, only half of the States consider the resources available to them to implement their evaluation strategies as being adequate. Another handicap which has slowed the development of evaluation capabilities has been the limited amount of technical assistance and expertise available to SPAs.

On the average, 30 percent of all projects are evaluated each year. (This figure is over and above monitoring activities.) This accounts for approximately 35 percent of the total bloc grant funds on the average. Sixty percent of the SPAs indicated that their evaluation efforts have significantly increased since 1973; an additional 28 percent rate their efforts as moderately increased.

All States monitor their projects. However, due to financial constraints and limited staff and time, only slightly more than 70 percent of the SPAs view their efforts as generating adequate information in a regular and timely fashion.

Funding for evaluation and monitoring is a major difficulty for most SPAs. Nearly every SPA director consider evaluation and monitoring activities as the two most endangered SPA activities, if appropriations were to be reduced. They also review existing appropriation levels as inadequate to meet their evaluation and other planning and management needs.

A few SPAs confine their activities strictly to the administration and implementation of the Safe Streets Program. Most SPAs, however, have become involved—to varying degrees—in planning, budgeting and programming responsibilities beyond those required for Safe Streets. The Kentucky SPA, for example, is part of that State's Department of Justice, created through the reorganization of all criminal justice agencies under one cabinet secretary. Most of the traditional SPA functions have been combined with the Department's overall planning, budgeting, research and evaluation activities—an approach intended to permit the SPA eventually to plan for the entire criminal justice system at the State level and to integrate the budgeting process into a comprehensive planning process statewide.

While 98 percent of the respondents indicated that some type of action has been taken in the area of criminal justice standards and goals, almost half said that State standards and goals had actually been established. Most SPAs, such as Florida, Michigan, Oregon, Idaho and Utah, have been actively involved with or directly responsible for the development and implementation processes.

Of those States responding to the survey, approximately 43 percent indicated a "great" or "moderate" role in influencing State criminal justice agency budget requests. In South Carolina and Virginia, for example, the SPA plays an active part in the development of the Governor's proposals for criminal justice.

The Michigan SPA, by executive order, has been restructured to oversee the development of a comprehensive State criminal justice policy. The director has been named as the Governor's chief advisor for criminal justice problems, and the supervisory board has been reconstituted. The budget review and analysis functions of executive branch criminal justice agencies are being merged with the LEAA grant approval function to create a single policy development office for all State criminal justice programs.

The North Dakota SPA has an unusually broad mandate to make recommendations on matters effecting law enforcement; to prescribe rules for and conduct law enforcement training programs; to recommend selection standards for the hiring of police officers; to recommend rules for the operation and maintenance of local jails and for the treatment and care of inmates; and to conduct training programs for every newly elected or appointed judge, sheriff, police officer and prosecuting attorney.

Thus, increasingly, the planning and budgeting activities of the SPAs are impacting upon the goals and budgets developed by State criminal justice agencies. This trend will have even greater significance as economic conditions and patterns change, and as greater accountability is expected from the components of the criminal justice system in the performance of their duties.

SPAs are also developing strong relationships with State legislatures. As previously noted, legislators serve on supervisory boards in thirty-six States. In other States, they frequently are members of SPA advisory committees. Arizona characterizes the activities of the SPA as a forum for providing policy input to the Governor and the legislature. The Nebraska SPA submits an annual report to the Governor and legislature. A significant policy relationship exists between the SPA and legislature in North Dakota, and the SPA frequently testifies on pending criminal justice legislation.

Over 80 percent of the SPAs have developed or proposed criminal justice legislation, while over 60 percent have actually drafted bills. The majority of the legislation has dealt with court reorganization (unification), criminal code, revision, training and standards, public defender services, and juvenile justice and correctional reform. Nearly half of the measures proposed by SPAs have been enacted into law. In addition, eighty percent of the SPAs identify and track legislation during the legislative process, and over 90 percent advise the legislature on pending proposals. SPAs, such as Virginia, North Dakota, Kentucky and others, work with appropriations committees to better integrate bloc grant funds into State budgetary processes. And many agencies have performed specialized studies and analyses related to the criminal justice system.

Only slightly more than 13 percent of the responding SPAs have experienced great difficulty in obtaining legislative approval of buy-in and matching funds. Twenty-six percent indicated that SPAs sometimes must assume the cost of programs which did not receive funds in the legislative and executive budget processes, and less than 5 percent responded that the legislature (or budget office) often had to assume the cost of criminal justice projects which were omitted or rejected in the SPA planning process.

The Local Scene

The essential local perspective to criminal justice planning and programming is provided by regional and local planning units. In some jurisdictions, city and/or county planning functions are performed by single jurisdiction coordinating councils funded by the SPA. These councils are normally in the large metropolitan areas. Generally though, regional planning units (RPUs) have been funded by the SPA to assist with planning, program development and various administrative duties. A State is required by law to pass thru, at a minimum, 40 percent of its planning funds to local units (including regional units) unless a special waiver is obtained. (See Table 4.)

TABLE 4.—PART B FUNDS TO UNITS OF LOCAL GOVERNMENT

State	Percent of State part "B" allocation [1]	State	Percent of State part "B" allocation [1]
Alabama	46.69	Nevada	40.00
Alaska	[1] 22.50	New Hampshire	40.00
Arizona	40.00	New Jersey	40.00
Arkansas	40.00	New Mexico	40.00
California	46.43	New York	45.65
Colorado	40.00	North Carolina	41.89
Connecticut	40.00	North Dakota	40.00
Delaware	[2] 5.19	Ohio	40.00
District of Columbia	NA	Oklahoma	40.00
Florida	46.48	Oregon	45.10
Georgia	43.80	Pennsylvania	45.64
Hawaii	40.00	Rhode Island	[2] 6.07
Idaho	40.00	South Carolina	40.00
Illinois	44.00	South Dakota	46.20
Indiana	45.06	Tennessee	40.00
Iowa	46.46	Texas	48.51
Kansas	44.46	Utah	41.66
Kentucky	48.39	Vermont	[2] 0
Louisiana	40.00	Virginia	40.81
Maine	40.00	Washington	40.25
Maryland	[2] 37.00	West Virginia	[2] 0
Massachusetts	40.00	Wisconsin	40.00
Michigan	40.00	Wyoming	[2] 35.00
Minnesota	50.00	Guam	NA
Mississippi	[2] 0	American Samoa	NA
Missouri	53.27	Virgin Islands	NA
Montana	[2] 0	Puerto Rico	NA
Nebraska	40.00		

NA Not available. [1] 15 Month budget. [2] Waiver.

Source: Fiscal year 1976 State planning grants.

Surveyed States indicated that the following amounts of planning funds were passed through to the local level: 28.5 percent of RPUs, 0.8 percent to coordinating councils, 2 percent to cities over 250,000 population, 1.2 percent to cities under 250,000 population, 1.3 percent to counties over 500,000 population, and 0.3 percent to counties under 500,000 population.

Currently, 456 RPUs are funded in 44 States (see Table 5), with a total complement of 861 professional staff. The number of regions in a State range from a low of three (Idaho and Nevada) to a high of twenty-four (Texas). Eleven SPAs do not have a regional structure because of the size of the State (or territory), the centralized nature of criminal justice services, and/or the distribution of population.

The majority of RPUs were initially established for the purposes of the Safe Streets Program. However, approximately half of these units have assumed additional manpower, economic development, water and air quality control, health, and comprehensive regional planning ("701" program). Nearly three-fourths of these multi-purpose regions also serve as the A–95 clearinghouse for various federal programs as required by the Office of Management and Budget (OMB).

Various shifts in the areas served by RPUs have occurred during the past few years. These changes have been a result of such factors as regional consolidations, demographic shifts and efforts to achieve geographic balance.

Surveyed States responded that over 90 percent of the RPUs perform criminal justice planning for their areas, coordinate planning by units of local government within their region, and review applications from units of local government prior to submission to the SPA. Only a third of the RPUs expend action funds as the ultimate grantee, and approximately one-fourth of the RPUs review applications upon referral by the SPA or after receiving an information copy directly from the applicant.

TABLE 5.—CRIMINAL JUSTICE PLANNING REGIONS

States	1975	States	1975
United States, total	456		
Alabama	7	Montana	0
Alaska	0	Nebraska	19
American Samoa	0	Nevada	3
Arizona	6	New Hampshire	5
Arkansas	8	New Jersey	0
California	21	New Mexico	7
Colorado	13	New York	7
Connecticut	7	North Carolina	17
Delaware	0	North Dakota	6
District of Columbia	0	Ohio	6
Florida	10	Oklahoma	11
Georgia	18	Oregon	14
Guam	0	Pennsylvania	8
Hawaii	4	Puerto Rico	0
Idaho	3	Rhode Island	0
Illinois	19	South Carolina	10
Indiana	8	South Dakota	6
Iowa	7	Tennessee	9
Kansas	7	Texas	24
Kentucky	16	Utah	8
Louisiana	9	Vermont	0
Maine	7	Virginia	22
Maryland	5	Virgin Islands	0
Massachusetts	7	Washington	19
Michigan	14	West Virginia	11
Minnesota	7	Wisconsin	10
Mississippi	5	Wyoming	7
Missouri	19		

Source: Fiscal year 1976 State planning grants.

States also report that RPUs have great involvement in the review and approval of annual plans, the A–95 review process, coordinating and assembling plans, and assisting local agencies in developing plans. Other primary areas of involvement include establishing policies and priorities, and analyzing crime and criminal justice data.

By statute, RPU supervisory boards must be representative of criminal justice agencies, and consist of a majority of locally elected officials.[6] The average board size is 26 members. Over 50 percent of the members are appointed by local governments; approximately 10 percent are appointed by the Governor; and the remainder by some other means. The average term of office is four years.

Many RPUs (over half) also have advisory committees or councils. Their primary role is to advise on grants or review plans.

Results of an ACIR survey of regional and local officials indicate that no single interest group is over-represented on regional boards. However, over 40 percent of the surveyed officials indicated that police and elected county officials did exercise the most influence over board decisions.

According to planning grant data, 28 cities and 29 counties which are eligible for planning monies have received such funds to establish coordinating councils. Nine city/county coordinating councils have also been funded. On the other hand, eleven cities, 18 counties and 17 city/county units have waived their rights to planning funds. Twenty-seven jurisdictions who qualify as coordinating councils receive action funds for planning purposes. Additionally, ACIR survey data also indicate that 242 cities and 149 counties have received action funds for criminal justice planning efforts.

SPAs have developed procedures for the submission and review of plans by local governments, or combinations of units, with a population of 250,000 or more as required by statute—the so-called Kennedy Amendment.[7] In some cases these procedures have altered the existing planning and funding processes of the SPA. In a few instances, States have established special procedures; however, eligible jurisdictions have elected not to participate.

For example, South Carolina has developed special procedures which would permit newly formed combinations of local governments in excess of 250,000 population to function as separate and independent districts. These new "metro" units (as yet to be formed) would have all of the rights, responsibilities and obliga-

[6] "Local official" is not defined, and many RPUs include locally elected sheriffs, judges, prosecutors, etc. under this category.

[7] Section 303(a)(4), Public Law 93–83, Crime Control Act of 1973.

tions of the ten existing planning districts. While the metro units would have a direct relationship with the SPA, they would be encouraged to work with existing task forces and councils of government. The metro units would participate in the planning process, and be subject to all regulations, procedures and guidelines applicable to the existing planning districts.

In Hawaii, submission and review procedures for comprehensive plans are the same for all four counties (regions)—Honolulu, Kauai, Maui and Hawaii. County coordinators have been appointed by the mayor of each county and local committees have been established to insure active local involvement. County comprehensive plans are prepared after an evaluation of current programs is completed and a prioritized listing of programs is submitted to the SPA. The priorities are reviewed by SPA staff, after consultation with county coordinators, and a consolidated priority list is forwarded to the State supervisory board for its approval.

Virginia has implemented the Kennedy Amendment by developing procedures to permit the two eligible jurisdictions (Fairfax County and the City of Norfolk) to submit local plans prepared in conjunction with their annual budgeting processes. After approval by their governing boards, these plans are submitted to the appropriate planning district commission (RPU) for review and comment. The plans and all comments are then forwarded to the SPA for staff review. The plans, regional comments and State staff recommendations are submitted to the State supervisory board for action. Once approved by the board, the localities submit project application and supporting budget materials directly to the SPA in order to receive funding. No further action is necessary, as approval of the plans (or parts of the plans) constitutes a funding commitment.

It should also be noted that several SPAs are not required to develop procedures because there are no eligible jurisdictions within the State or territory.

THE PROGRAM

The Safe Streets Program has had a positive impact on the criminal justice system and on developing techniques to help reduce crime despite the fact that resources available under the Act constitute only about 6.7 percent of State and local criminal justice expenditures. The comparatively small size of the program cannot be overlooked in any evaluation of the total program. Nevertheless, these funds represent almost the only resources available to institute new programs and approaches to help reduce crime and improve the administration of justice.

Appropriations History

An analysis of appropriations for the Safe Streets Program reveals several significant factors.[1] Appropriations have never been approved at the full authorization level. In addition, total appropriations are now decreasing. The President's proposed budget for LEAA for fiscal year 1977 is equivalent to the fiscal year 1972 level. Further, the suggested amount of fiscal year 1977 Part C bloc funds, which support the bulk of State and local action projects, is equivalent to that which was appropriated in fiscal year 1971. While Part B monies have steadily increased, or remained the same, Part C and Part E funds (bloc grants to States) decreased by approximately 15.5 percent in fiscal year 1976 and will continue to decline by an additional 15 percent in fiscal year 1977 if the proposed budget is approved. (See table 6.) Discretionary funds have also been reduced by the same amounts. The result of these cutbacks, if they are sustained, will probably be the elimination of some on-going projects and an almost total halt in the implementation of new programs.

Other budget categories have also been affected in recent years. Technical assistance funds were cut by over 7 percent in fiscal year 1976, with no change anticipated in fiscal year 1977. Manpower development monies were reduced by 1.11 percent in fiscal year 1975; 2.81 percent in fiscal year 1976; and 88.44 percent in fiscal year 1977. The proposed fiscal year 1977 funding level represents an amount 23 percent less than that allocated in fiscal year 1969.

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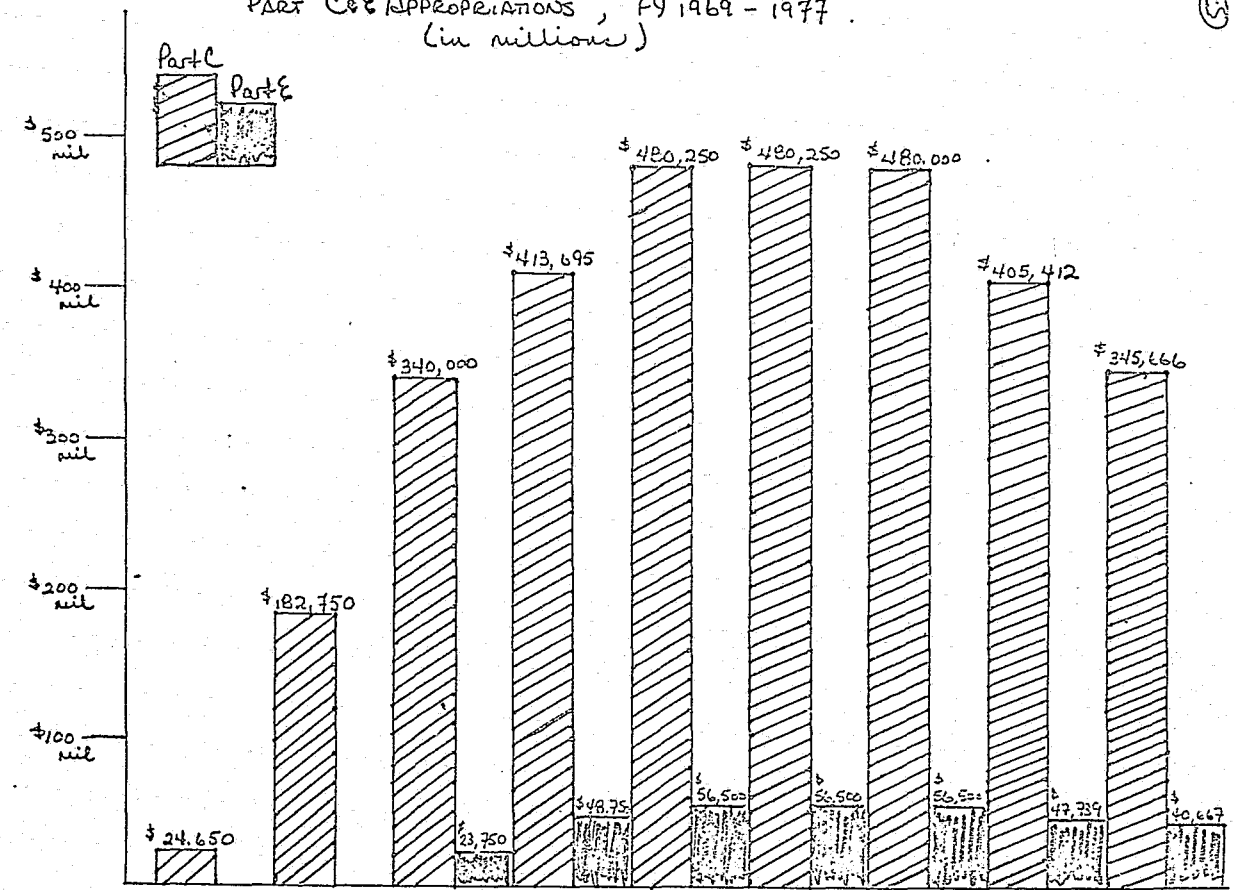
[1] Unless otherwise noted, appropriations statistics will refer only to those funds available directly under the Safe Streets Act. Although juvenile justice funds are administered by LEAA and the SPAs, they are appropriated under a separate authority (Juvenile Justice and Delinquency Prevention Act of 1974) and will be addressed in a later section.

Part C & E Appropriations, FY 1969 - 1977.
(in millions)



Research, evaluation and technology transfer funds were reduced by nearly 24 percent in fiscal year 1976; an additional cubtack is proposed for fiscal year 1977. Data systems funds were reduced by 1.45 percent in fiscal year 1976, and an additional 4.57 percent decreaae is recommended by the President for fiscal year 1977.

Ironically, the only budget item which has been increased consistently each year since fiscal year 1969 is "management and operations"—the LEAA administrative budget. This category was increased by 20.50 percent in fiscal year 1975; 12.53 percent in fiscal year 1976; and an additional 7.75 percent increase is proposed for fiscal year 1977. (See table 7.)

The proportion of the total appropriations directly available to the States (i.e. Part B, Part C and Part E bloc funds) has decreased steadily since fiscal year 1970, from a high of approximately 76 percent to a low of nearly 64% (proposed for fiscal year 1977.) A summary of appropriations is provided in Appendix Tables 6 through 8.

Although the National SPA Conference recognizes the important role to be played by LEAA in the Safe Streets Program, it strongly feels that an increase in federal administrative costs—particularly where the States have the bulk of administrative responsibility—is unwarranted when it comes at the expense of the legitimate and urgent needs of State and local government. Continuing reductions in appropriations—particularly in those areas directly affecting State and local programming, and during times of economic and social stress—will restrict or eliminate the opportunities to continue to adjust programs, improve capabilities and experiment with new ideas.

It is interesting to note that the public is concerned about existing government spending priorities in the area of criminal justice. A recent poll by the Roper Organization indicates that 46 percent believe that too little is being spent to deal with crime, and 56 percent see too little being spent to combat drug addiction.

TABLE F.—LEAA APPROPRIATIONS, ANNUAL PERCENT CHANGES,[1] FISCAL YEAR 1969–77

Budget activity	1969–70	1970–71	1971–72	1972–73	1973–74	1974–75	1975–76	1976–77	1969–77
Part B	10.53	23.81	34.62	42.86	0	10.00	9.09	0	215.79
Part G:									
Bloc	641.71	86.05	21.68	16.09	0	(0.05)	(15.54)	(14.74)	1,302.30
Discretionary	635.63	118.75	4.29	21.57	0	(5.35)	(14.83)	(14.74)	1,302.30
High crime area									[2]
Part E:									
Bloc			105.26	15.90	0	0	(15.51)	(14.81)	[3] 71.23
Discretionary			105.26	15.90	0	0	(15.51)	(14.82)	71.23
Juvenile justice							57.20	74.55	[4] (60.00)
Technical assistance		233.33	50.00	66.67	20.00	16.67	(7.14)	0	[5] 983.33
Research, evaluation and technical, transmission	150.00	0	180.00	50.47	26.90	5.99	(23.76)	(1.15)	967.63
Manpower development	176.92	25.00	37.78	45.16	0	(1.11)	(2.81)	(88.44)	(23.08)
Date systems and analysis		300.00	142.50	118.56	13.21	8.33	(1.45)	(4.57)	[2] 2,345.20
Management and operations	79.48	66.12	58.61	31.68	11.95	20.50	12.53	7.75	918.56
Total	346.56	97.42	32.10	22.42	1.77	3.96	(10.54)	(12.56)	1,079.91

[1] Exclused fiscal year 1976 transition quarter.
[2] New in fiscal year 1977.
[3] Fiscal years 1971–77.
[4] Fiscal years 1975–77
[5] Fiscal years 1970–77.

Distribution of funds

Action program funds are provided to the States under Part C and Part E (corrections) of the Safe Streets Act, and under the Juvenile Justices and Delinquency Prevention Act of 1974. Each State has unique problems and needs, and these factors are reflected in the programming contained in the annual comprehensive plans.

Under the Constitution, police powers and the local administration of criminal justice are reserved to the States. Thus, it is important that the Safe Streets Program continue to provide the States and their local jurisdictions with the flexibility to utilize the federal funds made available in a way consistent with the objectives and priorities set and the problems identified at the State and local level. The States and their political subdivisions are the jurisdictions closest to the problems, and the jurisdictions best able to determine how federal money should be applied to achieve the overall objectives of stengthening criminal justice

and reducing criminal activity. According to survey results, all SPAs believe that they currently have at least some programmatic and administrative discretion and flexibility in the control and use of funds, and establishing action grant priorities.

Every categorization of funds shifts the decision-making from the State to the Federal Government and restricts how the money can be spent. Such limitations force an artificial and standardized division of resources unrelated to a State's unique problems, and relevant planning and programming is inhibited. Thus, it is the National Conference's position that any requirements for percentage expenditures in a particular substantive or functional area should be eliminated, and suggestions for further categorization should be resisted.

Every SPA takes action on all applications for funds within the statutorily mandated ninety-day period, thus ensuring the timely processing of all requests. Most SPAs (approximately one half) award grants on a monthly basis, and for an average grant period of one year.

Approximately 90 percent of the States establish funding policies and priorities, either emphasizing a particular program area, or restricting or excluding other areas. The most common of these policies limit or prohibit the use of funds for construction projects and equipment purchases, reflecting the decision by the SPAs to emphasize on programs as opposed to "hardware". Many SPAs also establish eligibility criteria, particularly by setting minimum standards of population or performance. Some SPAs also give priority to regional programs and other multi-jurisdictional activities. This is particularly evident in the areas of jail construction, law enforcement communications systems and training programs.

Nearly one half of the States with a regional planning structure utilize a formula, or other system, to allocate Part C funds among their regions. (See Table 8.) Although the allocation formulas vary, the basic factors are population and crime rates in some combination. Many of the States which do not distribute action monies by a formula cite unrealiable crime statistics and out-of-date census data as major obstacles in using such an approach. These States generally allocate funds after an assessment of "need" and a project-by-project review.

TABLE 8.—*States Utilizing Formula For Allocation of Part C Funds*

Arizona	Louisiana	Pennsylvania
California	Michigan	South Carolina
Colorado	Minnesota	Texas
Florida	Missouri	Utah
Idaho	Nevada	Virginia
Indiana	Ohio	Washington
Iowa	Oregon	

By Level of Government

Block grants awarded to each State must be divided between State and local governments according to the ratio of State to local criminal justice expenditures. Intergovernmental transfers are not included in calculating the total amounts. This allocation ratio is known as the variable pass-through, and was contained in the 1971 amendments to the Safe Streets Act. Prior to 1971, States were required to pass-through 75 percent of their bloc grant funds to local governments. The pass-through requirement does not apply to Part E funds.

Table 9 shows the required pass-through percentage for each State, as well as the percentage actually allocated for local activities in State plans for fiscal year 1975 and fiscal year 1976. On the average, the required pass-through for fiscal year 1975 was 61.9 percent, although States actually allocated 66.6 percent of their Part C funds for local activities. In fiscal year 1976, the average pass-through requirement was 62.0 percent, but States actually allocated 66.3 percent for local activities in their comprehensive plans. Thus, it is apparent that States are more than responsive to local needs.

The distribution of Part C bloc awarded by level of government is depicted in Table 10. (Statistics for fiscal year 1975 funds are not included because only a relatively small number of awards are contained in the Grants Management Information System (GMIS).) State and local government criminal justice expenditure data is contained in Table 11.

TABLE 9.—PERCENTAGE OF PART C FUNDS PASSED THROUGH TO LOCAL GOVERNMENT FOR FISCAL YEAR 1975 AND FISCAL YEAR 1976[1]

[In percent]

	FY 1975		FY 1976	
	Required	Planned	Required	Planned
Alabama	67.2	67.2	64.6	64.8
Alaska	18.4	25.0	18.4	26.0
American Samoa	NA	NA	NA	NA
Arizona	68.6	70.0	69.9	70.0
Arkansas	67.3	72.2	72.2	73.8
California	74.8	76.5	76.4	78.0
Colorado	56.5	56.5	55.3	56.5
Connecticut	51.2	52.1	52.1	52.0
Delaware	34.6	37.0	28.2	48.0
District of Columbia	100.0	100.0	100.0	100.0
Florida	72.7	68.8	68.8	68.8
Georgia	68.7	65.8	65.8	66.9
Guam	NA	NA	NA	NA
Hawaii	70.3	69.4	69.3	70.0
Idaho	54.6	75.0	55.4	75.0
Illinois	74.7	75.2	74.9	75.6
Indiana	69.5	74.0	69.2	69.5
Iowa	65.5	67.8	67.8	67.8
Kansas	55.2	57.2	57.2	57.2
Kentucky	52.7	64.0	53.5	61.0
Louisiana	63.6	63.6	65.9	70.0
Maine	48.5	57.4	48.5	50.3
Maryland	43.2	69.5	44.9	69.5
Massachusetts	73.7	71.7	71.7	70.7
Michigan	75.9	75.8	75.8	75.8
Minnesota	72.6	74.0	74.0	71.8
Mississippi	56.7	66.4	57.9	66.5
Missouri	77.8	76.1	76.1	76.1
Montana	57.5	56.0	56.0	56.0
Nebraska	69.1	64.5	64.9	64.9
Nevada	73.5	75.0	73.9	75.0
New Hampshire	66.2	65.3	65.3	63.5
New Jersey	75.5	74.9	74.8	73.9
New Mexico	50.4	51.3	46.8	46.9
New York	80.3	81.0	81.0	81.0
North Carolina	43.7	54.0	45.9	51.1
North Dakota	68.9	71.5	71.5	71.5
Ohio	68.7	75.0	68.8	75.0
Oklahoma	54.5	79.6	63.3	64.0
Oregon	60.1	76.0	61.3	75.0
Pennsylvania	72.2	80.0	68.4	80.0
Puerto Rico	NA	NA	NA	NA
Rhode Island	54.6	53.7	53.7	55.8
South Carolina	58.6	60.0	57.5	60.0
South Dakota	58.0	66.9	56.1	76.0
Tennessee	65.0	68.0	67.9	67.9
Texas	72.0	73.8	73.1	73.1
Utah	58.9	59.0	58.5	58.5
Vermont	20.6	44.0	24.9	45.5
Virginia	51.3	60.1	52.5	55.0
Virgin Islands	NA	NA	NA	NA
Washington	66.0	61.3	61.3	61.3
West Virginia	57.1	57.1	56.7	52.2
Wisconsin	66.5	74.3	67.9	81.5
Wyoming	54.6	87.0	54.3	87.0
U.S., Average[2]	61.9	66.6	62.0	66.3

[1] Note: Sec. 303(a)(2) requires that: "Per centum determinations . . . shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available." Expenditure data for fiscal years 1972 and 1973 are generally accepted for the fiscal years 1975 and 1976 State plans, respectively. However, the planning schedule for several States is such that more recent data are available. When the more recent data indicate a decrease in the required pass through, and a State does not exceed that amount, then it will appear that a State is not passing through the required funds. However, this is not the case. All States are in compliance.

[2] Excludes American Samoa, Guam, Puerto Rico, and Virgin Islands.

TABLE 10.—DISTRIBUTION OF PART C (BLOC) FUNDS

[In percent]

Fiscal year	State	City	County	Non profit agencies
1969	28	48	23	1
1970	28	42	28	2
1971	32	37	29	2
1972	36	31	31	2
1973	36	31	31	3
1974	36	29	30	5

Source: GMIS data

TABLE 11.—CRIMINAL JUSTICE DIRECT EXPENDITURES PERCENTAGE DISTRIBUTION

Fiscal year	State	City	County
1970–71	29	48	23
1971–72	29	47	24
1972–73	29	46	25
1973–74	30	45	25

Source: Expenditure and employment data, U.S. GPO, Washington, D.C., 1970–71, 1971–72, 1972–73, 1974.

As these tables show, various changes have occurred in the past few years, and several factors must be considered when comparing the data. For example, the 1971 change in the pass-through requirement resulted in more funds being available to State agencies. Also, in some instances grants are made to various State agencies, but are counted as part of the local pass-through. These awards, made to such State agencies as a unified court or correction system, benefit localities which have waived their rights to receive the funds directly. However, these funds still appear as "State grants" on the GMIS. A similar situation exists with grants made to regional planning units benefitting local governments which have waived their rights to the funds. These awards appear on the GMIS as "county grants." In addition, declining emphasis on police programs has had the obvious effect of decreasing the "city share" over the past few years. Further, in comparing Safe Streets funding to criminal justice expenditures, it should be noted that a significant portion of the expenditure data for cities can be attributed to very small municipalities, many of which are unwilling, or ineligible to apply for funds.

Funds to Urban Areas

According to GMIS data for fiscal year 1969–75, cities of 100,000 population or more have received approximately 57 percent of the Part C bloc monies awarded to cities. These jurisdictions represent 45 percent of the population and approximately 57 percent of the total index crimes. Additional data for other population categories can be found in Table 12. These figures appear to substantiate that funds have been distributed to the most populous cities in amounts nearly equal to their share of crime and slightly more than their proportion of population, and counter local claims that major cities are not receiving their "fair share".

An additional issue raised by city interests concerns the distribution of local funds between city and county jurisdictions. Data contained in Tables 13 and 14 reveal that counties have been receiving proportionately more of the local share of funds than their population or crime statistics warrant. However, several factors must be considered when comparing these statistics.

First, city crime reports, particularly from larger jurisdictions, are frequently more complete than those of the counties. Secondly, as previously noted, funding for police activities has been reduced over the years. This has no doubt had an effect on funds granted to cities since the vast majority of municipal criminal justice activity is in the police area. Thirdly, counties have substantially more responsibility for criminal justice activities than do cities. Most counties not only have police responsibilities, such as the cities, but they also have judicial and correctional (county jail) responsibilities. In many instances, county government must also provide services to smaller jurisdictions within their boundaries. Finally, many services and programs—particularly training, communications and correctional activities—are being consolidated at a county or regional level.

While all of these projects are being credited to the counties' share, they are also of direct benefit to the cities.

Combined total for cities and counties with populations of 100,000 or more reveal that these jurisdictions account for 41 percent of the population and receive 50 percent of the funds awarded to local government.

TABLE 12.—PERCENT DISTRIBUTION OF SAFE STREETS FUNDS BY POPULATION AND CRIME RATE OF CITIES PT. C BLOC GRANT FUNDS BY 1969–75

Population	Population [1]—percent of 1973 population	Crime [1]—percent of total 1973 index crimes	Funds [2]—percent of total safe streets pt. C bloc grant funds awarded to cities (fiscal year 1969–75)
Over 1,000,000	15	18	20
500,000 to 1,000,000	11	14	11
250,000 to 500,000	8	11	10
100,000 to 250,000	11	14	16
50,000 to 100,000	14	14	12
25,000 to 50,000	14	12	9
10,000 to 25,000	16	11	8
1 to 10,000	11	7	8
Unknown			5

[1] U.S. Federal Bureau of Investigation, U.S. Department of Justice, "Uniform Crime Reports," Washington, D.C.: U.S Government Printing Office, 1973, table 10, pp. 104–5.
[2] Source: GMIS Data.

TABLE 13.—SAFE STREETS FUNDS FOR CITIES 1969–75

Population	Percent of United States reporting population living in cities [1]	Percent of all reported United States crimes reported by cities [1]	Percent of tota city-county block grant funds awarded to cities [2]
Over 1,000,000	10	14	10
500,000 to 1,000,000	8	12	6
250,000 to 500,000	6	9	5
100,000 to 250,000	8	11	8
50,000 to 100,000	10	12	6
25,000 to 50,000	10	10	5
10,000 to 25,000	11	10	4
1 to 10,000	7	5	4
Unknown	0	0	2
Total percent	70	83	52

[1] U.S. Federal Bureau of Investigation, U.S. Department of Justice, "Uniform Crime Reports," Washington, D.C., U.S. Government Printing Office, table 10, pp. 104–7, 1973.
[2] Source: GMIS Data.

TABLE 14.—SAFE STREETS PT C FUNDING OF SUBURBAN AND NONSUBURBAN COUNTIES OVER 100,000 POPULATION BY CRIME AND POPULATION 1969–75

Population	Percent of United States reporting population living in counties of [1]	Percent of total reported crime reported by counties of [1]	Percent of total city/county block grant funds awarded 2 to counties of [2]
Over 100,000	8	8	21
25,000 to 100,000	12	6	9
Under 25,000	9	3	15
Unknown	0	0	2
Total	30	17	[3] 48

[1] U.S. Federal Bureau of Investigation, U.S. Department of Justice, "Uniform Crime Reports", Washington, D.C., U.S. Government Printing Office, table 10, pp. 104–7, 1973. Note: These population and crime percentages relate only to county population living outside of cities and the crimes reported by jurisdictions other than cities.
[2] Source: GMIS Data.
[3] This column does not sum up to 48 percent due to rounding errors.

Continuation funding and assumption of costs

A recent National SPA Conference survey revealed that 51 of the 55 SPAs have established policies concerning the number of years projects are eligible to receive some level of Safe Streets funds. These policies range from a high of eight years (Alabama) to a low of two years (Alaska and Nevada). Georgia establishes funding policies according to program areas, and New Jersey establishes policy on a project-by-project basis. Guam, Hawaii, Kansas and Puerto Rico do not have continuation policies.

The majority of States (33) fund projects for a maximum of three years. Grantees normally assume a greater share of the project cost each successive year. Many States have various exceptions to their general funding policies, most notably for training, research, technical assistance and equipment purchases.

One purpose of a continuation policy is to aid in controlling the percentage of bloc funds committed to on-going activities at the expense of funding new projects and programs. This concern is particularly important in light of decreasing appropriations, as discussed earlier. Many States which have had more liberal continuation policies (i.e. longer funding periods) have, by necessity, altered their policies in recent years to provide for greater funding flexibility. For example in fiscal year 1974, seven States were confronted with a continuation commitment of 80 percent or more. The average continuation rate rose from approximately 40 percent in fiscal year 1971 to over 58 percent in fiscal year 1974. The rate is expected to remain near 60 percent for fiscal year 1975.

Many observers, rightly or wrongly, equate the degree of program "institutionalization" with how many projects and programs—initially funded with Safe Streets monies—continue operation with support entirely from State and local general revenues. Nearly 90 percent of the SPAs responded that they had either moderate or great success in having States assume the costs of their projects. Approximately 80 percent responded they had had moderate or great success at the local level.

The most frequently cited factors in determining whether or not a project or program would be assumed by the State or local government were: ability of the governmental unit to support the activity; proven success of the project; and political appeal of or support for the program.

On the average, States estimated that approximately 64 percent of the projects initiated with Safe Streets monies have been assumed by State and local governments. Assumption rates ranged from a high of 99 percent to a low of 20 percent. Although these figures are only estimates from the States, ACIR field work in their case study States found the estimates to be substantially accurate during the conduct of a grant sample analysis. In addition, the ACIR survey of regional and local units found that local officials estimated that approximately 83 percent of city programs and 78 percent of county programs are continuing without Safe Streets monies.

For example, a New Jersey study of all bloc grants awarded in that State between 1969 and June 1975, revealed that 22 percent of all grants (accounting for 140 projects and $23,576,878, or nearly a third of all such SPA expenditures) had been continued with State, local or private revenues. Only 3 percent (representing $2,643,455) of the grants were terminated when SPA funding was discontinued. These statistics take on added significance when compared to the status of the remaining grants: 40 percent (232 projects totaling $37,791,943) are currently being funded by the SPA; and 34 percent (accounting for $9,280,274) were "one time" awards for equipment purchases, training programs or research projects.

Similarly, the Florida SPA estimates that 90 percent of the youth-related projects funded at the State level over the past seven years have been integrated totally into the State general revenue budget. These projects have included such activities as Statewide intake services, staff development and training, group foster homes, community-based halfway houses and counseling services.

And in Missouri, the development of a Statewide probation and parole system is a direct outgrowth of the SPA bloc grant program. By 1973, the State legislature appropriated funds to establish a network of regional offices. A Statewide public defender program was also initiated in Missouri with bloc monies in 1970. The State legislature began providing partial support in 1972. By 1974, State support had increased to $2.2 million. The program is funded now primarily through State appropriations.

An Elkhart Youth Services Bureau project initially funded by the Indiana SPA in 1970 was receiving 100 percent community support by January 1974. Recognizing the importance of the bureau's counseling and referral services, the

county government now supplies about 60 percent of the bureau's budget; private contributions and a contractual arrangement with the local comprehensive mental health center provide the remainder of support.

Fund flow

As previously noted, the early thrust of the program was to "get the money moving". This emphasis has continued throughout the years and is now more formally called "fund flow". However, the problems inherent to fund flow have persisted from the very first year of operation.

The rapid increase of appropriations during the first few years caused great difficulties for State and local governments in planning for and expending funds. Indeed, the pre-occupation with spending funds diverted attention and manpower from planning and evaluation activities. In response to a question about program growth, approximately 60 percent of the States rated it as "too rapid" in the early years.

Today, all SPAs have financial and programmatic staffs to monitor the status of expenditures. The tasks are formidable, and complicated by the fact that at any given point in time, an SPA could conceivably be administering at least three different fiscal year funds of varying types (i.e. Parts B, C, E, D, F, etc.) One technique used in helping to alleviate the problem of unexpended funds is reallocating monies among program categories. In many cases, State and local governments will submit plans for activities which do not materialize or do not get underway on schedule. This occurs for a number of reasons: changing priorities, budget reductions, delay of equipment deliveries and personnel authorizations, etc. As a result, funds are shifted from those categories with a "surplus" to those areas which may require additional monies. The amount of funds reallocated in annual plans remained at about 17 percent for the years FY 1971, FY 1972 and FY 1973, the most current data available, with a slightly decreasing trend.

The rate of reverted funds (i.e. unexpended monies returned to the Federal Government at the end of the grant period) has, on the average, remained fairly constant at approximately 2 percent from FY 1969 to FY 1972. There are, of course, disparate variations among the States as a result of varying abilities to utilize funds. This is particularly true for Part E (corrections) funds because of special requirements attached to the use of these monies.

Nearly 95 percent of the SPAs stated that project underspending was a primary or contributing cause of funds flow difficulties. Approximately 90 percent cited the slow start of projects as a factor, while over 77 percent indicated that the two year life span of grant funds was a problem. Over 63 percent said the slow development of applications was a contributing or primary reason. Only 25 percent identified the lack of applicants for funds as an issue, and about 18 percent mentioned delays in the award process.

Part E Funds

Part E funds are used exclusively for corrections activities. One half of the funds are distributed to the States according to population; the other half are retained by LEAA for discretionary grants. Special requirements are imposed on the utilization of funds, such as minimum construction standards, the development of special programs in facilities receiving funds, and the collection of recidivism data. Part E funds constitute approximately 11 percent of LEAA appropriations currently.

The overwhelming percentage of Part E funds (both bloc and discretionary) have been awarded to State and county governments. This is not surprising, however, as State and county governments account for nearly 90 percent of all State and local direct expenditures for corrections. Table 15 itemized the Part E funds received by grantees in relation to their share of correctional outlays.

Discretionary Funds

Discretionary funds account for 15 percent of Part C allocations and 50 percent of the Part E funds. These monies are directly and totally administered at the "discretion" of LEAA. Data reveal that these funds have been awarded to the smaller and more rural States. These States, of course, receive proportionately less bloc grant funds. For example, included in the data are the small State supplement awards which help bolster the bloc awards of the fifteen smallest SPAs.

According to State responses, approximately 42 percent of discretionary funds in their States have been used for innovative programs. An additional 29 percent have been used to "fill gaps" in bloc funding, while approximately 27 percent of the funds have supported research, demonstration and "pilot" programs. Less than 10 percent of the funds have been utilized to continue support for existing programs or to build local support for the LEAA program.

TABLE 15.—PT. E FUNDS FISCAL YEAR 1971–FISCAL YEAR 1975

	State	City	County	Nonprofit
Bloc	74	4	19	1
Discretionary	60	20	16	2
Total	65	15	18	2
Expenditures for corrections	60	11	29	0

Source: GMIS Data.

TABLE 16.—FUND ALLOCATION BY GOVERNMENT LEVEL PTS. C AND E

	State	City	County	Nonprofit
Bloc	37	30	29	2
Discretionary	42	28	17	11

Source: GMIS Data.

Table 16 compares the distribution of Parts C and E discretionary funds to bloc funds by level of government. GMIS data also reveal that functionally, Part C discretionary funds have been distributed according to the following approximations: police, 38 percent; courts, 17 percent; corrections, 11 percent; combined activities, 26 percent; and non-criminal justice agencies, 5 percent.

Functional Distribution

In addition to the question of which level of government receives how much money, another key concern relates to the distribution of funds among the components of the criminal justice system. However, any analysis of the distribution of funds is dependent upon what definitions of categories are utilized. This is a particularly significant factor when addressing the courts area. There are currently a number of efforts underway to help clarify definitional problems. Another factor to be considered is the classification of grants. Again, how an activity is classified has direct and significant bearing on any distributional analysis. Variances of up to 10–15 percent can be attributed to these two factors.

Attention must also be given to differing definitions of functional components within the States. For example, "courts" in one State may only include the judiciary, while in an adjoining State "courts" may also encompass defense, prosecution, and/or probation and parole services.

The most common comparison of functional component funding is made with levels of criminal justice expenditures. However, there is no reason to require that funding patterns should parallel expenditure patterns. In fact, given the special emphasis placed on such areas as corrections, juvenile delinquency and innovative programs contained in the Safe Streets Act, it would be impossible for funding patterns to follow precisely expenditure patterns. Indeed, one reason for citing these special areas in the Act was to direct funds to areas of need and where not enough money was being spent.

TABLE 17.—PT. C BLOCK FUNDS TO FUNCTIONAL COMPONENTS—1965–75 [1]

[In percent]

	Police	Courts	Corrections	Combinations	Noncriminal justice agencies
Fiscal year:					
1969	66	6	10	11	4
1970	49	6	22	15	6
1971	40	9	28	14	6
1972	42	15	24	7	10
1973	43	14	24	10	8
1974	36	17	22	13	9
1975	43	17	21	11	5
1969–75	42	13	24	11	8

[1] Source: GMIS data.

Data in Table 17 provide aggregate GMIS statistics for the distribution of Safe Streets monies among the components of the criminal justice system since FY 1969. While these data are incomplete for recent years (specifically 1974 and 1975), and definitional, classification and reporting problems do exist, these statistics are the most reliable currently available.

Despite the inadequacy of the GMIS data, the figures in Table 17, even allowing for a wide margin of error, do point out some distinct trends in the allocation of action funds. It is apparent that the level of police support is declining although it remains significant. Conversely, the percentage of funds granted to courts has greatly increased. Correctional funding, after an initial jump in FY 1970, has remained relatively constant, perhaps as a result of the Part E amendment in 1971 which not only provided additional corrections monies, but also required a "maintenance of effort" of Part C correctional support.

ACHIEVEMENTS

Overview

The products of Safe Streets Program and the changes which have resulted are too numerous to be adequately represented in one document. 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 the program. The executive branch of State 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 SPA 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 SPAs have as an element of their work program legislative involvement; and the past eight years have witnessed an unprecedented volume of enabling and reform legislation for criminal justice. SPAs have provided staff and financial support to legislative study commission 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 Safe Streets 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 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 results can be identified throughout the country.

Perhaps the most developed and fully-implemented thrust of the Safe Streets program has been in the area of improved training and educational opportunities for employees of the criminal justice system. Recognized at the outset by all jurisdictions as one of the most neglected areas and obvious deficiencies of the criminal justice system, almost every State has implemented minimum education and training standards and comprehensive academic curriculum for law enforcement personnel. Bloc 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. 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 type, is now totally supported by State and local funds and is a recognized element of the Arizona criminal justice system.

Another important long-term effort fostered by the Safe Streets program has been the modernization of criminal justice telecommunications. Any effort within the criminal justice community to coordinate and cooperate has been hampered 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 for example, the State Division of Communications is providing technical expertise to local agencies in developing communication plans and specifications in conformance with 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 the State's 1,800 law enforcement agencies now have 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 elements. This significant cost savings is important during periods of decreasing revenues, inflation and tight budgets.

Building upon the growth of effective voice communications, 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 multi-dimensional 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 retrieval 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 indicate that one out of every forty inquiries made through the system produces information leading to an arrest or the recovery 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 criminal justice is possible today because those sub-systems themselves are less fragmented. Judical 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 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 briefs 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 Statewide regional public defender system. 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. 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 alternative to incarceration or unsupervised release. Before undertaking the program in 1970, only 72 counties had probation departments. Today, that number has more than tripled; 232 counties have such departments.

There are other significant developments in the corrections 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 Safe Streets program do constitute the only resources available to most jurisdictions for experimentation, one should not overlook the experimental 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 safer and more 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.

Juvenile Justice

In addition to responsibilities under the Safe Streets Act, States have also been charged with the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. However, the Act has had limited programmatic impact in the States during its first year and one half of operation.

Generally, the programmatic requirements that status offenders be deinstitutionalized and incarcerated youthful offenders be segregated from adult

offenders are supported in principle. However, the timeframe in which these two objectives are to be achieved and the absence of sufficient resources to bring about compliance with the provisions of the Act are posing serious problems for the States. As a result of these questions, and due to the delays and uncertainities experienced in the funding process, several States have decided not to participate—or limit their participation—in the program.

For FY 1975, nine States and one territory have decided not to participate in the first phase of the program: Alabama, American Samoa, Colorado, Hawaii, Kansas, Oklahoma, Rhode Island, Utah, West Virginia and Wyoming. For FY 1976, eight States and two territories will not participate in the juvenile justice program: Alabama, American Samoa, Guam, Kansas, Nebraska, Oklahoma, West Virginia and Wyoming.

In addition, neither Oregon nor Nevada has submitted juvenile justice plans for FY 1976. North Carolina has deferred participation until outstanding funding questions for FY 1977 are resolved. And Maine is reconsidering its decision to participate.

Projects and Programs

The following sections present a representative sampling of the many thousands of projects and programs initiated under the Safe Streets Program.

POLICE

In Rhode Island, the Pawtucket Police Community Relations Project distributes educational material to homes, schools, and community organizations, responds to citizen complaints regarding neighbor or police activities, and teaches residents about the police role in the community. The project reported that crime declined citywide during the first year of operation. The Maryland SPA has provided funds to expand and upgrade pre-service and in-service training of police personnel by establishing a resource center which offers new curriculum, techniques, equipment, and testing methods. Surveys of police departments throughout the State were conducted to determine which training services were most needed. Requests for specific training aids number approximately 500 per month.

The South Carolina SPA is assisting criminal justice agencies in the implementation of affirmative action programs through the establishment of a training and technical assistance unit within the State Commission on Human Affairs. The unit works with 45 police departments, 46 sheriff's departments, and nine State agencies. After conducting training workshops, the training staff follow up their activities with technical assistance to agencies on affirmative action plans. The Tennessee SPA has funded that State's Law Enforcement Training Academy to provide training for elected sheriffs. Over 1,500 sheriffs and deputies have participated in the program. And the Arkansas Law Enforcement Training Academy has provided training to over 5,000 officers in 184 courses. The program utilizes a mobile classroom in order to reach officers, who, because of the size or workload of their departments, would otherwise be unable to take advantage of the program.

In Omaha, Nebraska, the quality of police service has been improved as a result of the establishment of an information crime analysis unit within the police department. Record-keeping has been automated, and a user survey showed 80% were "satisfied" with the system. 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, and report burglaries have been reduced. And the West Fargo, North Dakota police department has established a detective division to improve departmental organization, management, and operations for a more efficient use of available manpower. A more accurate records system has been established, providing easy access to the number of crimes reported and arrests made, and the public has been made aware of crime prevention measures through the inspection of businesses and dissemination of information regarding crime prevention methods.

In Hawaii, the Statewide Law Enforcement Intelligence Unit maintains criminal intelligence units in four counties of Hawaii, with the Honolulu unit serving as coordinator. The unit collects, analyzes, and disseminates vital information on organized crime activities in the State. Hillsboro, Oregon has acted to anticipate, recognize, appraise, and combat burglary problems in the county by using two crime prevention officers who specialize in burglary prevention methods. The project clears 26% of reported cases. And Washington saved over $17,000 in the first years of a project identifying and eliminating proposed equipment

expenditures which were unnecessary or excessive in the State. The project's equipment evaluation services are provided to user agencies free of charge.

Iowa has established a narcotics squad to detect and investigate narcotics and drug violations occurring in the Des Moines/Polk County area. More serious drug cases have been brought to trial and the conviction rate has been increased. The Virginia High Incidence Target (HIT) program has been implemented in 11 jurisdictions throughout the State. Clearance rates are up in all areas, and a downward trend for target crimes (burglary or robbery) is evident in each locality. And a saturation patrol is attacking crime in San Juan, Puerto Rico by deploying specially trained officers on foot patrol and in mobile units. Decreases in robbery, burglary and auto theft have been recorded.

Connecticut has improved the operations of five Regional Crime Squads that investigate narcotics trafficking through the development and implementation of uniform policies. The regional squads now account for 85% of all drug sale arrests in Connecticut, with an overall conviction rate of 90% and an incarceration rate of 45% of those convicted. Burglaries have reportedly decreased in one low-income, high-crime area of Phoenix, Arizona by educating residents in home security measures and by providing locks and other security devices to those who cannot afford them. The Shreveport, Louisiana Burglary Strike Force is a 24-hour operation to detect and prevent burglaries. The unit has a staff of 13 for surveillance and investigative work in five identified target areas. On-site arrests have increased, and reported burglaries in a target area selected for its high previous incidence have declined. A neighborhood police unit in Albany, New York has reported that violent and property crimes have been reduced since project implementation. Additionally, it is reported that a higher number of arrests have been made for incidents reported.

A net reduction in reported burglaries has been achieved by the Saginaw, Michigan Crime Prevention Unit within a target area where 66% of the city's robberies occur. The 15-person unit has received approximately 919 hours of training in basic crime prevention. A Vallejo, California program is successfully diverting citizens involved in personal family crisis from the criminal justice system to more appropriate social agencies. Families are seeking professional help and the number of arrests are being reduced. To enhance the practice of forensic science among State and local police departments, the Massachusetts Comprehensive Criminal Investigation Program is providing training for police officers in the analysis of crime-scene evidence and in basic investigative techniques. Since its inception, the project has provided an average of 80 hours of training to each of the 950 law enforcement officers trained in crime-scene search techniques, and 40 hours each to 250 additional officers. A reduction in residential burglaries has been reported by the Elkins Park, Pennsylvania Community Relations Unit. The unit is responsible for 15 programs designed to increase citizen awareness of crime prevention tactics.

The quality of police services in the Virgin Islands has been upgraded through basic and specialized training of police personnel and by psychological screening of all new recruits. Basic training has been increased in duration from two weeks to 14 weeks. Public housing is being made safer for residents in Trenton, New Jersey as a result of the work of the Public Housing Police Unit. Before the unit went into operation, men, women and children could not safely walk, sit or use recreation facilities. That is no longer the case. And, the Property Crime Reduction Program was established to reverse the increasing property crime rate in Albuquerque, New Mexico. Over 1,500 arrests were made and $100,000 in property recovered in 21 months.

COURTS

Tennessee does not require its judges to be lawyers. Therefore, the Judicial System Training program has been especially important in insuring that an adequate level of training and education is made available to court personnel. New Hampshire established a Governor's study committee to review methods aimed at improving court operations. Recommendations formed by the committee were presented to the State legislature for consideration. The Maine Law Enforcement Planning and Assistance Agency recruits interns from the University of Maine Law School and State universities with criminal justice programs. Student interns are placed in jobs with courts, correctional institutions, police, and juveniles on State and local levels.

Ogden, Utah has employed a city court coordinator to lessen the non-judicial workload of every judge in that city. Case backlogs have been reduced substantially. A Consumer Fraud Prosecution Unit in Vermont is drafting legislation

and establishing efficient means of achieving consumer redresses. Prosecutions have reportedly recovered over $30,000 per year in penalties and restitution. The efficiency of the Newark, New Jersey Municipal Court has been increased. Specific improvements include the creation of a central complaint center, introduction of an automatic filing system, installation of a microfilm library, and improvement of the sound recording system. A pretrial release program in Delaware has reduced the number of persons who remain in that State's correctional center due to the lack of bail. It is estimated that each released save $15 per day compared to the cost of detention.

The West Virginia Criminal Justice Legal Resource Center offers a toll-free telephone service which provides judges and prosecutors with unlimited access to a legal research team. In Tallahassee, Florida, a program has provided individuals temporarily diverted from the criminal justice system with appropriate services while awaiting trail. And, a county in Georgia is developing a monetarily nondiscriminatory pretrial release system to serve indigent defendants who would otherwise qualify for release on bail.

A local Indiana release on recognizance (ROR) project releases 90 percent of its candidates; only 2 percent fail to appear. The Polk County Iowa Offender Advocate project provides an efficient, cost-effective alternative to court-appointed private counsel for indigent defendants. Indigents served by the program have been processed in 61.9 days as compared with 73.6 days for court-appointed counsel. The incarceration rate was also less for the project. The average cost of a felony defense under the offender advocate system has been estimated at $127, compared with $211 under court-appointed counsel. Nebraska is improving legal services by supporting the activities of the county attorneys through research assistance. The project provides a full-time director and secretary for the county attorneys association to act as liaisons for the 93 county attorneys and their deputies. And the Regional Public Defender Project in Bismarck, North Dakota provides a public defender and assistant, supervised by a five-member board of trustees, who give legal representation to indigent defendants in a 10-county region. Eligibility for services is determined by the judge in each individual county.

Last year, the South Dakota court system was reorganized, and a court personnel officer was hired. Stronger central administration, from the Supreme Court and a Council of Presiding Judges, has permitted shifting judges and cases to match resources to workloads, improvements in judicial training, sentencing conferences, publication of uniform fine and bond schedules, standardization of clerk procedures, publication of local court rules, and more efficient forms and records management.

In Alaska, the Public Defender's Agency is improving the quality of representation given to indigent clients. Law student interns assist public defenders, who in turn provide the interns with a working knowledge of the court system through their handling of individual cases. The Idaho court system is now unified and integrated under the administration and supervision of the State supreme court. Caseload reports have been revised for district courts and instituted for the magistrates in the district courts. A statewide uniform bail bond schedule has been promulgated, as have new rules of standards for withholding judgments and guidelines for pre-sentence investigations. And the Seattle, Washington Consumer Crime Prevention project is detecting and preventing consumer crime by investigating and prosecuting individual consumer complaints and by disseminating information to the public. Staff efforts have focused on such potentially fraudulent activities as door-to-door selling, false advertising, and home repair.

Texas is working to decrease the backlog of cases in the Court of Criminal Appeals by hiring additional legal assistance personnel and supplementary judges to sit as temporary commissioners. The California Center for Judicial Education and Research is providing a comprehensive program of professional education and training for California judges by offering courses at a center for continuing education. In addition to the training, the project publishes a monthly newsletter for all judges and has published a benchbook manual on evidence and objections. The Mississippi Judicial College is the State's judicial education and training unit and is operated by the University of Mississippi School of Law. The unit is working to improve the delivery of judicial service by upgrading the State's court system through intensive training and education of all court-related personnel. And in Missouri, the Pre-Trial Release Program has expanded for a single-city operation staffed by one bond investigator to a statewide program that provides drug and alcohol treatment as well as bond assistance. Many more felony defendants are being released before trial without increase in revocation of bond or failure to appear for trial.

The correctional program in Marion, Polk, and Yanhill counties in Oregon works principally with accused misdemeanants (but has expanded its services to accused felons). Pretrial release screening, a major program service, is provided by five release assistance officers. The Marion County, Indiana Criminal Court Pre-Recorded Videotaped Testimony Model Unit project is studying the application of pre-recorded video tapes in actual trial situations in order to determine the impact which their use may have on the administration of justice in that State. Both total trial taping and pre-recorded testimony taping are being used in selected felony cases in order to review the use of videotape as an official transcript of proceedings for the purposes of appeal and to give the judges the opportunity to evaluate the application of such technology to the appellate process. And Cuyahoga County, Ohio is working to reduce docket delay and improve the process of planning, allocating, and controlling the resources of the judicial systems by assisting the courts in the development of modern management techniques. The project has developed information systems and has completed systems studies for various divisions within the courts. These court management systems permit the tracking of cases and specific court-related projects.

The Washoe County, Nevada Consumer Fraud Unit evaluates all complaints brought to its attention by the public and initiates action in those cases where investigation reveals a violation of existing statutes. In an attempt to analyze the adequacy of existing State consumer protection laws, the unit collects, categorizes, and correlates relevant data to demonstrate to the legislature the need for additional laws. The Wisconsin Judicial Education Program provides training and educational programs for judges, family court commissioners, registers of probate, court reporters, and juvenile court officers. The program conducts conferences throughout the year at various locations using judges, law professors, and other experts as instructors. In addition, the program coordinates participation of Wisconsin judges in various national programs. Nassau County, New York has established a diversionary program for adjudicated young adults ranging in age from 16 to 25 who have been indicted in adult court and are referred by the judge for rehabilitative services. Treatment includes testing, office and home visits, psychological counseling, and group activity. And in Minnesota, a voluntary employment and counseling program works with defendants at the pretrial stage of adjudication. The prosecution of individual cases is postponed for approximately 90 days for juveniles, 100 for misdemeanor cases, and 360 for felony cases. During that period, clients are offered a range of supportive services including one-to-one counseling, often delivered by exoffender counselors. Sessions vary from daily to monthly based on the individual case.

CORRECTIONS

New Hampshire is working to reduce recidivism by establishing a halfway house with treatment programs designed to enable pre-parole State prison inmates to become self-supporting upon release. The inmates contribute to their own support and to their families. Because of the program's success, the State is establishing additional houses. Rhode Island is extending and improving educational programs at the adult correctional institutions by provided individualized educational experiences to incarcerated persons, ex-offenders, and correctional officers. The Adult Correctional Program is one of several higher education programs offered by the University Without Walls. Bridge, Inc. is a community-based rehabilitation and referral project serving parolees, probationers, and those offenders referred by the courts and police departments throughout Vermont. Bridge provides information on educational and rehabilitative opportunities and makes referrals to appropriate State and federal agencies. The District of Columbia SPA has funded a program to reduce recidivism and combat asocial attitudes among institutionized offenders by providing volunteers to assist in handling personal concerns and responsibilities. Two hundred fifty inmate requests answered each month.

The Richmond, Virginia city mail operates a project to advance the level of education of inmates. The instructors often employ qualified inmates to assist them in teaching basic procedures and grading papers. Mississippi has funded a program to develop an interdisciplinary undergraduate program in corrections to improve the quality of corrections services and to increase the availability of trained personnel. The South Carolina Youthful Offender Division is assisting in the institutional assignment, parole, and aftercare of young adult offenders by offering a support system which includes a network of lay volunteers. Many services are being provided to young adult felons.

To improve communication between staff and inmates and insure due process, Minnesota has established an ombudsman for the State Department of Corrections with authority to investigate complaints and propose solutions to correctional authorities. A Wisconsin pilot project has been found feasible in helping to decrease the average length of stay in correctional institutions and reduce recidivism by negotiating a parole date with inmates contingent on their satisfactory performance. Arkansas has employed a systems analyst to maintain and expand the existing computer information system, within the Department of Corrections. One result has been the improved efficiency of the parole review board. And the Defender Intern program in Montana is providing additional legal services to inmates and indigent defendants by the utilization of second-year law students in public defender offices and the Montana Prison.

Utah has established a computerized information system to upgrade Utah's prison operations. A comprehensive data base on inmate characteristics and demography has been developed and disseminated throughout the State correctional system, and has been used for several correctional reform projects. Michigan has upgraded that State's correctional personnel to higher levels of effectiveness through a comprehensive centralized in-service training and staff development program. And in New York, the Minority Group Program is actively recruiting minority individuals for department of corrections security and professional positions. Recruitment is conducted in minority communities in cooperation with community agencies, local grass roots organization, neighborhood manpower centers, and housing authority projects. The percentage of minority employees in the State's correctional work force has significantly increased.

Louisiana is working to reduce crime and recidivism rates by providing community-based rehabilitative services for ex-offenders, and by creating an awareness within the community of the special problems faced by ex-offenders in their attempts to reenter society. The Community Service Center provides clients with such services as job orientation, vocational guidance and counseling, job placement, and follow-up through group and individual counseling. The Center also works with correctional agencies and prison rehabilitation programs in an effort to coordinate activities. Georgia offers a work-release program to help provide job stability, for prison inmates reentering the work force. The program provides employment and vocational training opportunities for pre-parole inmates. In addition to directly assisting the inmates, the program has also saved the State a substantial amount in institutionalization costs. Puerto Rico is increasing the availability of counsel for adult indigent defendants and inmates by expanding Legal Aid Society services. The Society's appeals division handles cases at the supreme court, juvenile court, and parole board levels, and provides counseling and orientation to inmates. Referrals come from the courts and the defendants themselves, for whom poverty is the only eligibility criterion. Ohio is reducing the rate of reincarceration of technical parole and probation violators by establishing community-based reintegration centers which provide comprehensive rehabilitation services. The project operates three community-based treatment and rehabilitation centers for technical parole violators, heavily-dependent residents of halfway houses, and selected probation violators. Each center offers alcohol treatment, family and employment counseling, and an array of community services designed to alleviate the clients' reintegration difficulties.

Seven residential and nonresidential community service centers have been established in Pennsylvania to serve as halfway houses for men and women who have had prolonged incarcerations and are becoming eligible for parole. The centers use outside community agencies for such services as vocational training and drug and alcohol programs. An inmate's termination from a center is concurrent with issuance of parole and must be approved by the parole board. Oklahoma has established six halfway houses in the State, staffed by specially trained personnel. Programs are designed to assist nonviolent felons classified as minimum-security risks within 90 days of release. The programs include work-study release, individual and group counseling, family counseling, drug therapy, referrals to community services, recreation, and supervised interaction with the community. Texas is working to reduce the likelihood of subsequent criminal activity among clients released to halfway houses by providing a wide range of in-house and contracted services. The program draws on the services offered by existing agencies in the community, including Alcoholics Anonymous, Narcotics Anonymous, Texas Rehabilitation Commission, and local colleges and universities which provide educational training and development. Each of the nine houses is staffed by a mixture of ex-convicts and professional counseling staff. Supervision and peer group counseling are provided within the facility by

program staff. In California, the Sacramento Valley Community Correctional Center assists parolees on work furloughs. The community-based halfway house provides them an opportunity to earn release monies and receive specialized counseling during the pre-parole stage. The program also provides 24-hour assistance to parolees who evidence need for supervision. And Delaware has established a work and education release program in order to develop marketable skills and provide support services for offenders. The project provides three types of work-education release programs which enable eligible inmates to hold full-time jobs in the community. Work-education participants attend Alcoholics Anonymous, drug clinics, mental hygiene clinics, and educational programs as needed.

JUVENILE JUSTICE

In Albuquerque, New Mexico, a program to alleviate juvenile delinquency by providing public and private agencies with a centralized organization that coordinates programs, services, funding, and accountability, has been funded. As a result, legislation on juveniles has been adopted, youth services systems have been set up, and an information center has been established. Lakewood, Colorado is diverting juvenile delinquents and status offenders from the juvenile justice system and traditional institutional facilities by using community social service agencies and resources. Court petitions, truancy, youth commitments, and police time have been reduced. In Connecticut, the Central Group Home Coordinating Unit of the Department of Children and Youth Services coordinates a comprehensive rehabilitation program for juveniles, aged 11 to 18, who are either adjudicated delinquents or identified as neglected and homeless. More adjudicated youths are being served at 40% of cost of a training school. And Maryland is is providing rapid and effective defense counsel for all indigent juvenile offenders. The backlog of juvenile court cases has been reduced and defense services have been increased.

Mississippi has funded a program to provide an alternative to incarceration and reduce recidivism of juveniles by establishing comprehensive evaluation and counseling programs. Massachusetts has reduced the institutionalization of female adolescents and has provided constructive placement experience to adolescent female offenders through foster homes, and has minimized the probability of future court appearances. To help reduce deviant behavior of students, and to prevent juvenile court referrals, Indianapolis, Indiana has established an alternative school rehabilitation and treatment program. Parents and students alike give the alternative school high marks. Youth have been diverted from juvenile justice system in Illinois as a result of the Omni House Youth Bureau. Volunteers from the community aid the counselors and psychologists by providing them with the resources for hotline, peer counseling, and tutoring projects.

In Missouri, the Providence Educational Center is a nonresidential center sponsored by the Providence Inn-City Corporation. An evaluation reported median gains in students' reading achievement of .10 years per month, and median gains in math of .20 years per month. California has reduced the number of youths involved in the criminal justice system through a probation diversion program. The project operates from 7 a.m. to midnight, seven days a week, for crisis counseling. And Nevada is offering delinquent youth the alternative of a survival program to help them develop self reliance and a sense of responsibility.

In North Carolina, juvenile care services have been extended to those court districts not already served throuth a one-to-one volunteer program to meet the needs of juveniles before, during, and after court involvement. The project uses 100 community volunteers who serve as counselor/friends to help troubled youth overcome basic personality and environment problems. New Mexico is providing a community-based sentencing alternative to the juvenile probation office which serves as an adjunct to the present services provided in the ciminal justice system. The program is a cooperative effort of the Department of Hospitals and Institutions and eighteen local communities. The program has been established in nine judicial districts. In Wyoming, the Cheyenne Volunteer Juvenile Probation project is designed to utilize volunteers to supplement existing staff in providing service to pre- and post-adjudicated youth. Volunteers receive accredited training from a local community college, and are selected on the basis of counseling experience, personal recommendations, and personality traits. Volunteers are officially sworn in by the court and are considered of equal status as probation officers whom they assist in providing one-to-one counseling for juvenile probationers. And to help improve services for resident youths and their families, Montana is coordinating the training of all personnel, including aftercare workers,

at three youth corrections institutions. Courses are given in such areas as basic interviewing skills, psychological testing, recreational photography, social work practice in special settings, behavioral problems of adolescent girls, intensive treatment programs and ethnic studies.

In Grady County, Oklahoma, the youth service bureau is being expanded to serve as an alternative to processing juveniles through the juvenile justice system, and as a means of coordinating the rehabilitative and treatment services available to troubled youth. In cases where a criminal offense is involved, the project is responsible for providing the court with predispositional hearing reports and recommendations and with postadjudicatory status reports. The project provides individual and family counseling, and a clinical psychologist is available for consultation and testing. The "Youth Enabling Program" in Charleston, West Virginia provides an alternative to detention by offering counseling, temporary shelter, and employment assistance to pre-delinquent and adjudicated youth. Youth are placed in part- or full-time work, and counselors carry out three-, six-, and nine-month follow-ups of these youths. There is also a special counseling program for runaway youth. A halfway house has been established on the Island of St. Johns, Virgin Islands. The resident youths participate in a family-style living situation, attend school, and take part in community activities. Tutoring services are provided at the home, and the staff works closely with school personnel. The Rhode Island Family Center offers counseling services to youths referred by the Rhode Island Family Court. The juvenile division of the family court screens juveniles and refers only those who are first-time offenders, and whose offense does not involve a serious felony, is not drug-related, did not result in personal injury, nor involve a large sum of money. A total of more than 17 different community agencies have been called upon by the program to assist in providing needed services. And in Alabama, the Juvenile Rehabilitation Program provides a community-based, non-residential intervention program for adjudicated delinquent youth in Tuscaloosa. The program gives the youth a disciplined, non-hostile environment in which to function. The project has reported academic gains and low recidivism for the participating youths, as well as lower costs than State training schools.

Florida has implemented a program to reduce the number of juveniles in secure detention facilities by implementing a statewide minimum security detention and counseling program for youth. The program is staffed by community people from varied occupational backgrounds who are not strictly professional counselors or social workers. Some of the volunteers in the program are ex-offenders who see the necessity of alternative juvenile care. The child in either program is placed for no longer than 30 days, is advised where he is going, and asked if he wants to be placed there. After he is taken back to the court, the program no longer has any contact with the child.

In Lewiston, Maine, the "Paradise Lost" program is a highly structured treatment program offering educational and vocational curricula to juveniles (aged 14–17). The boys and girls are referred to the program by the school systems, the Division of Vocational Rehabilitation, and the court as an alternative to incarceration. Youths assigned to Paradise Lost are given a four-week probationary period during which their interest and motivation are evaluated by two teachers and a social worker. And, the Juvenile Service Training Council in Lansing, Michigan is working to upgrade the training of juvenile service workers by identifying training gaps, eliminating duplication of training, coordinating training efforts, and supporting training projects technically and financially. The council acts as a central clearinghouse, providing a communications link and coordinating and directing the efforts of youth service organizations throughout the State.

COMMUNITY SERVICE AND SYSTEM-WIDE ACTIVITIES

Pennsylvania is working to increase the quantity and improve the quality of law-related education in the elementary and secondary schools of the Commonwealth. The positive feedback from school and criminal justice personnel is very encouraging. Education in law enforcement and criminal justice is made available to the citizens of Illinois. The program is administered by the Illinois League of Women Voters and is designed to improve citizen understanding of the criminal system. North Dakota has funded a project to reduce the incidence of repeated alcohol-related offenses by providing the courts an education and treatment resource for dealing with individuals convicted while intoxicated. And Maine funded a stop-action, hour-long television program on the sentencing process, one of several programs prepared for Law Awareness Week.

A Florida Victim Advocate Project assists crime victims and helps reduce further victimization by providing advocates who counsel and refer victims to appropriate community resources. The project has received broad community support. In Connecticut, the Institute of Criminal and Social Justice represents a continuing effort to implement in Hartford the 1967 Katzenbach Commission recommendation to establish in every city an agency with the goal "of planning and encouraging improvement in criminal justice" through a "coordinated" approach to change. And Massachusetts provides a treatment alternative for public drunkenness offenders by utilizing a mobile rescue team to transport inebriates to a detoxification center. The result has been a decrease in the number of referrals to court for those being found drunk in public view.

The District of Columbia SPA funded a project to recommend appropriate revisions in the existing procedures and law of the District of Columbia by comparing them with each of the 18 volumes of the American Bar Association Standards. The committee findings on ABA Standards and D. C. Procedures has been published and disseminated. In South Dakota, the Victim Assistance Program is designed to provide assistance to the victims of juvenile crimes. Restitution is made to victims of juvenile-offender crimes. The Hilo, Hawaii Multi-Purpose Community Center coordinates efforts of all agencies providing rehabilitative treatment for both juvenile and adult offenders as an alternative to incarceration. The 21 criminal justice agencies on the Island have a firm agreement with the center to work together in the development and implementation of treatment programs. And in Idaho, the CARES project is a central evaluation, referral, and treatment source for alcoholics referred from the criminal justice system. Services include: AA referral, detoxification and hospitalization, therapy, halfway house referral, psychological testing, and mental health, vocational, and financial counseling.

The Santa Clara County, California Detoxification and Rehabilitation Planning Center works with public inebriates picked up by police in the Model City and surrounding areas. Seven full-time and ten part-time public and mental health personnel staff the project's 50-bed, hospital-based detoxification unit and work to coordinate the community alcohol services delivery system to provide comprehensive care for alcoholics. Wichita State University in Kansas is receiving funds to upgrade the educational background of criminal justice personnel presently in the system and those persons interested in criminal justice careers. Both pre-service and in-service training is provided by the University's Administration of Justice Department. Currently, about 50 percent of the enrollment is pre-service and 50 percent of the enrollment is voluntary in-service. The Nennepin County Minnesota Sexual Assault Services program is a unique project in which police, doctors and legal authorities work together to aid victims of rape. The program is designed so it can be directed by a part-time prosecutor in a small community or a team of attorneys in a large jurisdiction. The project has been expanded to include not only rape cases, but also the so-called "closet" crimes such as incest, and child and wife battering. The county project is part of a statewide rape treatment program. The Maricopa County Alcohol Reception Center in Arizona was developed to redirect the life styles of individuals with heavy drinking problems, particularly those living in Phoenix's "skid row." The project depends to a great extent on the cooperation of the Phoenix police, who may now exercise the option, under a new Arizona law which abolishes the crime of public drunkenness, of brining public inebriates to the center. Additional centers will offer local residents detoxification, diagnosis, evaluation, short-term rehabilitation, referrals, and follow-up services. And in North Carolina, the Criminal Justice Education and Training System is working to improve the State criminal justice system by educating and training criminal justice officers through courses. seminars, and innovative training designs. The program has developed curricula for a variety of technical and management topics in all components of the criminal justice system.

NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

The National Conference of State Criminal Justice Planning Administrators is an affiliation of State governmental officials who are the directors of State criminal justice planning agencies (SPAs). Collectively representing SPA directors across the country is not a simple task. The diversity among the States in terms of population, geography, and relative status of criminal justice system problems and priorities, must be carefully weighed when the Conference convenes.

Only those issues and concerns which can be addressed to the satisfaction of the majority of the 55 States and territories represented are supported by the Con-

ference. While the Conference bylaws ensure that . . . "no action of a committe or the Conference as a whole prohibits individual administrators from taking stand at variance therewith . . .", the consensus viewpoint and joint actions these key criminal justice system executives must be given prominent consider tion when local, State and federal criminal justice system policies are made.

Specifically in the past, the Conference has focused its attention on improvin the administrative machinery of the LEAA program which each SPA administer. Minimum standards have been set for improving management operations at th State level, training for SPA staff has been provided, and a means has been e tablished for providing formally structured input to LEAA concerning SP financial reporting and related federal requirements. The latter activity, which ha been conducted primarily through joint efforts between SPA representatives an LEAA, has played an especially important role in channeling concerns of th States to LEAA.

But while this framework of Conference objectives served a viable purpose i establishing the ground rules for this unique partnership of governments, th SPA directors, in July 1975, determined that the Conference must exert mor encompassing leadership in identifying and resolving substantive crime and crimi nal justice system issues.

The direction now set for the Conference continues to recognize the importanc of dealing with administrative matters related to the Safe Streets Act, but th Conference has determined that its primary concern must be a greatly increase emphasis on the institutionalization of the planning techniques and coordinatio of State and local criminal justice services which have been developed during th last several years under the leadership of the SPAs. With this changed emphasis the Conference is addressing a broader range of legislative matters; is broadenin its external associations with federal agencies and professional and public interes groups in the law enforcement and criminal justice sector; and is strengthenin existing relationships, such as those with the National Governors' Conference, th the National Conference of State Legislatures, the National League of Cities, the U.S. Conference of Mayors, and the National Association of Counties.

Organization

Conference activities are directed by a 13-member Executive Committee com posed of the Chairman, Vice Chairman, Immediate Past Chairman and 10 Re gional Chairmen representing States within the federal regions across the country. The Executive Committee is charged with the management of the Conferenc and the direction of the organization's policies and affairs between semi-annual meetings of the general membership.

Work programs of the Conference are conducted through a standing and an ad hoc committee structure which serves in an advisory capacity to the Executive Committee. Advisory group members are appointed by the Conference Chairmen; in addition to SPA directors, SPA staff specialists serve on these committees.

Prior to December 1973, Conference activities were conducted without full-time staff services. Staff support for the Conference is now provided through an Executive Secretariat which is funded by two technical assistance grants from LEAA.

The Conference is engaged in a number of activities on behalf of the SPAs. Some of these SPA services and ongoing efforts include:

Legislation

Specific recommendations for the reauthorization of the Safe Streets Act have been a key concern. In addition, attention has been directed to the enactment of the Juvenile Justice and Delinquency Prevention Act of 1974, Security and Privacy legislation in 1974 and 1975, and LEAA appropriations for all fiscal years since 1972. Testimony in these areas has been provided to Congress upon request.

Studies of other significant legislative proposals have been conducted on a regular basis, with special attention to legislation affecting security and privacy and juvenile justice. Legislative highlights, updates and analyses are distributed to the Conference membership on a regular basis.

Public Information

The Conference has published two major reports (1973 and 1974) on the progress and activities of the SPAs. This is the third such report to be published which examines SPA operations and weighs the successs of the Nation's criminal justice program.

A Bulletin newsletter is also published to keep SPA directors abreast of Conference activities and other issues of mutual concern.

Management Information System Project

In 1974, the Conference embarked on a major technical assistance effort aimed at improving SPA management operations. Previously, a prototype Management Information System (MIS)—previously referred to as the Grants Management Information System, or GMIS—was conceived and developed with the characteristics of transferability from State to State. Now, well into its implementation phase, the project promises increased capability for improved SPA performance in the areas of financial management, planning, application tracking, monitoring, auditing and evaluation.

Additionally, system implementation within each SPA will ensure speedy and efficient access to data regarding grant awards, expenditures and program implementation status, and will facilitate—for the first time—an exchange of uniform program information on a nationwide basis. Currently, over a dozen States are in various stages of implementation ranging from work plan development to a "check-out" phase preparing to drop their former systems and begin exclusive utilization of the Conference's automated MIS. Manual management information systems are now operational in eight SPAs.

SPA Development and Mutual Assistance

Minimum standards for SPA operations were established in 1972 covering the twelve areas of: planning, auditing, monitoring, evaluation, grants management information systems, grant administration, fund flow, organizational structure, training and staff development, public information, affirmative action, and technical assistance. Specific levels of performance are promoted in each of these areas as an impetus for improvement. The specific standards are included in the appendix of this report.

A mutual assistance program also has been established under which an SPA may seek on-site assistance from SPA staff specialists in other States. Costs of this "staff lending" program are reimbursed by the Conference. A "Catalog of Mutual Assistance Capabilities," listing SPA staff specialists in over 50 areas of SPA concern, has been compiled and is updated annually.

Finally, an assessment program has been developed for the voluntary evaluation of SPA operations by a Conference-assembled team of knowledgeable staff specialists. The end product of such assessments, which to date have been conducted in three States, is a set of recommendations relating to technical assistance needs and improvements in SPA operations. Each assessment is conducted according to a definitive procedures manual developed by the Conference which covers a checklist of all areas of SPA operation.

Federal Liaison

A significant Conference activity is contributing to the development of administrative regulations emanating from the Federal Government pursuant to provisions of the Safe Streets Act. Over the years, the role of the Conference has shifted from one of reacting to draft guidelines, to one of active involvement in and influence during the development stages of potential guidelines. The Conference now has early and meaningful input on such policy subjects as: development of planning grant and comprehensive plan guidelines; integration of program activities under the Juvenile Justice and Delinquency Prevention Act with those of the Safe Streets Act; use of discretionary grant funds; criminal justice standards and goals implementation policies; reverted fund utilization policies; direction of the national Law Enforcement Education Program; and appropriate roles and relationships between the SPAs and federal regional offices.

Inroads also have been made to eliminate problems associated with program formulation and grants to Indian tribes in States with substantial Indian populations. In addition, an active role is taken in defining SPA responsibilities with respect to civil rights compliance and equal employment opportunity enforcement.

Research and Evaluation

A mechanism has been established to provide for SPA input to the National Institute of Law Enforcement and Criminal Justice regarding research direction and dissemination of information. Conference representatives also participated as members of an LEAA Evaluation Policy Task Force. The Conference continues to work closely with LEAA in the further development and implementation of report recommendations. The Conference cooperated in the conduct of a special study of federal assistance for State court systems; recommendations were subsequently formulated for the improvement of planning by State court systems. And finally, a special study was conducted in 12 selected States to analyze the

timeliness of the flow of funds from SPAs to their project grantees on the State and local level. As a result, the Conference developed a number of recommendations aimed at shortening fund flow time periods.

Training

All SPAs have been surveyed to identify technical assistance needs and priorities of SPA staffs and their criminal justice clientele. The Conference is exploring the development of a comprehensive plan for the allocation of technical assistance resources available to these groups, as well as a compendium of training programs available to the entire criminal justice community.

Briefing sessions are held semi-annually for new SPA directors and deputy directors. These sessions provide an orientation to the history and current implementation of the Safe Streets Act program, and introduce new SPA directors to the functions of and services provided by the National SPA Conference. Workshops also have been held to upgrade SPA public information capabilities, with particular emphasis on such areas as understanding and complying with Freedom of Information Act requirements. And to date, the Conference has conducted two evaluation management workshops—one in November of 1974 for SPA directors and chief evaluation specialists, and a second session in November of 1975 concentrating on methodology for SPA evaluation staff members.

Since 1969, the ability of LEAA to administer the Safe Streets Act program has increased considerably, as has the States' ability to plan effectively for the utilization of program funds. A recognition of the increasing ability of the States has been an important factor in bringing about the current relationships between LEAA and the States.

LEAA's commitment to involve States in policy decisions at the federal level is largely based on the known competence and essential perspective of the SPAs. The work of the National SPA Conference has encouraged LEAA to make that commitment and helped make it a reality.

Since July 1975, in exerting its new leadership role the Conference has focused on substantive issues in such areas as handgun control, minority recruitment, women offenders in the criminal justice system, the role of the judiciary, and the institutionalization of criminal justice planning at the State level.

VII.

Appendix Table 1.—*Legal authority for State Planning Agencies*

State Statute (20): Alaska, California, Colorado, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Montana, Nebraska, Nevada, New York, North Carolina, Oregon, Virginia, Wyoming, Puerto Rico, and Virgin Islands.

Governor's Executive Order (35): Alabama, Arizona, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, American Samoa, and Guam.

Source: Fiscal Year 1976 State Planning Grants.

Note.—Those SPAs which operate under a statute as well as an executive order are listed only under "State Statute."

APPENDIX TABLE 2.—COMPOSITION OF STATE SUPERVISORY BOARDS BY GOVERNMENTAL LEVEL AND SECTOR

States	Total [1]		State government [2]		Local government		Public	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
United States, total	1,439	(100)	531	(36.90)	573	(39.82)	335	(23.28)
Alabama	50		9	18.00	27	54.00	14	28.00
Alaska [3]	11		7	63.63	1	9.10	3	27.27
American Samoa	15		8	53.33	3	20.00	4	26.67
Arizona	20		6	30.00	12	60.00	2	10.00
Arkansas	17		7	41.18	8	47.06	2	11.76
California [4]	26		8	30.77	16	61.54	2	7.69
Colorado	22		9	40.91	10	45.45	3	13.64
Connecticut	22		11	50.00	5	22.73	6	27.27
Delaware	45		19	42.22	14	31.11	12	26.67
District of Columbia [5]	29		18	62.07	0		11	37.93
Florida	35		20	57.14	12	34.29	3	8.57
Georgia	37		15	40.54	12	32.43	10	27.03
Guam [6]	8		6	75.00	0		2	25.00
Hawaii	15		3	20.00	10	66.67	2	13.33
Idaho [7]	23		11	47.83	8	34.78	4	17.39
Illinois	26		6	23.08	10	38.46	10	38.46
Indiana	13		4	30.77	8	61.54	1	7.69
Iowa [8]	27		10	37.04	8	29.63	9	33.33
Kansas	29		13	44.83	11	37.93	5	17.24
Kentucky [9]	60		21	35.00	20	33.33	19	31.67
Louisiana	59		16	27.12	37	62.71	6	10.17
Maine	27		10	37.04	17	62.96	0	
Maryland	30		13	43.33	12	40.00	5	16.67
Massachusetts	41		11	26.83	20	48.78	10	24.39
Michigan	75		22	29.33	29	38.67	24	32.00
Minnesota	26		5	19.23	13	50.00	8	30.77
Mississippi	18		9	50.00	5	27.78	4	22.22
Missouri	20		8	40.00	5	25.00	7	35.00
Montana	16		8	50.00	6	37.50	2	12.50
Nebraska	22		6	27.27	9	40.91	7	31.82
Nevada	17		6	35.29	11	64.71	0	
New Hampshire	32		5	15.62	12	37.50	15	46.88
New Jersey	17		9	52.94	6	35.29	2	11.77
New Mexico	17		7	41.18	9	52.94	1	5.88
New York [10]	26		7	26.92	12	46.16	7	26.92
North Carolina [11]	26		12	46.16	12	46.16	2	7.68
North Dakota	31		13	41.94	18	58.06	0	
Ohio [12]	35		13	37.14	14	40.00	8	22.86
Oklahoma	39		6	15.38	14	35.90	19	48.72
Oregon	18		1	5.56	9	50.00	8	44.44
Pennsylvania	12		5	41.67	5	41.67	2	16.66
Puerto Rico [13]	10		7	70.00	0		3	30.00
Rhode Island	21		12	57.14	3	14.29	6	28.57
South Carolina	24		9	37.50	9	37.50	6	25.00
South Dakota	18		9	50.00	9	50.00	0	
Tennessee	21		8	38.10	10	47.62	3	14.28
Texas	20		5	25.00	11	55.00	4	20.00
Utah	20		7	35.00	9	45.00	4	20.00
Vermont	20		8	40.00	4	20.00	8	40.00
Virginia	18		12	66.67	4	22.22	2	11.11
Virgin Islands [14]	16		12	75.00	0		4	25.00
Washington	29		7	24.14	13	44.83	9	31.03
West Virginia	32		16	50.00	8	25.00	8	25.00
Wisconsin	30		8	26.66	11	36.67	11	36.67
Wyoming	26		8	30.77	12	46.15	6	23.08

[1] Totals do not include vacancies, observers or nonvoting members.
[2] State legislators included under "State" category
[3] 2 vacancies.
[4] Data submitted Aug. 20, 1975.
[5] 1 Federal judge and 1 Federal attorney included in "State" total.
[6] 1 vacancy.
[7] 2 ex-officio Federal representatives also members.
[8] 4 vacancies.
[9] 1 nonvoting Federal representative also a member.
[10] 3 vacancies and 1 nonvoting member.
[11] 3 nonvoting members.
[12] 5 vacancies.
[13] 1 vacancy and 1 observer.
[14] 4 vacancies.

Source: Fiscal year 1976 State Planning Grants, submitted May 1975.

APPENDIX TABLE 3.—COMPOSITION OF STATE SUPERVISORY BOARDS BY PRIMARY FUNCTIONAL INTEREST[1]

	Total		Courts[2]		Police[3]		Corrections[4]		Juvenile justice[5]		Other[6]	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
United States, total	825	57.33	303	21.06	291	20.22	117	8.13	103	7.15	11	0.76
Alabama	25	50.00	9	18.00	9	18.00	2	4.00	5	10.00		
Alaska	8	72.73	5	45.46	2	18.18	1	9.09	0			
American Samoa	3	20.00	2	13.33	1	6.67	0		0			
Arizona	10	50.00	6	30.00	3	15.00	1	5.00	0			
Arkansas	15	88.24	4	23.53	5	29.41	3	17.65	3	17.65		
California	17	65.38	7	26.92	7	26.92	2	7.69	1	3.85		
Colorado	14	63.63	5	22.73	7	31.82	1	4.54	1	4.54		
Connecticut	12	54.54	4	18.18	4	18.18	2	9.09	2	9.09		
Delaware	20	44.45	7	15.56	7	15.56	2	4.44	3	6.66	1	2.22
District of Columbia	10	34.48	6	20.69	1	3.45	2	6.89	1	3.45		
Florida	20	57.14	7	20.00	7	20.00	4	11.43	2	5.71		
Georgia	27	72.97	8	21.62	8	21.62	3	8.11	3	16.22	2	5.40
Guam	4	50.00	1	12.50	1	12.50	1	12.50	1	12.50		
Hawaii	8	53.34	4	26.67	3	20.00	1	6.67	0			
Idaho	13	56.52	6	26.09	4	17.39	1	4.35	2	8.69		
Illinois	18	69.23	4	15.38	9	34.62	3	11.54	0		2	7.69
Indiana	8	61.53	4	30.77	2	15.38	2	15.38	0			
Iowa	13	48.14	6	22.22	5	18.52	1	3.70	1	3.70		
Kansas	13	44.83	6	20.69	4	13.79	3	10.35	0			
Kentucky	38	63.33	15	25.00	12	20.00	5	8.33	6	10.00		
Louisiana	48	81.35	15	25.42	24	40.68	3	5.08	6	10.17		
Maine	15	55.55	3	11.11	8	29.63	1	3.70	3	11.11		
Maryland	19	63.33	9	30.00	4	13.33	2	6.67	4	13.33		
Massachusetts	28	68.29	16	39.02	8	19.51	3	7.32	1	2.44		
Michigan	26	34.67	9	12.00	11	14.67	3	4.00	3	4.00		
Minnesota	17	65.38	7	26.92	5	19.23	5	19.23	0			
Mississippi	10	55.56	3	16.67	4	22.22	2	11.11	1	5.56		
Missouri	12	60.00	4	20.00	3	15.00	3	15.00	2	10.00		

Montana	10	62.50	4	25.00	3	18.75	2	12.5	2	9.09		
Nebraska	12	54.55	5	22.73	3	13.64	2	9.09	2	9.09		
Nevada	14	82.35	5	29.41	6	35.29	2	11.77	1	5.88		
New Hampshire	19	59.38	4	12.50	9	28.13	4	12.50	2	6.25		
New Jersey	8	47.06	3	17.65	4	23.53	1	5.88	0			
New Mexico	12	70.58	4	23.53	2	11.76	2	11.76	4	23.53		
New York	15	57.69	5	19.23	4	15.38	3	11.54	1	3.85	2	7.69
North Carolina	15	57.69	5	19.23	5	19.23	5	19.23	0			
North Dakota	19	61.29	4	12.90	7	22.59	4	12.90	4	12.90		
Ohio	13	37.15	4	11.43	7	20.00	1	2.86	1	2.86		
Oklahoma	21	53.84	6	15.38	8	20.51	2	5.13	5	12.82		
Oregon	8	44.44	3	16.67	4	22.22	0		1	5.55		
Pennsylvania	6	50.00	3	25.00	2	16.67	1	8.33	0			
Puerto Rico	5	50.00	2	20.00	1	10.00	0		1	10.00	1	10.00
Rhode Island	11	52.38	7	33.33	3	14.29	1	4.76	0			
South Carolina	18	75.00	3	12.50	6	25.00	2	8.33	7	29.17		
South Dakota	11	61.11	4	22.22	3	16.67	2	11.11	2	11.11		
Tennessee	13	61.90	6	28.57	5	23.81	1	4.76	1	4.76		
Texas	12	60.00	6	30.00	5	25.00	1	5.00				
Utah	9	45.00	3	15.00	4	20.00	1	5.00	1	5.00		
Vermont	10	50.00	4	20.00	3	15.00	1	5.00	2	10.00		
Virginia	12	66.67	7	38.89	3	16.67	2	11.11	0			
Virgin Islands	8	50.00	2	12.50	2	12.50	2	12.50	2	12.50		
Washington	12	41.38	4	13.79	5	17.24	2	6.90	1	3.45		
West Virginia	29	90.63	5	15.62	7	21.88	7	21.88	7	21.88	3	9.37
Wisconsin	19	63.34	8	26.67	6	20.00	2	6.67	3	10.00		
Wyoming	13	50.00	5	19.23	6	23.08	2	7.69	0			

[1] Percentages are based on total membership of Supervisory Boards.
[2] Courts includes judges (except juvenile court judges), court administrators, attorneys general, public defenders, prosecutors and private attorneys when noted by a State as representing the courts sector.
[3] Police includes local sheriffs.
[4] Corrections includes probation and parole.
[5] Juvenile justice includes juvenile court judges and officers.
[6] Other includes representatives of drug prevention agencies, community relations programs, etc.

Source: Fiscal year 1976 State planning grants, submitted May, 1975.

APPENDIX TABLE 4.—LOCAL OFFICIALS ON STATE SUPERVISORY BOARDS

	Total number	Executive		Administrative		Legislative		Other		Criminal justice	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
U.S., Total	573	69	12.04	19	3.32	68	11.87	27	4.71	390	68.06
Alabama	27	7	25.93			1	3.70			19	70.37
Alaska	1									1	100.00
American Samoa	3	1	33.33	1	33.33					1	33.33
Arizona	12	2	16.67	1	8.33	4	33.33			5	41.67
Arkansas	8	1	12.50							7	87.50
California	16					5	31.25			11	68.75
Colorado	10	1	10.00	1	10.00	1	10.00			7	70.00
Connecticut	5	1	20.00							4	80.00
Delaware	14	5	35.17	2	14.28	1	7.15	1	7.15	5	35.71
District of Columbia	NA										
Florida	12	1	8.33			3	25.00			8	66.67
Georgia	12	3	25.00			2	16.67			7	58.33
Guam	0										
Hawaii	10	4	40.00			1	10.00			5	50.00
Idaho	8	1	12.50			2	25.00			5	62.50
Illinois	10	1	10.00							9	90.00
Indiana	8	3	37.50							5	62.50
Iowa	8			1	12.50			1	12.50	6	75.00
Kansas	11	1	9.10			5	45.45			5	45.45
Kentucky	20	1	5.00	1	5.00	1	5.00			17	85.00
Louisiana	37	3	8.11			2	5.40			32	86.49
Maine	17					2	11.76	4	23.53	11	64.71
Maryland	12	2	16.67			3	25.00			7	58.33
Massachusetts	20	1	5.00	1	5.00	1	5.00			17	85.00
Michigan	29	2	6.90			6	20.69	2	6.90	19	65.51
Minnesota	13	1	7.69			2	15.39			10	76.92
Mississippi	5	1	20.00			1	20.00			3	60.00

Missouri	5	1	20.00			1	16.67			4	80.00
Montana	6	1	16.67			1	11.11			4	66.67
Nebraska	9			1	11.11	1	9.09			7	77.78
Nevada	11	1	9.09			1	8.33			9	81.82
New Hampshire	12					1	50.00			11	91.67
New Jersey	6	3	50.00			3	33.33			3	50.00
New Mexico	9	1	11.11							5	55.56
New York	12	3	25.00					1	8.33	8	66.67
North Carolina	12			2	16.67			3	25.00	7	58.33
North Dakota	18	3	16.66			1	5.56	4	22.22	10	55.56
Ohio	14	2	14.29	1	7.14	2	14.29	1	7.14	8	57.14
Oklahoma	14	3	21.43							11	78.57
Oregon	9			1	11.11	1	11.11			7	77.78
Pennsylvania	5					1	20.00			4	80.00
Puerto Rico	0										
Rhode Island	3									3	100.00
South Carolina	9	1	11.11	1	11.11			1	11.11	6	66.67
South Dakota	9					1	11.11	3	33.33	5	55.56
Tennessee	10	1	10.00					1	10.00	8	80.00
Texas	11			2	18.18	1	9.09			8	72.73
Utah	9	1	11.11			4	44.44			4	44.44
Vermont	4	1	25.00							3	75.00
Virginia	4			1	25.00	1	25.00			2	50.00
Virgin Islands	0										
Washington	13	2	15.38			3	23.08			8	61.54
West Virginia	8	2	25.00			1	12.50			5	62.50
Wisconsin	11			1	9.09	1	9.09			9	81.87
Wyoming	12			1	8.33	1	8.33	5	41.67	5	41.62

Source: Fiscal year 1976 State planning grants, submitted May 1975.

Notes: 1. "Administrative" includes local government staff and staff of State associations of local government officials. 2. "Other" includes private attorneys, officials of local organizations, etc. who might otherwise be considered "public" members but who are classified by a State as a "local" member.

APPENDIX TABLE 5.—FISCAL YEAR 1976 PT. B ALLOCATIONS

[In thousands]

State	Population	Allocation	Transition allocation
Alabama	3,546	$1,016	$204
Alaska	330	276	64
Arizona	2,073	677	140
Arkansas	2,035	668	138
California	20,652	4,954	947
Colorado	2,468	768	157
Connecticut	3,080	909	184
Delaware	573	332	75
District of Columbia	734	369	82
Florida	7,745	1,983	387
Georgia	4,818	1,309	259
Hawaii	841	394	87
Idaho	776	379	84
Illinois	11,176	2,773	536
Indiana	5,304	1,421	281
Iowa	2,863	859	174
Kansas	2,264	721	148
Kentucky	3,328	966	195
Louisiana	3,746	1,062	213
Maine	1,039	439	95
Maryland	4,074	1,138	227
Massachusetts	5,799	1,535	302
Michigan	9,061	2,286	444
Minnesota	3,890	1,095	219
Mississippi	2,317	733	151
Missouri	4,768	1,297	257
Montana	730	368	82
Nebraska	1,533	553	117
Nevada	551	327	74
New Hampshire	794	383	85
New Jersey	7,325	1,886	368
New Mexico	1,099	453	98
New York	18,214	4,393	841
North Carolina	5,302	1,420	280
North Dakota	635	346	78
Ohio	10,743	2,673	517
Oklahoma	2,669	814	166
Oregon	2,219	711	146
Pennsylvania	11,862	2,930	565
Rhode Island	967	423	92
South Carolina	2,724	827	168
South Dakota	682	357	80
Tennessee	4,095	1,143	228
Texas	11,828	2,923	564
Utah	1,150	465	100
Vermont	466	307	70
Virginia	4,844	1,315	261
Washington	3,431	990	199
West Virginia	1,788	612	128
Wisconsin	4,539	1,245	247
Wyoming	353	281	65
American Samoa	30	207	51
Guam	93	221	54
Puerto Rico	2,829	851	173
Virgin Islands	73	217	53
Total		60,000	12,000

APPENDIX TABLE 6.—LEAA APPROPRIATIONS[1] FISCAL YEAR 1969–77

[In thousands of dollars]

Budget activity	1969	1970	1971	1972	1973	1974	1975	1976	1976 transition quarter	1977 (estimate)	Total (1969–77)
Planning (pt. B)	$19,000	$21,000	$26,000	$35,000	$50,000	$50,000	$55,000	$60,000	$12,000	$60,000	$388,000
Action (pt. C):											
Bloc	24,650	182,750	340,000	413,695	480,250	480,250	480,000	405,412	84,660	345,666	3,237,333
Discretionary	4,350	32,000	70,000	73,005	88,750	88,750	84,000	71,544	14,940	61,000	588,339
High crime area										50,000	50,000
Corrections (pt. E):											
Bloc			23,750	48,750	56,500	56,500	56,500	47,739	10,500	40,667	340,906
Discretionary			23,750	48,750	56,500	56,500	56,500	47,739	10,500	40,666	340,905
Juvenile justice[2]							25,000	39,300	9,700	10,000	84,000
Tecnnical assistance		1,200	4,000	6,000	10,000	12,000	14,000	13,000	2,500	13,000	75,700
Res., eval. & tech. trans	3,000	7,500	7,500	21,000	31,598	40,098	42,500	32,400	7,000	32,029	224,625
Manpower development	6,500	18,000	22,500	31,000	45,000	45,000	44,500	43,250	40,600	5,000	301,350
Data systems and analysis		1,000	4,000	9,700	22,200	24,000	26,000	25,622	6,000	24,452	141,974
Management and operations	2,500	4,487	7,454	11,823	15,568	17,428	21,000	23,632	6,560	25,464	135,916
Total	60,000	267,937	528,954	698,723	855,366	870,526	905,000	809,638	204,960	707,944	5,909,048

[1] Obligational authority; does not include transfers or other adjustments.

[2] Separate appropriation authority under juvenile justice and delinquency prevention act of 1974

APPENDIX TABLE 7.—LEAA APPROPRIATIONS[1] FISCAL YEARS 1969–77 (EXCLUDING JUVENILE JUSTICE)

[In thousands of dollars]

Budget activity	1969	1970	1971	1972	1973	1974	1975	1976	1976 transition quarter	1977	Total
Planning (pt. B)	$19,000	$21,000	$26,000	$35,000	$50,000	$50,000	$55,000	$60,000	$12,000	$60,000	$388,000
Percent of fiscal year total	31.67	7.84	4.92	5.01	5.84	5.74	6.25	7.78	6.15	8.60	6.66
Action (pt. C):											
Bloc	24,650	182,750	340,000	413,695	480,250	480,250	480,000	405,412	84,660	345,666	3,237,333
Percent	41.08	68.21	64.28	59.21	56.14	55.17	54.55	52.62	43.36	49.52	55.58
Discretionary	4,350	32,000	70,000	73,005	88,750	88,750	84,000	71,544	14,940	6,000	588,339
Percent	7.25	11.94	13.23	10.45	10.38	10.19	9.55	9.29	7.65	8.74	10.10
High crime area										50,000	50,000
Percent										7.16	8.86
Corrections (pt. E):											
Bloc			23,750	48,750	56,500	56,500	56,500	47,739	10,500	40,667	340,906
Percent			4.49	6.98	6.61	6.49	6.42	6.20	5.38	5.83	5.85
Discretionary			23,750	48,750	56,500	56,500	56,500	47,739	10,500	40,666	340,905
Percent			4.49	6.98	6.61	6.49	6.42	6.20	5.38	5.83	5.85
Technical assistance		1,200	4,000	6,000	10,000	12,000	14,000	13,000	2,500	13,000	75,700
Percent		.45	.75	.86	1.17	1.38	1.59	1.69	1.28	1.89	1.30
Res., Eval. & Tech. Trans	3,000	7,500	7,500	21,000	31,598	40,098	42,500	32,400	7,000	32,029	224,625
Percent	5.00	2.80	1.42	3.00	3.69	4.61	4.83	4.20	3.58	4.59	3.86
Manpower Development	6,500	18,000	22,500	31,000	45,000	45,000	44,500	43,250	40,600	5,000	301,350
Percent	10.83	6.72	4.25	4.43	5.26	5.17	5.06	5.61	20.79	.72	5.17
Data Systems & Analysis		1,000	4,000	9,700	21,200	24,000	26,000	25,622	6,000	24,452	141,974
Percent		.37	.76	1.39	2.48	2.76	2.95	3.32	3.07	3.50	2.44
Management & Operations	2,500	4,487	7,454	11,823	15,568	17,428	21,000	23,632	6,560	25,464	135,916
Percent	4.17	1.67	1.41	1.69	1.82	2.00	2.38	3.07	3.36	3.65	2.33
Total	60,000	267,937	528,954	698,723	855,366	870,526	880,000	770,338	195,260	697,944	5,825,048
Percent	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00		100.00	

[1] Obligational authority; does not include transfers or other adjustments.

APPENDIX TABLE 8.—LEAA APPROPRIATIONS

STATE AND FEDERALLY CONTROLLED FUNDS (EXCLUDING JUVENILE JUSTICE), FISCAL YEARS, 1969–77

[Dollar amounts in thousands]

Budget activity	1969	1970	1971	1972	1973	1974	1975	1976	1976 transition quarter [1]	1977
State:										
Pt. B	$19,000	$21,000	$26,000	$35,000	$50,000	$50,000	$55,000	$60,000	$12,000	$60,000
Percent of State	43.53	10.31	6.67	7.04	8.52	8.52	9.30	11.69	11.20	13.44
Pt. C, bloc	$24,650	$182,750	$340,000	$413,695	$480,250	$480,250	$480,000	$405,412	$84,660	$345,666
Percent of State	56.47	89.69	87.24	83.16	81.85	81.85	81.15	79.01	79.00	77.45
Pt. E, bloc			$23,750	$48,750	$56,500	$56,500	$56,500	$47,739	$10,500	$40,667
Percent of State			6.09	9.80	9.63	9.63	9.55	9.30	9.80	9.11
Total	43,650	203,750	389,750	497,445	586,750	586,750	591,500	513,151	107,160	446,333
Percent of S/F total	72.75	76.04	73.68	71.19	68.60	67.40	67.22	66.61	54.88	63.95
Percent of change		3.29	(2.36)	(2.49)	(2.59)	(1.20)	(.18)	(.61)		(2.66)
Federal:										
Pt. C, DF	$4,350	$32,000	$70,000	$73,005	$88,750	$88,750	$84,000	$71,544	$14,940	$61,000
Percent of Federal	26.61	49.85	50.29	36.27	33.04	31.27	29.12	27.82	16.96	24.24
Pt. C, high crime										50,000
Percent of Federal										19.87
Pt. E, DF			$23,750	$48,750	$56,500	$56,500	$56,500	$47,739	$10,500	$40,666
Percent of Federal			17.06	24.22	21.04	19.91	19.58	18.56	11.92	16.16
Technical assistance		$1,200	$4,000	$6,000	$10,000	$12,000	$14,000	$13,000	$2,500	$13,000
Percent of Federal		1.87	2.87	2.98	3.72	4.23	4.85	5.05	2.84	5.17
Research, evaluation and technology, transmission	$3,000	$7,500	$7,500	$21,000	$31,598	$40,098	$42,500	$32,400	$7,000	$32,029
Percent of Federal	18.35	11.69	5.39	10.43	11.76	14.13	14.73	12.60	7.94	12.73
Manpower development	$6,500	$18,000	$22,500	$31,000	$45,000	$45,000	$44,500	$43,250	$40,600	$5,000
Percent of Federal	39.75	28.04	16.16	15.40	16.75	15.86	15.43	16.82	46.08	1.99
Data systems and analysis		$1,000	$4,000	$9,700	$21,200	$24,000	$26,000	$25,622	$6,000	$24,452
Percent of Federal		1.56	2.87	4.82	7.89	8.46	9.01	9.96	6.81	9.72
Management and operations	$2,500	$4,487	$7,454	$11,823	$15,568	$17,428	$21,000	$23,632	$6,560	$25,464
Percent of Federal	15.29	6.99	5.36	5.88	5.80	6.14	7.28	9.19	7.45	10.12
Total	$16,350	$64,187	$139,204	$201,278	$268,616	$283,776	$288,500	$257,187	$88,100	$251,611
Percent of S/F total	27.25	23.96	26.32	28.81	31.40	32.60	32.78	33.39	45.12	36.05
Percent of change		(3.29)	2.36	2.49	2.59	1.20	.18	.61		2.66

[1] Not included in percentage change data.

Note parenthesis indicates a decrease.

APPENDIX TABLE 9.—PERCENTAGE DISTRIBUTION OF GROSS STATE PLANNING BUDGETS BY FUNCTIONAL CATEGORIES

	Planning	Evaluation	Monitoring	Auditing	Grants management	Fiscal administration SPA operation	Technical assistance	Research	Management information	SPA management	Public information	Project/program promotion	Liaison with state agencies and legislators
Alabama	14.2	9.2	10.4	10.9	17.4	7.9	5.4	3.6	4.3	6.5	4.0	3.7	2.4
Alaska	20.0	8.0	5.0	10.0	15.0	5.0	10.0	2.0	3.0	5.0	2.0	10.0	5.0
American Samoa	16.7	7.1	3.4	11.2	13.4	9.3	8.5	5.6	2.6	10.8	.8	9.3	1.5
Arizona	14.0	7.8	10.7	14.2	16.5	9.0	10.7	7.0	1.4	3.5	1.4	1.4	2.2
Arkansas	25.0	2.0	5.0	5.0	17.0	4.0	6.0	3.0	1.0	8.0	3.0	20.0	1.0
California	10.3	3.1	5.6	5.1	36.9	9.5	5.4	2.2	2.1	8.9	1.8	6.4	2.5
Colorado	22.0	6.6	11.0	5.1	6.6	15.3	6.1	3.7	1.5	15.3	1.2	4.4	1.0
Connecticut	23.9	4.6	10.2	9.2	8.4	7.3	1.4	4.1	4.8	8.7	1.7	14.9	.8
Delaware	19.1	5.6	3.3	3.6	15.0	9.5	5.6	6.0	6.3	9.6	3.3	10.1	3.0
District of Columbia	23.2	4.6	5.0	0	15.7	13.5	6.0	0	0	14.0	2.0	13.0	3.0
Florida	10.3	7.5	8.5	10.5	19.2	8.3	13.9	1.9	4.3	5.3	1.4	4.6	4.3
Georgia	50.9	8.0	4.0	5.0	7.0	2.0	4.0	3.0	3.0	6.0	3.0	3.0	1.0
Guam [1]	21.0	6.0	8.0	11.0	12.0	10.0	3.0	10.0	2.0	12.0	1.0	2.0	2.0
Hawaii	49.0	1.9	4.2	1.4	13.5	6.2	4.7	3.0	1.1	5.1	1.8	3.9	4.3
Idaho	21.8	5.9	6.3	9.0	14.4	6.3	3.6	3.6	1.8	8.1	1.8	16.4	.9
Illinois	13.6	4.6	13.1	6.3	30.2	2.9	15.4	1.3	0	7.7	0	0	5.0
Indiana	33.6	5.4	2.0	2.6	15.4	3.5	6.2	1.6	2.5	2.0	1.1	23.3	.8
Iowa	28.8	10.9	4.4	4.9	28.3	5.4	1.5	2.2	2.2	2.7	1.1	6.5	1.1
Kansas	30.0	5.0	19.0	8.0	9.5	1.5	10.0	3.0	1.5	3.0	1.0	8.0	.5
Kentucky [1]	7.4	0	12.1	11.2	15.3	6.9	14.1	6.1	0	11.0	0	8.3	7.5
Louisiana	31.1	13.7	13.6	7.2	8.6	1.8	6.6	2.1	2.8	6.4	.6	4.1	1.4
Maine	21.9	5.4	4.8	3.4	14.8	3.8	3.4	5.6	6.4	4.6	3.6	20.0	2.4
Maryland	11.4	10.0	7.0	8.0	13.0	5.0	5.6	5.0	4.0	11.3	6.0	8.0	6.0
Massachusetts [2]	6.0	3.0			8.0		1.0	1.0	1.0		1.0	52.0	4.0
Michigan	22.1	22.1	3.7	5.5	12.4	.7	2.0	2.0	1.0	6.1	1.5	20.1	.7
Minnesota	64.0	9.0	1.0	3.0	5.0	2.0	2.0	3.0	3.0	5.0	1.0	1.0	1.0
Mississippi	30.6	.4	5.3	9.3	5.2	4.9	.4	3.1	1.0	19.6	.6	19.6	0
Missouri	4.8	1.4	9.0	3.9	14.3	4.7	19.1	6.3	19.1	2.6	2.6	4.8	7.4
Montana	20.0	4.9	7.0	5.5	13.5	6.7	5.9	6.2	4.9	10.0	3.9	4.9	6.4

Nebraska	61.3	.8	2.0	6.8	8.6	2.5	2.0	0.8	1.7	8.5	1.4	3.4	.4
Nevada	46.0	1.5	8.0	9.0	15.0	3.0	8.0	1.5	3.0	3.0	.4	.8	.8
New Hampshire	9.6	13.4	4.8	7.3	15.4	4.2	3.9	13.2	4.9	6.7	2.5	14.7	.1
New Jersey [3]	6.0	3.5	4.0	6.0	9.0	6.0	6.0	4.5	2.0	5.0	2.6	3.5	2.0
New Mexico	35.1	2.4	5.0	8.0	14.4	4.4	9.1	1.4	3.5	7.5	1.8	6.3	.9
New York	13.8	5.2	20.7	5.5	13.0	2.5	3.5	3.7	1.8	8.2	3.0	17.2	1.9
North Carolina	25.0	1.0	5.2	7.8	4.2	6.5	2.6	2.0	2.0	3.3	.6	38.5	1.3
North Dakota	40.8	4.3	6.1	4.3	10.0	4.9	5.2	4.5	1.8	7.1	1.4	5.7	3.7
Ohio	27.9	2.4	17.6	7.7	13.8	5.3	10.3	1.9	4.3	2.9	1.9	2.9	1.0
Oklahoma	39.0	3.0	2.1	8.2	9.0	5.0	3.0	2.0	4.0	15.9	2.6	4.0	2.0
Oregon	35.9	0	6.4	6.0	18.7	4.7	1.2	0	.3	12.8	2.1	9.9	2.1
Pennsylvania	35.7	3.1	1.3	5.3	11.1	4.3	3.7	6.3	2.4	10.6	.6	14.8	.6
Puerto Rico	18.7	9.8	13.5	9.5	13.8	10.2	3.8	.6	1.2	14.2	1.5	2.4	.7
Rhode Island	16.3	2.0	17.3	9.2	12.8	3.0	5.8	3.0	2.0	23.3	1.0	0	4.3
South Carolina	16.0	10.0	10.0	6.0	18.0	6.0	11.0	1.0	5.0	9.0	1.0	5.0	2.0
South Dakota [1]	20.0	0	6.0	4.0	10.0	15.0	15.0	1.0	1.0	12.0	1.0	10.0	5.0
Tennessee	45.4	3.6	6.9	5.4	4.5	2.5	.7	6.5	.1	6.9	.6	16.7	.1
Texas	27.1	5.4	5.4	5.4	11.5	2.7	5.4	4.1	2.7	2.7	2.0	24.4	1.0
Utah	42.0	2.0	4.0	4.0	13.0	3.0	2.0	10.0	2.0	4.0	2.0	10.0	2.0
Vermont	20.0	7.0	4.0	5.0	16.0	5.0	4.0	6.0	2.0	13.0	2.0	11.0	5.0
Virginia	35.0	10.2	2.4	4.8	16.4	6.2	7.3	3.1	2.6	2.8	5.6	3.3	.4
Virgin Islands	22.0	6.6	3.7	6.2	33.3	7.0	2.9	0	1.7	11.6	2.0	2.9	0
Washington	25.8	9.7	2.3	3.8	10.6	1.0	6.5	.3	2.3	6.5	1.6	29.2	.5
West Virginia	17.0	4.9	1.7	4.0	23.8	3.3	3.4	1.3	4.1	3.0	2.2	30.0	1.2
Wisconsin [4]	11.3	6.0	11.3	6.8	15.7	3.3	1.3	11.3	2.1	8.4		11.3	1.5
Wyoming	17.0	5.0	10.0	10.0	21.0	10.0	5.0	1.0	1.0	10.0	3.0	2.0	5.0
U.S. average [5]	25.0	5.7	7.1	6.6	14.3	5.6	5.8	3.6	2.7	8.1	1.8	10.6	2.3

Source: Fiscal year 1976 State planning grants.

[1] 12-mo budget.

[2] Massachusetts consolidates the categories of monitoring and auditing, and fiscal administration and SPA management. Monitoring/auditing accounts for 10 percent and fiscal administration/SPA management accounts for 13 percent of the Pt. B planning budget.

[3] New Jersey itemizes the 40 percent of pt. B funds passed through to local government as a separate "functional" category (N-1, "Grants to Units of Local Government").

[4] Public information activities funded through Comprehensive Employment and Training Act (CETA) program.

[5] National average for monitoring, auditing, fiscal administration, and SPA management excludes Massachusetts.

APPENDIX TABLE 10.—PERCENTAGE DISTRIBUTION OF GROSS STATE PLANNING BUDGETS BY STANDARD CATEGORIES

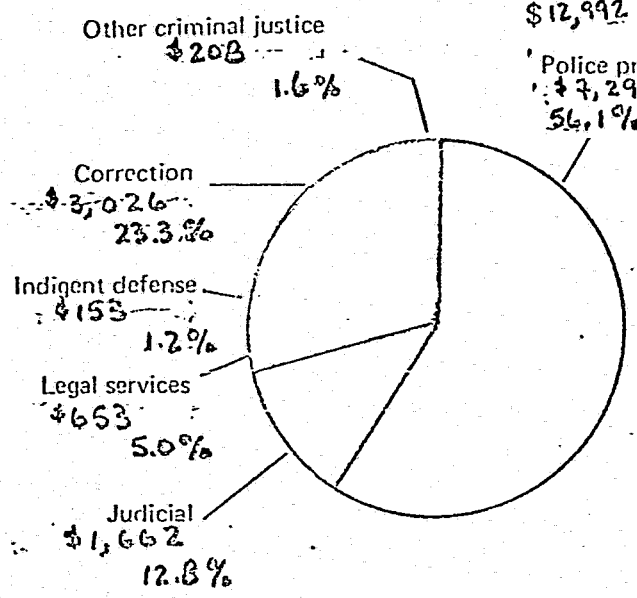
[In percent]

	Personnel	Consultants	Travel	Other
Alabama	37.0	3.7	1.4	14.8
Alaska	59.0	7.8	10.2	8.1
American Samoa	42.7	12.5	11.7	24.0
Arizona	51.2	0	3.7	8.4
Arkansas	48.7	3.0	2.4	10.1
California	32.6	2.1	3.1	9.5
Colorado	50.3	3.4	2.3	6.5
Connecticut	55.1	0	.3	7.2
Delaware	75.2	9.2	1.3	14.2
District of Columbia	87.2	0	1.8	11.0
Florida	39.4	1.7	4.7	8.9
Georgia	42.6	4.7	2.6	8.6
Guam [1]	79.6	0	4.3	16.1
Hawaii	49.0	3.5	1.9	8.7
Idaho	60.8	0	6.1	6.1
Illinois	49.3	.1	3.3	12.5
Indiana	38.1	6.0	2.0	11.1
Iowa	43.5	0	3.5	6.5
Kansas	43.8	0	4.1	10.3
Kentucky [1]	50.9	0	3.4	9.8
Louisiana	43.4	0	3.4	4.9
Maine	51.4	.8	3.3	9.2
Maryland	46.2	2.1	2.1	14.6
Massachusetts	55.1	.3	.8	9.7
Michigan	50.5	2.4	1.2	5.9
Minnesota	46.0	0	2.1	8.1
Mississippi	65.8	8.3	5.8	20.1
Missouri	36.7	.6	4.1	7.8
Montana	72.3	.8	11.7	15.2
Nebraska	36.6	7.2	2.9	15.9
Nevada	51.1	2.6	6.6	8.3
New Hampshire	48.8	0	2.6	11.1
New Jersey	51.4	0	1.9	6.7
New Mexico	50.6	0	5.6	13.7
New York	46.0	4.6	1.1	5.3
North Carolina	51.9	0	3.0	5.7
North Dakota	49.7	0	6.8	8.9
Ohio	40.8	.1	2.3	19.3
Oklahoma	44.8	0	3.7	14.0
Oregon	40.0	0	4.3	13.4
Pennsylvania	54.1	0	.2	12.4
Puerto Rico	81.0	2.2	1.5	13.2
Rhode Island	84.0	0	1.6	9.0
South Carolina	59.2	.1	2.4	9.3
South Dakota [1]	32.9	9.1	7.4	6.7
Tennessee	30.7	16.6	3.2	9.6
Texas	39.9	2.3	2.7	9.3
Utah	56.9	0	2.7	4.8
Vermont	75.0	2.2	5.8	17.0
Virginia	43.7	3.7	4.4	15.7
Virgin Islands	73.2	8.8	4.2	13.8
Washington	44.6	.6	3.5	20.2
West Virginia	78.1	1.1	3.3	17.5
Wisconsin	47.4	3.1	3.7	8.3
Wyoming	50.9	0	6.2	10.2
United States, average	52.1	2.5	3.7	11.0

[1] 12-mo budget.

Source: Fiscal year 1976 State planning grants.

Percent Distribution of Criminal Justice System Direct Expenditure, by Activity: FY 1974



The percents have remained relatively stable from year to year:

	FY 1971	FY 1972	FY 1973	FY 1974
Police protection	58.6%	58.9%	58.7%	56.1%
Judicial	12.9%	12.7%	12.2%	12.8%
Legal services	4.7%	5.0%	5.1%	5.0%
Indigent defense	1.2%	1.4%	1.6%	1.2%
Correction	21.8%	20.7%	21.1%	23.3%
Other criminal justice	0.8%	1.3%	1.3%	1.6%

SOURCE: BUREAU OF THE CENSUS

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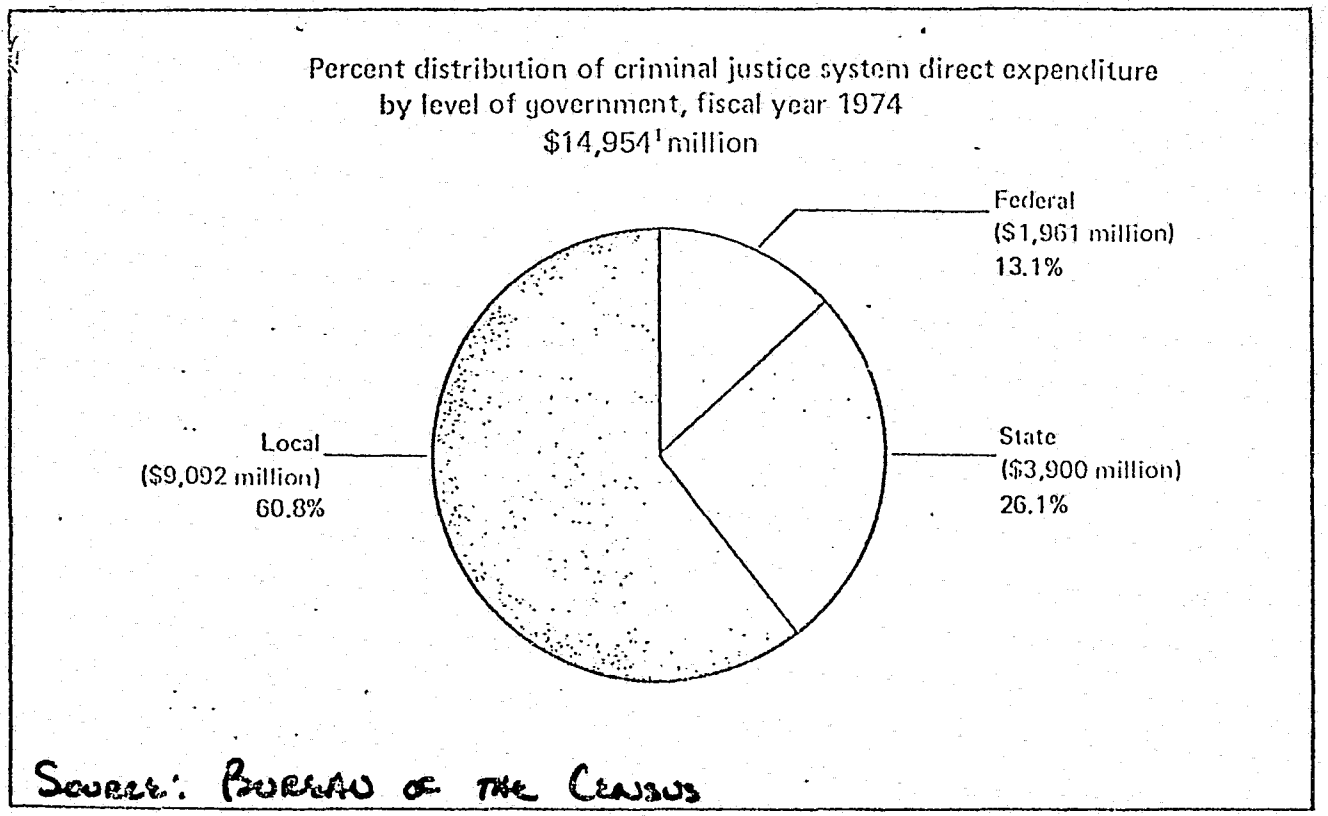
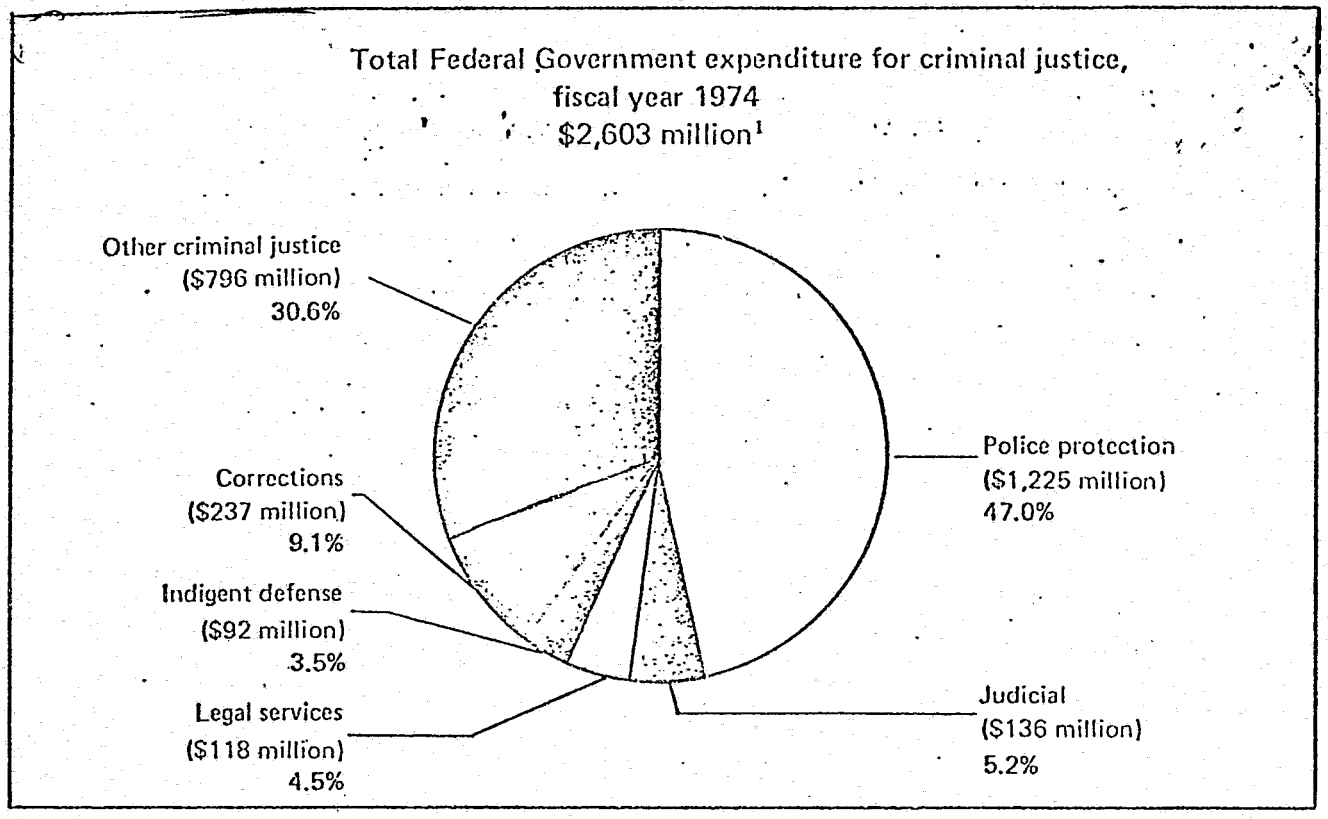
APPENDIX TABLE 12



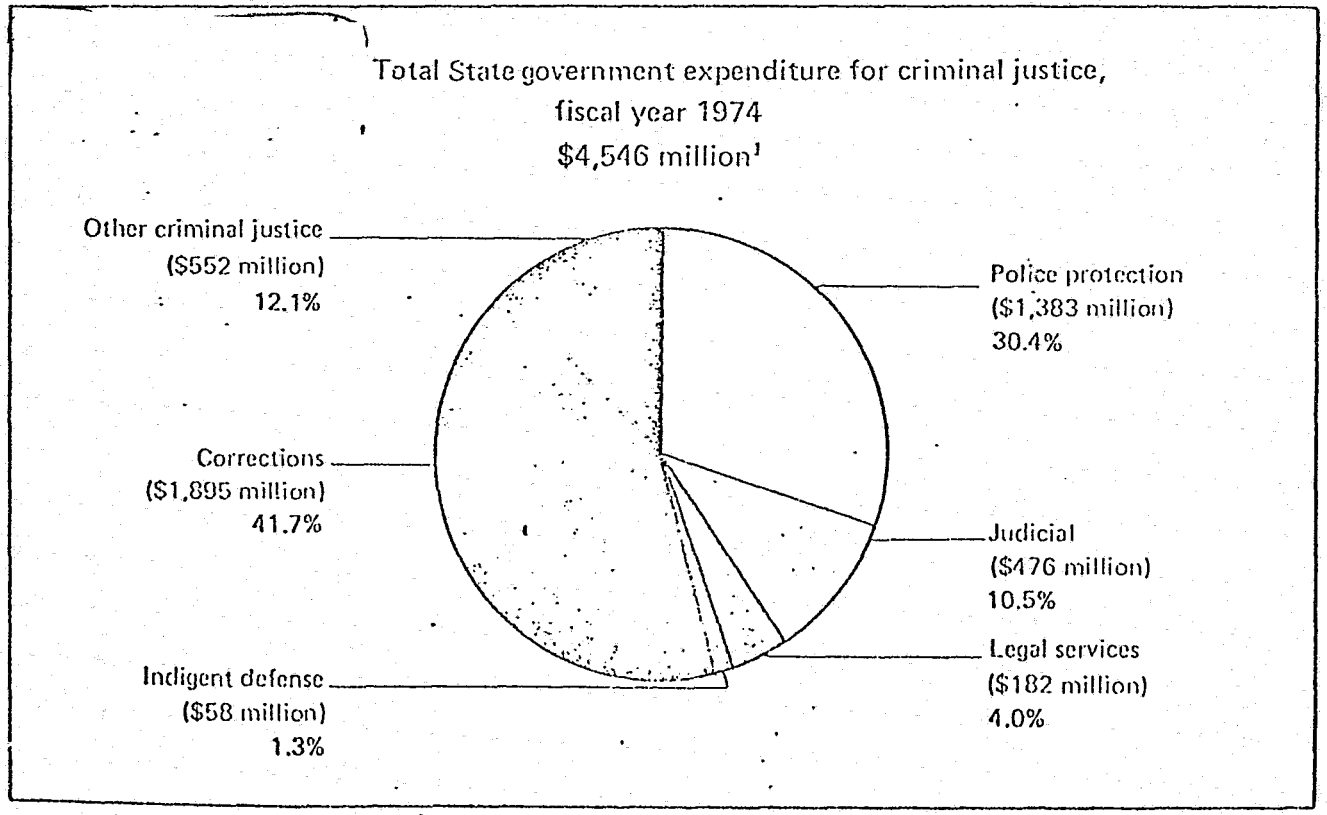
[1] *Because of rounding, detail may not add precisely to total shown.*



[1] *Because of rounding, detail may not add precisely to total shown.*

SOURCE: BUREAU OF THE CENSUS

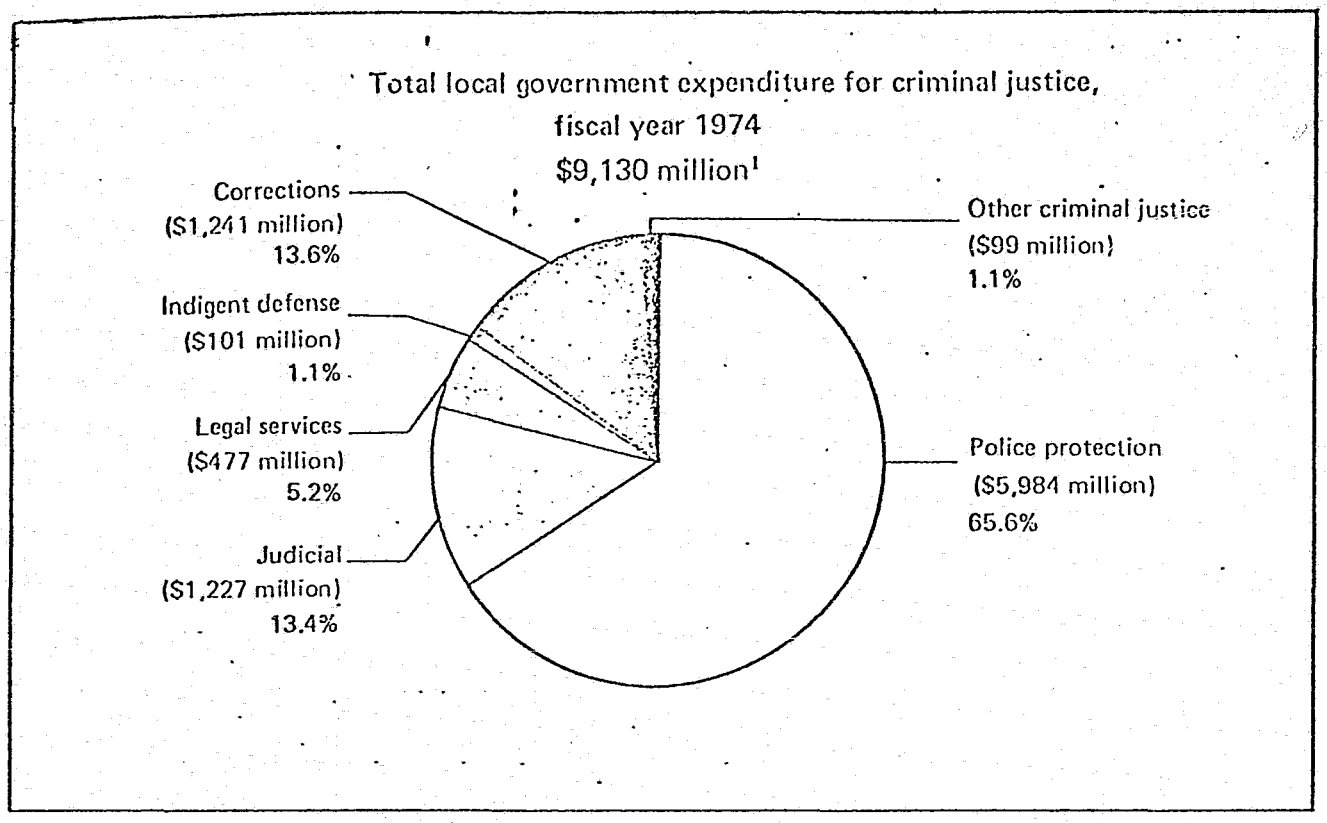
APPENDIX TABLE 14



[1] *Because of rounding, detail may not add precisely to total shown.*

SOURCE: BUREAU OF THE CENSUS

APPENDIX TABLE 15



[1] *Because of rounding, detail may not add precisely to total shown.*

SOURCE: BUREAU OF THE CENSUS

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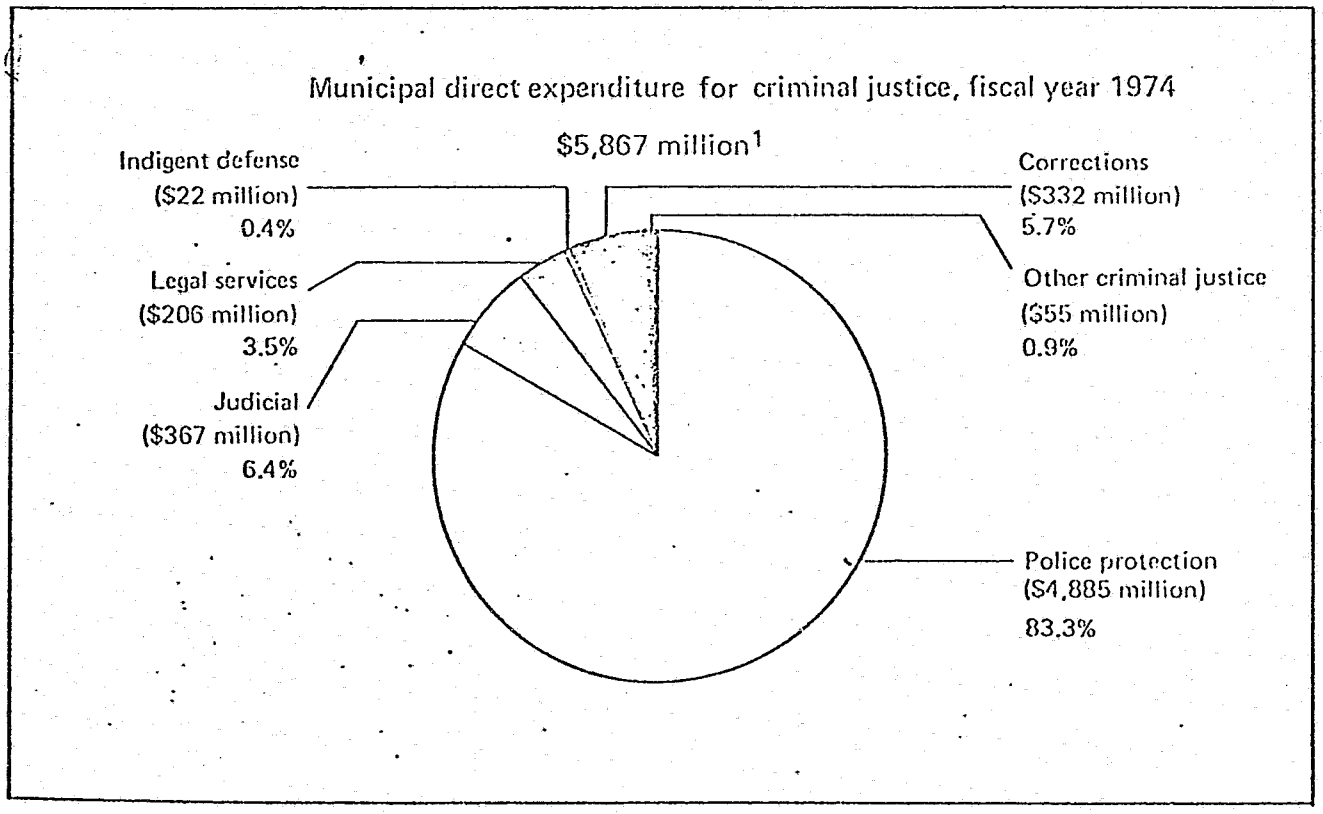
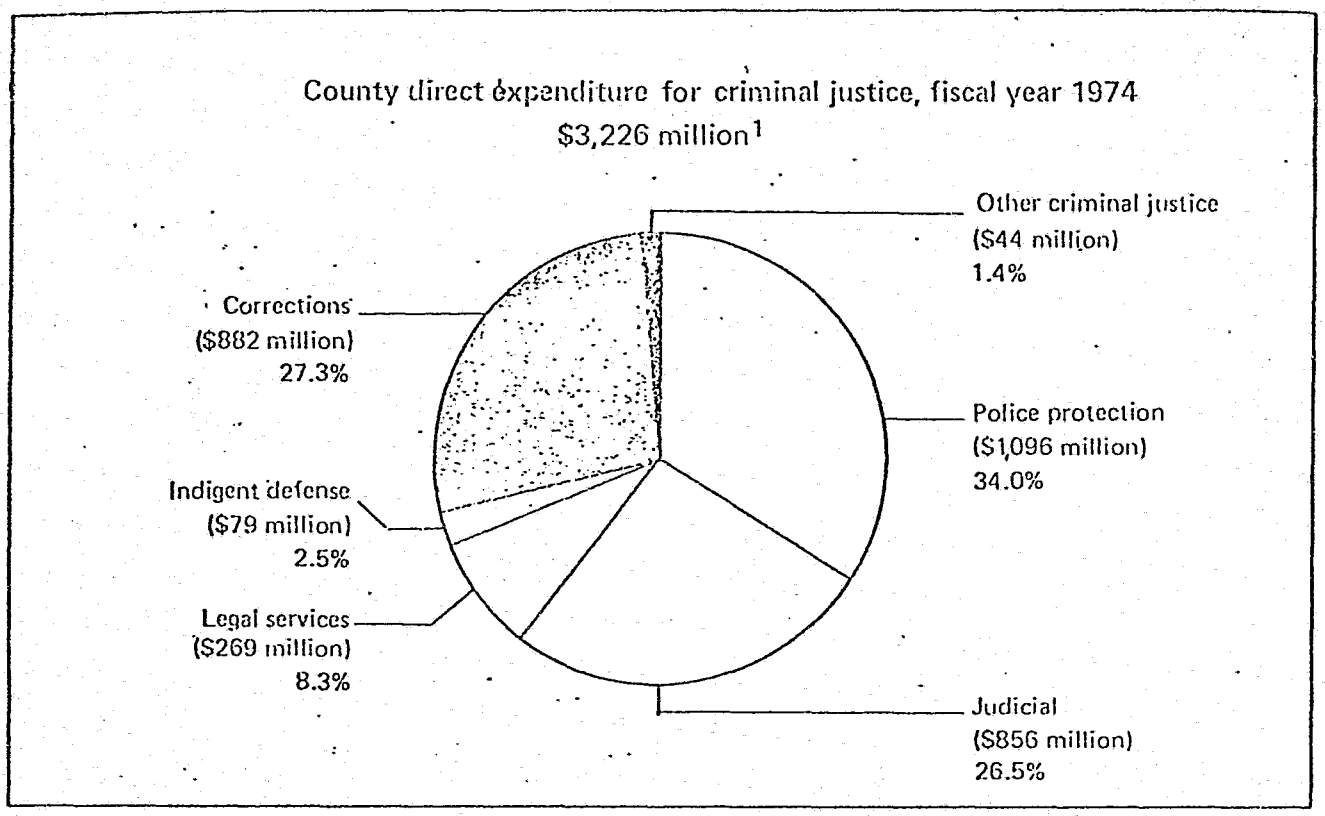
APPENDIX TABLE 16



[1] *Because of rounding, detail may not add precisely to total shown.*

SOURCE: BUREAU OF THE CENSUS.



[1] *Because of rounding, detail may not add precisely to total shown.*

SOURCE: BUREAU OF THE CENSUS

APPENDIX D

SAFE STREETS RECONSIDERED, THE BLOCK GRANT EXPERIENCE, 1968–1975. A REPORT BY THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

PREFACE

This report represents another effort by the Advisory Commission on Intergovernmental Relations to study particular problems impeding the effectiveness of the Federal system and to recommend improvements. The Commission undertakes these studies pursuant to its statutory responsibilities set out in Section 2 of Public Law 86-380, which became effective on September 24, 1959.

The Commission first studied the operation of the block grant mechanism of the Federal anticrime program soon after enactment of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351). The Commission issued a report in 1970 entitled "Making the Safe Streets Act Work: An Intergovernmental Challenge," concluding that the block grant was "a significant device to 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 Safe Streets Act.

Broadened Congressional use of the block grant instrument led the Commission in September 1974 to direct its staff to prepare an analysis of four of the five Federal grant-in-aid programs employing the block grant at that time. The four programs were established under the Partnership for Health Act of 1966, the Omnibus Crime Control and Safe Streets Act of 1968, the Comprehensive Employment and Training Act of 1973 and the Housing and Community Development Act of 1974. The assessment of each of these programs and the lessons learned thereby are components of the Commission's comprehensive study entitled "The Intergovernmental Grant System: Policies, Processes, and Alternatives." Results of that study are being published by the Commission in eight volumes, of which this is one. The purpose of this second Safe Streets report is to determine how well the block grant has worked since 1970 and what statutory and administrative changes are desirable now.

This report was approved at a meeting of the Commission on November 17, 1975.

ROBERT E. MERRIAM, *Chairman.*

ACKNOWLEDGMENTS

This volume was prepared by the Governmental Structure and Functions section of the Commission. Major responsibility for the staff work was shared by Carl Stenberg—project manager—and Lynn Dixon, Keith Miles, H. J. "Skip" McDonough, Barbara Norton, and Marianne Zawitz. Valuable statistical assitance was provided by Dorothy Lawrence, Lin Lee, and Ian Littman. The secretarial-clerical services of Margaret Moore—project secretary—Patricia Alston, Ann Goldsmith, Janet Graves, Marguerite Philpot and Linda Silberg were indispensible. Joseph Foote and staff provided expert editorial and production services. Library assistance was furnished by Carol Monical Wright.

The Commission and its staff had the benefit of review by and comment on this work from a large number of persons knowledgeable about law enforcement and criminal justice. Those who were involved in "thinkers" and "critics" sessions on the scope, methodology and results of the study, or who reviewed individual draft chapters, included: John Pickett, James Gregg, Robert Diegelman, Blair Ewing, Charles Lauer, and Daniel Skoler, of the Law Enforcement Assistance Administration; Richard Harris, Richard Wertz and Henry Wiseman, of the National Conference of State Criminal Justice Planning Administrators; Mark Alger of the Executive Management Service, Inc.; Richard Fogel, Richard Groskin and Ronald Wiggins, of the General Accounting Office; Clifford Graves, Robert Gardner and Donald Smith, of the Office of Management and Budget; Ava Abramawitz of the U.S. Department of Justice; Richard Nathan of the Brookings Institution; Susan White of the National Academy of Sciences; James Martin and John Lagomarcino, of the National Governors Conference; John McKay and Nancy Loving of the National League of Cities—U.S. Conference of Mayors; Duane Baltz and Donald Murray, of the National Association of Counties; Jeffrey Esser of the National Conference of State Legislators; Ralph Webster, of the National Association of Regional Councils; and Stanley Wolfson, Barbara Grouby, Mary Schellinger and Carole Pigeon, of the International City Management Association.

A special note of thanks is extended to the executive directors and professional staff members of the 10 state planning agencies in the states selected for case study analysis—for their patience, cooperation and assistance. In addition, the Commission wishes to express its appreciation to Jane Roberts, consultant to the National Conference of State Criminal Justice Planning Administrators, for her valuable assistance during the data collection phase of this report.

The Commission gratefully acknowledges financial assistance from the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration and the Department of Health, Education and Welfare.

Completion of this study would not have been possible without the help of the persons and agencies identified above. Full responsibility for content and accuracy rests, of course, with the Commission and its staff.

WAYNE F. ANDERSON,
Executive Director.

DAVID B. WALKER
Assistant Director.

THE SAFE STREETS ACT: ANOTHER LOOK AT THE FIRST MAJOR BLOCK GRANT EXPERIMENT

PART I: THE SEVEN YEAR RECORD

PART II: ISSUES AND RECOMMENDATIONS

PART III: A VIEW FROM THE FIELD

PART IV: ACIR 1975 SAFE STREETS SURVEY

GLOSSARY

Listed below is a glossary of terms that occur in this report. References to the "act" are to the Crime Control Act of 1973 (Public Law 93-83).

A-87—the Office of Management and Budget circular containing Federal regulations on project costs in grants to state and local governments.

A-95—the Office of Management and Budget circular establishing a process for project notification and review to facilitate coordinated planning and project development on an intergovernmental basis for certain Federal assistance programs.

A-102—the Office of Management and Budget circular establishing a uniform administration requirement for grants-in-aid to state and local governments.

Assumption of costs—the process by which a state or local government assumes the cost of a program after a reasonable period of Federal assistance.

Block grant—the LEAA funds awarded to a state as its Part C annual action grant. The block grant accounts for 85 percent of appropriations under the act.

Buy-in—under Section 303(2), Part C of the act, states are required to contribute 25 percent of the non-Federal funds for a project.

CJCC—criminal justice coordinating council.

Comprehensive plan—a document containing a state's total statement of criminal justice resources, problems, priorities and planned programs. Comprehensive plans are prepared annually and submitted to LEAA for approval.

Continuation funding—continued Federal funding of a project beyond the initial award period.

Crime index offenses—offenses aggregated in the annual FBI "Uniform Crime Reports." The seven index offenses are: criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft and motor vehicle theft.

Discretionary grant—the money LEAA awards to individual state or local agencies to initiate, continue, improve or expand on a particular criminal justice program. Award of discretionary grants is contingent upon LEAA's approval of a discretionary grant application. Discretionary grants account for 15 percent of the action funds allocated annually by LEAA.

GMIS—Grants Management Information System. Information from the grant award document and the grant manager is fed into a data bank in the LEAA central office. This information is updated by any changes that are made in the grant during the course of the project.

Hard match—grant money that is "matched" by the grantee with cash.

High Impact Anticrime program—an LEAA program implemented in 1972 in eight cities to reduce stranger-to-stranger crime and burglary and to demonstrate the effectiveness of crime-specific planning as a means of reducing crime.

Lapsed funds—funds not utilized that revert to LEAA and are reallocated among the states by LEAA.

LEAA—Law Enforcement Assistance Administration, part of the U.S. Department of Justice.

Match—the contribution that states are required to make to supplement Federal grant monies.

NCJISS—National Criminal Justice Information and Statistics Service, operated by General Electric for LEAA.

NCSCJPA—National Conference of State Criminal Justice Planning Administrators.

NILECJ—National Institute of Law Enforcement and Criminal Justice, part of LEAA.

90-day rule—the statutory requirement whereby applications for block grants from units of local government must be approved or disapproved no later than 90 days after receipt by the SPA.

OLEA—Office of Law Enforcement Assistance, the predecessor to LEAA.

ORO—Office of Regional Operations, part of LEAA.

Part B/Planning Grant—Part B of Title I of the act provides for the creation of the state planning agencies and the allocation of funds to the state planning agencies for criminal justice planning purposes. There are two kinds of planning grants—advance and annual.

Part C/Action Grant—Part C of Title I of the act provides for funds to carry out various programs planned under Part B of the act. Eighty-five percent of the action funds are allocated in block grants based on population; 15 percent of the action funds are distributed as discretionary grants.

Part E—Part E of Title I of the act provides funds for the improvement of correctional facilities. Fifty percent of Part E allocations are distributed on a formula basis and 50 percent are discretionary grants.

Pilot Cities program—a broad-based test and implementation program designed to improve each aspect of the criminal justice system in two medium-size cities—San Jose, Calif., and Dayton, Ohio.

RPU—regional planning unit.

SAC—Statistical Analysis Center. About 35 states have SACs, whose function is to provide and disseminate objective analysis of criminal justice data.

Soft match—grant money that is "matched" by something other than money, such as personnel, facilities, etc.

SPA—state criminal justice planning agency.

Special conditions—specific conditions attached by LEAA to a comprehensive plan, block grant or discretionary grant.

Troika—the three-person administration that headed LEAA prior to the 1971 amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

Uniform Crime Reports—annual compilation of crime index offenses published by the FBI.

Variable pass-through—under amendments to Section 303(2), Part C of the act, states are required to pass through to local units of government a percentage of action funds equal to their share in total non-Federal expenditures for law enforcement during the preceding fiscal year.

PART I: THE SEVEN YEAR RECORD

CHAPTER 1: INTRODUCTION

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 was a hold experiment in intergovernmental relations. Conceived in the wake of political assassinations, urban civil disorders and campus unrest, the act embodied the Federal government's first comprehensive grant-in-aid program for assisting state and local efforts to reduce crime and improve the administration of justice. Moreover, the instrument used to dispense Federal funds was a sharp departure from the traditional categorical grant, which has tended to focus on specific areas of national priority, reduce the latitude given to recipients, increase the influence of Federal administrators and require compliance with numerous conditions. Instead, Congress opted for a block grant approach that assigned the major share of responsibility for planning, fund allocation and administration of the program to state governments.

Block Grant Characteristics

A block grant has five major characteristics that distinguish it from a categorical grant:

A block grant authorizes Federal aid for a wide range of activities within a broad functional area;

Recipients are given substantial discretion in identifying problems and designing programs to deal with them;

Administrative, fiscal reporting, planning and other federally established requirements are geared to keeping grantor intrusiveness to a minimum, while recognizing the need to insure that national goals are accomplished.

Grants are distributed on the basis of a statutory formula, which narrows grantor discretion and provides some sense of fiscal certainty for grantees; and

Eligibility provisions are fairly specific and tend to favor general purpose governmental units.

Safe Steets and the Block Grant Experiment

Although the Safe Streets Act was technically not the first Federal block grant effort, it was the first Federal program designed to operate as a block grant from its outset—as opposed to being a consolidation of previously separate categorical programs.[1]

Implementation of the Safe Streets program by the Law Enforcement Assistance Administration (LEAA) and the state planning agencies (SPAs) for criminal justice has been characterized by controversy from the beginning. Although many issues have been raised, much of the debate has focused on the desirability of block grants to states versus other forms of Federal assistance. At the one extreme, direct aid to localities on a project-by-project basis has been a long-standing alternative; at the other, distribution of funds to state agencies and local units in accordance with a revenue sharing approach has been a more recent proposal.

Realizing that the success or failure of the block grant experiment would strongly influence the course of future Federal grant-in-aid policy, in 1970 the Advisory Commission in Intergovernmental Relations (ACIR) assessed the early experience under the planning and action grant provisions of the statute and issued a report, "Making the Safe Streets Act Work: An Intergovernmental Challenge." The commission concluded then that although there had been some gaps in the states' responses 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." It recommended that Congress continue the block grant experiment and that the states make further efforts to target funds and improve their operations under the act.

Purpose of the 1976 Study

Five years later, the ACIR launched a second examination of the Safe Streets program as part of its comprehensive study of "The Intergovernmental Grant System: Policies, Processes, and Alternatives." The commission's current interest is twofold. First, Safe Streets provides an opportunity to review the operation

[1] The Partnership for Health Act, approved by Congress in 1966, was technically the first Federal block program. By that statute, 16 previously separate categories of assistance were consolidated into one broad grant for comprehensive health services.

of the block grant instrument over a multi-year period; sufficient time has passed to arrive at some firmer judgments about the program's strengths and weaknesses and to develop strategies for change. Second, the experience of Federal, state, sub-state regional and local agencies in planning and programming under the Safe Streets Act can provide important information for policy-makers to use in considering new block grant proposals or existing programs in the health, community development, manpower and social services areas that embody this approach.

Seven years have passed since President Lyndon B. Johnson signed the Safe Streets Act into law. In 1968, criminal justice was lacking not only a body of knowledge for planning, but also academic attention as a separate discipline. Few states, regional bodies or localities had undertaken any comprehensive planning activities in this area before passage of the Safe Streets Act. Even the first state plans produced under the statute were little more than project listings. But by 1975, the state-of-the-art had changed greatly: a new profession—criminal justice planning—had emerged. State planning agencies had experimented with and implemented alternative planning models and techniques. Although systems improvement began as and has remained the preferred approach, a crime-specific model gained impetus with the launching of LEAA's High Impact Anticrime Program (Impact Cities Program) in 1972. More recently, with the report of the National Advisory Commission on Criminal Justice Standards and Goals, a third method—the adoption by individual states of specific standards and goals for criminal justice and the delineation of programs and funding criteria to encourage their implementation—has gained attention.

The nation's understanding of the crime problem has also changed over the past seven years. No longer is the answer to lawlessness seen as simply more and better-equipped police. It is now almost conventional wisdom that preventing and controlling crime is more than a matter of detection and apprehension, that the efficiency with which offenders are processed and the effectiveness with which they are rehabilitated are vital to enhancing respect for the law and possibly to deterring criminal behavior. It is also generally recognized that crime is a complex societal problem that cannot be solved solely by investing substantial resources in improving the processing of offenders.

Despite these advances, serious questions about the program's impact continue to be raised. Although it abated slightly during the early 1970's, the rising crime rate continues to be a major public concern. In 1974, the reported crime rate increased by 17 percent, and since 1968, the rate of violent crime has increased by 57 percent. Yet, a major assumption underlying the Safe Streets Act is that money makes a difference—the more funds available, the greater the possibility of reducing crime. Does the increase in reported crime, then, reflect the failure of the program to achieve its objectives?

The 1971, 1973 and 1974 amendments to the act reflect the changing congressional understanding of the nature of the crime problem, the responses to pressures from various functional interests and the politicization of the crime issue. The title and the emphasis of the statute have both been altered—from "Safe Streets" in 1968 to "Crime Control" in 1971 and 1973.[2] The initial emphasis on better law enforcement to curb domestic violence has given way to a growing awareness of the needs of the criminal justice system as a whole.

Congressional earmarking of funds for specific functional areas, such as corrections and juvenile delinquency, has converted Safe Streets into a "hybrid" bloc grant and raised questions about the extent of discretion to be accorded states and localities in tailoring Federal assistance to their own needs and priorities. Categorization pressures continue to be exerted by those who complain that not enough money has been distributed to those jurisdictions having the greatest problems or among those functional areas having the greatest needs.

Since the earlier ACIR report, there have also been changes in the Federal administration of the program. In 1971, Congress abolished the so-called "troika" arrangement and vested responsibility in a single administrator of LEAA. But controversy and confusion have continued to surround the question of the proper Federal role in administering a bloc grant. Frequent changes in leadership at the Federal and state levels have exacerbated this issue. Since 1968, there have been four attorneys general and five LEAA administrators. With each new administrator has come an internal reorganization of the agency, as well as new priorities and differing perceptions of the agency's relationships with state and local governments. Turnover has also been high at the state level; between October 1973 and October 1974, 23 SPAs acquired new executive directors.

[2] The term "Safe Streets Act" is used throughout this report to refer to the LEAA enabling legislation during the 7-year scope of the Commission's study. Where "the act" is used, the report refers to the law in effect at the time.

ACIR began the current study by identifying the issues surrounding the block grant instrument in general and the Safe Streets program in particular and found that several concerns that were addressed in 1970 merited continued attention. The issues presented below formed the framework of ACIR's 1975 inquiry.

What were the original objectives and the expectations of Congress in enacting the Safe Streets Act and how have they been modified over the years?

To what extent has LEAA provided approrpriate leadership for the Safe Streets bloc grant program?

What is the nature and extent of the states' capacity to plan for block grants and how has it changed since 1969?

In what ways does the SPA relate to the governor, the legislature and other state criminal justice agencies?

What is the organization and function of regional planning units (RPUs) and how do they relate to the SPA, other regional planning bodies and local governments?

To what extent has the total amount of planning funds available to state and local governments and regional units provided for the most effective use by each level?

What groups are represented on the SPA and RPU supervisory boards, and what impact does their representation have on the distribution of funds?

What portion of total state and local expenditures for police, courts and corrections do Safe Streets block grant funds account for, and have Federal dollars had an additive, stimulative or substitutive effect?

For what purposes have Safe Streets block grants been used, how have these changed over the past seven years and has a jurisdictional and functional balance been achieved?

To what extent do the current "action" fund pass-through formulas reflect the most appropriate balance between state and local needs?

To what extent have SPAs developed efficient and effective subgrant award procedures?

What effects have the categorization of the block grant and the earmarking of funds, as well as other requirements imposed by the Federal and state governments, had on the flexibility and discretion of recipients in planning, administration and resource allocation?

To what extent have state and local agencies assumed the costs of block grant-supported activities over time?

What is the relationship between the uses of Safe Streets block grants and local government general revenue sharing outlays?

To what extent have the activities supported by Safe Streets block grants been evaluated at the Federal, state, regional and local levels?

For what purposes have LEAA discretionary funds been used and how have these changed over the past seven years?

Has the Safe Streets program played a role in bringing about significant improvements in the criminal justice system at the state, regional and local levels?

As a result of the block grant approach, do the various components of the criminal justice system view themselves as a part of a highly integrated and interdependent system?

To what extent has the block grant enhanced the authority of elected chief executive and state legislative officials and administrative generalists in planning and managing Federal aid?

To what extent has the Safe Streets program fulfilled the objectives and expectations associated with the use of block grant instrument?

Data Sources

The study of the operation of the Safe Streets program since 1968 was conducted by the ACIR research staff between March and November of 1975.

The research team discovered that, despite growing national interest in the program, there was a general lack of reliable information concerning Safe Streets operations over the years. Hence, much time and effort was devoted to the development, compilation and analysis of data needed to compensate for this deficiency.

Data for the study were gathered from three major sources: ACIR national surveys, information supplied to LEAA by the states and ACIR field observations of the program.

In the national surveys, three different questionnaires, designed to gather factual and attitudinal information, were mailed to representatives of the state planning agencies, regional planning units and selected local governments. The questionnaires are described briefly below.

SPA Questionnaire.—This instrument was developed in cooperation with the National Conference of State Criminal Justice Planning Administrators and distributed to all 55 SPAs in May 1975. The 54-page, 114-question instrument covered a wide range of organizational, operational and financial activities at the state level. By Oct. 31, 1975, 51 SPAs (93 percent) had replied; Alabama, Kansas, New York and Puerto Rico had not responded.[3] (See Appendix A.)

RPU Questionnaire.—A major void in data about the Safe Streets program concerned the operations of the regional planning units. To help fill this gap, ACIR prepared, with the assistance of the National Association of Regional Councils, a mail survey instrument. The questionnaire was distributed in June 1975 to the 460 regional units that perform criminal justice planning, according to the list developed by the National Institute of Law Enforcement and Criminal Justice. By the end of October, 74 percent of the RPUs had replied. Fifty-eight percent of the respondents were multi-purpose regions; the remainder were single-purpose. There was some overrepresentation of heavily populated regions and of those reporting an average crime rate. Overall, however, the sample appears to be representative. (See Appendix B.)

Local Questionnaire.—To probe the attitudes of local officials concerning the operation, effects and necessary changes in the Safe Streets program, ACIR staff developed a questionnaire in cooperation with the National League of Cities-U.S. Conference of Mayors, National Association of Counties and International City Management Association. This instrument was sent to the chief executive officer of all cities and counties of 10,000 population or more in June 1975. By October, responses had been received from 44 percent of the 2,301 cities and 30 percent of the 2,244 counties surveyed. (See Appendices C and D.)

Although the questionnaires were sent to the directors of SPAs and RPUs and to the chief executive officers of local governments, a variety of persons prepared the responses. In general, the SPA questionnaires were completed by the executive director individually or, more commonly, by appropriate department heads working in conjunction with the director. Usually the staff director or chief planner responded for the regional planning units. The local questionnaires were generally answered by the mayor, chairman of the county board of supervisors, or the chief administrative officer. However, a substantial number of these officials routed the questionnaire to the police department or sheriff's office. To ensure that the responses from law enforcement officials did not skew the results of the survey, most of the questions were tabulated on the basis of the respondent's position as well as population, region, form of government, and type of community; no significant differences in the views of these officials were apparent.

To supplement the heavily subjective nature of the mail surveys, the fiscal year 1976 planning grant applications submitted by the states to LEAA were examined. By late October, data supplied by 52 of the 55 SPAs had been compiled. This information dealt with the composition of the SPA supervisory boards, the size and functions of state and regional staff, the number of RPUs, the SPA budget, the number of cities and counties eligible for planning or action funds and the status of waivers. Because the planning grant applications were analyzed prior to their review and approval by LEAA, some deficiencies or inaccuracies may have existed that had not yet been corrected.

Another source of data for the report was LEAA's Grant Management Information System (GMIS), which covers Part B, C and E block grant awards, as well as discretionary fund allocation. Although GMIS offers the best data available on Safe Streets funding, incomplete reporting and inconsistent classification pose reliability problems. The specific strengths and limitations of GMIS data are explained in depth in Chapter V of the report.

The third major data source was the case study. In order to gain firsthand impressions of the operation of the Safe Streets block grant under differing state-local conditions, the ACIR research team selected 10 states to be observed during May, June, July and August 1975. Factors used in the selection process included population, crime rates, degree of decentralization, state-local expenditure mix, location of the SPA and overall reputation of the SPA. One to two weeks of field work were conducted in each of the states. An ACIR field team visited at least two regions, two counties and two cities in each case study state. The impressions gained from the 483 interviews were supplemented by information from the state comprehensive plans, planning grant applications, GMIS and ACIR questionnaires. A complete discussion of case study methodology is contained in Chapter VIII.

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[3] Alabama's questionnaire arrived one week after this date and was included in the tabulations; New York's questionnaire was returned in February 1976 and was not included.

Information from the Bureau of the Census, the Federal Bureau of Investigation, the General Accounting Office, various congressional committees, public interest groups, academicians and other sources has been used in appropriate parts of the report.

Organization of the Report

This report is divided into four major sections. The first contains background chapters describing the legislative and administrative history of the program and analyzing planning and funding activities at the state, regional and local levels. The second discusses issues and perspectives concerning the Safe Streets program and the block grant instrument, and offers recommendations for improving the act and its administration. The third presents a comparative analysis of the 10 case studies of Safe Streets experience and individual state reports. The final section contains the questionnaires used in ACIR's 1975 Safe Streets survey and response rate tables.

CHAPTER II: CONGRESS AND SAFE STREETS, CONTINUITY AND CHANGE IN INTENT

The decade of the 1960's brought rapid social change to the United States generated by the post-war baby boom and by population migration and metropolitanization. Accompanying this phenomenon was an increase in crime. Anti-war protests and racial disorders in the central cities of the nation also contributed to the growing public concern about personal safety and the protection of property. The climate was ripe for crime to become a political issue.

The War on Crime

The call to combat was first heard in the 1964 Presidential campaign when Republican candidate Barry M. Goldwater frequently referred to the "breakdown of law and order" in his campaign speeches. President Lyndon Johnson also addressed the crime issue in the 1964 campaign. While expressing concern about developing a national police force and removing the basic responsibility for law enforcement from state and local officials, on March 8, 1965, he submitted a Special Message to Congress on Law Enforcement and the Administration of Justice—the first presidential message to the Congress devoted exclusively to crime—which asserted that crime was no longer merely a local problem but had become a national concern, and that the trend toward lawlessness must be reversed with a concerted war on crime waged at all levels of government. Although the President tended to stress the police and law enforcement themes, he also indicated that all components of the criminal justice system were vital to fighting crime:

> This message recognizes that crime is a national problem. That recognition does not carry with it any threat to the basic prerogatives of States and local governments. It means, rather, that the Federal government will henceforth take a more meaningful role in meeting the whole spectrum of problems posed by crime. It means that the Federal Government will seek to exercise leadership and to assist local authorities in meeting their responsibilities.[1]

In this message, the President announced the establishment of the President's Commission on Law Enforcement and the Administration of Justice, which was charged to investigate the causes of crime and, to propose recommendations to improve its prevention and control. As a follow-up to the message, the President sent to the Congress legislation calling for the creation of a pilot program of Federal grants to "provide assistance in training State and local enforcement officers and other personnel, and in improving the capabilities, techniques and practices in State and local law enforcement and prevention and control of crime." [2] The proposed Law Enforcement Assistance Act was the first Federal grant program "designed solely for the purpose of bolstering State and local crime reduction responsibilities." [3] It sought a modest $7 million annual appropriation and provided for the creation of an Office of Law Enforcement Assistance (OLEA).

The OLEA program was viewed by the Administration as experimental in nature, designed mainly to promote new ideas and support research and innovative programs. More specifically, it was intended to emphasize: (1) training of State and local law enforcement and criminal justice personnel: (2) demonstra-

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[1] U.S., President, Message to the Congress, "Crime, Its Prevalence and Measures of Prevention," Mar. 8, 1965, quoted in 1965 Congressional Quarterly Almanac (Washington, D.C.: Congressional Quarterly Service, 1966), pp. 1396–97.

[2] "Law Enforcement Assistance of 1965," Public Law 89–197, sec. 1 (Sept. 22, 1965).

[3] Advisory Commission on Intergovernmental Relations, "Making the Safe Streets Act Work: An Intergovernmental Challenge" (Washington, D.C.: Government Printing Office, 1970), p. 8.

tion projects and studies and (3) collection and dissemination of information concerning effective crime control programs. Other noteworthy features of the bill were unspecified matching requirements, direction of the program by the attorney general and a prohibition of any federal control of a state or local law enforcement agency.

The House and Senate passed the measure with no opposition. Only one day of hearings was held in the House and three were held in the Senate. The focal point of the limited floor debate was the attorney general's possible interference in state and local law enforcement prerogatives and responsibilities. As a result of congressional concern over this issue, the final bill contained the clause:

> Nothing in the Act is to be construed to authorize any Federal department, agency, officer or employee to exercise any direction, supervision, or control over the organization, administration of personnel of any state or local police force or other law enforcement agency.[4]

The lack of congressional opposition to the legislation seemed to stem less from ideological reasons than from the fact that the amount of funds requested did not warrant much attention. However, because of various criticisms and recommendations made by members of Congress, the thrust of the proposed legislation was shifted to law enforcement action rather than to research programs. Technological improvements in law enforcement and other activities that would have an immediate rather than a long-term impact on crime were emphasized.

The potential beneficiaries were not instrumental in the passage of the Law Enforcement Assistance Act nor did they give it any vocal support. The police wanted more men and equipment—not studies and innovative programs. In fact, at its 1965 convention the International Association of Chiefs of Police (IACP) passed a resolution against "any attempted encroachment by the Federal government into State or local government in the law enforcement field." [5] Likewise the courts reacted unfavorably to possible studies of judicial management. "Correctional officials were the only group that responded favorably to the proposed Law Enforcement Assistance Act. Experimental projects, especially in the area of community based programs, had much support within correctional circles and demand for further experimentation was strong." [6]

Six months after his message on crime, the President signed the Law Enforcement Assistance Act of 1965, which authorized the attorney general "to make grants to, or contract with, public or private non-profit agencies . . . to improve law enforcement and correctional personnel, increase the ability of state and local agencies to protect persons and property from lawlessness, and instill greater public respect for the law." [7] The attorney general was given considerable discretion in awarding grants, conducting research, providing technical assistance, disseminating information, and evaluating programs.

The War on Crime was funded at a demonstration level, with congressional appropriations during the 1966–1968 fiscal year period ranging from $7.2 million in 1966 to $7.5 million in 1968. The program was not intended to be a major source of financial support. President Johnson, in his statement following the signing of the Law Enforcement Assistance Act, made this clear: "We are not dealing here in subsidies. The basic responsibility for dealing with local crime and criminals is, must be, and remains local."[8] The Law Enforcement Assistance Act, then, established the notion of Federal seed money to state and local criminal justice agencies as a legitimate Federal role in criminal justice and as a matter of national policy.

President's Commission on Law Enforcement and Administration of Justice

The President's Commission on Law Enforcement and Administration of Justice, generally referred to as the crime commission, resulted from a commitment first made in the State of the Union Message of Jan. 4, 1965, which was implemented by Executive Order on July 23, 1965, This action "provided additional direction and justification for the growing national involvement in criminal justice activities".[9] The commission, headed by Attorney General Nicholas Katzenbach

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[4] "Law Enforcement Assistance Act of 1965," Public Law 89–197, sec. 7 (Sept. 22, 1965).
[5] "The Police Chief," December 1965, p. 24.
[6] Gerald Caplan, "Reflection on the Nationalization of Crime, 1964–1968," Arizona State University Law Journal No. 3 (1973), p. 594.
[7] ACIR, "Making the Safe Streets Act Work," p. 9.
[8] U.S., President, "Public Papers of the President of the United States" (Washington, D.C.: Office of the Federal Register, National Archives and Record Service), Lyndon B. Johnson, 1965–66, p. 1012.
[9] Joseph Ohren, "Intergovernmental Relations in Law Enforcement: Implementation of the Safe Streets Act" (Ph. D dissertation, Syracuse University, 1975), p. 18.

and composed of 18 members, worked for 18 months examining and interpreting information on the causes and extent of crime as well as possible solutions to the crime problem.

In its general report, "The Challenge of Crime in a Free Society," the commission concluded that crime could be reduced by striving for the following objectives:

> First, society must seek to prevent crime before it happens by assuring all Americans a stake in the benefits and responsibilities of American life, by strengthening law enforcement, and by reducing criminal opportunities.
>
> Second, society's aim of reducing crime would be better served if the system of criminal justice developed a far broader range of techniques with which to deal with individual offenders.
>
> Third, the system of criminal justice must eliminate existing injustices if it is to achieve its ideals and win respect and cooperation from all citizens.
>
> Fourth, the system of criminal justice must attract more and better people—police, prosecutors, judges, defense attorneys, probation and parole officers, and correction officials with more knowledge, expertise, initiative and integrity.
>
> Fifth, there must be much more operational and basic research into the problems of crime and criminal administration by those within and without the system of criminal justice.
>
> Sixth, the police, courts, and correctional agencies must be given substantially greater amounts of money if they are to improve their ability to control crime.
>
> Seventh, individual citizens, civic and business groups, religious institutions, and all levels of government must take responsibility for planning and implementing the changes that must be made in the criminal justice system if crime is to be reduced.[10]

Among its some two hundred recommendations, the commission specifically called upon the Federal Government to expand its financial support to all components of the criminal justice system at the state and local levels by addressing eight major needs: (1) state and local planning; (2) education and training of criminal justice personnel, (3) surveys and advisory services concerning the organization and operation of agencies, (4) development of coordinated information systems, (5) initiation of a limited number of demonstration programs in criminal justice agencies, (6) scientific and technological research and development, (7) establishment of an institute for research and training of personnel, and (8) grants-in-aid for operational innovations.[11] At the same time, the report implied that crime control could be accomplished mainly by improving the criminal justice system.

The crime commission is also noteworthy for what it failed to accomplish. The commission did not discuss or set priorities for its recommendations, nor did it give direction regarding their implementation. Some commentators believe that this absence of priorities was deliberate, to avoid giving the impression of strong Federal control.[12] The commission's unwillingness to give direction on how to channel Federal assistance to state and local governments and criminal justice agencies was unfortunate, because this could have provided more focus to the debate that would ensue concerning the proposed Safe Streets Act of 1967 and 1968.

The Block Grant Arrives

By 1967, crime rates were rising, and governors, mayors and law enforcement officials were alarmed and the public was aroused. Urban civil disorder had become a fact of life, and the crime commission and the National Advisory Commission on Civil Disorders had issued reports calling public attention to this problem. In this explosive environment, the question became not whether, but how to assist state and local crime control efforts. President Johnson's Feb. 6, 1967 message to Congress on "Crime in America" proposed the Safe Streets and Crime Control Act of 1967, to implement the recommendations of the crime commission.

The President recommended that Congress establish an extensive categorical Federal assistance program, amounting to $300 million in its second year of operation, to local governments primarily for law enforcement. The method of funding

[10] The President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" (Washington, D.C.: Government Printing Office, 1967), p. vi.
[11] Ibid., p. 634.
[12] Caplan, p. 605.

was to be consistent with the direct federalism approach which had been used in many of the Great Society social and urban development programs—direct aid to local governments by-passing state agencies. This Federal-local relationship was to become a controversial issue, in part because of the growing disenchantment with categorical grants-in-aid in state and local governments and, to a lesser degree, in Congress. Moreover, contrary to customary presidential practice, little consultation with law enforcement officials had occurred before the proposed legislation was submitted to Congress.

The administration's rationale for by-passing the states in administering the program and placing them on an equal footing with localities as recipients was based on a belief that: (1) law enforcement was mainly a local function and responsibility (2) there would be long delays in gearing up state governments to prepare statewide comprehensive plans and to implement action programs and (3) the states traditionally had little interest, expertise or financial stake in law enforcement. The attorney general contended:

> When you look at State governments and look at their involvement in local law enforcement, you will see that it is almost nil . . . the State doesn't have the experience, it doesn't have the people, it doesn't make the investment in law enforcement and police that local governments make. So they could not contribute.[13]

Strong pressures also existed to cling to the precedent of categorical programs. Supporters of the administration's position contended that "the block grant approach would adversely affect local home rule and generate political conflict between the state and their counties and cities,"[14] and that Congress had the responsibility to see that Federal funds for law enforcement were wisely spent. As the attorney general stated:

> "I think, when federal funds are used there is a Federal responsibility to see that they are used for purposes deemed important for the Federal Government and by this Congress."[15]

In its five major titles, the bill introduced in the House of Representatives by Emmanuel Celler, Chairman of the Committee on the Judiciary, (H.R. 5037), and in the Senate by John L. McClellan, Chairman of the Committee on the Judiciary (S. 917), called for:

> Presidential appointment of a director of law enforcement and criminal justice assistance, subject to Senate consent, who would aid the Attorney General in discharging the responsibilities under the act;
>
> Planning and action grants to be awarded to state and units of local government over 50,000 population covering 90 percent of the total cost to prepare comprehensive plans dealing with state-local problems of law enforcement and criminal justice, and 60 percent of the total cost of a broad range of programs designed to improve law enforcement and criminal justice with not more than one-third of any action grant being used for personnel compensation;
>
> Grants to be awarded conditioned on approval of the comprehensive plan and a five percent annual increase in the recipient's non-Federal criminal justice expenditures;
>
> Construction grants covering 50 percent of the total cost to build physical facilities of an innovative nature;
>
> One hundred percent research, demonstration, training, and special project grants to institutions of higher education, public agencies or private nonprofit organizations and
>
> Collection, dissemination, and evaluation of statistical information on research and project accomplishments relating to law enforcement and criminal justice.

House Hearings

Subcommittee No. 5 held two weeks of hearings in March and April of 1967, with most of the debate revolving around the role of the states in the program, the 50,000 population cutoff, and the requirement of a five percent annual increase in criminal justice expenditures. The subcommittee reported the bill in early May to the full committee with very few substantive changes other than lowering of the jurisdictional eligibility requirement from 50,000 to 25,000 population.

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[13] U.S., Congress, House, Committee on the Judiciary, Subcommittee No. 5, "Anti-Crime Program Hearings," 90th Cong., 1st sess., 1967, p. 65.
[14] ACIR, "Making the Safe Streets Act Work," p. 17.
[15] U.S., Congress, House, Committee on the Judiciary, Subcommittee No. 5, "Anti-Crime Program Hearings," Statement of Attorney General Ramsey Clark, pp. 64–65.

The Committee on the Judiciary reported the bill to the House on July 17, 1967, just after the Newark riot. The bill was renamed the "Law Enforcement and Criminal Justice Assistance Act of 1967" and contained 25 amendments, five of which were proposed by Republicans. These amendments made all units of local government eligible for the program, eliminated the five percent increase in criminal justice expenditures requirement, completely prohibited the use of funds for police salaries other than for training programs or other innovative functions, required that all local applications be submitted to the governor of the respective state for review and called for judicial review of the attorney general's actions when payments to a grantee were either suspended or terminated.

House Action

In early August of 1967, in the wake of the Detroit riot three days of debate and two major amendments significantly changed the character of the committee's bill. The House accepted an amendment offered by Representative William T. Cahill of New Jersey to adopt a block grant approach. The Cahill amendment provided for planning and action grants to be made directly to state planning agencies created by the governor. Planning funds (except for a $100,000 flat grant to each state) and 75 percent of the action funds were to be distributed on a population basis. Twenty-five percent of the action funds were to be awarded at the discretion of the attorney general. A mandatory state pass-through of half of the block grant action funds to local governments was required.

Proponents of the Cahill amendment were concerned about the unlimited discretionary authority given to the attorney general and the possible creation of a national police force. They expressed concern that tremendous administrative problems could result for a Federal agency that was required to approve project grants for thousands of local jurisdictions. The anti-categorical position was argued by then House Minority Leader Gerald R. Ford:

> We must abandon the idea of direct federal intervention in the cities with a federal administration deciding arbitrarily who will get what and how much. In the field of law enforcement, as in others, we must provide the incentive for strong state and local action with federal dollar help. That dollar help should be channeled through the states, through a designated state agency.[16]

In view of these factors, block grant spokesmen contended, "State governments, with full constitutional powers over local units of government could best secure functional and jurisdictional cooperation".[17] Opponents argued that the block grant approach was undesirable since states were unconcerned, unable, and unwilling to become involved in local law enforcement activities.

A second major amendment was introduced by Representative Robert McClory of Illinois, with the support of the minority leader, to establish a National Institute of Law Enforcement and Criminal Justice within the Department of Justice to provide for research and training programs. An additional change on the House floor earmarked $25 million of the bill's authorization for riot control and prevention programs.

On Aug. 8, 1967 the House passed the bill with the inclusion of the Cahill and McClory amendments by a 378–23 roll call vote and sent to the Senate a bill which substantially reflected the administration's initial proposal. The major exceptions were a transfer of program control from the Federal government to the states and a separation of research from the planning and action functions of the program.

Senate Hearings

Between March and July 1967, the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary held hearings on S. 917. While most of the issues raised in the House surfaced again, the Senate hearings probed some that had received only limited attention. In particular, the Senate subcommittee brought to the surface concern over the creation of a national police force and distrust of the discretionary authority over grants given to the Attorney General. As the minority report put it:

> In short, we don't want the Attorney General, the so-called "Mr. Big" of Federal law enforcement to become the director of State and local law enforcement as well. It is true that the Attorney General is the chief law enforce-

[16] U.S., Congress, House, remarks by Representative Gerald Ford, Congressional Record, Aug. 3, 1967, p. 21201.

[17] Norman Abrams, "Federal Aid to State and Local Law Enforcement-Implications of a New Federal Grant Program," Notre Dame Lawyer, 43 (1968) : 885.

> ment officer of the Federal government. But he is not chief law enforcement officer of States and cities. We believe America does not want him to serve in that capacity. Organization and management experts may object to a dilution of executive authority, but we want no part of a national police force. Such dilution, if a price at all, is a small price to pay to preserve a fundamental balance of police power. We don't want this bill to become the vehicle for the imposition of Federal guidelines, controls, and domination.[18]

The hearings on S. 917 also raised the question of the desirability of a block grant with few or no strings attached. Attorney General Ramsey Clark opposed the proposal, arguing that: (1) the spending of Federal tax dollars demands that the Federal government supervise their use; (2) state governments, for the most part, have little involvement in, control over, or responsibility for local law enforcement and (3) local jurisidctions would resent the state government's threat to their autonomy.

The Subcommittee on Criminal Laws and Procedures reported the bill, which was to become Title I of an omnibus crime measure, to the full committee in early October 1967. Significant amendments included: (1) increasing the bill's authorization by $35 million, (2) limiting the amount of funds for corrections, probation and parole, (3) requiring submission of all local planning applications to the governors and (4) authorizing a three person bipartisan board within the Department of Justice appointed by the president and confirmed by the Senate to administer the program in order to curb the discretionary authority of the attorney general.

On April 29, 1968, the Senate Committee on the Judiciary, in the aftermath of the District of Columbia riot, reported S. 917 and adopted intact most of the subcommittee's report. The full committee bill, however, also included: (1) provision for a national institute, as in the House-passed bill; (2) modification in the title of the bill to the Omnibus Crime Control and Safe Streets Act; (3) changes in matching requirements for planning grants to 20 percent, 40 percent for action grants, 25 percent for organized crime and civil disorder prevention and control grants and no matching for research, training and demonstration grants and (4) authorization for technical assistance to states and localities. In contrast to the House-passed bill, the committee bill did not include the Cahill amendment for block grants and the administration of the program by state planning agencies and authorized financial assistance only to cities over 50,000 population, while permitting the use of up to one-third of grant amounts for personnel compensation.

Senate Action

The Senate became the battleground between the backers of direct federalism—large city Democratic mayors and northern Democrats—and supporters of block grants—Republican governors and Republican and southern Democratic senators. The principal themes of the month-long floor debate were similar to those in the House. A block grant amendment, which was deleted in the Senate bill in full committee, was introduced by Senate Minority Leader Everett M. Dirksen. The basis for this action was a belief that integration of the criminal justice system could occur only when there was gubernatorial supervision over state planning to avoid duplication or conflict between local and state crime reduction plans and programs.

> We are never going to do a job in this field until we have a captain at the top, in the form of the Governor, and those he appoints, to coordinate the matter for a State because crime may be committed in a spot, but before it gets through its ramifications it may spread over a very considerable area.[19]

While the Dirksen and Cahill amendments were similar, some important differences should be noted. Under the Cahill amendment: (1) SPAs were required to pass-through 40 percent of the planning funds and 75 percent of the action funds to general units of local government; (2) 85 percent of the annual appropriation was to be allocated to the states on a population basis, although 15 percent could be distributed at the discretion of the Law Enforcement Assistance Administration; (3) planning grants would cover 90 percent of the total cost of the SPAs' operations and (4) state plans were no longer required to be designed to carry out innovative programs. The Senate passed the bill containing the Dirksen amendment by a 72–4 roll call vote.

Final Action

Final action on the legislation came on June 6, following the assassination of Senator Robert F. Kennedy, when the House rejected a conference committee

[18] U.S., Congress, Senate, "General Minority Views," Report, "The Omnibus Crime Control and Safe Streets Act of 1967," 90th Cong., 2d sess., 1968, p. 230.
[19] Congressional Record, May 23, 1968, p. 14753.

motion and agreed to the Senate version. On June 19, 1968, President Johnson signed into law the Omnibus Crime Control and Safe Streets Act of 1968—the first major piece of congressional legislation to incorporate the block grant mechanism from the outset.

Title I of the Omnibus Crime Control and Safe Streets Act consisted of five parts:

I. *Administration.*—A Law Enforcement Assistance Administration (LEAA) was established within the Department of Justice. A "troika" (an administrator and two associate administrators), bipartisan in nature, appointed by the President, and confirmed by the Senate would share and carry out the functions, powers, and duties of the act.

II. *Planning.*—Grants would be provided to cover up to 90 percent of the total cost of the operation of state planning agencies designated by the governor to develop comprehensive criminal justice plans. Each state would be allocated a flat amount of $100,000 with the remainder of planning funds to be distributed on a population basis. Forty percent of the planning funds were to be made available to local jurisdictions.

III. *Action Grants.*—Eighty-five percent of the action funds were to be allocated to the states on a population basis as block grants, with 75 percent of the funds to be passed through to local governments. The remaining 15 percent was to be used at the discretion of LEAA. The Federal government would cover 75 percent of the total cost for organized crime and riot control projects, 50 percent for construction projects, and 60 percent for other action purposes. Not more than one-third of any action grant could be used for personnel compensation.

IV. *Training, Education, and Research.*—Total Federally funded grants for research, demonstration, and training programs were authorized, to be administered by a National Institute of Law Enforcement and Criminal Justice and provision for criminal justice educational assistance through loans and grants.

V. *Other Administrative Provisions.*—Approximately $100 million was authorized for FY 1969 and $300 million for FY 1970, with the authorization divided into $25 million for planning grants, $50 million for law enforcement action grants and $25 million for training, education and research.

CATEGORIZATION AND CLARIFICATION

The Safe Streets Act of 1968 had served as a congressional safety valve to release some of the public pressure to act on the crime issue. Even though the rhetoric of the War on Crime had been tempered since President Johnson's statement to his crime commission that the goal should be "not only to reduce crime but to banish it," Congressmen envisioned the act as an attack on the problem of crime that "threatens the peace, security and general welfare of the nation." Although the President felt that a reduction in crime could not take place immediately and some Congressmen saw the act not as a complete answer to the crime problem, but only as a beginning, many were disappointed with its initial impact.

The 1971 Amendments

The reauthorization hearings in 1970 served as a forum to air complaints about the program as well as to provide an opportunity to review and evaluate the first two years' experience. In February 1970, the House Committee on the Judiciary announced extensive hearings on the act. Hearings were held by Subcommittee No. 5 of the House Committee on the Judiciary in February and March. The Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary also held hearings in late June and July.

The House hearings announcement was followed by a rash of studies of state administration of Safe Streets funds.[20] The key criticisms raised in these reports focused on the competence of the states to administer the program, the inadequate distribution of action funds to high-crime areas and the failure to spread funds equitably across criminal justice functional areas. The latter criticism served as the impetus for the addition of the most significant of the 1971 amendments—a new Title E, grants for correctional institutions and facilities.

Corrections

The amendments, introduced by Senator Roman L. Hruska in 1970, were a reaction to several experiences in the early years of the Safe Streets program. The

[20] These organizations included the National League of Cities—U.S. Conference of Mayors, National Association of Counties, International City Management Association, National Governors' Conference and the National Urban Coalition.

25 percent state share of the action funds had left very little for corrections. Correctional agencies also had difficulties in meeting matching requirements. But most importantly, the early years of the program revealed that the police function was receiving the bulk of available funds. In the 1969 state comprehensive plans, 79 percent of all action grants was earmarked for police-related programs, as opposed to 14 percent for correctional projects.[21]

> The data clearly reveals that as of early 1970, most Safe Streets Act action dollars were used to bolster public safety, expecially to purchase local police equipment and communications systems, and to train law enforcement personnel. Relatively small amounts of funds were available for upgrading other components of the criminal justice system.[22]

Several reasons have been advanced for the predominance of police equipment and training expenditures in the early years of the program including: (1) congressional concern about riot control and prevention; (2) the pressing need to improve antiquated, ill-equipped and poorly trained police departments; (3) pay-offs to police and sheriffs for their support of the program; (4) the short time period for states to plan for substantive programs to change the criminal justice system and (5) the ability of law enforcement interests to gear up quickly to obtain funds.

In its June 1970 report, the House Committee on the Judiciary noted that "although grants for law enforcement purposes under Part C of the Act may be used for corrections purposes, such funds have not been sufficient in view of the competing demands for other law enforcement programs." [23] The House bill, H.R. 17825, established a new program (Part E) for the construction, acquisition and renovation of correctional facilities providing Federal support for up to 75 percent of the total cost of a project. It also earmarked 25 percent of all the law enforcement appropriations for correctional purposes. In an Aug. 4, 1970 resolution the executive directors of the state criminal justice planning agencies opposed "the threatened change of the block grant concept through the allocation of any specific percentage allocation to any portion or category of the criminal justice system." [24] Although the SPAs supported increased funding for corrections, they wanted any additional money to be distributed through the population formula for Part C funds. The amendment under the House bill required that: (1) a state could apply for grants under Part E by incorporating its application in the comprehensive state plan, (2) 50 percent of the funds would be made available for block grants to SPAs and the remaining 50 percent would be used at the discretion of LEAA and (3) the SPAs could not reduce the amount of action funds normally allocated for corrections, thus tying appropriations levels to Part C funding for this area.

The Senate Committee on the Judiciary, in its September 1970 report, made several changes in the Part E amendments proposed by the House. The first modification emphasized the use of Part E funds for community-based correctional facilities and programs. The second added a population factor to the allocation formula. The third provided for 85 percent of the annual appropriations to go to the states and 15 percent to a discretionary fund. The Senate bill also deleted the requirement that 25 percent of the Part C funds be used for corrections.

The conference report accepted the basic House version, with the community-based correctional emphasis of the Senate bill. The distribution percentages of the House bill and population based allocation formula of the Senate bill were also accepted by the House conferees. A plan requirement for corrections and a provision for 75 percent of the total cost of a project to be funded by Safe Streets dollars were also incorporated into the conference bill. The Senate version on specific authorizations for corrections was accepted, with the earmarking of $100 million in FY 1971, $150 million in FY 1972 and $250 million in FY 1973 for Part E grants.

It should be noted that the impetus for the creation of Part E did not come from the pressure of public interest groups such as the American Correctional Association and the National Council on Crime and Delinquency, but from within LEAA itself. LEAA saw Part E as a means of expressing national priorities without categorizing the act; it was viewed as a block grant within a block grant. Others, however, considered Part E as a categorization that would weaken the block grant mechanism as well as confuse the purpose and priorities of the statute.

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[21] ACIR, "Making the Safe Streets Act Work," p. 52.
[22] Ibid.
[23] U.S., Congress, House, Committee on the Judiciary, Report, "Law Enforcement Assistance Amendments," 91st Cong., 2d sess., 1970, p. 22.
[24] U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, "Federal Assistance to Law Enforcement Hearings," 91st Cong., 2d sess., 1970, p. 642.

The "Troika"

In the course of the Senate and House hearings, serious questions also arose concerning the desirability of continuing the management of the program by a three-person board. The act, as interpreted by the attorney general, required unanimity among the administrator and associate administrators with respect to policy and operational decisions. The first "troika" seemed to work harmoniously; however, the second "troika's" disagreements often resulted in inaction and stalemate.[25]

With this past record in mind, the House Committee on the Judiciary reported an amendment that abolished the triumvirate and substituted a single Administrator empowered to determine policy as well as administrative matters. However, the amendment retained the posts of associate administrators, who would specifically serve the administrator as deputies. The House felt that this arrangement would expedite decisionmaking and effective implementation of policies.

> An agency responsible for the allocation of vast sums of Federal assistance should not be burdened in its decision-making functions by a tripartite directorship. A three man board that requires unanimity of decision before major policies can be undertaken, let alone determinations regarding mundane operational issues cannot effectively implement the mandate of Congress. In this manner, LEAA retains the advantages of collective judgment, experience, and expertise without suffering administrative delays and uncertainties inherent in a system requiring unanimous tripartite decisions.[26]

In contrast, the Senate Committee on the Judiciary reported an amendment that retained the "troika" but vested all administrative powers, including appointments and supervision of personnel, in the administrator. Other functions, powers and duties were to be exercised by the administrator with the concurrence of at least one of the associate administrators. The Senate rationale for the amendment was aptly expressed by Senator McClellan:

> The committee substitute, retains the broad concept and the principle of 'check and balance,' but no longer runs the risk of stalemate. These changes, I believe, are sufficient to assure the operational and management efficiency of LEAA without running the danger, in a program involving national impact on police power of placing too much authority in any one man.[27]

The Senate amendment was adopted by the conference, but like the previous section concerning LEAA administration in the 1968 act, the Congress failed to provide specific guidelines and standards for administration of the act in order to ensure that its mandate be carried out.

Planning

Both the House and Senate hearings surfaced many complaints on the part of public interest groups regarding the criminal justice planning process, the state planning agencies (SPAs), and regional planning units (RPUs). Major criticisms of the SPA and RPU supervisory boards included: (1) the proportionally small representation of cities on SPA boards; (2) the failure of LEAA to require adequate minority representation; (3) domination in the planning process by law enforcement officials; (4) underrepresentation on SPA and RPU boards of locally elected noncriminal justice policy making officials; (5) some SPA boards were too large to be manageable, and could not handle expeditiously the planning process because they were bogged down in detailed reviews of every subgrant application and (6) SPA boards tended to rubber stamp staff decisions rather than exert leadership. Soon after SPA boards were established, many groups began engaging in a numbers game. Head counts were made purporting to show that local elected non-criminal justice officials, as well as the citizenry at large, were underrepresented on SPA and RPU boards. Critics claimed that the boards were not broadly representative and that this led to "fragmented planning and action programs which are unresponsive to the real needs of local governments and community residents."[28]

> Adequate representation of local policy making officials on State and regional boards is an absolute necessity as these officials provide an overall view of the problems and priority decisions facing local governments which can aid in structuring state and regional planning to assure that the programs developed from these planning efforts can be easily integrated into the overall

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[25] Charles Rogovin, "The Genesis of the Law Enforcement Assistance Administration: A Personal Account," Columbia Human Rights Law Review V (1973): 12–20.
[26] U.S., Congress, House, Committee on the Judiciary, "Law Enforcement Assistance Amendments," p. 20.
[27] Congressional Record, Oct. 8, 1970, p. S17531.
[28] ACIR, "Making the Safe Streets Act Work," p. 26.

local governmental processes. Adequate citizen representation on State and regional processes and resulting efforts to implement law enforcement plans a degree of legitimacy among those elements of the community who believe they will be most affected by improved law enforcement activity.[29]

The data presented in the 1970 ACIR report on the initial experience under the act revealed that even though local interests generally were well represented, three-fifths of the SPA supervisory board members were criminal justice officials, while only one-sixth were citizens and only slightly more than one-tenth were local elected policy or executive officials.

In response to these concerns, Congress adopted in conference the House version of the bill relative to the representation requirements of planning agencies. The equivalent Senate provision required that insofar as it was not consistent with the provisions of any other law, SPA and RPU boards should be representative of law enforcement agencies, units of general local government, public agencies maintaining programs to reduce and control crime and the general community. The conferees deleted the Senate requirement that planning agencies be representative of the general community. The amendment set mandatory minimum requirements for the composition of Safe Streets planning units.

Criticisms of the planning process centered on (1) the tendency toward supportive program planning, especially in the police training and equipment areas, rather than innovative program planning; (2) the unresponsiveness of many programs to the needs and requests of local governments due to inadequate local participation in the planning process; (3) "rudimentary" state plans, which exhibit gaps in coverage and often vague and imprecise language concerning implementation and (4) fragmentation of criminal justice planning efforts.[30]

Many critics contended in 1970, as they do now, that little comprehensive planning was being done under the act. State plans were viewed as largely collations of specific local project proposals, lacking integrated analyses of immediate and long-range law enforcement and criminal justice needs and priorities and the resources available to meet them. On the other hand, Congress was criticized for not making clear its intent in determining what is meant by comprehensive planning as opposed to what a comprehensive plan must contain.

One result of the differing views of comprehensiveness has been functional fractionalization of the state planning process, underscored by the division of many supervisory boards into committees relating to the various components of the criminal justice system and the assignment of SPA staff to specific functional areas.[31] While this approach may be conductive to expeditious decision-making on plan contents and project funding as well as to maximizing expertise, the functional emphasis has certain disadvantages. In particular, it

> Will foster development of separate programs oriented to the various elements of law enforcement—police, courts, corrections, probation and parole—rather than the comprehensive, unified improvement program toward which the Safe Streets Act was directed. Such functionalization could also be partly to blame for the lack of integration of the criminal justice system.[32]

In the early years of the Safe Streets program defenders of state comprehensive planning efforts cited the fact that tight statutory and LEAA deadlines for setting up SPAs and submitting plans in order to receive initial block grant awards precluded many states from treating the entire criminal justice system in the planning process. Others, however, found fault with planning decisions not relating to allocation decisions and with plans that presented only generalized statements of need and problems having little relationship to coordinating improvements in the criminal justice system.

In 1970, there also was fear that planning funds were being used to finance an additional level of bureaucracy. Regional planning units were criticized for contributing to delays, red tape, and duplication of planning activities. The source of this concern was rooted in the belief, particularly by large cities, that: (1) regions for criminal justice planning were created without the consent of and sometimes despite the opposition from local governments; (2) regional staffs were state agents and not representatives of local government, thus helping to thwart the expres-

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[29] The National League of Cities—U.S. Conference of Mayors, "Street Crime and the Safe Streets Act: What is the Impact?" February 1970, p. 8.

[30] Daniel Skoler, "Federal—State Administration of the Omnibus Crime Control and Safe Streets Act of 1968—A Balance Sheet," remarks for the Western Attorneys General Conference, Oct. 20, 1969, p. 5.

[31] Donald G. Alexander, "New Resources for Crime Control: Experience under the Omnibus Crime Control and Safe Streets Act of 1968," The American Criminal Law Review 10 (July 1971): 211.

[32] Ibid.

sion of local needs in state level plans; (3) large cities had different anti-crime problems and their plans and proposals should not be subjected to the veto power of suburban coalitions that often dominated regional supervisory boards; and (4) some RPUs were financed by the 40 percent share of planning funds intended for local plan development, leaving no monies to support city and county, planning for criminal justice.[33] In testimony before the Senate Judiciary committee, Mayor Roman S. Gribbs of Detroit aptly expressed the problems and fears big cities had with respect to regional planning units:

> Generally, these regional planning efforts do not adequately recognize the individual criminal justice planning problems of their various local units. They only identify and support solutions for problems common to all. They are established in the name of coordination but often perform no greater function than to assure that everybody gets something, effectively frustrating any efforts to pinpoint funds on solutions of particular problems in individual communities within the region.[34]

These concerns led the National League of Cities in 1970 to propose a pass-through of planning funds to major metropolitan areas. In response, Congress adopted a Senate amendment that incorporated a request by the Department of Justice to waive, in appropriate cases, the requirement in Section 203(c) of the act to pass-through at least 40 percent of all planning funds awarded to the state to local units of government. The House Committee on the Judiciary, bill omitted this amendment, because it believed the present provisions "were essential if Federal crime control funds are to reach crime plagued neighborhoods in sufficient amounts to have the required impact." [35] The Senate committee thought that express statutory authority to grant pass-through waivers was preferable to a House-supported administrative interpretation. It also was of the opinion that the provision for waiver was necessary, because the 40 percent pass-through requirement, although appropriate in most cases, was not desirable in small rural states, where it could work to the detriment of effective comprehensive planning because the state bears the greatest share of the cost and responsibility for criminal justice. Despite these reservations, the 1971 amendments required the states to give assurances that major cities and counties would receive planning funds to develop comprehensive plans and to coordinate action programs at the local level. In return, LEAA was authorized to waive the pass-through requirement upon finding that it would be inappropriate in view ot the respective law enforcement responsibilities of the state and its local units of government or would not contribute to effective, statewide planning.

Another House-proposed amendment authorized funding to units of general local government or combinations thereof having a population of 250,000 or more. These criminal justice coordinating councils (CJCCs) were to provide improved coordination of all law enforcement activities. Although the House did not want to restrict the eligibility of local governments, the Senate Committee on the Judiciary report indicated that the 250,000 population limitation was necessary because "establishment of councils for smaller population areas would be a needless proliferation of the planning function".[36] The CJCC amendment was a victory for the large cities and, because it was intended to help overcome functional fragmentation and develop a local planning capacity, satisfied for the moment one of their major complaints about the Safe Streets program.

Funding

In the funding area it soon became clear as the 1970 hearings progressed that the most controversial issue was the contention that big cities with the most critical needs and highest incidence of crime were not receiving their fair share of action funds. The ACIR found in 1970 that the states were attempting to respond to the crime reduction needs of their local jurisdictions either through the direct allocation of action funds or indirectly through state programs which benefited localities. Safe Streets funds, however, were being spread among a large number of rural and suburban units of local government and were not being funneled to large urban areas that had the greatest incidence of crime or contributed a large share of total state-local police outlays. State spokesmen asserted that delays in allocating money

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[33] Ibid., p. 210.
[34] U.S., Congress, Senate Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, "Federal Assistance to Law Enforcement: Hearings," p. 320.
[35] U.S., Congress, House, remarks of Representative Jonathan Bingham, Congressional Record, June 30, 1970, p. H6213.
[36] U.S., Congress, Senate, Committee on the Judiciary, Report, "Omnibus Crime and Control Act of 1970," 91st Cong., 2d sess., 1970, p. 30.

to high crime areas were caused by Federal administrative and fiscal inaction and that some big cities had failed to apply for funds. The National Governors' Conference reported that "32 States used the State portion of their block grant for programs of direct benefit to local government, and that 75.3 percent of FY 1969 action funds had been awarded by States to cities and counties over 50,000 population".[37] City representatives replied that:

> [T]he States in distributing funds entrusted to them under the block grant formula of the Safe Streets Act have failed to focus these vital resources on the most critical urban crime problems. Instead, funds are being dissipated broadly across the States in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas . . . instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds.[38]

LEAA concluded through its studies that big city crime programs were receiving adequate attention from the states. In testimony before the House Judiciary Committee, Attorney General John N. Mitchell pointed out that the nation's 411 cities of over 50,000 population accounted for 62 percent of reported crime, and these cities or regional units that included them received 60 percent of state subgrant awards.[39]

The statutory imprecision and the lack of forcefulness of LEAA guidelines were partly to blame for the large city funding inequities. The statutory language in the 1968 act authorizing states to "adequately take into account the needs and requests of the units of general local government" and "provide for an appropriately balanced allocation of funds between the State and the units of general local government in the state and among such units",[40] was vague and lacked a population or crime index formula to guide SPAs in their determination of which jurisdictions should receive subgrants and how much should be awarded. Rejecting a population or crime incidence formula as a basis for distributing funds, Congress attempted to clarify the vague statutory language by approving an amendment that required that no state plan would be approved by LEAA unless it provided adequate assistance to areas characterized by *both* high crime incidence and high law enforcement activity—such as a substantial number of arrests, congested court calendars and crowded correction facilities. The House bill focused attention on an adequate share of "funds," rather than "benefits," as in the Senate bill, to urban areas experiencing disproportionately severe law enforcement problems; these were not necessarily areas with high crime rates. The House rejected an arbitrary mathematical formula and instead directed SPAs to provide "adequate assistance" to large metropolitan areas, considering the volume of crime and the benefits derived from other state anti-crime programs. The Senate provision emphasized areas of high law enforcement activity, because of the concern that rural cities and counties received disproportionate aid. According to the critics of the block grant approach, this amendment seemed to be a step in the right direction because it reduced the broad geographical scope of funding. In addition, state plan approval was made contingent on the demonstration of adequate assistance being given to high crime ubran areas, providing some guarantees rather than only assurances that large cities would receive their fair share.

Besides the complaints about adequate funding to high crime urban areas, critics of the Safe Streets distribution pattern expressed concern about: (1) the amount of aid being channeled to statewide projects that did not meet local needs and priorities, (2) the provision in the 1968 act limiting the percentage of action grants that could be used for salaries and (3) the difficulties faced by some localities in providing the 40 percent matching funds required by the 1968 act.

The original matching requirements reflected the fear that a large amount of Federal support would lead to Federal control of law enforcement, and the belief that local and state governments should be induced to increase their financial commitments to the criminal justice system. Realizing that the 40 percent matching requirement was creating a serious fiscal problem for localites, Congress

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[37] National Governors' Conference, "The States and the Omnibus Crime Control Program Two Years After the Signing of the Act," 1970, pp. 4–5.

[38] The National League of Cities—U.S. Conference of Mayors, "Street Crime and the Safe Streets Act," pp. 21–24.

[39] U.S., Congress, House, Committee on the Judiciary, Subcommittee No. 5, "Law Enforcement Assistance Amendments: Hearings," 91st Cong., 2d sess., 1970, p. 594.

[40] "Omnibus Crime Control and Safe Streets Act of 1968," Public Law 90–351, sec. 302(3) (1968).

approved an amendment that raised the Federal share of a project from 60 to 75 percent.[41] It also required, however, that effective in FY 1973, 40 percent of the non-Federal share in the aggregate be in the form of cash appropriations rather than in previously accepted donated in-kind contributions or soft match.

Urban areas were also aided by approval of an amendment that required states to contribute at least one-fourth of non-Federal funding for local projects. Despite congressional feelings that the states should asume greater financial responsibility for local activities supported by Safe Streets, concerns that the financial burden imposed by the amendment might drive some states out of the program persuaded Congress to defer the buy-in requirements until FY 1973. Aid to local jurisdictions was further diluted by approval of an amendment to allow a flexible pass-through formula of action funds corresponding to the portions of statewide law enforcement expenditures accounted for by local jurisdictions in the preceding fiscal year.

The congressional restriction on personnel compensation was intended to prevent local dependence on Federal aid and undue LEAA influence over local law enforcement policy. But it also limited the degree of local flexibility in developing anti-crime programs that utilized additional manpower. Thus, in the hope of reducing local "hardware" programs, Congress relaxed the limitations on salary payments to non-operational personnel such as those engaged in research, demonstration or training programs or who otherwise provide auxiliary support services to regular law enforcement personnel. Not more than one-third of any grant, however, could be expended for the compensation of police or other law enforcement personnel.

Several other amendments were approved by Congress to: (1) add three eligible program areas for Safe Streets funds, (2) impose criminal penalties for improper use of grant funds by state or local officials, (3) broaden the law enforcement education program and (4) authorize $650 million for FY 1971, $1.5 billion for FY 1972, and $1.75 billion for FY 1973.

In summary, the Omnibus Crime Control Act of 1970—signed into law by the President on January 2, 1971—was clearly a congressional response to complaints from public interest groups and local jurisdictions. These amendments were also a well-balanced compromise between those who supported the block grant approach and those who preferred direct grants to cities.

LAW ENFORCEMENT SPECIAL REVENUE SHARING

The proliferation of categorical grants in the wake of the Great Society became a great concern to the Nixon administration, which believed that many of these programs represented an intrusion of Federal authority upon the prerogatives of state and local governments. Under the new federalism proposals, Federal financial assistance in broad functional areas with no or very few strings attached was urged to allow state and local jurisdictions maximum latitude in spending Federal funds. This so-called "special revenue sharing" also involved eliminating categorical programs and consolidating them into block grants. Since Federal aid in the law enforcement area was already being provided through a block grant mechanism, only a minor "purification" was necessary to eliminate the Federal restrictions impairing the state's use and control of Safe Streets funds.

President Richard M. Nixon, on March 2, 1971, set forth his first special revenue sharing proposal, asking Congress to transform the block grants administered by the Law Enforcement Assistance Administration (LEAA) to state and local governments into a special revenue sharing program for law enforcement amounting to $550 million in its first year of implementation. This transformation would be accomplished by removing matching, buy-in, maintenance-of-effort, and Federal-plan-approval requirements applicable to Part C action grants. Special revenue sharing payments would be made to the states on the basis of population, upon the submission of a comprehensive plan to LEAA for review and comment. The bill did not alter the Part C pass-through formula, the proportion of annual appropriations set aside for discretionary funds, the Part E program, or grants for research, statistics, and academic and technical assistance. The Congress held no hearings and took no action during 1971 and 1972 on the administration's law enforcement revenue sharing proposals (S. 1987 and H.R. 5408).

Determined to gain congressional consent, and knowing that on June 30, 1973 the authorizing legislation for the program would expire, on March 14, 1973, President Nixon again sent a special message to Congress accompanied by a law

[41] U.S., Congress, Senate, Committee on the Judiciary, Report, "Omnibus Crime Control Act of 1970," p. 44.

enforcement revenue sharing measure. The ranking Republican members of the House and Senate Committees on the Judiciary, Representative Edward Hutchinson and Senator Roman L. Hruska introduced the administration's law enforcement revenue sharing bill (H.R. 5613 and S. 1234) on March 14, 1973. This revised proposal consolidated LEAA action grants, corrections grants, technical assistance and manpower development funds totaling $891 million in fiscal, 1974. The administration estimated that only $680 million of the annual amount would be spent in the first full year of special revenue sharing. Appropriations reaching $800 million in fiscal 1976 were projected, with outlays continuing at that level until fiscal 1978. An additional $120 million would be available for discretionary grants. Law enforcement funds would be distributed by formula among the states with an assured 70 percent pass-through to local governments.

The administration's 1973 law enforcement revenue sharing proposal also: (1) removed matching requirements and replaced them with maintenance of effort provisions; (2) eliminated the funding limitations for police salaries; (3) dropped the "troika" arrangement in favor of a single administrator; (4) deleted the requirement that states establish planning agencies to draw up comprehensive plans and administer Safe Streets funds and substituted a general requirement for a "multi-jurisdictional planning and policy development organization" to perform these tasks; (5) mandated that 50 percent of the supervisory board of any criminal justice planning body be composed of city and county officials; (6) authorized LEAA to comment on state plans and make such comments public; (7) removed the requirement that a specific portion of block grant allocations be earmarked for corrections; (8) required strict program evaluation and auditing and (9) added two new categories of allowable spending (diagnostic services for juveniles and court administration, including law referee programs within civil courts). Generally, the Nixon proposal substantially reduced LEAA's authority over the states and allowed SPA more discretion in the administration and use of Safe Streets funds.

Hearings on the President's revenue sharing proposal and other suggested changes in LEAA were held in March and early April by Subcommittee No. 5 of the House Committee on the Judiciary. Two issues emerged as major obstacles to congressional approval of the administration's revenue sharing plan. Committee members (both Republicans and Democrats) expressed reluctance to relinquish all Federal control over the use of Safe Streets dollars, and those from urban districts—chiefly chairman of the House Committee on the Judiciary Peter W. Rodino, Jr.—argued that cities, the targets of most crime, had not received a fair share of Federal funds. The administration had no strong advocate for its proposal on the subcommittee. Republican members were concerned more with specific strings than with the overall approach, which they saw as sufficiently similar to general revenue sharing. They viewed passage of the administration measure less as a substantive change than merely as a favor to the White House.

One alternative to the administration's proposal was a bi-partisan revenue sharing bill (H.R. 5746), introduced by Representatives James V. Stanton and John F. Seiberling of Ohio. This bill was designed to share some revenue directly with high-crime areas in block grant form. The bill would have allowed cities over 250,000 population to apply directly for funds, if they controlled all the functional areas of the criminal justice system for their jurisdiction.

Kansas Governor Robert B. Docking, on behalf of the National Governor's Conference, supported the administration's law enforcement revenue sharing proposal. Testifying before the subcommittee, Governor Docking said that: (1) the governors were best equipped to distribute funds within a state; (2) the governors endorsed the elimination of some of the legislative requirements, which had "mired" states down in the swamp of such bureaucratic terms as "hard match" "buy-in" and "pass-through," in return for providing additional flexibility in determining and directing LEAA funds to the states' soft spots in crime prevention and control; and (3) the governors would not oppose retaining the existing requirements for a state planning agency to secure LEAA approval of its plans.

Charles Owen, executive director of the Kentucky Crime Commission, representing the National Conference of State Criminal Justice Planning Administrators, told the subcommittee that the conference supported the President's law enforcement special revenue sharing proposal, and that it was no longer a valid criticism that the states were ignoring urban areas in allocating Safe Streets funds. If Congress allowed funds to go directly to cities from Washington, the 1968 law would be "more of a police act than it is today".

Opposition to special revenue sharing came primarily from the local government public interest groups, who wanted planning funds to be kept separate from special revenue sharing funds with a pass-through mandated for local planning units.

Representative John S. Monagan of Connecticut appeared before the subcommittee to question the administration's "no strings" proposal, wondering whether "the vast sums of money involved could be properly and productively spent without greater control".[42] Monagan based his criticism of the administration's proposal upon the findings of an investigation of LEAA made by his Subcommittee on Legal and Monetary Affairs of the House Government Operations Committee. The Democratic majority of this committee issued a report in 1972 pointing to "inefficiency, waste, maladministration, and in some cases, corruption" in a program that has had "no visible impact on the incidence of crime" [43] and that lacked any meaningful leadership and direction. The committee's conclusions had been corroborated by reports from the Council on Economic Development and the Lawyers Committee for Civil Rights under Law issued in June 1972 and early 1973, respectively.

Based on the findings of the subcommittee's investigative staff and nine days of testimony from 30 witnesses, the House committee concluded that: (1) Safe Streets funds had been underutilized, with only one in every four action dollars that states had received from LEAA being distributed to local governments to fight crime; (2) large amounts of action funds awarded to local governments were actually in bank deposits or investments and not being used for crime reduction and (3) a large proportion of the funds had been misused or wasted on exorbitant consultants' fees, unneeded equipment and vehicles, excessive payments to noncompetitive equipment supplies and partisan political purposes. The committee also cited the large amount of Federal aid that "had been applied to projects which are only tangentially related to the direct needs of the criminal justice system" [44] and thereby ignored the congressional intent. The committee placed the blame for the above on LEAA which, because of lack of information, "has made little attempt to control the siphoning of funds to areas outside the criminal justice system." [45] Committee criticism also was directed toward state comprehensive plans which "have, on the whole, been too much the products of outside consultants, too much in the nature of shopping lists for hardware items, and too infrequently a 'comprehensive' blueprint for action," and toward the "pouring of substantial funds into police hardware." [46] The lack of LEAA and SPA standards for evaluating project success or failure was underscored: "In essence the programs are unevaluated, unaudited and incapable of being measured as to performance and progress. . ." [47]

Countering Monagan's testimony and dissenting from the subcommittee's findings were Republicans who thought that the Monagan investigation was a partisan political attack on revenue sharing, and those who believed that the press and committee report exaggerated the abuses of the program and did not balance the charges with evidence of the constructive efforts of LEAA and the states. Supporters also noted that LEAA had already implemented some of the committee's recommendations. Despite some of the negative feelings about the Monagan report, however, it was clear that its revelations would have an impact upon the future form and direction of the Safe Streets Act and its implementation.

Opposition to the Nixon special revenue sharing proposal also came from a major proponent of a substitute bill. Representative Stanton testified that revenue sharing would reach a dead end in the state capitals under the administration's plan, and that decentralization was needed to prevent the spawning of a giant new bureaucracy in Washington, and "a second generation of smaller bureaucracies at the multi-State regional level, at the State level and at the sub-State regional level." Stanton told the committee that "we are ill-equipped in Washington to do anything about crime in the streets . . . and the governor doesn't know any more about fighting crime than you or I do." [48]

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[42] U.S. Congress, House, Committee on the Judiciary, Subcommittee No. 5, "Law Enforcement Assistance Administration: Hearings," 93rd Cong., 1st sess., 1973, p. 133.

[43] U.S. Congress, House, Committee on Government Operations, Report, "Block Grant Programs of the Law Enforcement Assistance Administration," 91st Cong., 1st sess., 1971, p. 6.

[44] *Ibid.*, p. 7.

[45] *Ibid.*, p. 8.

[46] *Ibid.*

[47] *Ibid.*

[48] U.S., Congress, House, Committee on the Judiciary, Subcommittee No. 5, "Law Enforcement Assistance Administration," p. 94.

Supporting the logic of the Stanton-Seiberling bill, the National League of Cities-U.S. Conference of Mayors, represented by Roman S. Gribbs, Mayor of Detroit, Wes Wise, Mayor of Dallas and James H. McGee, Mayor of Dayton, asked the Subcommittee to amend the administration bill to ensure a city-state relationship under the program comparable to that between the states and the Federal government. They also recommended adding a requirement which would ensure that every state would improve its dealings with urban areas.

THE CRIME CONTROL ACT OF 1973

Rejecting the administration's push for special revenue sharing and the cities' drive for direct access to Federal law enforcement funds, the House Committee on the Judiciary, on June 5 1973, reported a bill expending the authorization for LEAA at an annual level of $1 billion through FY 1975. As reported, the bill (H.R. 8152) made a series of changes in Title I of the Omnibus Crime Control and Safe Streets Act of 1968, but the structure of the block grant program was left intact. *It:* (1) eliminated the unwieldy "troika?' arrangement and replace it with a single administrator; (2) expanded the purpose and intent of the act to include all components of the criminal justice system and broadened the definition of law enforcement to cover prosecutorial and defense services; (3) defined "comprehensive planning" as a "total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State";[49] (4) increased to $200,000 the minimum planning allocation to each state; (5) instituted a 90-day rule for LEAA approval of state plans and a 60-day rule for state approval of local grant applications; (6) eliminated all "soft match" and reduced the cash match requirements to 10 percent, with an increase in the state share to 50 percent for Part C funds and 50 percent for Part B funds; (7) eliminated the funding limitations to compensate law enforcement personnel other than police; (8) provided for increased protection of civil rights; (9) expanded the role of the National Institute in evaluating projects, developing training programs and promoting research; (10) required all planning meetings to be public and (11) provided for fund accounting, auditing, monitoring and evaluation procedures to assure "fiscal control and proper management" of funds.

The bill was ordered reported by voice vote on May 31. the administration's special revenue sharing proposal was rejected by the subcommittee in earlier action. The cities' proposal embodied in the Stanton-Seiberling measure was turned down in subcommittee. On May 30, the full committee had rejected a modified version of the proposal by a 14–22 vote. Supporting the cities' proposal were 14 Democrats, with 5 Democrats and all 17 Republicans opposing it. After an uneventful debate on June 14 and 15, the House without a single dissenting vote approved the bill (H.R. 8152) extending through fiscal 1975 the authorization for LEAA funding at an annual level of $1 billion.

On June 5, 1973 the Senate Subcommittee on Criminal Laws and Procedures began hearings on the administration's law enforcement revenue sharing bill (S. 1234). Attorney General Elliott L. Richardson urged the Senate to accept the administration proposal and expressed concern that the two-year extension of LEAA provided by the House bill would retard progress in law enforcement by making states and cities unsure of the length of time they could depend on receiving Federal funds. In his view, an open-ended authorization was preferable.

The subcommittee reported its bill on June 19 (S. 1234, as amended) to the full Senate Committee on the Judiciary. But the committee voted to delay reporting the bill until June 27. Senator McClellan, subcommittee chairman, feeling that the vote to report the bill was dangerously close to the June 30 expiration date, introduced the subcommittee bill as an amendment to the House bill. The amended Senate bill differed from the House bill in several important respects: (1) the act was renamed the Crime Control Act of 1973, (2) two LEAA deputy administrators—for policy development and administration—were designated, (3) regional planning units were required to be comprised of a majority of elected executive and legislative officials, (4) no state plan could be approved unless it included a comprehensive program for the improvement of juvenile justice and allocated 30 percent of Part C and E funds to said area, (5) a 90-day period for approval of grant applications by SPAs was mandated, and (6) a $2 billion FY 1978 funding level was authorized.

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[49] U.S., Congress, House, Committee on the Judiciary, Report, "Law Enforcement Assistance Amendments," 93rd Cong., 1st sess., 1973, p. 30.

The Senate, on June 28, passed by voice vote an amended version of H.R. 8152 to extend for five years the authorization for LEAA at an annual level of $1 billion in FY 1974, increasing to $2 billion by 1978. Like the House, the Senate rejected the Nixon Administration's proposals that the Federal requirements on the use of the funds be removed and that the block grant program be converted into law enforcement revenue sharing. The Senate also was not receptive to the proposal that grants be given directly to high crime urban areas. By a vote of 24–68 it rejected a big-city amendment offered by Senator John V. Tunney of California. Tunney's amendment would have directed that 75 percent of LEAA grant funds be given in block grants to states and cities of more than 50,000 population. The amounts would be determined by population. Conferees filed a report on July 26 after reaching a major compromise on the period of time for which LEAA appropriations would be authorized. The House and Senate on Aug. 2 adopted the conference report—both by a voice vote. At that time Senator Hruska, ranking minority member of the Senate Committee on the Judiciary, observed that there were so many conceptual similarities between H.R. 8152 and the administration's proposal to convert LEAA grants into law enforcement revenue sharing that he viewed the final bill as a prototype of special revenue sharing. President Nixon signed H.R. 8152 (PL 93–83) on Aug. 6.

Although the amendments contained certain similarities with special revenue sharing, the "Crime Control Act of 1973" departed from the original administration proposal in the key areas of Federal approval of state plans and various Federal requirements that limited the scope of decision-making within the criminal justice area by state and local governments. It should be noted, however, that many components of the administration's law enforcement revenue sharing bill were contained in the 1973 act. These included provisions for discretionary grants for interstate metropolitan regional planning units, citizen participation, civil rights compliance, the improvement of juvenile justice, and elimination of the "troika". It also should be noted that the 1973 act authorized more Federal aid than the revenue sharing proposal. The Crime Control Act of 1973 was a victory for the states, the block grant mechanism, and LEAA.

The Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Crime Control Act of 1973, while maintaining the structure of state-administered grants to localities, contained several major revisions. These follow, together with a brief explanation of the principal reasons for modification.

Purpose of the Act.—The statement of purpose was rewritten to stress "criminal justice" in juxtaposition to law enforcement. Criminal rehabilitation and prevention of juvenile delinquency were added to the declaration of intent.

LEAA Administration.—The "troika" system was eliminated with all administrative and policy authority vested in the administrator of LEAA. In lieu of two associate administrators, the amendment provided for two deputy administrators.

Representation on Planning Agencies.—The representation requirement for SPAs and RPUs was amended to permit representation of citizen, professional and community organizations. RPUs, however, were mandated to be comprised of a majority of local elected officials. This amendment was adopted in response to testimony by local officials during the 1973 hearings expressing dissatisfaction with their representation on the regional planning boards formed specifically for criminal justice planning. The National Association of Counties (NACo) complained about the predominance of criminal justice specialists on SPA and RPU boards, contending that only elected officials have the necessary overview and are responsive enough to citizen views to plan comprehensively.

Planning Grants.—State planning grants were to remain at 90 percent Federal funding, while RPUs were to receive 100 percent Federal funding. The soft match was eliminated and states were required to provide half of the local share of the hard match for planning grants. Also, the minimum Part B allocation per state was increased to $200,000. The question remained, however, which types of RPUs qualified for 100 percent Federal funding because some states viewed RPUs as multi-county or multi-purpose regions, while others viewed single-county, single-purpose, or county/city combinations as regions.

Matching Requirements.—Matching requirements for discretionary, Part C and Part E funds were reduced to 10 percent, except for construction projects, which remained a 50–50 match. This match was to be met in the aggregate with appropriated money rather than by a soft match. The act also required that states provide half the aggregate amount of non-Federal funds (in most cases five percent) to pay the local share of LEAA-funded projects. Part C discretionary and block grant funds were permitted to be used for planning grants to interstate

metropolitan RPUs. Congress believed change in match requirements was necessary in order to end procedures that were "only cases of imaginative bookkeeping by recipients" and which produced administrative burdens on LEAA that was charged with ensuring compliance.

Plan Requirements.—States were required to provide procedures to allow local units of government (or combinations thereof) with a population of more than 250,000 to submit annual plans to SPAs and receive funds based on that plan. This requirement was intended to allow localities to express their priorities and to reduce the budgetary uncertainty and delay in the funding of local projects.

States were required to approve or disapprove local government projects within 90 days. This provision was adopted to speed up the fund flow caused by delay and red tape at the state level and was a response to complaints by many localities that planning and budgeting at the local level had been adversely affected by delays in the grant award process. Also in response to the charges of red tape and delay, LEAA was required to approve or disapprove a state plan within 90 days after submission by the SPA.

Congress also made LEAA more accountable in supervising and assisting the states in comprehensive planning by requiring that no state plan could be approved unless LEAA found that the plan demonstrated "a determined effort to improve the quality of law enforcement and criminal justice throughout the state" and unless it included a comprehensive program for juvenile justice and established "statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice."

Evaluation.—The role of the National Institute of Law Enforcement and Criminal Justice was strengthened and expanded to include major responsibility for the training of law enforcement and criminal justice personnel and evaluation of projects. State plans were required to assure that Safe Streets projects maintain data necessary to allow the institute to perform evaluations.

Authorization and Appropriation Authority.—Appropriations were authorized for fiscal year 1974 and 1975 at $1 billion each year and the fiscal year 1976 appropriation was authorized at $1.25 billion.

EARMARKING: THE CASE OF JUVENILE JUSTICE

The use of earmarking to emphasize juvenile justice in the Safe Streets program had its roots in the enactment of the Juvenile Delinquency Prevention and Control Act of 1968, administered by the Department of Health, Education and Welfare (HEW). This law was designed to provide a broad program of support to state and local governments for rehabilitative and preventive projects. In view of its experience with rehabilitative and preventive services, HEW was expected to give leadership to the states in developing comprehensive plans for juvenile justice that incorporated innovative practices and techniques to deal with the problems of juvenile delinquency.

During the course of the hearings on the 1972 amendments to the act, however, it became clear that Congress was disappointed with the way Federal delinquency prevention and treatment programs had been handled. The House Education and Labor Committee reported that the first three years of the Juvenile Delinquency Prevention and Control Act had been hampered by limited appropriations, overlapping with programs funded under the Safe Streets Act and administrative delay, inefficiency and confusion. The committee also felt that the purposes of the act had not been accomplished and the program needed to be refocused on more realistic objectives.

The Senate Committee on the Judiciary arrived at similar findings. It was reported, for instance, that more than a year and a half had passed before a director was appointed for HEW's Youth Development and Delinquency Prevention Administration (YDDPA), which was responsible for administering the act, and that substantial amounts of funds were spread throughout the country in a series of underfunded and unrelated projects. The committee also was annoyed with the underspending for the act; HEW had spent only half of the $30 million appropriated in 1968–1971. Although it was noted that some of HEW's problems stemmed from its lack of primary responsibility for Federal juvenile prevention programs (some four different agencies duplicated HEW's efforts), the committee believed that the fulfillment of the original purposes of the act had been rendered virtually impossible because of inadequacies in both appropriations and administration.

The 1972 amendments concentrated on the development of community-based preventive services separate from those services rendered by law enforcement agencies, such as police and courts. The act was designed to aid delinquents through programs in the fields of health, education and employment.

Dissatisfaction with the accomplishments of the 1968 act and the 1972 amendments as well as the administrative performance of HEW gave impetus to the inclusion of juvenile delinquency in the 1971 and 1973 amendments to the Safe Streets Act. It also generated a heated debate over the proper agency to administer the Juvenile Justice and Delinquency Prevention Act of 1974.

The amendments to the Safe Streets Act dealing with juvenile justice were a specific response by Congress to a need for immediate action to require states to invest in a wide variety of treatment and prevention programs for juvenile delinquents while leaving maximum flexibility for the state to determine the greatest needs in this area. Immediate action was believed to be necessary, because it seemed that existing programs were plainly inadequate and ineffective and that simply channeling additional funds into them was not the answer.

By 1974, however, the focal point of discussion shifted to the differences between "juvenile justice" and "juvenile delinquency prevention." The House Education and Labor Committee's report provided for a newly-created Juvenile Delinquency Administration within HEW. It was the judgment of the committee that HEW was the logical locus of administrative responsibility for the 1974 Juvenile Delinquency Act, because the department possessed the requisite human and monetary resources and the administrative machinery. The committee also thought that "LEAA's approach had been to see the juvenile offender in terms of crime and punishment",[50] rather than to give attention to the preventive aspects of juvenile delinquency. In its judgment, LEAA had not distributed adequate funds for juvenile delinquency needs and had not succeeded in bringing about effective coordination of Federal juvenile delinquency programs through its responsibility for the Interdepartmental Committee for the Coordination of All Federal Juvenile Delinquency Programs. Thus, the committee believed that the law enforcement emphasis of LEAA was too parochial. House supporters of the committee bill and report also stressed that HEW was the best agency "to deal with the entire youth—his education, welfare, and development—not merely the youth as a criminal offender."[51] As one Congressman stated:

> I believe local and State police agencies have a role to play in helping to prevent delinquency, but if they play that supportive role, it does not necessarily follow that they have to play the lead. In order to accomplish anything through prevention, the factors that cause delinquency must be addressed. It has been proven time and time again that the causes are not criminal but social in nature. Therefore, because this is not a new program and because HEW has already established the mechanism and is beginning to work to coordinate efforts within communities with the limited dollars they have had—they should be allowed to continue and expand their efforts.[52]

The minority view that HEW was not the best agency best suited to administer the Juvenile Delinquency Act was expressed most vocally by Representative Albert H. Quie, who offered an amendment in the House, later defeated, to place administration of the juvenile delinquency program in LEAA. Representative Quie contended that LEAA was better equipped to administer the act based on the large amount of Safe Streets funds available, "its existing coordinative network, its relatively favorable relationship with the Congress and its support by the National Governors' Conference, the National League of Cities, and the Senate Committee on the Judiciary."[53] He also argued that "juvenile justice and delinquency prevention are not separate entities and should not be treated separately. They are part of the same problem. Federal efforts should not and must not be divided."[54] Representative William S. Cohen supported Representative Quie's conclusion:

> Clearly, the goals of juvenile delinquency prevention programs and the juvenile justice system are very similar. Both are concerned about actions of individuals which may endanger the individual's future as well as society

[50] U.S., Congress, House, Committee on Education and Labor, Report, "Juvenile Delinquency Prevention Act of 1974," 93rd Cong., 2nd sess., 1974, p. 66.
[51] U.S., Congress, House, remarks by Representative Alphonzo Bell, Congressional Record, July 1, 1974, p. H6056.
[52] U.S., Congress, House, remarks by Representative William A. Steiger, Congressional Record, July 1, 1974, p. 93.
[53] U.S., Congress, House, Committee on Education and Labor, Report, "Juvenile Delinquency Prevention Act of 1974," p. 66.
[54] *Ibid.*, p. 81.

in general. Both are attempting to find alternatives for young people which will enhance their chances for making a positive and meaningful contribution to society. While different in emphasis, the two approaches are nonetheless interdependent. To attempt to separate them as some have recommended can only frustrate the attempts of all those fully concerned with helping the youth of our communities.[55]

Opposition to the Quie amendment came from those Congressmen who had questioned the record of LEAA in the juvenile delinquency area. As one Congresswoman noted:

LEAA has consistently failed to provide Federal leadership in the area of juvenile delinquency prevention, despite the Congressional mandate of 1973, despite LEAA's annual budget of $1 billion, and despite early hopes that it would infuse the entire Federal criminal justice system with leadership, direction, and money. . . . Many States receiving LEAA funds have no programs at all for the prevention and treatment of juvenile delinquency.[56]

The Senate Subcommittee to Investigate Juvenile Delinquency reported to the full Committee on the Judiciary a bill similar to the House measure, with the Juvenile Delinquency Act to be administered by HEW. The committee, however, accepted an amended bill offered by Senator Hruska that substituted LEAA for HEW and designated a new Part F for juvenile delinquency programs. Senator Hruska maintained that LEAA was the obvious and natural agency to administer this program because: (1) it already possessed the administrative machinery in its 55 state planning agencies to plan, coordinate and implement juvenile delinquency programs and (2) it had committed itself to juvenile delinquency prevention and control through initiatives to establish this as one of its four national priority programs and through creation of a juvenile justice section in the National Institute of Law Enforcement and Criminal Justice. He asserted:

It is unquestionable that LEAA has the capability, capacity and the desire to do the job. Failure to give LEAA a comprehensive mandate as proposed by this legislation would seriously weaken the Federal juvenile delinquency prevention and control effort.[57]

Critics of Senator Hruska's position included Senator Birch Bayh, who maintained that LEAA's involvement in the delinquency field was primarily to improve the juvenile justice system dealing with adjudicated delinquents rather than the work with public and private organizations concerned about delinquency prevention. But a Senate provision to establish an Office of Juvenile Justice and Delinquency Prevention in LEAA to administer the act prevailed in conference.

The Juvenile Justice and Delinquency Prevention Act of 1974 as finally passed by Congress also: (1) required that SPAs include representatives of agencies related to the prevention of juvenile delinquency, (2) created a Coordinating Council on Juvenile Justice and Delinquency Prevention and a National Advisory Committee for Juvenile Justice and Delinquency Prevention, (3) established a National Institute for Juvenile Justice and Delinquency Prevention in the newly created Office of Juvenile Justice and Delinquency Prevention, (4) approved a three-year authorization of $350 million for the juvenile justice and delinquency prevention programs and (5) required the states to maintain Part C funding for juvenile delinquency programs at the fiscal 1972 level in order to be eligible for assistance.

The Juvenile Justice and Delinquency Prevention Act, signed into law on Aug. 7, 1974, departed from a precedent established in the 1972 amendments to the Juvenile Delinquency Prevention and Control Act of 1968 to separate "juvenile justice" from "juvenile delinquency prevention." The 1974 act established a national program to deal with both juvenile justice and juvenile delinquency prevention and control as one interdependent system, despite some congressional opinion to the contrary.[58]

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[55] U.S., Congress, House, remarks by Representative William Cohen, Congressional Record, July 1, 1974, p. H6064.

[56] U.S., Congress, House, remarks by Representative Shirley Chisholm, Congressional Record, July 1, 1974, p. H6064.

[57] U.S., Congress, Senate, remarks by Senator Roman L. Hruska, Congressional Record, July 18, 1974, p. S12834.

[58] U.S., Congress, House, remarks by Representative William A. Steiger, Congressional Record, July 1, 1974, p. H6050.

THE FEDERAL ROLE: EXPECTATIONS AND REALITIES

In some respects, the Safe Streets Act has become a panacea for a variety of problems of the criminal justice system. While supporters of the program contend that seven years and some $4 billion should not reasonably be expected to have a substantial impact on crime reduction, others look for more results from this investment. For example, the House Government Operations Committee, in its 1972 report on the block grant programs of LEAA, stated:

> In some respects the block grant programs have resulted in better coordination of criminal justice agencies and improvements in criminal justice services, but regrettably it must be said that they have achieved far less than the Congress and the public can rightfully expect considering the vast amounts of public funds which the taxpayer has provided.[59]

Despite such disparate views, the expectations surrounding the Safe Streets Act must also be considered in light of the complexity of the crime problem, the relatively small amount of monies involved and the fragmented nature of the criminal justice system. As one commentator recently noted:

> The Omnibus Crime Control and Safe Streets Act of 1968 recognized the urgency of the national crime problem as a matter that threatens "the peace, the security and general welfare of its citizens," and made it "the declared policy of the Congress to assist State and local government in strengthening and improving law enforcement at every level by national assistance."
>
> Yet, year after year since 1968, crime has continued its persistent rise. The Safe Streets Act has been funded at 50 percent or less of its programmed level, and the American public has been presented with a series of preposterous assurances that there is a cheap and easy way to eliminate street crime.
>
> The rhetorical commitments of the President proposing this legislation and the Congress enacting it were magnificent—but they have the timber of hollow echoes against the reality of performance. They provide good reason for Americans to believe that our national security is at stake as we face our domestic problems. They also provide ample justification for Americans to conclude that the President and the Congress do not mean what they say. The President and the Congress have repeatedly refused to act in accordance with their own rhetorical and legislative commitments.[60]

In summary, the legislative history of the Safe Streets Act reflects an evolution over a seven-year period of certain congressional ambiguities in legislative intent and shifts of funding mechanisms and functional emphases to achieve that intent. Beginning as a broad grant program designed to reduce crime and improve the administration of justice within a systemic perspective, but intended to emphasize law enforcement, the Safe Streets Act over the years has been repeatedly categorized in response to changing congressional priorities. By 1971, corrections had come to the forefront, followed by crime "control" in 1973, and juvenile justice in 1974. Presently, Congress is considering the need for special statutory recognition to be given to courts and large urban communities. These statutory changes have been accompanied by shifts in attitudes regarding LEAA's role vis-a-vis the states in implementing the act. All of this action has occurred within the block grant framework; yet, the legislative life cycle of Safe Streets seems typical of the Partnership for Health block grant and several formula-based categorical programs. At the outset, the functional scope and amount of recipient discretion are broad. Over time, both become more and more restricted. The net result is confused expectations on the part of both the grantor and grantee as to intergovernmental relationships in block grant administration. Whether 1975–1976 will witness continuation of the categorization trend, a stabilization, or a reversal, remains to be seen.

CHAPTER III: IMPLEMENTING THE SAFE STREETS ACT

The Omnibus Crime Control and Safe Streets Act of 1968 clearly was formed through a compromise of conflicting fears and purposes. Thus, it was not surprising that the resulting legislation contained provisions which, if not contradictory, were at least pursuing somewhat different goals. The experimental block grant

[59] U.S., Congress, House, Committee on Government Operations Committee, Report, "Block Grant Programs of the Law Enforcement Assistance Administration," p. 6.
[60] Joseph A. Califano, Jr., Washington Post, Sept. 7, 1965, p. B1.

approach ultimately incorporated into the act was tempered by provisions specifying that grants be awarded only for seven categories that, although quite general, did serve to exclude certain areas of funding and encourage others.[1] Other requirements, such as the pass-through of funds [2] and the support of local planning efforts,[3] protected the interests of local governments and further limited state discretion.

The 1968 act, then, was in no sense a pure block grant awarded to the states to administer with wide discretion. Yet it did represent the first major program to be initiated using primarily the block grant instrument from the outset. Given this background, the administration of the Safe Streets program by both the Law Enforcement Assistance Administration (LEAA) and the states takes on additional significance for several reasons. First, even in the best of circumstances, a block grant program presents a real challenge to both grantor and grantee. An appropriate balance must be achieved between the leadership, direction and control exercised by the administering agency and the discretion, autonomy and independence sought by the state recipient. The newness of the block grant approach presented additional problems; most experience at the Federal level with grants-in-aid in the field of criminal justice had been with a modest program of direct categorical grants handled by the Office of Law Enforcement Assistance established in 1965.

Yet, the act itself presented the most serious administrative challenge, mainly because of the role it required the Federal administering agency, LEAA, to play. Essentially this role called for LEAA to distribute block grant funds after reviewing and approving individual state comprehensive plans, putting the agency in the delicate position of having to judge the adequacy of state plans without accepted standards other than the rather general requirements specified in the 1968 act. In addition, LEAA was responsible for assisting the states to increase their law enforcement and criminal justice capabilities through the provision of funds and expertise. The need to assume the conflicting responsibilities of both an "enforcer" and "helper" made each role more difficult to carry out.

The Federal Role Prior to 1968

As was described in the previous chapter, when the Safe Streets Act was signed into law in 1968, the Federal government already had some experience in administering a grant program for the improvement of law enforcement and criminal justice. The Law Enforcement Assistance Act of 1965 grew out of the rhetoric of the 1964 presidential campaign and specifically out of President Lyndon B. Johnson's 1965 message calling for a War on Crime. This act created an Office of Law Enforcement Assistance (OLEA) as part of the attorney general's office.

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[1] "Omnibus Crime Control and Safe Streets Act of 1968," Public Law 90-351, sec. 301(b) (1968):

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement.

(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and reduce crime in public and private places.

(2) The recruiting of law enforcement personnel and the training of personnel in law enforcement.

(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

(4) Construction of buildings or other physical facilities which would fulfill or implement the purposes of this section.

(5) The organization, education, and training of special law enforcement units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

(6) The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

[2] *Ibid.*, sec. 303(2).

[3] *Ibid.*, sec. 203(c).

OLEA was established to administer the first Federal aid program designed to improve state and local law enforcement and criminal justice efforts.

With a reform-minded staff of approximately 25 people, OLEA sought to upgrade the various components of the criminal justice system by providing support for more effective training efforts and the development of new ideas and programs. During its three-year life (1965–1968), OLEA expended approximately $20.6 million on 356 separate projects. Overcoming initial problems of gaining recognition of its existence and applicants for its funds, OLEA carried out its grant operations amidst growing public and political pressures for a greater Federal role in combatting crime.

Although the total amount of Federal funds spent was relatively small, OLEA did have an impact in several ways. It awakened state and local officials as well as their professional organizations to the availability of Federal support, while lessening their fears that such aid would in Federal preemption of state and local law enforcement efforts and perhaps lead to a national police force. It provided substantial funds for training and for new approaches to crime reduction, particularly in the law enforcement area. Even if lacking in long-term effects, OLEA established innovation and reform as appropriate goals of Federal funding, and perhaps more significant, provided funds for the establishment of planning agencies or commissions in 31 states, most of which would later become the authorized state planning agencies under the Safe Streets Act. As one observer commented in praising OLEA's work:

> Look at the field of crime control and law enforcement technology—an urban problem much more closely bound up in human factors than air pollution. Only 2 years ago it was difficult to find many people in the research community interested in or knowledgeable about any aspect of our national crime-control problems. Today, it's hard to find a research institute, university, or industrial laboratory where aren't at least a dozen people exploring ways to improve law enforcement and criminal justice. What happened? The answer is that the Federal Government exerted strong leadership in a way which engaged the attention of the scientific and technical community very quickly and very effectively. The two triggering events apparently were a creation of the Law Enforcement Assistance Act by the 89th Congress and appointment of a Presidential Commission on Law Enforcement and Administration of Justice by the White House. Both actions focused national attention on crime as an urban problem. Both groups also worked hard to give the technical community an opportunity to begin a dialog within itself and with concerned Government people. This quickly began to produce problem definitions, ideas, and most important, action. Surprisingly, very little money has been involved thus far; appropriations for the Office of Law Enforcement Assistance had been miniscule when compared with Federal spending for research and problem solving in many other areas. But if Congress provides the necessary research funds, it is likely that more progress will be made toward better law enforcement in 5 years than we have made toward air pollution control in 20.[4]

OLEA experienced frustrations as well as accomplishments, especially in its attempt to focus on research and innovative projects. Among the most significant obstacles were: a scarcity of well-designed experimental projects, the lack of adequate resources (both personnel and financial) at the state and local level to carry out such projects, insufficient Federal resources to effectively demonstrate project success through replication and the absence of a complementary Federal grant program to meet basic state and local needs that would allow OLEA to support fewer and larger grants of longer duration focused more narrowly on research.[5] The Omnibus Crime Control and Safe Streets Act promised to alleviate some of the problems faced by OLEA, yet others would continue to hinder the implementation of the Safe Streets program.

Administrative Response to the Safe Streets Act: The First Year

With the signing of the Omnibus Crime Control and Safe Streets Act of 1968 on June 19, 1968, the Law Enforcement Assistance Administration began its operations. In its annual report one year later, LEAA cited the following accomplishments:

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[4] Charles Kimball, "Effective Research on Urban Problems," in "Urban America: Goals and Problems," report prepared for the Subcommittee on Urban Affairs, Joint Economic Committee, U.S. Congress (Washington, D.C., 1967), p. 88.

[5] Daniel Skoler, "Two Years of OLEA and the Road Ahead," paper presented at the Second National Symposium on Law Enforcement Science and Technology, Illinois Institute of Technology, March 1968.

Each state had created a planning agency and had drafted plans for criminal justice system improvements;

Planning grants totaling $19 million had been awarded to the states;

Action grants amounting to more than $25 million had been allocated the states to carry out the plans;

LEAA had established its discretionary grant program and had awarded $4.35 million in discretionary funds; and

The National Institute of Law Enforcement and Criminal Justice had begun awarding grants for research activities.

From outward appearances, LEAA was proceeding well in carrying out its administrative responsibilities with respect to the Safe Streets Act. Yet, problems had arisen during the first year, which were to have as much long-term impact on the program as these early accomplishments.

Delay was a difficulty from the outset. It was not until Oct. 21, 1968, four months after the act was signed, that the three administrators of LEAA were nominated and took office as recess appointments of President Johnson. Reportedly, in an attempt to appease Senator John L. McClellan, chairman of the Senate Committee on the Judiciary, who had earlier blocked the nominations of the original three administrators, President Richard M. Nixon withdrew these nominations and named three of his own nominees who were not confirmed until the early spring of 1969.[6] Thus, the first year was marked by changing leadership, a problem which continued to affect LEAA's operations throughout its history.

This lag in establishing permanent leadership naturally led to delays in developing policy guidelines and awarding grants, another problem which has persisted to this day, as shown in the surveys and site visits conducted in the course of this study. Although the act was signed on June 19, 1968, ostensibly allowing a full year to set up operations and distribute block grant funds, the delay in appointing the administrators substantially cut down on the time allowed to develop guidelines for the state comprehensive plans, review the plans, and distribute the funds. Therefore, even though the nucleus of the LEAA staff consisted of former members of OLEA who had brought with them many of the administrative procedures and practices already developed in previous years, time pressures and limited staff of necessity resulted in a rather hurried development of guidelines, a rushed review of the state plans, and last-minute approval of grant awards.

The relationship between the states and LEAA during this period could be characterized as cautiously cooperative. The states were aware and wary of the previous administration's attempts to have the Safe Streets program operate as a direct Federal-local categorical grant. The LEAA staff, in turn, were concerned that the states would utilize Safe Streets funds to expand traditional and routine law enforcement activities, rather than to support innovative approaches. There was also the fear on the part of LEAA that the states would neglect the needs of the larger cities where crime rates were highest. Both of these issues had been of major concern during the congressional hearings, and would be raised repeatedly during the years ahead.

The first year's operation was significant in that it established the basic approach used by LEAA in carrying out its mandated responsibilities with respect to the States. This approach required the development of guidelines for the submission of State plans and the subsequent Federal review and approval of those plans. In its first attempt at establishing guidelines late in 1968, LEAA found, after discussions with representatives of the SPAs and the public interest groups, that it had called for more detailed information and sophistication in planning than either time pressures or the capacity of the SPAs would allow. Thus, at the end of February 1969, the guidelines were simplified and some required items were waived by LEAA. As the state plans were completed and submitted, they were reviewed against a checklist of requirements developed by LEAA. Deficiencies were noted and negotiations with the state were undertaken to correct them. When there was insufficient time to correct the deficiencies, LEAA attached special conditions to approval of the state plan, requiring SPA action to correct the deficiencies within a specified time period. As will be discussed in Chapter IV, the use of special conditions has continued throughout the life of the program and is the chief means by which LEAA insures compliance with statutory regulations short of the rather drastic step of withholding funds.

The results of the first planning cycle were understandably unspectacular. In the opinion of several LEAA staff members, many of the state plans were incomplete, disorganized and of poor quality. Yet, given the short time allowed, the

[6] Richard Harris, Justice (Toronto and Vancouver: Clark, Irwin, 1970), p. 177.

inexperience of the state planning staff, and the newness of the planning process and the guidelines, they believed it was the best effort that could be expected from the SPAs. Indeed, several staff members at LEAA expressed surprise that the states were able to respond as adequately as they did in that first year.

LEAA, for its part, was not able to provide a thorough review of the state plans. While growing from an initial staff of 25 to a staff of 121 by June 30, 1969, LEAA organized itself as indicated in Figure III–1. Much LEAA staff-time during the first year was spent assisting the states in setting up their agencies and supervisory boards, developing internal procedures, dealing with public interest groups and establishing a satisfactory relationship with other units of the Department of Justice. There was great pressure to get the money out in the field to demonstrate the new "law and order" administration's active role in combating crime. This pressure, coupled with the statute's requirement that all funds be obligated by June 30 or returned to the Treasury Department, led to a hurried review of state plans. LEAA took great pride in having awarded all of its $29 million block grant funds by June 30, 1969.

DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

June 30, 1969

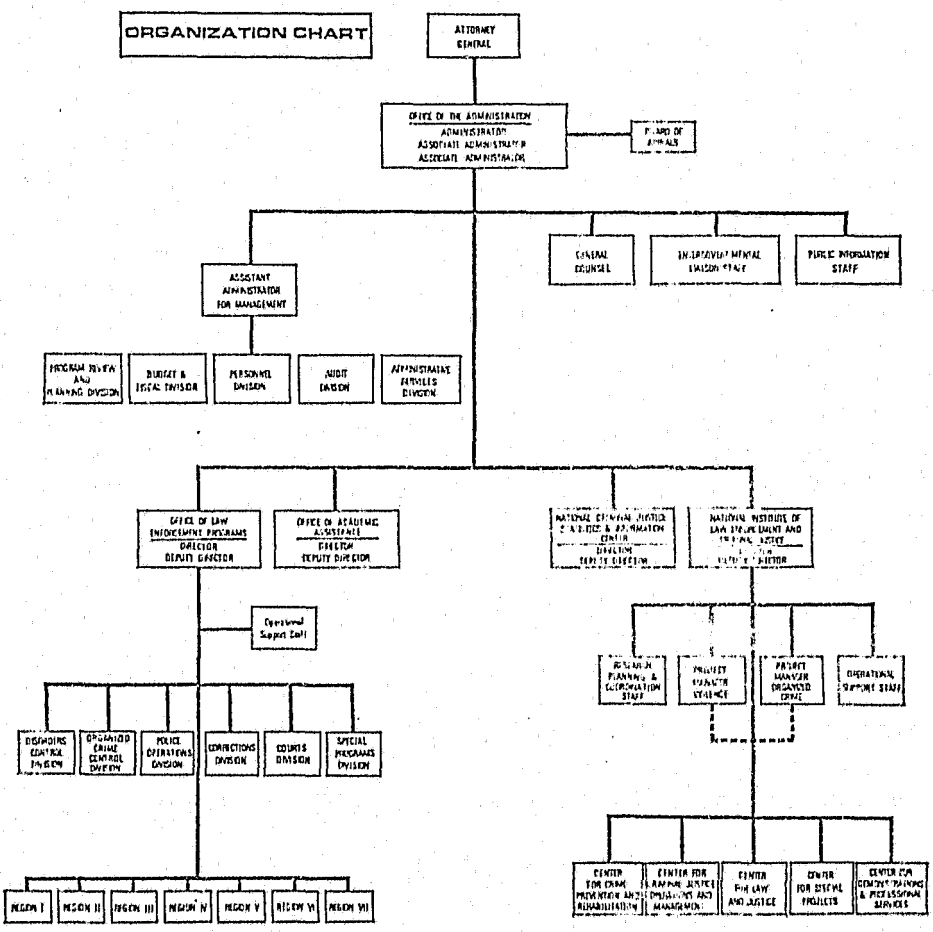

FIGURE III–1

This compressed review period left little time for the development of specific standards for state and local law enforcement and criminal justice systems to strive toward and for LEAA to use in judging the merits of individual state plans. Thus, the review of state plans became largely an effort to insure compliance with the basic requirements of the act.

The determination of whether a state plan met some of the more subjective requirements of the act (each plan shall ". . . incorporate innovations and advanced techniques . . . provide for effective utilization of existing facilities . . . adequately take into account the needs and requests of the units of general local government . . .") was made by individuals in the Office of Law Enforcement Programs within LEAA on their own interpretations of what could reasonably be expected of the state. The substantive portions of the plan concerning activities to be funded were reviewed for internal consistency, overall balance and documentation of need. However, again it should be again emphasized, however, that the plan review, of necessity, was shorter and more rudimentary than in subsequent years.

Although all plans submitted by the states were formally approved by the June 30, 1969 deadline, the rush to achieve compliance and start funds flowing left little time for the systematic development and application of uniform standards. Structures and procedures, although sometimes hastily conceived and implemented at LEAA and in the states, rapidly became institutionalized and later difficult to alter when experience and time for reflection suggested the need for change.

ADMINISTRATION UNDER THE "TROIKA"

While although the first year of LEAA's operation was characterized by a sense of urgency and haste, the second year brought more serious problems, the most significant of which was the structure of the leadership. The "troika" arrangement, whereby unanimity among the three administrators was required in order to establish policy direction, was originally conceived to avert possible control of the program by the attorney general. Yet it can easily be seen how this arrangement would preclude strong and decisive leadership able to respond quickly to the unforeseen situations encountered by a fledgling organization.

From March through December of 1969, the leadership of LEAA was in the hands of Charles H. Rogovin and Richard W. Velde. Unlike the first three interim administrators, they did not share similar philosophical views or personal styles, which thus made the consensus form of leadership even more difficult than normally would have been the case. The effects of the administrator's difficulties in achieving consensus were felt immediately by the staff. Personnel actions were delayed until compromises could be reached, policy decisions were postponed and administrative decisions were held up. These difficulties persisted throughout 1969 and increased when the third administrator, Clarence M. Coster, was named at the end of the year. During this period there also were serious jurisdictional problems stemming from uncertainty about the administrative relationship between LEAA and the Department of Justice. This confusion, and in some instances direct conflict, led to further delays, particularly in hiring personnel. The problems with the "troika" arrangement and the Department of Justice relationship ultimately led to Rogovin's resignation in June 1970.[7]

During the next ten months, there was some hesitancy within the agency to initiate new activities, given the uncertainty about the appointment of a new Administrator. Major acitivity during this period again focused upon the plan review process. The second planning cycle was much smoother as procedures became more routine and the planning capacity of the states increased.

The most significant structural change during this period was the establishment of seven regional offices around the country. Although ultimate authority for plan review and approval still remained in Washington, the regional offices served as a liaison between the states and the central office of LEAA, interpreting guidelines and reviewing plans initially for completeness. It was understood by everyone from the beginning of LEAA's operation that the establishment of the regional offices was inevitable and that the area desks within OLEA were temporary arrangements designed to provide liaison with the states until resources were available to staff regional offices. The exact nature of regional office responsibilities and the extent of their authority were less clear, because the plan review tasks were divided between the regional and central office of LEAA. By June 30, 1970, LEAA's FY 1970 appropriation had grown to $268 million and was administered by a staff of 291, organized as indicated in Figure III–2.

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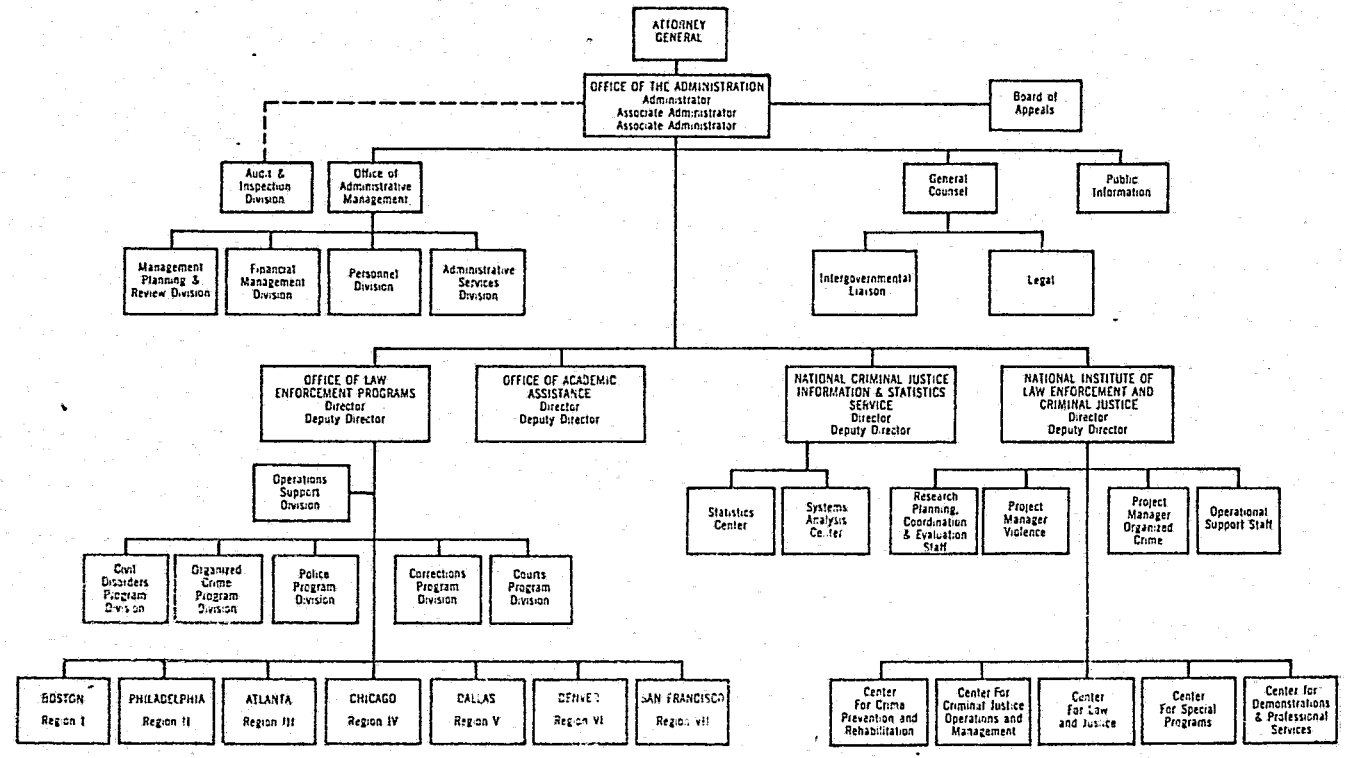
[7] See Charles Rogovin, "The Genesis of the Law Enforcement Assistance Administration: A personal Account," Columbia Human Rights Law Review V (1973): 9–25.

DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

June 30, 1970



During 1970, other external events began to influence the Safe Streets program. The first strong criticism of the administration of the Safe Streets Act by LEAA and the states began to be heard. Congress and some public interest groups focused on several specific issues. The National League of Cities and the U.S. Conference of Mayors protested that urban areas, experiencing the highest crime rates, were not receiving Safe Streets funds proportionate to their needs. There was also criticism from both within and outside LEAA that too large a percentage of state block grant funds was being allocated to police services and hardware purchases to the detriment of other elements of the criminal justice system, particularly the corrections component. As indicated in Chapter V, there was substantial evidence to support these charges. Other problems, such as unbalanced representation on SPA supervisory boards, the poor financial accountability and practices of LEAA and the states, and the excessive use of consultants also received considerable attention.

Those charges led Congress, in late 1970, to adopt several amendments to the original Safe Streets Act. These called for the elimination of the "troika" arrangement, the earmarking of a separate category of funds (Part E) for corrections purposes, the addition of statutory language emphasing the distribution of action funds to high crime areas and planning funds to major cities and counties and the alteration of matching and pass-through requirements.

In many respects, the spring of 1971 constituted a new beginning for LEAA and the Safe Streets program. A three-year authorization had been passed by Congress. Appropriations for the program had increased substantially, to a level of $529 million in FY 1971. Satisfactory working relationships had been established with the states, and crime was decreasing. A new Administrator was about to be appointed after an 11-month interim period, during which the lack of permanent leadership had contributed to substantial delays in processing grants in LEAA headquarters and had given many observers the impression that the agency was foundering. For the first time, the Administrator would have clear-cut managerial and policy authority. It was a time for reflection on the experience of the past three years and the development of new initiatives.

THE NEW FEDERALISM AT LEAA

When Jerris Leonard was sworn in as LEAA's third Administrator on May 12, 1971, he found an agency which had grown considerably during its first three years. Both its staff and its appropriations (See Table III–1) had expanded very rapidly. Its relationships with the states had stabilized and its internal operations had been formalized.

TABLE III–1.—STAFFING AND APPROPRIATIONS LEVELS FOR THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

	Level of appropriations	Level of staffing (as of June 30)	
		Number	Date
Fiscal year:			
1969	$63,000,000	25	1968
1970	268,119,000	121	1969
1971	529,000,000	291	1970
1972	698,919,000	382	1971
1973	841,166,000	529	1972
1974	870,675,000	599	1973
1975	887,171,000	658	1974
1976	[1] 769,784,000	712	1975

[1] Presidential request, yet to be approved by Congress.

Source: Law Enforcement Assistance Administration.

Bringing with him a reputation as a firm administrator, Leonard immediately effected changes in LEAA's activities. One of his first actions was to establish an internal task force to examine the management and operations of LEAA and develop recommendations concerning organizational changes. Over a six-week period, the task force examined all aspects of LEAA's activities and discussed possible alternative organizational structures and funding approaches.

In carrying out its study, the task force reached agreement on several actions which would serve to strengthen aspects of LEAA's operations that had been weak in the past. Specifically, the task force emphasized the role of LEAA in

helping the states and localities by greatly decentralizing authority and personnel resources to the regional offices. Formerly, all authority for approving comprehensive plans and discretionary grant awards rested with LEAA's central office. The task force found this centralized structure to be incompatible with LEAA's primary role in a block grant program—to monitor and assist the states and localities in carrying out federally-supported activities.

A second weakness identified by the task force was LEAA's audit capability. As stated in its final report:

> In view of the sensitivity of criminal justice operations, the relative novelty of the state planning system created by LEAA, and a considerable local disdain for compliance with Federal regulations on grant funds, it is strongly recommended that the Audit Office be clearly established in direct relation to the Administrator. LEAA's Audit Office should adopt the objective of removing itself from direct financial audit and aim instead at producing state capability to provide this audit under proper guidelines . . .[8]

This emphasis on the importance of a strong audit capability reflected a more acute awareness of LEAA's monitoring role under the block grant approach. This recognition was heightened by the findings of LEAA's own auditors and those of the Monagan subcommittee of the House Committee on Government Operations that some Safe Streets funds had been wasted and misused at the state and local levels.

The task force further recommended that an office of inspection and review be established within LEAA to establish goals and objectives for the agency and provide leadership and coordination in the areas of planning and evaluation.

Finally, the task force found the Office of Law Enforcement Programs (OLEP) to be encumbered with numerous administrative responsibilities that could more appropriately be carried out at the regional level. By decentralizing authority for comprehensive plan and discretionary grant review to the regional offices, the task force hoped that this would not only eliminate duplication of functions and streamline the system of delivering funds and providing assistance to the states, but also allow OLEP (renamed the Office of Criminal Justice Assistance) to concentrate more on matters of policy.

Leonard began acting on the recommendations immediately. The number of regional offices was expanded to 10, and each one received greater personnel resources. They also were given increased authority in distributing LEAA discretionary funds and in reviewing and approving SPA annual comprehensive plans. This decentralization of responsibility was consistent with both Leonard's management philosophy and the New Federalism approach of the Nixon administration. The role of LEAA in assisting the states began to be stressed more clearly as LEAA's oversight and control responsibilities were de-emphasized. Yet, Leonard also greatly increased the audit capacity of LEAA while urging and assisting the states to do likewise.

The effects of the Monagan subcommittee's hearings on the subsequent actions of LEAA and the states are difficult to assess. As indicated in the previous chapter, criticisms expressed during these hearings focused on the excessive amounts of funds spent on police hardware, poor financial accounting and lack of LEAA leadership. Leonard's reaction to these charges was a forceful defense of LEAA's actions and the philosophy of decentralization inherent in the concept of new federalism.[9] Some observers of the Safe Streets program believe that Leonard's advocacy of a limited Federal role represented a lost opportunity to provide strong Federal leadership of a substantive nature. They concluded that the criticisms of the Monagan subcommittee hearings led both LEAA and the states for their own protection to focus attention on the more technical aspects of financial control and accountability and the flow of grant funds rather than on more substantive programmatic questions.[10] The proliferation of LEAA guidelines relating to financial control are cited as a direct result of the critical publicity emanating from the Monagan subcommittee's hearings. They speculate that the strong emphasis on financial accountability at the time greatly influenced the newly expanded regional offices and led to an exaggerated concern on their part for fiscal control and technical compliance with guidelines thus limiting their ability to provide the states with more substantive expertise and assistance in the areas of planning and program development.

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[8] U.S., Department of Justice, Law Enforcement Assistance Administration, "Report of the LEAA Task Force," May 1971, p. 6.

[9] U.S., Congress, House, "Block Grant Programs and the Law Enforcement Assistance Administration, Hearings before a subcommittee of the Committee on Government Operations of the House of Representatives," 92d Cong., 1st sess., 1971.

[10] For example, see E. Drexel Godfrey, "Federal Myopia and Crime Control," Rutgers University, 1975 (typewritten).

Others contend however, that the increased importance subsequently placed on financial accountability by LEAA and the states was a necessary response to a clear need and did not divert attention or resources from improvements in planning and programming capacity. They also suggest that Leonard's interpretation of the Federal role was not only the appropriate response but the only possible one, because a more forceful and directive LEAA position vis-a-vis the states would have been strongly resisted by the states as a violation of the block grant concept and an intrusion upon the states' prerogatives. Although the appropriateness of LEAA's response may be debated, almost everyone agrees that the criticisms aired by the Monagan subcommittee were given considerable credence by both LEAA and the states in their future operations.

While adhering closely to the New Federalism approach in his dealings with the states Leonard was far more active in administering the 15 percent of the annual Safe Streets appropriation designated as LEAA discretionary funds. A problem in the past had been achieving noticeable impact from the multitude of small discretionary grants supporting a broad spectrum of activities, each with its own objective. As the task force stated, ". . . a major thrust of the Task Force's recommendation is that a structure be developed and a general operating policy established that are directed toward more concentration and impact in specific areas. It appears that presently there is a tendency to spread resources too thinly so that many efforts have developed minor results, and even those that may have made significant impacts are difficult to measure."[11]

In an attempt to concentrate large amounts of resources on particularly troublesome areas or problems, Leonard initiated the Impact Cities program, which called for spending $160 million in eight high crime cities over a three-to-five-year period. To focus on particular crimes, the concept of crime specific planning was developed by LEAA and used by crime analysis teams set up to plan for the Impact Cities funds in the eight cities. This approach called for planning, implementing and evaluation activities supported by Safe Streets funds by relating them to the specific crime that they were designed to affect, rather than to the functional area of the activity (police, courts, corrections). It represented an attempt to relate Safe Streets planning and funding activities more directly to the goal of crime reduction. The Impact Cities effect using crime specific planning was the first large scale LEAA initiative which directed substantial funds toward high crime areas with the specific goal of reducing crime. (An earlier attempt in the Pilot Cities program was far more limited, concentrating largely on planning and coordinating activities within metropolitan areas. The Impact Cities, also represented LEAA's first significant evaluation effort because an evaluation of all Impact Cities activities was required and LEAA alloted a substantial amount of funds for the evaluation of the entire Impact program.

While discretionary funds still supplemented state programs by filling gaps in state block grant allocations, the emphasis during the Leonard administration was on awarding fewer but larger grants designed to demonstrate an impact by reducing crime in the most troublesome urgan areas. This goal would become increasingly important as Congress and the public began to look at the results of the Safe Streets program in 1973 when crime rates began rising again.

One other initiative was undertaken by LEAA during the Leonard Administration was to have a significant lasting impact. The National Advisory Commission on Criminal Justice Standards and Goals began work in October 1971. This commission, divided into several task forces, was responsible for developing a set of criminal justice standards and goals to serve as a model for state and local governments to use in reducing crime and improving criminal justice in their jurisdictions. This represented an effort on LEAA's part to provide substantive leadership without imposing national priorities on the states. It was later made clear that the standards and goals developed by the commission would not be imposed upon-the states. Rather, LEAA indicated that these would serve as examples of the kinds of standards and goals that the states should set individually, selecting from among those developed by the national commission only the ones that were appropriate for each state.

It was also during the Leonard Administration that the Administrators of the 55 state planning agencies formed a professional association, the National Conference of State Criminal Justice Planning Administrators (NCSCJPA) to serve as a formal mechanism for the exchange of information and the expression of a common position on issues concerning the implementation of the Safe Streets Act. This gave the SPAs a more unified voice in communicating with LEAA while providing a forum to discuss mutual progress and problems.

[11] U.S., Department of Justice, LEAA, "Report of the LEAA Task Force," p. 3.

When Jerris Leonard left LEAA in the spring of 1973, both LEAA and the state planning agencies had firmly established themselves within their respective levels of government. Both had developed extensive procedures for preparing and revising guidelines, developing and reviewing annual plans, reviewing and awarding grants and controlling financial transactions. The block grant funds, which were initially slow to move from the Federal level through the states to the local level, were now being awarded regularly.

Certain problems within the program, however, continued to draw criticism. The increased sophistication of both LEAA's regional offices and the state planning agencies led to more specific and more numerous guidelines, more thorough reviews of plans and applications and stricter control of finances. This triggered criticism from both the SPAs (of LEAA) and the subgrant recipients (of the SPA) that the flexibility and discretion originally intended in the block grant concept was being lost in a maze of red tape as the program became more bureaucratic in nature. Delays in reviewing applications and awarding funds were the most common complaints directed at both the SPAs and LEAA.

There was also a growing uneasiness about the large proportion of representatives of criminal justice agencies on regional planning boards. It was feared that overrepresentation of the criminal justice professions would weaken the influence of elected officials responsible for overall resource allocations, and thereby result in the program being "captured" by the agencies it was intended to reform.

An additional problem concerned an emerging emphasis on evaluating the effects of the program to date. Having established fairly effective means of receiving and distributing block grant funds and accounting for their use, LEAA and the SPAs somewhat belatedly began to turn their attention to the results being achieved, only to find that little evaluation activity was under way and expertise in the area of evaluation was scarce.

As discussed in the previous chapter these problems were the primary concerns of Congress during 1973 and resulted in amendments to the Safe Streets Act.

Activities Following the 1973 Amendments

In April 1973, Donald E. Santarelli was appointed as the fourth administrator of LEAA. Like Jerris Leonard, Santarelli created a Management Committee to analyze LEAA's goals and objectives and to identify organizational improvements.

This committee again examined the spectrum of LEAA's activities and responsibilities and developed recommendations for the administrator's action. One of the recommendations called for increased attention to LEAA's role as a leader in the New Federalism effort with a continuation of the work begun under Leonard to transfer greater decision-making authority to the states. A second recommendation defined the goal of LEAA to be the reduction of crime and delinquency in partnership with the states, and called for the development of narrower subgoals to give more meaningful guidance to LEAA's activities.

A third recommendation recognized the need for standards against which to measure progress in the criminal justice system and therefore suggested the development of standards and goals at the state level, building on the earlier work of the National Advisory Commission on Criminal Justice Standards and Goals, whose report was published in August 1973.

Other recommendations outlined a proposed organization and master workplan to carry out the recommendation and increase the efficiency and accountability of LEAA's organizational units and program managers.

Santarelli acted on the recommendations of the Management Committee. He implemented the reorganization shown in Figure III–4. The two most significant elements of this reorganization were the creation of the Office of Planning and Management (OPM), to develop and monitor the implementation of LEAA's goals, objectives and priorities and the Office of National Priority Programs (ONPP) to design and support major discretionary programs at the national level. Essentially the creation of these two offices was designed to increase LEAA's internal capacity to provide leadership on a national front. The decentralization of authority to the regional offices was continued, with the exception of responsibility for the distribution of discretionary funds which now became a central office function to further national priorities as identified by the administrator

The initial emphasis during the Santarelli administration was placed upon increasing management effectiveness. To this end, a system of management-by-objectives, designed to achieve clarity of policy, direction and responsibility, was implemented by the newly created Office of Planning and Management.

ORGANIZATION OF THE

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

July 1973

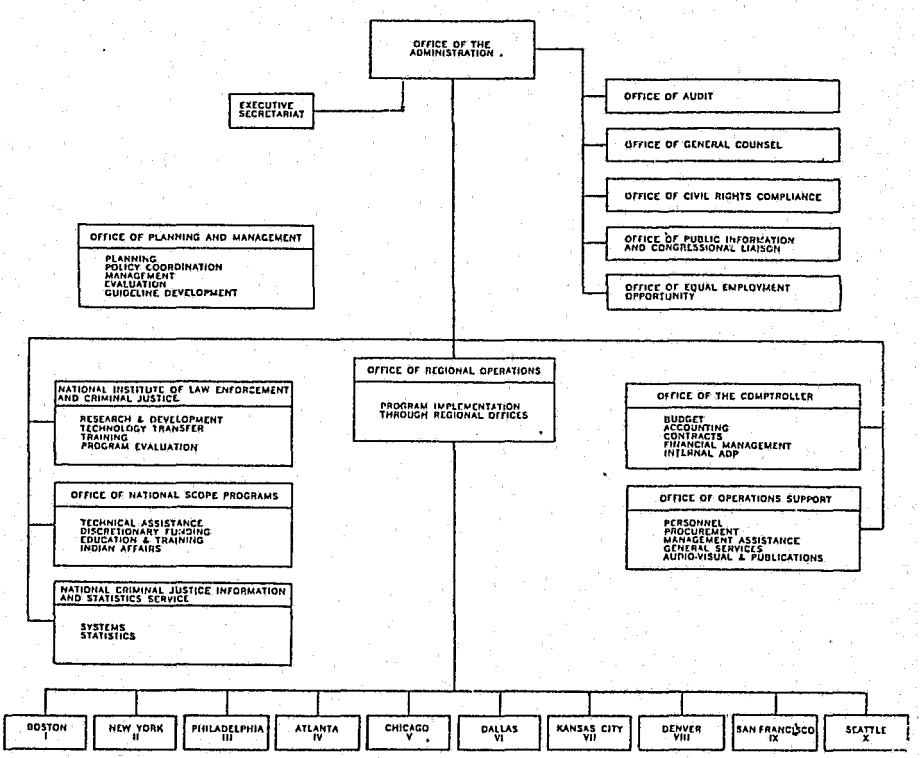

FIGURE III–4

In response to the congressional mandate for an evaluation of LEAA programs, in October 1973 a new Office of Evaluation was established within the National Institute of Law Enforcement and Criminal Justice. In addition, Santarelli appointed an LEAA Evaluation Policy Task Force to recommend appropriate evaluation policies and activities for LEAA. This task force reported in the spring of 1974, and many of its recommendations were initiated soon thereafter. Nevertheless, because of the magnitude and complexity of the problem of evaluation and the limited resources made available for the purpose, evaluation of the effectiveness of criminal justice programs is almost universally agreed to be the area most inadequately addressed by LEAA and the states.

With the control of the 15 percent discretionary funds returned to the central office of LEAA, Santarelli allocated these funds to further four major "initiatives," coordinated by the new Office of National Priority Programs. The four initiatives were:

A citizens initiative, to increase citizen awareness of crime problems and citizen participation in the criminal justice system;

A courts initiative to provide support for a relatively neglected component of the criminal justice system;

A standards and goals initiative, to

(1) promote the discussion of the standards and goals developed by the National Advisory Commission in their report in the late summer of 1973 and;

(2) encourage and support efforts by the states to formulate their own standards and goals;

A juvenile delinquency initiative, to focus resources on the problems of juvenile offenders and ways of handling them both within and outside of the criminal justice system.

Perhaps the most controversial administrative action taken by Santarelli was the rotation of the regional office administrators to different locations. Various reasons have been given for this decision. It has been said that some regional administrators had become too independent from central office policies and too closely aligned with the states they were monitoring, thus compromising their objectivity. Others saw the rotation as a means of rejuvenating practices and procedures by providing new leadership in each regional office. The policy was unsettling and controversial, and the results were unclear. Several administrators left the program, while others assumed their new positions in other regions. Although he is opposed to the rotation policy the present Administrator, Richard Velde, feels that the resulting group of regional administrators is highly professional and quite capable.

Santarelli left office in September 1974. He was perhaps the most visible LEAA administrator, partially because of his highly articulate personal style and his philosophy that LEAA's role should be that of an advocate—first determining the effectiveness and worth of new programs and then influencing the use of block grant funds by the states by public advocacy and persuasion rather than by coercion.

During Santarelli's administration, LEAA continued to experience difficulties internally. Much bitterness was generated by the rotation of regional office administrators. Also, there were allegations that LEAA had relied to heavily upon, and perhaps misused, outside consultants in developing and carrying out Santarelli's initiatives. Thus, according to several LEAA officials, the morale of LEAA personnel was very low when Santarelli left the agency.

Richard W. Velde, LEAA's fifth Administrator, was nominated for this position in the closing days of the Nixon administration and sworn in on Sept. 9, 1974, during the early days of the Ford Administration. Velde represents one of the few threads of continuity in the Safe Streets program, having worked on the original legislation and having served as either Associate Administrator or Deputy Administrator of LEAA since 1969. In these positions he has displayed a strong commitment to the block grant concept while taking particular interest in correctional reform and systems development. Velde's experience and interest in congressional activities served LEAA, as it has often been his responsibility to explain and defend the LEAA program and appropriations requests before Congress.

When Velde assumed the position of Administrator, he announced a list of 16 priority areas that would be the focus of his interests (See Appendix III–1). Reporting to the press every three months on progress in these priority areas, Velde cited the following accomplishments, among others, during his first year:

The establishment of five new task forces to prepare standards and goals for (1) juvenile delinquency, (2) civil disorders and terrorism, (3) research and development, (4) organized crime and (5) private security. This represented a continuation of the earlier standards and goals work initiated by Velde as associate administrator under Leonard in 1971.

The establishment of the Office of Juvenile Justice and Delinquency Prevention and, within it, the National Institute of Juvenile Justice and Delinquency Prevention, with a $25 million appropriation from discretionary funds to implement the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974.

Continued implementation of the LEAA evaluation program.

New programs in the corrections and courts areas.

More rapid processing of state planning grant applications and comprehensive plans using more definitive guidelines, resulting in a faster flow of funds to the states.

With the exception of the new emphasis on juvenile justice, and the expansion of the standards and goals effort, few major initiatives have been started by Velde. Mr. Velde, has cited the importance of consolidating previous experience and stabilizing the agency, as well as stressed the need to insure compliance with the intent of Congress as expressed in the act. This emphasis is reflected in the 1976 guidelines for the development of state planning grant applications and comprehensive plans, which are more specific and numerous than in previous years. As LEAA moves into 1976 and a reconsideration of its mandate, there appears to be an increasing recognition of its accountability to Congress for the implementation of the Safe Streets Act.

CONTINUING ADMINISTRATIVE ISSUES AND PROBLEMS

Throughout LEAA's history, several continuing issues or problems which have had a significant impact upon the way in which the Safe Streets Act has been administered and the results achieved by the program. Chief among thes are three: (1) the numerous changes in leadership, (2) the relationship and interaction between LEAA and the states and (3) the administration of discretionary funds by LEAA. To understand the history of the Safe Streets program it is important to examine the effects of these three factors over time.

Changes in Leadership

LEAA has had five administrators in seven years. Each has had his own, and often very differing, policies, priorities and philosophy concerning the issues confronting LEAA. In the opinion of almost all officials interviewed, th effects of this rapid turnover of top leadership, at the least, have been harmful to the mission.

With each new Administrator (with the exception of the present incumbent), there came an internal reorganization of LEAA that was designed to more effectively reflect the priorities of the new regime. These reorganizations not only took much staff time and effort to plan and implement, but they required a shakedown period during which the staff and all those dealing with LEAA became accustomed to the new organization.

Continually changing priorities brought about by leadership turnover also presented problems, particularly with respect to the use of discretionary funds. The progression from Pilot Cities to Impact Cities to Santarelli's initiatives was neither smooth nor necessarily logical. As one former administrator noted, the rapidly shifting priorities resulted in no program operating long enough or receiving enough resources to demonstrate its worth.

LEAA's relationships with the states also suffered from this turnover, chiefly as the result of the Administrator's differing views of the role of the regional offices with respect to the SPAs. Some stressed "capacity building" and the provision of assistance to the states, while others emphasized strict technical compliance with the statutory provisions.

The turnover in administrators was usually accompanied by changes in high level staff positions. States were particularly upset by regional office turnover, because it required establishing new relationships and understandings between the SPA and the regions. As can be expected in such circumstances, interpretations of guidelines and requirements were not always consistent from one Administrator to the next.

The leadership changes also brought significant delays and periods of tentativeness in formulating policies, as each new administrative team became familiar with their roles and responsibilities. This tentativeness was most apparant when LEAA was without a permanent administrator, periods which totaled over one year out of the agency's seven-year life.

It should be noted, however, that this frequent turnover was by no means peculiar to LEAA. Indeed, the 55 SPAs have experienced as much if not more turnover in the ranks of their executive directors during the past seven years. (As an example, 23 of the 55 SPAs changes directors between October 1974 and October 1975.)

The effects of this turnover on the state and national levels have been unsettling to the program and cannot be overlooked in reviewing the administration of block grants. At best, it appears to have exerted a distinctly inhibiting influence on the program. In the opinion of some observers, it has been the chief factor preventing LEAA from exercising a more dynamic national leadership role.

Relationships With the States

The block grant concept implies the relatively flexible use of Federal funds by state and local governments with few conditions placed on their use. Yet, as discussed earlier, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is a "hybrid" block grant. Perhaps the most significant requirement was the mandate that each state must develop an annual comprehensive plan for review and approval by LEAA prior to its receiving funds. The act described the contents of a comprehensive plan in an extensive, but general fashion. This annual process of comprehensive plan development, review and approval has represented the most important point of contact—and conflict—between LEAA and the states. It also represents the primary means by which LEAA carries out its responsibilities to insure compliance by the states with the intent of Congress as expressed in the act.

The most troublesome aspect of the plan review process has been developing adequate guidelines for the states to use in preparing their planning grant applications and comprehensive plans. From the initial year of LEAA's operation, there have been delays in getting guidelines out to the states in sufficient time to allow an appropriate period for planning. One explanation offered suggests that in some years the guidelines have been late because they had to await the outcome of congressional decisions on program and funding authorizations. An additional reason for delay is the extensive process during which all parties review and revise the guidelines. Although, this must occur prior to the distribution of guidelines in final form, the lead time necessary for this essential, but lengthy talks has consistently been underestimated. One former LEAA administrator thought that the development of guidelines for the states was always a thankless task of lower priority within LEAA and was never given the attention it deserved.

Compounding these delays has been the attempt by LEAA to catch up with the fiscal year cycle by accelerating the deadlines for state submission of their comprehensive plans. This means that a normal 12-month planning cycle has often been compressed into nine months in order to get the funds to the states earlier.

The states' continuing frustrations of having to begin their planning cycle without guidelines from LEAA and then compress their planning into a shorter period of time has been the cause of much rancor between the SPAs and LEAA. But more important in terms of substantive impact on the states has been the number and nature of the guidelines promulgated by LEAA. Almost all of the provisions of the act which impinge upon the states are enforced by LEAA through the guidelines development and plan review process. The requirements concerning the composition of supervisory boards, the award of applications within 90 days, the structure and content of the comprehensive plans, state and local match, the distribution of Part E funds, the funding of high crime areas and so forth, each results in additional guidelines which states must address satisfactorily in their comprehensive plans.

The number of guidelines has greatly increased. From a series of memoranda issued during the first year after extensive consultations with public interest groups, the plan and planning grant portions of the guidelines have grown to 196 pages. Most of this increase stems from two sources: (1) guidelines resulting from amendments to the original act that impose additional conditions on LEAA and state and local recipients and (2) separate acts passed by Congress whose provisions must be enforced by LEAA within the context of the Safe Streets program.

Examples of the latter are:

Intergovernmental Cooperation Act of 1968.—States must establish procedures ensuring that all SPA comprehensive plans and applications for planning grants, subgrants and discretionary grants are submitted to the cognizant A–95 clearinghouse for review and resulting comments considered and incorporated by the SPA.

National Environmental Policy Act of 1969.—SPAs must establish procedures to insure that the requirements of Federal environmental policy are met. Environmental impact statements must accompany all applications that may have a significant effect on the quality of the environment.

Clean Air and Federal Water Pollution Control Act.—SPAs and subgrantees must comply with the provisions of this act.

National Historic Preservation Act of 1966.—Before awarding grants for the construction, renovation, lease or purchase of facilities, SPAs must consult the "National Register of Historic Places" and the state historic preservation officer to determine whether a National Register listing or a site eligible for listing in the National Register is involved in the undertaking. If so, more detailed guidelines must be followed.

Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.—SPAs must establish procedures for identifying projects causing relocation and administering relocation assistance and payments.

Freedom of Information Act.—SPAs must abide by the rules governing the availability of information, the disclosure of material and the conduct of meetings.

Civil Rights Act of 1964 and Equal Employment Opportunity Regulations.—SPAs must designate a civil rights compliance officer, inform and obtain assurances of compliance from subgrantees and contractors concerning their civil right requirements, provide the SPA staff with training and information in civil rights compliance, inform the public of the SPAs nondiscrimination policy and establish appropriate procedures for handling complaints.

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Each of the above results in additional guidelines and requirements which the states must address and LEAA must enforce. The states have become increasingly annoyed by this proliferation of guidelines, because this undermines the flexibility and freedom of action intended by the block grant approach.

LEAA is also concerned about the expanding guidelines. Because of the rather general nature of the requirements in the act, LEAA has been hard-pressed to develop guidelines that are both specific and enforceable. This generality also allows differing interpretations of requirements by LEAA and the states, leading quite naturally to disagreements.

The final step in the annual planning process is the review and approval of the state plans by LEAA. The pattern for this process was established in the first year. Upon receipt of each plan the relevant portions are distributed to the various specialists (police, courts, corrections, etc.) who note any deficiencies. Following the listing of deficiencies, a period of negotiation between the state and the regional office ensues during which time additional documentation is provided and deficiencies are corrected or assurances given that they will be corrected.

During these negotiations, the understood ground rule is that LEAA will require whatever can reasonably be expected of the state in terms of compliance during that year. This is particularly operative in those areas where there can be widely differing interpretations of requirements.

When, as in the first year, there is insufficient time to correct a deficiency prior to the approval of a comprehensive plan, special conditions are attached to the approval of the plan outlining steps that must be taken within a specified time period in order for the state in question to continue receiving block grant funds. Concerns have been voiced about the effectiveness of this technique, because the only way special conditions can be enforced is through the threat of withholding funds. Yet the political consequences of a cut-off of funding following the approval of a plan are so great as to preclude this step. Perhaps it is for this reason that, as mentioned by several SPA officials during the field interviews, the follow-up and enforcement of special conditions by the regional offices has been less than vigorous in past years. Recent indications are that special conditions are now being enforced more firmly by the regional offices.

Over the years, while the annual plan review process has remained essentially the same, there have been changes in emphasis. In 1969, the review by LEAA was hurried and many special conditions were placed upon the state plans. During the decentralized Leonard administration, as the numbers and capabilities of the regional office staff members increased, the emphasis shifted to the provision of assistance to the states for building their capacity to assume as much responsibility as possible. At present, the emphasis within LEAA appears to be on insuring strict technical compliance by the states with the provisions of the act. Some feel that this has resulted in less personal contact with the states and greater attention to documentation and certification of compliance. This emphasis could reflect a clearer recognition of LEAA's accountability to Congress as well as the increase in the number of requirements to be monitored.

It is evident that LEAA has not developed and applied specific standards in assessing the performance of states and awarding block grant funds as some would have desired. Yet it is questionable whether LEAA has a clear mandate to develop and apply such standards given the limited role of the administering agency under a block grant. Further, had LEAA attempted to apply such standards, it is doubtful whether the states would have tolerated such "interference" and "intrusiveness" on the part of LEAA.

The Administration of Discretionary Funds

Just as the Administrators of LEAA have demonstrated differing philosophies in administering the block grant, so also have they had differing views on the purpose and administration of discretionary funds.

During the early years of the Safe Streets program (1969–1970), the use of discretionary funds appears to have been influenced by the OLEA experience from 1965–1968. The emphasis was on using discretionary funds to promote innovative techniques and ideas which would serve as models for the states. It was assumed that such efforts, if successful, would have nationwide influence or application. Another use for discretionary funds during this period was to supplement and complement state block grants in an effort to fill any gaps in the state funding program. For example, several states began to rely heavily on Federal discretionary funds to support programs for Indians, who were felt by the states to be more a Federal than a state responsibility. At this time, discretionary grant awards were made directly from the central office of LEAA and reviewed by each Administrator in the "troika."

Under Jerris Leonard the award of discretionary funds was decentralized to the regional offices and the goal of the discretionary funding changed. Leonard was much less interested in supplementing state block grant programs with a series of small grants than with demonstrating the impact which Federal funds could have when concentrated on a specific problem or geographical area. Thus, during the Leonard administration stress was placed on funding larger grants with the purpose of demonstrating the effectiveness of a particular approach.

The most significant activity supported with discretionary funds during this period was the Impact Cities program, designed to plan, implement, and evaluate the expenditure of up to $160 million in eight major cities over a two-year period. By using the concept of "crime specific planning," this effort was intended to reduce specific crimes by 20 percent in five years.

As mentioned earlier, the goal of discretionary funding changed again under Santarelli. Authority for awarding discretionary grants was again exercised by the LEAA central office and funds were used to support four major initiatives of the Santarelli administration—the citizens initiative, the courts initiative, the juvenile delinquency initiative, and the standards and goals initiative. These initiatives represented areas which the Santarelli administration considered both very important and/or relatively neglected. The Office of National Priority Programs was established to award discretionary funds in these areas.

Under the Velde administration, the emphasis upon supporting major new initiatives has been ended. While retaining control of discretionary funds in the central office of LEAA, Velde has established the following as purposes of national discretionary funding:

To promote research having national or multi-state implications which no individual state could be expected to support;

To fill identified gaps in state block grant funding; and

To accelerate the implementation of state priorities by supplementing state block grant funds.

Thus, although activities in the areas of standards and goals and juvenile delinquency have been expanded, the emphasis in the Velde administration appears to be away from the use of discretionary funds to initiate large national demonstration programs and toward their use to complement state block grant programs.

As mentioned earlier, the frequent shifts in policies and priorities may have greatly limited the potential impact of discretionary funds. These shifts certainly produced confusion and uncertainty among the potential recipients. States and cities have complained in the past that they were not consulted or informed about activities supported by discretionary funds in their jurisdictions, particularly during those periods when discretionary grants were awarded directly from the central office of LEAA. It is difficult to assess the overall impact of discretionary funding. Major programs, such as Pilot Cities, Impact Cities, and Santarelli's initiatives, will perhaps best be evaluated by the recipients of those funds, when deciding whether to assume the program costs following termination of LEAA support. However, in light of the original dispute about whether the Safe Streets program should be a direct categorical grant to local governments or a block grant to states, however, the results of discretionary funding as compared with those of block grant funding become more significant. An attempt at such an analysis is presented in Chapter V of this report.

Summary

The administrative history presented here is intended to be brief and descriptive, highlighting the major events in implementing the Safe Streets Act over the past seven years. It is clear that the program has had a history of controversy. Billed as a new administrative approach, the act was neither legislated nor administered as a pure block grant. Its goals have been overwhelmingly ambitious, to a degree that appears with hindsight to be naive. These goals are yet to be fulfilled.

As Congress reconsiders the act in 1976, the climate is far different from that of 1968. There is much less optimism about the impact which Federal funds can have on rising crime rates. The block grant approach has become accepted by many of its early opponents. LEAA seems ready to assert a more aggressive leadership role, though it remains to be seen whether this role will extend beyond the strict documentation of compliance with the act. But most significantly, the debate over renewal will focus on the evolution of the Safe Streets program and the results achieved. In assessing the achievements and failures, the administrative history cannot be overlooked.

Appendix III–1

LEAA Priorities [1]

Short Term: [1]

Corrections standards and goals refined and implemented.
Standards and goals task forces activated for organized crime, research and development, civil disorders, and juvenile delinquency.
Juvenile justice program revamped and expanded.
Courts funding increased.
Organized crime initiatives revitalized.
National Law Enforcement Telecommunications System upgraded.
Professional criminal justice educator recruited for LEEP.
Management reports issued.
Grants Management Information System improved.
Professionalism and two-way communications reaffirmed in employee relations.
Evaluation made an effective LEAA program component.
Congressional relations strengthened.
Privacy and security regulations promulgated.
Code of conduct written.

Mid Term: [1]

Full-scale implementation of Grants Management Information System in all states.
Prison inmate training and education programs substantially expanded and improved in quality.
Model state court appellate process projects established.
Court reporting streamlined.
Automated legal research expanded.
Court administration improved.
Police executive training programs strengthened.
Career development program implemented.
Code of conduct published and implemented.
Police command and control systems upgraded.
Law enforcement equipment research projects fostered.
Police physical fitness increased.
State organized crime prevention councils established and made more effective.
Standards and goals implemented in all states.
CDS, NALECOM, Interstate Organized Crime Index, and Project SEARCH expanded.
Privacy and security guarantees codified.
Automated correspondence tracking and grants processing systems established.
Management By Objectives program implemented.
Criminal justice equipment standardization program expanded.
Programs to combat civil disorders and terrorism broadly instituted.
International assistance program implemented.
LEAA legislative authority extended.

Long Term: [2]

Federal-state-local partnership completed.
Offender rehabilitation programs fully operational.
Juvenile delinquency causes studied and countered.
Prompt adjudication procedures established in all state and local courts.
Standards and goals in operation in all criminal justice agencies in the country.
Academic assistance program helping all qualified applicants.

Appendix III–2

Interviews Conducted

Melvin Axilbund, Former Assistant to Director, OLEA.
Jerry Emmer, Former Director, Office of Inspection and Review.
Paul Estever, Former Deputy Director, Office of Law Enforcement Programs.

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[1] From Statement by Richard W. Velde, Administrator, The Law Enforcement Assistance Administration, Monday, Sept. 9, 1974, Washington, D.C.
[2] Short term indicates less than six months, mid term means between six months and two years, and long term is more than twwo years. The priorities are not ranked in their order of importance.

Frank Jasmine, Former staff member, OLEA.
Jerry Leonard, Former Administrator, LEAA.
Louis Mayo, Staff Member, NILECJ.
Joseph Nardoze, Director, Office of Regional Operations.
Charles Rogovin, Former Administrator, LEAA.
Donald Santarelli, Former Administrator, LEAA.
Daniel Sholer, Former Director, Office of Law Enforcement Program.
Richard Velde, Administrator, LEAA.
Bill Wayson, Former Budget Officer. LEAA.

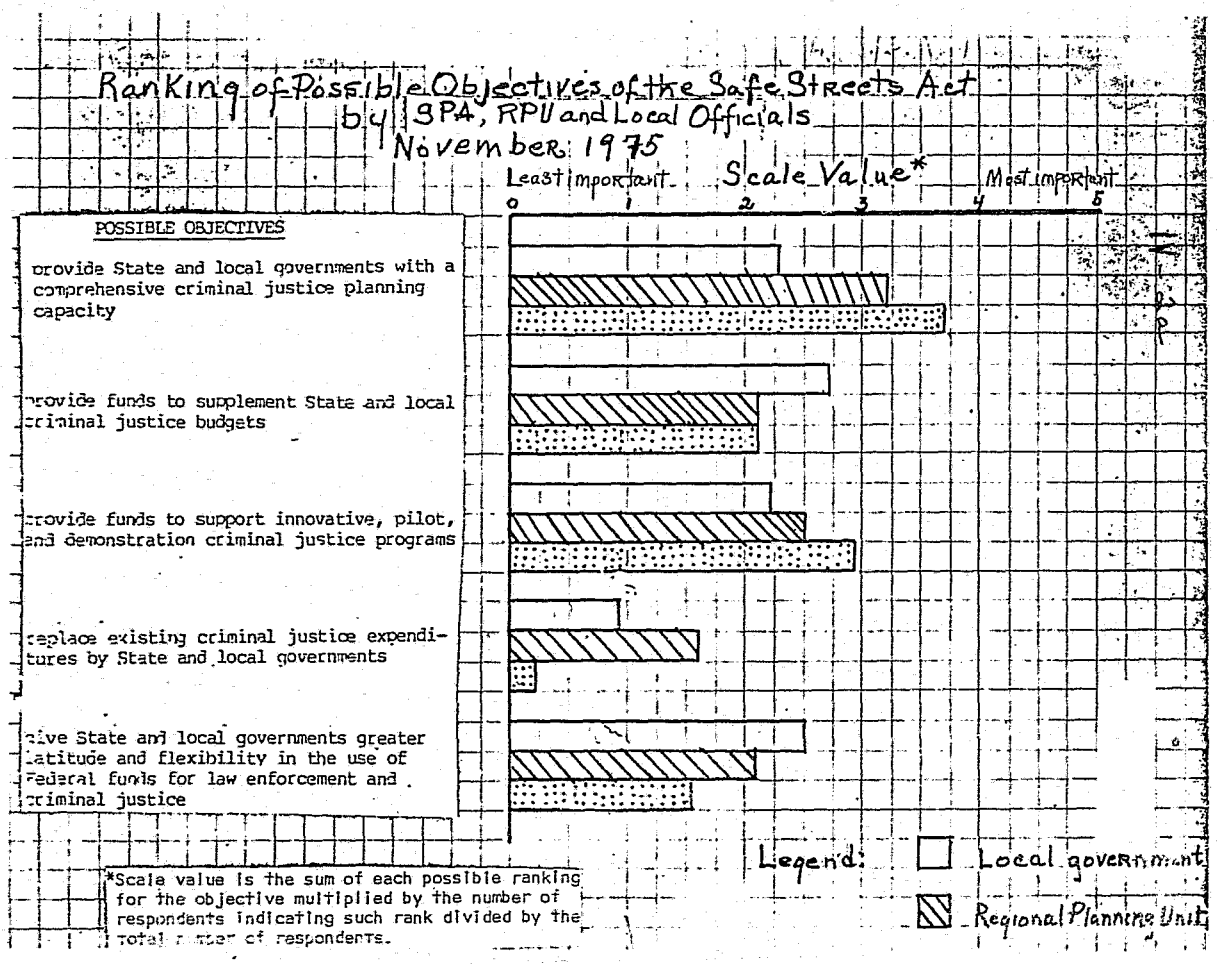
CHAPTER IV: SAFE STREETS PLANNING AND DECISIONMAKING

State governments were assigned a pivotal role in the Safe Streets program. They were expected to serve as planners, coordinators, resource allocators, administrators, decisionmakers and innovators. It was their task to develop the organizational structures and procedures through which the ambitious statutory crime reduction and system improvement goals could be pursued. With little guidance from the Law Enforcement Assistance Administration (LEAA) or previous experience in criminal justice planning, in 1968 each state set about to create the basic framework for implementing the block grant program. This chapter reviews the ways in which states and localities have organized and carried out Safe Streets planning and examines the results of these efforts.

Fundamental to this discussion is an understanding of the various perceptions of what the Safe Streets Act was supposed to do. As mentioned earlier in this report, the program began as an effort to curb growing domestic violence through more effective state and local law enforcement. Over time its purpose and intent have become increasingly clouded and uncertain, as the act has been amended to reflect concerns and criticisms raised by congressional committees, local government spokesmen and representatives of various criminal justice functional interests.

Paralleling these legislative developments have been corresponding shifts in attitudes about the role to be played by LEAA in administering the program. As the first Federal aid program to utilize the block grant instrument from the outset, Safe Streets required LEAA to assume a posture far different than that traditionally exercised by Federal agencies in managing categorical grants. LEAA has had to strike a delicate balance between providing direction to the states and preserving their discretion. Although some have urged LEAA to exert a stronger leadership role in setting national standards, assessing state performance and communicating the results of successful undertakings, others have cautioned against unnecessary Federal intrusiveness and interference in state and local affairs.

FIGURE IV-1


Ranking of Possible Objectives of the Safe Streets Act by SPA, RPU and Local Officials November 1975
Least Important
Scale Value*
Most Important
0
1
2
3
4
5
POSSIBLE OBJECTIVES
Provide State and local governments with a comprehensive criminal justice planning capacity
Provide funds to supplement State and local criminal justice budgets
Provide funds to support innovative, pilot, and demonstration criminal justice programs
Replace existing criminal justice expenditures by State and local governments
Give State and local governments greater latitude and flexibility in the use of Federal funds for law enforcement and criminal justice
Legend:
Local government
Regional Planning Unit
*Scale value is the sum of each possible ranking for the objective multiplied by the number of respondents indicating such rank divided by the total number of respondents.

Data Sheet for Figure IV-1

POSSIBLE OBJECTIVES	Scale value: Local Govt.	Regional Plan. Unit	State Plan. Unit
provide State and local governments with a comprehensive criminal justice planning capacity	2.3	3.2	3.7
provide funds to supplement State and local criminal justice budgets	2.7	2.1	2.1
provide funds to support innovative, pilot, and demonstration criminal justice programs.	2.2	2.5	2.9
replace existing criminal justice expenditures by State and local governments	0.9	1.6	0.2
give State and local governments greater latitude and flexibility in the use of Federal funds for law enforcement and criminal justice	2.5	2.1	1.6

The views of state, regional and local officials concerning the Safe Streets Act reflect much of the confusion at the national level. ACIR's surveys of all three groups asked each to rate several possible objectives of the Safe Streets program in order of their relative importance.* Weighted averages of their responses were computed to yield an index or scale value for each objective, and the results are displayed in Figure IV–1. It is clear that the local perception of objectives differs markedly from that of the state planning agencies (SPAs) and regional planning units (RPUs),* which see the Safe Streets program primarily as a means to establish a criminal justice planning capacity at the state and local level and to carry out innovative programming. Local governments, on the other hand, believe the primary objective of the program to be providing funds to supplement state and local criminal justice budgets. Innovation is of far lesser importance in their judgment.

These disparate views underscore the debate at the national level over the purposes of the block grant. Further, they impact upon the nature of the state and local planning processes emanating from the Safe Streets Act.

STATE PLANNING AGENCY ORGANIZATION

In 1968, the top priority item on state and local agendas for the Safe Streets program was the development of a criminal justice planning capacity. The act required that the governor designate a permanent administrative and decision-making body, composed of a full-time staff and a supervisory or policy-making body, to receive block grants and make subgrants to state and local governments. The state planning agency had to be created within six months following the passage of the act or LEAA would have been authorized to deal directly with units of local government in non-compliant states. According to ACIR's 1970 report, all states had set up a law enforcement planning agency pursuant to the Safe Streets Act by December 1968.[1]

When the Safe Streets Act became law in 1968, little criminal justice planning was being performed and minimal experience with block grants existed at the Federal, state, and local levels. Thirty states had begun organizing their criminal justice planning efforts with assistance from a total of $2.9 million in grants

*Except where otherwise indicated, the data presented in this chapter have been derived from ACIR's surveys of SPA directors, regional planning units, and local governments over 10,000 population. For information concerning the design, distribution, and response rates of these surveys, consult Chapter I of this report and Appendices A–D.

[1] Advisory Commission on Intergovernmental Relations, "Making the Safe Streets Act Work: An Intergovernmental Challenge" (Washington, D.C.: Government Printing Office 1970), p. 28.

awarded by LEAA's predecessor, the Office of Law Enforcement Assistance (OLEA). In most instances, states supported by OLEA had established advisory bodies and had begun to examine their crime problems. Since no funds were made available for implementation of the recommendations of these advisory bodies, the activities which resulted from OLEA's grants were directed toward research in an evaluation of criminal justice practices and toward dissemination of information concerning the latest technology. In several instances, OLEA grants for criminal justice planning were sought and awarded in order to help states prepare for the pending block grant program. Most of the these advisory boards, committees and commissions were designated by their chief executive as the nucleus of the state planning agency once the proposed Safe Streets Act became law.

The Safe Streets Act required that SPAs be "created or designated by the chief executive of the State" and be "subject to his jurisdiction." [2] The intent of the Congress was to guarantee gubernatorial supervision and authority over planning and management of the Safe Streets program in order to avoid duplication of effort and conflict at the state level and between state and local criminal justice agencies. LEAA's guidelines, however, allow a state legislature to prescribe the size, composition or other characteristics of the SPA as long as the governor's authority over the agency is clear. Therefore, an SPA may be created by executive order, legislative enactment or a combination thereof. In recent years the trend toward establishing SPAs under statutory authority has been increasing, as SPAs seek a more permanent status in state government. According to the fiscal year 1976 State planning agency planning grant applications, 35 SPAs have been created by executive order and 20 through legislation (See Appendix IV–1).

The location of the SPA in state government is another decision primarily reserved to the states. LEAA guidelines permit the creation of the SPA "as a new unit of State government or a division or other component of an existing State crime commission or other appropriate unit of State government." [3] Consistent with congressional preferences, most SPAs have been and continue to be directly under the control of the governor. In 1970, 45 SPAs were located within the governor's office.[4] As of May 1975, 49 SPAs were under gubernatorial control, a slight reduction from 1970 due, in part, to several state government reorganizations. In the 15 states in which the SPA is not a part of the governor's office, it has been placed into an executive branch agency—usually a department of public safety, planning or urban affairs.

Functional Responsibilities

Once established the next task for SPAs was role definition. The Congress had stated in the act that SPAs were required to develop a comprehensive plan for the improvement of law enforcement throughout the state; to define, develop and correlate law enforcement improvement programs and projects for the state and local governments; and to establish priorities for improving law enforcement.[5] Taking these and other statutory requirements into account. LEAA formulated a list of functions that SPAs were expected to perform. The list appearing in Table IV–2 was published in the 1975 guideline manual; most of these functions have been mandated by LEAA since 1969. Basically, they can be clustered into two groups; those which contribute to the decision-making role of the SPA, such as planning and the establishment of improvement priorities; and those which are essential to the efficient administration of the program, such as financial management, monitoring evaluation and technical assistance. A more complete discussion of the decision-making and administrative functions is contained in the second section of this chapter. In some states the governor or the legislature has prescribed additional responsibilities to be performed by the SPAs as agencies of state government.

TABLE IV–1. *State Planning Agency Functions**

a. Preparation, development and revision of comprehensive plans based on an analysis of law enforcement and criminal justice problems within the State;

b. Definition, development and correlation of action programs under such plans;

[2] U.S., Department of Justice, Law Enforcement Assistance Administration, "Guideline Manual: State Planning Agency Grants," M4100.1D, March 21, 1975, p. 10.

[3] *Ibid.*, p. 5.

[4] ACIR, "Making the Safe Streets Act Work," p. 23.

[5] "Omnibus Crime Control and Safe Streets Act of 1968," 82 Stat. 197, sec. 203(b) (1968).

*Source: Law Enforcement Assistance Administration, Guideline Manual: State Planning Agency Grants, M4100 1D, Mar. 21, 1975, pp. 4–5.

c. Establishment of priorities for law enforcement and criminal justice improvement in the State;

d. Providing information to prospective aid recipients on procedures for grant application;

e. Encouraging grant proposals from local units of government for law enforcement and criminal justice planning and improvement efforts;

f. Encouraging project proposals from State law enforcement and criminal justice agencies;

g. Taking action within 90 days after official receipts of local applications for aid and awarding of funds to local units of government;

h. Monitoring progress and expenditures under grants to State law enforcement and criminal justice agencies local units of government, and other recipients of LEAA grant funds;

i. Encouraging regional, interstate metropolitan regional, local and metropolitan area planning efforts, action projects and cooperative arrangements;

j. Coordination of the State's law enforcement, criminal and juvenile justice plan, with other federally supported programs relating to or having an impact on law enforcement and criminal justice.

k. Oversight and evaluation of the total State effort in plan implementation and law enforcement and criminal justice improvements;

l. Provide technical assistance for programs and projects contemplated by the State plan and by units of general local government;

m. Collecting statistics and other data relevant to law enforcement and criminal justice in the State and for state criminal justice planning management, and evaluation purposes, as required by the Administration.

Despite the fact that LEAA required the SPAs to perform all of the functions listed in Table IV–1, the emphasis during the early years of the program was on developing an annual comprehensive plan and awarding subgrants. As indicated in Chapter III, the start-up delays generated pressure for getting monies into the field. At the national level, this was translated into rapid approval of the states' first annual plans, and the concern for speed rather than substance was not lost on the SPAs. Since that time, the priority accorded to particular SPA functions by LEAA and the states has varied in response to several factors. The most recent functional emphasis has been on evaluation.

Overall, the SPA directors believe that there has been an increase in the capacities of the SPAs to perform most of their functions. Table IV–2 shows the degree of change in SPA capabilities over the past six years as perceived by the directors participating in ACIR's survey. As can be seen from the table, over half of the 52 respondents believed that SPA capabilities had greatly increased in planning, establishing funding priorities, monitoring, evaluation, grant review and auditing. Of particular note is that all of the directors thought that SPA capabilities in performing each of the listed functions had either increased or stayed the same. Improvements in SPA functional capabilities can be attributed in part to increased knowledge about criminal justice planning and the block grant mechanism, more technical assistance from LEAA, a general upgrading in management accompanying the maturation of the program and greater Federal resources to support SPA functions.

Part B Funding

Under Part B of the act, Congress provides funds specifically to support the SPA planning and administrative activities. In 1969, the states received a minimum base of $100,000 which accounted for $5.5 million of the $19 million Part B appropriation. The remainder of the Part B appropriation was allocated on a population basis so that the range in 1969 was from $1,387,900 for California to $101,890 for American Samoa. With the amendments to the act in 1971, the Part B base award was increased to $200,000. Five years later, the planning allocations were estimated to total $60 million—an increase of over 200-percent since 1969—and range from $4,954,000 for California to $207,000 for American Samoa. FY 1976 Part B funds are approximately 15 percent of the Part C block grant appropriations.

The act does not allow more than 60 percent of the Part B award to be retained at the state level. The states must match the Federal Part B dollars retained for SPA operations on a 90 percent Federal/10 percent state basis. Twenty-six states intend to provide resources in excess of the minimum amount required by law; in 12 of these, state matching funds account for more than 20 percent of the total Part B allocation (see Appendix Table IV–2).

TABLE IV-2.—VIEWS OF SPA DIRECTORS REGARDING DEGREE OF CHANGE IN SPA CAPABILITIES, OCTOBER 1975

	Greatly increased		Moderately increased		Slightly increased		No change		Decreased		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Planning	39	75.0	12	23.1	0	----------	1	1.9	0	----------	5.2	100.0
Establishing funding priorities	31	59.6	18	34.6	2	3.8	1	1.9	0	----------	5.2	99.9
Implementing funding priorities	24	46.2	21	40.4	6	11.5	1	1.9	0	----------	5.2	100.0
Monitoring	30	59.7	14	26.9	6	11.5	2	3.8	0	----------	5.2	99.9
Evaluation	26	50.0	14	26.9	10	19.2	2	3.8	0	----------	5.2	99.9
Grant review	33	63.5	14	26.9	4	7.7	1	1.9	0	----------	5.2	100.0
Research	9	17.3	15	28.8	19	36.5	9	17.3	0	----------	5.2	99.9
Technical assistance	17	32.7	23	44.2	8	15.4	4	7.7	0	----------	5.2	100.0
Auditing	33	64.7	13	25.5	2	3.9	3	5.9	0	----------	5.1	100.0
Other	3	50.0	2	33.3	1	16.7	0	----------	0	----------	6.0	100.0

Despite the tremendous growth in Part B appropriations 71 percent of 49 SPAs indicated that such funds were still inadequate to carry out their planning responsibilities. As a result over half of these agencies noted, the SPA's ability to perform evaluation, monitoring and planning had been greatly hampered. The pinpointing of these three functions is particularly interesting since the respondents felt that SPA capabilities to perform them had greatly increased over the years. This reaction is probably due to growth in LEAA procedural requirements which some SPAs believe consume too much of the time and resources that could have been better applied elsewhere. Table IV–3 groups SPA views with respect to the adequacy of available resources for planning by State populations. Ninety percent of the small states reported that Part B funds had been inadequate for planning while only 64 percent of the large state and 56 percent of the medium sized states agreed.

Supervisory Board and Staff

As previously mentioned, the state planning agency for Safe Streets purposes is composed of a supervisory or policy making body and a full time staff. The supervisory body is primarily concerned with the decision making functions of the SPA and the staff handles administrative matters. At times, this delineation of responsibility has become blurred. Since Part B appropriations support the SPA staff as well as regional and local planning activities, the alloaction of these funds within a state could be viewed as an administrative function to be performed within the executive budget framework of state government. In 34 SPAs, however, the supervisory body reviews and approves Part B allocations to the SPA, regional planning units and local units of government.

TABLE IV-3.—VIEWS OF SPA DIRECTORS REGARDING ADEQUACY OF PART B FUNDS FOR SPA PLANNING, OCTOBER 1975

	Adequate		Inadequate		
	Number	Percent	Number	Percent	Total
Population size of States and the District of Columbia (millions):					
5 or more	4	36.0	7	63.6	11
2 to 5	8	44.4	10	55.6	18
Less than 2	2	10.0	18	90.0	20
Total	14	28.6	35	71.4	49

The degree to which the primary decision making responsibilities are handled by the supervisory body or the staff is also unclear in some instances. The major decisions made by the SPAs concern the contents of the annual plan and the grant applications to be funded. Critics of the program contend that while Congress intended the supervisory bodies to make these important decisions, such authority is often exercised by the staff. As the program has matured, the role definitions of supervisory board and staff have been clarified in each state, although changes in gubernatorial direction have resulted in periodic redefinitions of their relationship.

ACIR's survey of SPA directors probed the role of the supervisory body in planning and funding decisions. Table IV–4 shows that 21 respondents indicated that their supervisory bodies took an active and influential role in reviewing and approving specific activities included in the annual plan. At the same time, 22 stated that the supervisory body basically accepted staff recommendations with review. No SPA director reported that staff recommendations were accepted without review.

The role of the supervisory body in approving specific applications for funding is more clear-cut. Table IV–5 reveals that in 20 SPAs the supervisory body approves or disapproves all applications after discussing each one. At the other extreme, in five states all approvalrand disapproval authority has been delegated to the staff. In nine states, the supervisory board only considers applications above a specified amount, ranging from $1,000 to $50,000. Normally, the executive director is authorized to approve or disapprove applications below this figure, although he may be required to report on these actions to the supervisory board. In general, it appears that supervisory bodies are more involved in funding than in planning decisions.

TABLE IV-4.—VIEWS OF SPA DIRECTORS REGARDING DEGREE TO WHICH THE SUPERVISORY BODY TAKES AN ACTIVE AND INFLUENTIAL ROLE IN REVIEWING AND APPROVING ACTIVITIES IN THE ANNUAL PLAN, OCTOBER 1975

	Number[1]	Percent of 52 States responding
Sets broad policies and priorities only	7	13.5
Review and approval of general activities	15	28.8
Review and approval of specific activities	21	40.4
Accepts staff recommendations with review	22	42.3
Accepts staff recommendations without review	0	
Other	2	3.8

[1] Some States checked multiple responses.

TABLE IV-5.—VIEWS OF SPA DIRECTORS REGARDING DEGREE TO WHICH SUPERVISORY BODY TAKES AN ACTIVE AND INFLUENTIAL ROLE IN REVIEWING AND APPROVING SPECIFIC APPLICATIONS FOR FUNDING, OCTOBER 1975

	Number[1]	Percent of 47 States responding
All approval and disapproval authority delegated to SPA staff	5	10.6
Supervisory Board approves and disapproves applications above specified amount[2]	9	19.2
Supervisory Board approves and disapproves all applications normally without individual discussion except for a problem or controversial case	9	19.2
Supervisory Board approves and disapproves all applications, normally after discussing each of them	20	42.6
Other	5	10.6

[1] Some States checked multiple responses.
[2] The minimum amounts are $50,000, 1 State; $25,000, 1 State; $5,000, 2 States; $2,500, 1 State; $2,000, 2 States; $1,000, 2 States.

In some states an effort is underway to devote more board time to policy making and comprehensive planning instead of requests for support.

Because the SPA supervisory boards are basically responsible for "reviewing, approving and maintaining general oversight of the State plan and its implementation," [6] the composition of these bodies is of great interest. The Safe Streets Act stipulates that the SPA supervisory board be representative of law enforcement and criminal justice agencies, units of general local government and public agencies "maintaining programs to reduce or control crime." LEAA's planning guidelines specify eight types of interests which must be represented on these boards in order to meet the statutory mandate: (1) state law enforcement and criminal justice agencies; (2) elected policy-making or executive officials of units of general local government; (3) law enforcement officials or administrators from local units of government; (4) each major law enforcement function including police, courts, corrections and juvenile justice; (5) public agencies maintaining crime prevention and control programs; (6) a range of jurisdictions that provides reasonable geographical and urban-rural balance as well as high crime area representation; (7) spokesman for the concerns of state law enforcement agencies and local governments and their law enforcement agencies and (8) citizen and community interests.[7] Determination of whether each SPA complys with the "balanced representation" requirement is an LEAA responsibility.

According to the FY 1976 planning grant applications, the number of members on SPA supervisory boards varies widely—from eight in Guam to 75 in Michigan, with a national average of 26. In most states, all members are directly appointed by the governor, although his or her flexibility in making such appointments is limited by LEAA's representation requirements and in some states by statutory membership specifications. The legislature makes some appointments to the SPA boards in California and the Virgin Islands.

Information obtained from the FY 1976 planning grant applications (Appendix Tables IV-3.1, IV-3.2, IV-3.3) reveals reasonable balance on supervisory boards in terms of governmental level, but with respect to functional representation, a weighting in favor of courts and police appears. Forty percent of the SPA board members represent local governments, while 37 percent represent state govern-

[6] U.S., Department of Justice, LEAA, "Guideline Manual: State Planning Agency Grants," p. 7.
[7] *Ibid.*, p. 8.

ment. A trend in board composition, noted since ACIR's 1970 survey, is increasing representation of the general public; between 1970 and 1975 their membership increased from 17 to 24 percent of the total. (See Appendix Table IV–3.1.) Another trend is the continuing heavy representation of criminal justice functional interests. In 1970, 59 percent of the members were criminal justice officials, compared with 57 percent in 1975. (Appendix Table IV–3.2). The relative amount of representation of various criminal justice functions (police, courts, corrections and juvenile justice) has remained fairly constant since 1970, with the exception that law enforcement spokesmen are no longer the largest group of functional officials. Court, prosecution and defense representatives make up 21 percent of the membership, compared with 20 percent for police. The proportion of city and county representatives on SPA supervisory boards accounted for by chief executives or legislators is relatively small—24 percent—while criminal justice officials comprise 68 percent of the local membership. (Appendix Table IV–3.3). The impressions given by the above data were confirmed by the SPA directors, approximately 60 percent of whom indicated that no agency, jurisdiction or group was either overrepresented or underrepresented on the supervisory board.

The processes and procedures under which the SPA supervisory bodies operate vary considerably from state to state depending upon their functions. In many instances, the supervisory boards operate under a strong committee structure with the major decisions being made at the committee level. When such a structure is used the committees are usually established along functional or isue lines (e.g., law enforcement or victimless crimes). Some supervisory boards employ an executive committee, which can either make decisions for the full board when it is not in session or make general policy decisions at all times. The degree of formality in operation also varies; many boards utilize *Roberts Rules of Procedure* during their meetings. Thirty-seven SPA directors indicated that their boards operate under approved bylaws. The role of the chairman also varies depending on the functions of the board and its structure. In some states, the chairman is only a figurehead who conducts board meetings while in others this person actively influences all board policies and procedures. In most states, the governor appoints the chairman, although in six (Wisconsin, Delaware, New Mexico, North Carolina, Idaho and Texas) the governor serves as chairman himself.

LEAA requires that a full-time administrator be appointed to carry out the various state responsibilities associated with the Safe Streets Act. In almost every state, the SPA director is named by the governor, sometimes with the consent of the legislature. In Kentucky, Missouri and South Dakota the head of the umbrella agency in which the SPA is housed has the authority to appoint the director, while in Maine and Montana the supervisory board has the appointing authority.

The composition and functions of the SPA staff are determined by the state. LEAA requires that SPAs maintain a staff of adequate size (no fewer than five full time professionals) and competencies "to determine annual planning priorities and to manage the development, implementation, monitoring and evaluation of the state's annual criminal justice improvements plan." [8] In order to prevent political abuse, LEAA also requires that the SPA staff be included in the state's merit system, with the exception of the director and certain other top level staff members. According to the FY 1976 planning grant applications, the SPAs currently employ over 2,000 people. As shown in Appendix IV–4, the number of SPA professional staff ranges widely from state to state. Overall, the average SPA professional staff size is 26, which represents nearly a 200 percent increase since 1969 when the national average was nine. Full time professionals account for an average of 68 percent of the staff while full time clerical personnel comprise 29 percent.

SPA staffs are usually organized along functional lines, with a section or division normally established for grant management functions and one for planning activities. The former typically consist of grant administrators and financial managers while the latter are usually staffed with criminal justice functional specialists. units are sometimes set up, independently from the planning or grant management sections, to handle auditing, evaluation, standards and goals, and public information. Several general trends in staffing have occurred in concert with changing emphasis by LEAA and SPAs. A comparison of the personnel information from the FY 1976 planning grant applications (which do not have a uniform classification system) with the results of ACIR's 1970 survey suggests that since 1969 the number of auditors and evaluators has substantially grown as SPAs have created small but full time monitoring, evaluation and auditing units. The number of

[8] *Ibid.*, p. 10.

functional planners and fiscal and grant administrators has steadily increased during the past seven years.

At the inception of the Safe Streets program, the greatest personnel problem facing the SPAs was finding and attracting competent staff members. According to ACIR's 1970 report, "In view of the relative infancy of criminal justice planning and administration as a profession and the desire of many State Planning Agencies to hire personnel with either a multifaceted law enforcement or criminal justice background or experience in public administration, budgeting and law rather than public safety, it was not surprising that qualified SPA personnel were difficult to find." [9] In 1975, it appears that this problem is not as pressing. Then SPAs have achieved more than 94 percent of thier total authorized staffing levels and more than half of the SPAs have a full staff compliment. The visibility of the program, the increasing number of institutions of higher education offering degrees in criminal justice planning and administration, and the efforts by both LEAA and the States to develop trained personnel have contributed to the meeting of SPA staffing needs.

The other major personnel problem facing the SPAs in 1970 concerned the high rate of turnover in the position of SPA director. Unfortunately, this problem has persisted. According to ACIR survey data, only six states still have their original director. Twenty SPAs have had two directors; at the other extreme, Florida has had 15 directors. Overall, the states have averaged three SPA directors each since 1969, with an average tenure of two years. From October 1974 through October 1975, 23 new SPA directors were appointed. This high rate of turnover can be attributed in most instances to normal occupational mobility and changes in state administrations. The instability generated by frequent changes in top leadership has created management and continuity problems as reflected in rapid policy shifts, high professional staff turnovers and grantee confusion. At th · ame time, most SPAs are better equipped to deal with this high rate of turnover today than in 1970 because of the establishment of formal procedures and processes for planning, policy-making, funding and administration.

Role in State Government

The debate in Congress in 1967–1968 over which level of government should implement the Safe Streets Act was resolved in favor of the states, since it was believed that these units were best equipped to integrate and coordinate a fragmented criminal justice system. As an agency of state government, an SPA does not administer the program in a vacuum. The executive, legislative and judicial branches of state government all interact with the SPAs. However, the extent to which this interaction occurs varies considerably among the states.

The governor occupies a pivotal position in Safe Streets administration. Congress called for gubernatorial designation of SPAs in order to avoid duplication of effort within a state and to maximize coordination between levels of government, criminal justice functions and other government programs. In addition, governors appoint members of the supervisory board (and in six states chair this body), conduct budget reviews and, in some states, delineate regional planning units. On a day-to-day basis, however, most governors are not actively involved with their SPAs. Forty SPA directors surveyed, for example, indicated that the supervisory board's relationship with the governor could be characterized as independent or one of occasional communication and consultation. The handful of states reporting that their governor had been active in the program described this involvement as one of mainly settling disputes over local funding decisions or making recommendations concerning particular projects or programs seeking Safe Streets support.

Several factors are responsible for this low level of gubernatorial participation. In some states, the governor has delegated direct oversight of the program to a cabinet level aide or department head. Although the governor is not directly involved in these instances, the delegation of responsibility to a high administration official usually provides the type of policy direction and coordination envisioned by Congress. In other states, the stature of the supervisory members facilitates the SPAs policy-making role vis-a-vis other state agencies and gubernatorial intervention is not required. It is no surprise that in many states the governor's attention is limited by the myriad of Federal programs requiring his attention, the small amount of funds provided under the Safe Streets Act, and the heavy demands placed upon the time of a state chief executive.

[9] ACIR, "Making the Safe Streets Act Work," p. 23.

While the governor's direct participation in SPA affairs may be slight, he may rely on the SPA, both staff and board, to advise him and other state agencies on criminal justice matters. Forty-two SPAs indicated that they often or sometimes performed special analyses and studies at the request of the supervisory board, the governor or the heads of state agencies. At the same time, the SPAs have been largely unable to change their image as Federal planners and grant dispensers in connection with the operations of other state agencies. Thirty-three directors stated that their SPA had not become involved in planning and budgeting for the activities of state criminal justice agencies other than those supported by Safe Streets funds. Fourteen SPAs, however, reported reviewing and commenting on the budgets of these agencies. It was judged that SPAs exercised the most influence with respect to other state agencies when evaluation and auditing their projects and when seeking state appropriations for matching purposes. While some exceptions do exist, most SPAs are influential only when Safe Streets funds are involved and do not relate closely to other executive branch agencies except as a funding conduits or information resources.

In recent years, the state legislatures have become more aware of and involved in the Safe Streets program primarily for fiscal reasons. In the 1971 amendments to the act, Congress required that beginning with FY 1973, the matching contributions made by state and local governments had to be funds appropriated for this purpose rather than in-kind contributions. This change resulted in direct legislative oversight of SPAs—a new phenomenon in several states. The growing appreciation of the need to assume the costs of Safe Streets initated programs also has increased legislative interest in SPA activities.

As the state legislatures have become more aware of the SPAs and the Safe Streets program in general, and as the SPAs' capacity to contribute to policy decisions has improved, these agencies have become more involved in substantive criminal justice issues. Forty-six SPA directors indicated that their SPAs had advised the state legislature on pending criminal justice bills. Forty-one of these officials noted that their SPAs had drafted or proposed criminal justice legislation. Proposed legislation was generally in the area of criminal code revision, court unification, corrections, police standards and training, indigent defense and juvenile justice reform. According to the SPA directors surveyed, most of the legislation proposed by the SPAs has been enacted. SPAs appear to have had particular success in the area of police standards and training, community corrections and court reform. Legislative involvement appears to be an increasingly common aspect of the SPAs' function as change agents.

The SPAs' relationship with the judicial branch of state government is not as clear as that with the executive or legislative branches. The Congress did not prescribe a role for the judiciary in the Safe Streets program, although it is a major component of the criminal justice system. The state courts are normally represented on the SPA supervisory board and receive subgrants from the SPA. But how the relationship of the SPA and the state courts affects the state's criminal judiciary is dependent in part upon certain structural factors as well as the attitudes of the state judiciary toward participation in an executive branch program. In states with a highly unfied court system, for example, the state judiciary, usually through the judicial conference or the office of the court administrator, is actively involved in setting priorities for the state's criminal bench represents the court in other criminal justice policy decisions and promotes the use of Safe Streets funds to improve the criminal courts. In states where the court system is not unified, state courts—usually appellate bodies, without superintendence of lower courts—are generally less active in the program.

The separation of powers doctrine, which is based upon a system of checks and balances, is often cited by judges as the major reason for limited court involvement in the Safe Streets program. Even though the courts are considered a component of the criminal justice system along with executive branch agencies, state constitutions make them a separate but equal branch of government. Many judges think that this doctrine prevents them from participating in executive branch policy-making functions, such as those performed by the SPAs. At the same time, they think that the SPA as an executive branch agency has no right to determine policy that deals with the operation of the judiciary.

Politics has also deterred judicial involvement. It is believed that the need to compete with the police, corrections, juvenile delinquency and other interests seeking Safe Streets support compromises the independence and integrity of the

judiciary. As the recent report by the Special Study Team on LEAA Support of the State Courts observed:

> Because criminal justice system needs far exceeded the size of the LEAA block grant awarded to each State, a built-in competition for funds developed. Applications were to be made to an interdisciplinary policy board of the SPA on which sat representatives of various agencies which sought special consideration for their discipline. The courts were nominally represented but found it demeaning to apply for court funds to an agency that was not always objective or professional and which, in some instances, viewed the availability of Federal funds as an opportunity to strengthen relationships for the governor.[10]

The problems of balancing the need for judicial participation in the Safe Streets program with the constraints imposed by the separation of powers doctrine are difficult to resolve. One approach taken in a number of states has been the creation of a judicial planning capacity at the state level. In California, for example, a criminal justice planning council was established in the judicial conference by the state legislature and is statutorily required to set judicial priorities and review judicial projects and programs requesting Safe Streets support. The vast majority of the programs developed and recommended by the council over the years have been funded by the SPA.

REGIONAL PLANNING UNITS

The 1968 Safe Streets Act required that local governments participate in the comprehensive planning activities of the states. Further, the law recognized the need for an effective planning capability at the substate level by requiring that a minimum percentage of planning funds be made available by the states to local governments or combinations thereof.

In its FY 1970 guidelines, LEAA encouraged local participation in Safe Streets planning on a regional, metropolitan or other "combined interest" basis. Further, the agency suggested that criminal justice planning responsibilities be assigned to existing multijurisdictional organizations. In lieu of this, SPAs were to create regional planning units (RPUs) to assist in the development of the annual comprehensive plan. Current guidelines define an RPU as ". . . any body so designated, which incorporates two or more units of general local government to administer planning funds and undertake law enforcement and criminal justice planning activities under the Act for a number of geographically proximate counties and/or municipalities." [11]

By 1970 almost every SPA had established a network of criminal justice planning regions. Forty-five states had a total of 452 RPUs. In 30 of these states, criminal justice planning had been added to the functions of existing multijurisdictional bodies.[12]

In the last five years there has been little change in the total number of regions. According to the FY 1976 state planning grant applications, there are now 445 regions in 43 states. Twelve states (and territories) do not have regions. (See Appendix Table IV–5.) While the total has not changed substantially, 15 states have increased the number of their regions, while in 16 this figure has been reduced. Changes in the geographic boundaries of several RPUs have been made, usually to accommodate common interests of contingent areas, resolve conflicts between urban and rural cities and counties, achieve population or geographical balance, or improve coordination by housing related planning activities under one roof. In at least one state (Ohio), the change in the regional structure was drastic. In order to more effectively concentrate planning and action funds in high-crime urban areas, in 1971 the state stopped using its 15 substate councils of government and created six RPUs, each consisting of one central city and its surrounding county.

According to ACIR's 1975 survey results, 48 percent of the 340 RPUs replying were set up by executive order, with the remainder established under state law. Fifty-seven percent of the regions were created specifically for criminal justice planning purposes, although several have subsequently assumed additional planning responsibilities in related fields.

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[10] John F. X. Irving, Henry V. Pennington and Peter Haynes, "Report of the Special Study Team on LEAA Support of the State Courts," Criminal Courts Technical Assistance Project, The American University (Washington, D.C., 1975), p. 22.

[11] U.S., Department of Justice, LEAA, "Guideline Manual: State Planning Agency Grants," p. 29.

[12] ACIR, "Making the Safe Streets Act Work," p. 33.

The data also indicate that for the most part local governments have participated in establishing or reconstituting the regional planning units, as LEAA guidelines have stressed that RPUs must ". . . enjoy a base of local unit acceptability and representation." [13] More than 90 percent of the regional planning officials and 85 percent of the SPA directors replying said that city and county governments had been involved in this process primarily through adopting interlocal agreements and appointing supervisory board members.

Regional planning units perform a wide range of functions related to the Safe Streets program. Forty-two of the 43 states having regions participating in ACIR's 1970 survey reported that RPUs planned for their member jurisdictions and in 37 they coordinated local planning efforts. In 32 states the RPUs reviewed local applications for action grants prior to their submission to the SPA, and 22 did so on referral. Sixteen SPAs indicated that RPUs expended action funds as the ultimate grantee, but in only four did regional units make action grants to localities. In 11 states RPUs made planning subgrants to localities. Thus, even as early as 1970, RPUs had already established themselves as major agents in the Safe Streets program.

As Table IV–6 illustrates, the functions performed by RPUs have not changed greatly over the past five years in the view of the 1975 regional and SPA survey participants. Almost all perform or coordinate planning activities, and review grant applications. There has been a slight increase in the number of states in which regions award grants to units of local government and a substantial decrease in those that expend action funds as the ultimate grantee and award planning subgrants.

Supervisory Boards

Regional planning units are required by LEAA to ". . . operate under the supervision and general oversight of a supervisory board." [14] The provisions governing the composition of these boards have evolved from providing only law enforcement representation to including local government, criminal justice agencies and general public representation.

According to the questionnaire data, the average number of members on an RPU board is 27, with an average tenure of four years. In most RPUs (52 percent), board members are named by the local governments comprising the region. In only a few regions (10 percent) are the members chosen by the governor, while about two-fifths of the RPUs cited other methods of selection.

TABLE IV-6.—FUNCTIONS PERFORMED BY REGIONAL PLANNING UNITS, OCTOBER 1975

	SPA response				RPU response	
	1970 [1]		1975			
	Number	Percent	Number	Percent	Number	Percent
Perform criminal justice planning for their area of jurisdiction	42	98	39	93	327	94
Coordinate local criminal justice planning effort	37	86	40	95	296	85
Make planning subgrants to local governments	11	26	6	15	100	29
Review local applications before submission to the SPA	32	75	39	93	326	93
Review local applications after referral by the SPA	22	51	10	25	132	38
Make action subgrants to units of local government	4	9	6	15	97	28
Expend action funds as ultimate grantee	16	37	13	32	110	32

[1] Advisory Commission on Intergovernmental Relations, "Making the Safe Streets Act Work: An Intergovernmental Challenge" (Washington, D.C.: U.S. Government Printing Office, September 1970), p. 35.

Attendance at board meetings is fairly high, with 69 percent of the members usually present. Although 85 percent of the RPUs allow members to designate alternates and in half these regions the alternates have full voting privileges, less than one-third said that local elected officials often sent criminal justice agency officials in their place.

About half of the RPUs have advisory councils or subcommittees that address specific problems in particular functional areas, such as police, courts and corrections. Advisory councils often exist where the RPU is a council of governments

[13] U.S., Department of Justice, Law Enforcement Assistance Administration, "Guide for Comprehensive Law Enforcement Planning and Action Grants, Fiscal Year 1970," p. 29.
[14] U.S., Department of Justice, LEAA, "Guideline Manual: State Planning Agency Grants," p. 20.

(COG). In this instance, the advisory council makes recommendations on criminal justice matters to the governing body of the COG. In determining representational balance LEAA considers the membership of both the advisory council (predominantly criminal justice officials) and the COG governing body (predominantly local elected officials).

In view of the regional respondents, the police have a greater (27.2 percent) number of spokesmen on the RPU supervisory boards than any other criminal justice functional component, a finding consistent with predominantly local responsibility. Although most regional and local officials surveyed contended that no group (including the police) was over-represented, more of the local officials responding thought the police exercised greater influence in board decisions than any other jurisdictional or functional representative.

For the most part, RPU officials reported that corrections, courts, and prosecution and defense interests were the least adequately reflected on the regional boards. On the other hand, local officials indicated that public members were both the least represented and least influential.

In response to criticism from city and county public interest groups, the Safe Streets Act was amended in 1973 to require that RPU boards consist of a majority of local elected officials. However, in implementing this provision LEAA defined "local elected officials" as including not only executive and legislative officials of general purpose local government, but also elected sheriffs, district attorneys, and judges.

TABLE IV-7.—EFFECTS OF 1973 AMENDMENT REQUIRING A MAJORITY OF LOCAL ELECTED OFFICIALS ON RPU BOARDS,[1] OCTOBER 1975

	RPU		Local	
	Number	Percent	Number	Percent
Increased influence of chief executive and legislative officials in RPU decisionmaking	128	37	345	31
Reduced influence of criminal justice functional representatives in RPU decisionmaking	62	18	239	22
More realistic programing in terms of local budget considerations	125	36	424	38
No effect	121	35	327	30
Other	70	20	118	11

[1] Multiple responses were received from some jurisdictions.

In the views of regional and local survey respondents, the effects of this amendment have been mixed. (See Table IV–7.) About one-third of both the RPU and local officials thought there had been no effect as a result of the requirement at all.

Fifteen SPA directors also indicated that this amendment has produced no appreciable impact. The directors who cited positive results mentioned the following: local elected officials have become more aware of criminal justice problems and needs, the SPA's sensitivity to local problems has increased, and the local base of the program has been broadened. On the negative side: local politicalization of the criminal justice planning process had occurred, the tendency toward "pork-barreling" had accelerated, and getting local elected officials to serve on RPU boards had become more difficult.

Generally, RPU boards play an active role in Safe Streets planning and funding decisions, with only limited authority delegated to staff. As Tables IV–8 and IV–9 show, 35 percent of the boards review and approve specific activities in the annual regional plan. On the other hand, 65 percent approved and disapproved all grant applications after discussing each of them. As in the case of the state planning agencies, it may well be that most RPU board members perceive more direct and tangible rewards in approving applications than in approving activities outlined in the regional plan. However, this varies according to the degree to which the plan represents funding commitments.

TABLE IV-8.—VIEWS OF RPU OFFICIALS REGARDING THE EXTENT TO WHICH THE RPU BOARD HAS AN ACTIVE AND INFLUENTIAL ROLE IN REVIEWING ACTIVITIES IN THE ANNUAL PLAN, OCTOBER 1975

	Number	Percent
Sets broad policies and priorities only	23	8.8
Reviews and approves general activities	48	18.3
Reviews and approves specfic activities	92	35.1
Accepts staff recommendations with review	62	23.7
Accepts staff recommendations without review	6	2.3
Other	31	11.8
Total	262	100.0

TABLE IV-9.—VIEWS OF RPU OFFICIALS REGARDING THE EXTENT TO WHICH THE RPU BOARD HAS AN ACTIVE AND INFLUENTIAL ROLE IN REVIEWING APPLICATIONS FOR FUNDING, OCTOBER 1975

	Number	Percent
All approval and disapproval authority delegated to RPU staff	14	4.3
Supervisory board approves and disapproves all applications above a certain dollar amount	4	1.2
Supervisory board approves and disapproves all applications, normally without individual discussion except for a problem or controversial case	44	13.5
Supervisory board approves and disapproves all applications, normally after discussing each of them	214	65.4
Other	51	15.6
Total	327	100.0

LEAA guidelines require SPAs to provide reasonable assurances that RPUs are adequately staffed to carry out their diverse functions. Like their state-level counterparts, many RPUs have had difficulty obtaining a sufficient number of qualified personnel. Nevertheless, the data indicate that RPU staff capabilities have increased since 1970, when seven of the states responding to ACIR's survey did not have full-time professional planners. Five years later, a review of the FY 1976 state planning grant applications showed that by mid-1975 all states with regional planning units had one or more full-time staff at the regional level. (See Appendix Table IV–6.) The number of employees ranged from a high of 133 professionals in California to one in Rhode Island. Overall, there were a total of 948 full-time professional positions, supplemented by 169 part-time personnel.

Nevertheless, these data should not be interpreted as meaning that every region has full-time professional help; clearly, some do not. Moreover, a number of regions have only one staff person who must perform the myriad duties of planning, application processing and providing technical assistance. For example, Virginia has 22 RPUs yet only 26 full-time regional professional staff members.

In contrast to the SPAs, there has been little turnover in key RPU staff. Only nine percent of the regional respondents said there had been high turnover of executive directors, while 20 percent thought there had been a high turnover of criminal justice planners.

For the most part, regional staff members are hired independently by the RPU board. Nevertheless, some critics have maintained that the RPUs are primarily instruments of SPAs, rather than instruments of local governments. Therefore, it is noteworthy that the 1975 survey results show that the majority of local officials (60 percent of the city and 71 percent of the county respondents) believed that RPU staff were local, as opposed to state, employees.

Funding

The Safe Streets Act requires that SPAs make available to local governments or combinations thereof at least 40 percent of the available planning funds (Part B). The purpose of this provision is "to insure local participation in formulating, revising and updating the Comprehensive State Plans." [15] However, LEAA may waive this pass-through requirement, in whole or in part, if it finds that it is inappropriate in view of respective state/local law enforcement planning responsibilities and would not contribute to the efficient development of a state plan. Planning grants to the regions do not require non-federal match.

[15] *Ibid.*, p. 83.

Appendix Table IV–7 lists the amount and percent of Part B funds made available by each state to the local level in FY 1976. Eighteen states (two more than in 1969) passed-through more than the required 40 percent and two (Minnesota and Missouri) allocated one-half of their planning funds to regions and localities. Twelve states have been granted pass-through waivers by LEAA. The planning grant figures show that Maryland, for example, distributes only 37 percent of its Part B monies to the substate level, but it should be remembered that these amounts represent allocations for 15 months due to the change in the Federal fiscal year, and some discrepancies may be due to this transition period.

SPA and RPU respondents generally agreed that the amount of Part B funds was inadequate at the regional level (See Table IV–10). According to the SPA directors, RPU functions that were hampered as a result of this inadequacy were planning, technical assistance, monitoring and project development.

TABLE IV–10.—ADEQUACY OF PT. B FUNDS, OCTOBER 1975

	Excessive		Adequate		Inadequate	
	Number	Percent	Number	Percent	Number	Percent
In the view of regional officials:						
SPA pt. B funds	103	32	157	50	57	18
RPU pt. B funds	4	1	93	28	240	71
In the view of SPA directors:						
SPA pt. B funds	0	0	15	30	35	70
RPU pt. B funds	1	2	15	36	26	62

Almost all regional officials (82 percent) thought that the SPA had adequate or even excessive planning resources, while only 30 percent of the SPA directors thought that their agency had sufficient Part B support. A majority of regional officials (71 percent) viewed the present 60–40 pass-through formula as an inappropriate way to divide planning funds and indicated that the state should be limited to 40–50 percent, with the remainder allocated to the regions. Although most of the SPA directors favored the current formula, 15 recommended that a greater portion be retained at the state level.

LOCAL PLANNING

In the initial years of the program, a number of the larger and more urban cities and counties objected to the regional approach adopted by the SPAs, claiming that their pressing crime problems were being subordinated to the less urgent needs of rural communities and suburbs. In addition, many jurisdictions were experiencing difficulty in obtaining planning monies. Since most of the 40 percent pass-through of "local planning funds" was being allocated to the newly formed regional planning units, 17 of the 30 largest cities did not receive any Part B support at all in FY 1970.[16]

In response to these criticisms, Congress amended the act in 1971 to require SPAs to "assure that major cities and counties . . . receive planning funds to develop comprehensive plans and coordinate functions at the local level." [17] These amendments also authorized the use of Part C action funds to support criminal justice coordinating councils in localities (or combinations thereof) having a population of 250,000 or more.

As a result of these provisions, there was a dramatic growth in the number of local governments seeking to establish their own criminal justice planning capacity. In many cases, this effort took the form of assigning a planner to the local police department (or some other agency of local government) who had primary responsibility for Safe Streets efforts (See Table IV–11). Most of these offices (53 percent of the cities and 56 percent of the counties) were set up specifically for the Safe Streets program. As of mid-1975, city criminal justice planning offices had an average of four professional staffers, with a range of from 1 to 70. Counties usually had three professional employees, with a range of from 1 to 60. However, the majority had only two or fewer personnel. Most of these offices are heavily involved in proposal writing, planning, fiscal monitoring, project evaluation, guidelines review and other Safe Streets-related functions. Some also participate

[16] National League of Cities and U.S. Conference of Mayors, "Criminal Justice Coordinating Councils," 1971, p. 23.

[17] "Omnibus Crime Control and Safe Streets Act," 82 Stat. 197, sec. 202(c) (1971).

in a variety of non-LEAA related tasks, such as review of criminal justice agency budgets, legislative analysis and policy development.[18]

Criminal justice coordinating councils (CJCCs) are found mainly in the larger cities and counties. Spurred by the 1971 amendments providing for the use of Part C funds to establish CJCCs in localities of 250,000 or more population, by the end of that year they existed in 33 of 50 of the nation's largest cities.[19]

TABLE IV-II.—ASSIGNMENT OF LOCAL PLANNING RESPONSIBILITY FOR SAFE STREETS FUNDS,[1] OCTOBER 1975

	Cities		Counties	
	Number	Percent	Number	Percent
Mayor's office	64	8	8	2
County chief executive's office	3	0	73	17
District attorney's office	2	0	10	2
City manager's office	119	15	11	2
County manager's office	4	1	29	7
Department of public safety	33	4	4	1
Department of human resources	0	0	3	1
Police department	341	43	12	3
County sheriff's office	10	1	93	21
Citywide criminal justice, coordinating council	10	1	4	1
City-county criminal justice coordinating council	97	12	48	11
Regional planning commission	211	27	163	37
Council of governments	72	9	35	8
Regional office of SPA	158	20	78	18
Other	76	10	62	14
Number reporting	790		440	

[1] Multiple responses were received from some jurisdictions.

CJCCs are established by local governments for the purpose of planning for and coordinating criminal justice programs. Usually chaired by local chief executives, the councils consist of members broadly representative of local government, the general public, and the criminal justice community. The first CJCC was established in 1967 by the mayor of New York City, based in part on the recommendation of the President's Crime Commission that: "In every State and every city, an agency, or one or more officials, should be specifically responsible for planning improvements in crime prevention and control and encouraging their implementation." [20] In defining a criminal justice coordinating council, the LEAA General Counsel has referenced the Report of the National Commission on the Causes and Prevention of Violence which, in recommending the creation of criminal justice offices in the nation's major metropolitan areas characterized the functions of those offices as including budgeting, coordination, systems analysis and evaluation, the development of performance standards, and the initiation of information systems.[21]

According to ACIR's 1975 survey data, 107 cities and 52 counties are served by coordinating councils. Moreover, a recent study by the National League of Cities and United States Conference of Mayors indicates that CJCCs exist in 29 of 49 cities responding to a questionnaire sent to the nation's 55 largest municipalities. Nineteen of these CJCCs were affiliated with both city and county governments. Ten were city-wide, however, the latter were most often single-city counties with a consolidated metropolitan government.[22]

The functions of CJCCs frequently overlap with those performed by regional planning units, although the LEAA general counsel has attempted to distinguish between the Safe Streets planning activities of an RPU (which receive Part B support) and the coordinating role of a CJCC (funded by Part C). Further, RPUs and CJCCs are differentiated by the fact that the former exist by authority of the governor or state legislature, and the latter are creations of local government.[23]

[18] National League of Cities and U.S. Conference of Mayors, "1975 Survey Report on Local Criminal Justice Planning," p. 13.
[19] National League of Cities and U.S. Conference of Mayors, "Criminal Justice Coordinating Council," p. 5.
[20] *Ibid.*, p. 2.
[21] U.S., Department of Justice, Law Enforcement Assistance Administration, Office of General Counsel, Legal Opinion 75–54, May 1975.
[22] National League of Cities and U.S. Conference of Mayors, "1975 Survey Report on Local Criminal Justice Planning," p. 7 .
[23] LEAA, Office of General Counsel, Legal Opinion 75–54.

Nonetheless, in some instances criminal justice coordinating councils also serve as designated regional planning units for the purpose of the Safe Streets program; for example, Cleveland-Cuyahoga County, Detroit-Wayne County and San Francisco. In others, the CJCC serves a city or city-county combination which is part of a broader multijurisdictional RPU; for example, Minneapolis-Hennepin County and the City of St. Louis.

Once again in response to complaints by big city mayors and county officials, the Safe Streets Act was amended in 1973 to require SPAs to establish procedures whereby cities and counties (or combinations thereof) of 250,000 or more persons could submit plans to their SPAs for funding in whole or in part. The purpose of this provision (the so-called Kennedy Amendment) was to allow localities, and in particular the major urban jurisdictions, to participate more fully in the Safe Streets program and to reduce the budgetary uncertainty and delay in the funding of local projects. Twenty-four SPAs responded affirmatively to a question in the ACIR survey concerning whether they had established procedures pursuant to this requirement of the 1973 Act by the Fall of 1975. The impact of these procedures on planning varies greatly among the states. At one extreme, in Minnesota the two local coordinating councils (Minneapolis-Hennepin County and St. Paul-Ramsey County) are requested to prepare comprehensive plans for their areas. These plans are then submitted to the appropriate regional planning unit and integrated into a regional plan. This document is reviewed by the SPA for use in reparing the state plan.

However, once the state plan is approved, the CJCCs, like other applicants, must submit individual proposals to the SPA for approval. At the other, in Ohio, the major city county RPUs submit plans which, when approved by the SPA, trigger the award of a "mini block grant" to the RPU to implement the activities described in its plan. Falling somewhere between these two alternatives is the approach adopted by the Virginia SPA. In an effort to implement the Kennedy Amendment without undermining its existing regional planning structure, the SPA developed procedures allowing the two eligible localities to prepare fiscal year plans in conjunction with their local budget processes. Once approved by their governing bodies, these plans are reviewed by the appropriate regional planning unit and are submitted to the SPA, along with the comments of the region, for approval. After the local plans are approved by the SPA, the localities submit applications to the SPA directly (rather than through the RPU). However, these applications do not follow the usual procedure of going to the SPA's supervisory board for approval, since approval of the local plan has in essence represented a funding commitment by the SPA. The subsequent application is processed for administrative and accounting purposes only, and consequently the time involved is greatly shortened.

In general, the lack of effect on the funding process in most states has significantly undercut the intent of the Kennedy Amendment. Not surprisingly, the National League of Cities-U.S. Conference of Mayors survey revealed that few of the large cities were satisfied with the way the requirement had been implemented. Seventy-one percent of the respondents said that the amendment had resulted in "no change"; 16 percent, that it had improved the situation "somewhat"; and eight percent, that it had contributed "very much".[24]

Funding

The 1971 Safe Streets Act amendments required SPAs to insure that all major cities and counties receive planning funds. LEAA guidelines subsequently defined eligible localities as including: (1) the largest city and county in each state; (2) each city with a population of 250,000 or more; and (3) each county with a population in excess of 500,000.

Localities, of course, are not required to accept direct planning monies and many waive their rights to such funds in writing. A review of the FY 1976 State Planning Grant Applications shows that at least 65 localities have signed waivers for Part B funds. However, in these instances local planning is being carried out by a CJCC receiving Part C support, by a multi-jurisdictional RPU receiving Part B money, or by a single city-county RPU (often functioning as a CJCC as well) operating with Part B funds. Conversely, at least 29 counties, 28 cities, and nine city/county combinations that are eligible have not signed waiver agreements.

ACIR survey data indicate that most city and county officials felt that the amount of Part B funds for local planning is insufficient. One percent of the respondents answered "excessive"; 44 percent said "sufficient"; and 54 percent

[24] National League of Cities and U.S. Conference of Mayors, "1975 Survey Report on Local Criminal Justice Planning," p. 17.

replied "inadequate". Similarly, two-thirds of the RPU and SPA respondents thought that local planning monies were inadequate.

Part C funds are also a source of support for local planning efforts. As mentioned earlier, action dollars may be used to establish coordinating councils in localities (or combinations thereof) of 250,000 or more persons. Based on the FY 1976 state planning grant applications, it appears that about 32 local CJCCs receive Part C funds. Because of limited Part B monies and the increase in planning and administrative tasks, several SPAs have awarded action grants to single county-city bodies (either CJCCs or RPUs) to support activities related to Safe Streets planning. However, in May 1975 the LEAA general counsel issued an opinion stating that Part C funds may not be used to supplant Part B planning activities of RPUs. Further, Part B funds must be awarded to CJCCs to support those activities necessitated by the comprehensive planning process authorized by the Safe Streets Act. In other words, those functions of a CJCC directly related to Safe Streets (i.e., grant management, local priority setting and grants review) must be supported by Part B monies and not Part C.[25] The probable effect of this ruling will be to reduce even further the amount of planning funds available to regions and other local planning efforts.

THE FEDERAL CONNECTION

A key element of the block grant concept is the delicate relationship between the Federal government and the grant recipient—in the case of the Safe Streets program, between LEAA and the states. Block grants present a challenge to the Federal administrative agency; on the one hand it is responsible for insuring that congressional purposes are achieved, on the other, it must allow recipients maximum discretion in the use of funds.

Regional Offices

As discussed in Chapter III, LEAA began implementation of the Safe Streets Act by establishing guidelines for the states to follow in setting up their planning agencies and formulating comprehensive plans. Through preparation of planning grant applications and annual plans in conformance with the guidelines, states would provide the information LEAA needed to assure compliance with the act. In the early years of the program, LEAA maintained guideline development and planning grant application review and approval functions in its Washington headquarters. In May 1971, LEAA decentralized the review and approval functions to 15 regional offices as part of an effort to better monitor and assist the states' efforts. Currently, the regional offices perform the primary role in LEAA's liaison activities with SPAs, while guideline development, auditing, legal opinions and overall policy direction are still handled by LEAA headquarters.

The LEAA regional offices has two major subdivisions, operations and technical assistance. The operations section consists of the state representatives, who are assigned to each state in the region and financial staff, who are not assigned to particular states. The state representative is responsible for all communications between LEAA and his or her assigned state and coordinates the review of the annual comprehensive plan. The technical assistance function is performed by specialists in each of the criminal justice functional areas of law enforcement, adjudication, corrections and juvenile justice, as well as by specialists in broader areas such as manpower and information systems. The regional administrator who heads each regional office maintains authority over all planning grant applications and annual comprehensive plans submitted by SPAs. The regional administrator also represents LEAA on a Federal regional council to facilitate coordination between Safe Streets and other Federal programs operating within the region.

A major function of the regional office is the review and approval of the state comprehensive plans. In recent years, the communications about the plan between the SPAs and their respective regional offices have begun with the issuance of the planning guidelines. These communications usually involve LEAA efforts to further clarify any new or modified requirements and SPA explanations of the procedures it expects to follow in preparing its plan. State representatives continue this dialogue with their SPAs so that they are fully aware of the stages of plan development and can provide guidance to their states as to the acceptability of SPA responses to LEAA requirements.

Once the comprehensive plan is submitted to the regional office, appropriate sections are reviewed by the technical specialists and the financial analysts. Deficiencies are noted and discussed with the regional office and are often remanded

[25] LEAA, Office of General Counsel, Legal Opinion 75-54.

to the states prior to final action to permit early resolution. Early in the program's history, the desire that funds continue flowing into the field caused LEAA to approve most state plans (and, therefore, to award the Part C block grant) despite major deficiencies. In fact, only a handful of state plans have ever been totally disapproved. Usually LEAA places "special conditions" on the block grant award in order to remedy deficiencies or ensure compliance with any requirements issued after issuance of the planning guidelines. Special conditions usually stipulate remedial action by the grantee within a specified period of time. Acceptance of the award means that the grantee agrees to correct the deficiencies noted on the special conditions. Responses from 32 of the SPAs, surveyed indicated that their LEAA regional office had often placed special conditions on final approval of the state plan, while none indicated that LEAA had never taken this action.

A regional office can also delay approval of the state plan to permit SPA resolution of deficiencies prior to final action. Only three SPAs, however, reported that delays in plan approval had occurred, often while 16 asserted this had never occurred. According to the respondents, the length of time LEAA takes to review and approve plans has steadily declined: in 1970, the average was 10.8 weeks, by 1974, it had been reduced to 9.5 weeks. This decrease may not appear to be significant, but it should be kept in mind that over this period the guideline requirements to be enforced by the regional offices increased substantially, and these offices also assumed primary roles in administering LEAA's comprehensive data system and law enforcement education programs.

In addition to its plan approval, information and interpretation functions, a regional office is also responsible for applying and enforcing guidelines, providing technical assistance, and, in some cases distributing discretionary funds. Table IV–12 lists some of the activities regional offices perform and shows the SPA directors' assessment of their usefulness. More than 50 percent of the respondents found the encouragement of national priorities in state plans to be an unnecessary regional office activity, while all found interpreting Federal guidelines and responding to SPA requests to be useful or essential regional office functions. The negative attitude of the SPA directors toward regional offices' encouragement of national priorities in state plans probably stems from their belief that this interferes with state decisionmaking and priority setting. Reviewing annual plans, responding to SPA requests and distributing discretionary funds were deemed to be essential regional office activities by more than 40 percent of the respondents. In general, the rating of regional office activities appears to show that SPAs favor activities that are of direct assistance in accomplishing their mission rather than ensuring compliance with congressional mandates.

TABLE IV–12.—SPA DIRECTORS' ASSESSMENT OF LEAA REGIONAL OFFICE ACTIVITIES OCTOBER 1975

Activities	Degree to which regional office activities are useful to the SPAs		
	Essential	Useful	Unnecessary
Interpreting Federal guidelines:			
Number	18.0	32.0	0
Percent	36.0	64.0	
Reviewing annual plans:			
Number	23.0	22.0	5.0
Percent	46.0	44.0	10.0
Applying and enforcing requirements:			
Number	10.0	30.0	9.0
Percent	20.4	61.2	18.4
Providing technical assistance:			
Number	16.0	33.0	1.0
Percent	32.0	66.0	2.0
Communications with Federal authorities:			
Number	8.0	33.0	8.0
Percent	16.3	67.4	16.3
Distributing discretionary funds:			
Number	21.0	25.0	4.0
Percent	42.0	50.0	8.0
Responding to SPA request:			
Number	22.0	27.0	0
Percent	44.9	55.1	
Applying and enforcing special conditions on State plans:			
Number	12.0	29.0	6.0
Percent	25.5	61.7	12.8
Encouraging national priorities in State plans:			
Number	5.0	17.0	27.0
Percent	10.2	34.7	55.1

Technical assistance is the only activity where the size of the State appears to affect the attitude of the SPA states with populations in excess of 5 million usually rated LEAA technical assistance as only useful rather than essential, while most states with populations less than 2 million felt that activity to be essential.

Mixed views over the advocate-adversary function of the regional office were also reflected in the SPA directors' attitudes toward state representatives. Organizationally, the state representative is the major means of communication and the administrative link between LEAA and the SPAs. Some SPAs stated that their state representative not only identified and obtained LEAA resources for their state, but also acted as an advocate for them in regional office decision making. Other SPAs did not find their state representative to be a facilitator or liaison with LEAA but rather to be an adversary. As one SPA official commented: "It appears that the State Representative role has been gradually compressed to purely administrative functions, mediating between a continual flow of paper from the SPA and an increasing range of LEAA guidelines." Most SPAs strongly supported the advocacy role of the state Representative, indicating that this person should be someone who understands the state's particular needs, programs and priorities so that he or she can relate LEAA's resources and requirements to them and be "free to vigorously support the position of the SPA to ensure that the process is truly a partnership." Altogether, the SPA's attitudes about the role the state representative should play are consistent with their attitudes toward the regional offices: the Federal role at its primary level of contact should be one of assisting the states to accomplish their mission not to impede their actions.

LEAA Guidelines

As previously discussed, LEAA has developed, issued, and enforced guidelines to implement the Safe Streets Act as well as other Federal statutes or regulations. Currently, LEAA guidelines cover: Part B grants, Part C block and discretionary grants, Part E formula and discretionary grants, the Law Enforcement Education Program, financial aspects of all programs, systems programs including Comprehensive Data Systems, and grants under the Juvenile Justice and Delinquency Prevention Act of 1974. Basically, these guidelines specify requirements for applying for and administering the variety of funds available through the Safe Streets and Juvenile Justice programs. As this chapter is devoted to the organization and processes of state, regional, and local planning. This section concentrates on the LEAA guidelines that directly affect Safe Streets planning—the Part B, C and E guidelines.

The guidelines concerning the application for and administration of Part B planning grants primarily require that the SPA describe itself; its regions; its operations, including plan development, evaluation, technical assistance and auditing; and its procedures for complying with several related acts of Congress. Until fiscal year 1972, many of the requirements contained in the planning grant guidelines were part of the administrative component of the comprehensive plan guidelines. Previous guidelines were fairly short and resulted in a planning grant application which consisted primarily of necessary forms and budget justifications.

The Part C and E guidelines form the basis for the development of the annual comprehensive plan, and consist of detailed discussions of and specific requirements for each of the congressionally mandated sections of the plan. These sections include: (1) a description of existing law enforcement and criminal justice systems and resources; (2) an analysis of law enforcement and criminal justice needs, problems, and priorities; (3) a description of the state's law enforcement and criminal justice standards and goals; (4) a multi-year projection of state improvement; (5) a review of related law enforcement plans, programs and systems; (6) a description of the annual action programs: (7) a past progress report that is primarily an evaluation of previously funded projects; and (8) a statement of compliance with statutory requirements. The comprehensive plan guidelines do not require separate annual Part C and Part E plans but do require that the special Part E assurances required by law be met in a number of places throughout the annual plan.

Many of the strongest complaints about the Safe Streets program by SPA directors, and in some instances other state, regional and local officials, center on the guidelines, which are considered restrictive, incomplete, repetitive, and overly detailed. A concern voiced frequently by SPAs is that the reporting procedures and the amount of paperwork overloads the staff, and that simplification of the

guidelines and requirements is a major need. As one SPA Director stated in his response to ACIR's survey:

> Even with increased amounts of Part B administrative funds most SPAs are caught in a never ending cycle of devoting the vast majority of their time to assuring compliance with the LEAA guidelines and the bureaucratic shuffle connected with grants administration. This leaves precious little time for the SPA staff to provide the criminal justice system with the technical assistance and coordination assistance so desperately needed.

The SPAs' concern about the size and complexity of the guidelines in relation to the amounts of planning and action dollars available cannot be underestimated. As discussed in several of the case studies contained in this report, some states believe that the proliferation of guidelines, requirements and "red tape" has reduced the benefits of the program to the point where they are considering terminating participation. In their view, the time demands imposed by compliance with guideline requirements makes it difficult, if not impossible, to develop comprehensive plans responsive to state and local needs.

While the reasonableness or effectiveness of the substance of the guidelines is beyond the scope of this report, the history of their use and their relative growth highlight this "guideline controversy". LEAA began its administration of the Safe Streets program by issuing guidelines for planning and action grants in November 1968. Due to the infancy of the SPAs and the short time allotted for preparation of their first comprehensive plan, the states found that they could not comply with the initial set of guidelines. Therefore, several sections were waived for the FY 1969 plans, and, although all requirements were reinstituted for the FY 1970 planning period, LEAA's emphasis was on getting the program started and keeping the funds flowing into the field. This led to a lesser priority being accorded to enforcement of LEAA guidelines. At the same time, the states found that compliance was not too difficult due to the relatively small number of requirements. Despite shifts in the responsibility for developing guidelines within LEAA, most changes in the first few years were restricted to reorganization of the guidelines and refinement of particular requirements. The first major revisions were made in FY 1972 in response to the 1971 amendments to the act, particularly provisions to implement the new Part E program. Two other developments at this time that turned LEAA's attention to guideline compliance were the decentralization of planning grant and plan approval to the regional offices and the concerns about inadequate financial accountability raised by the Monaghan committee hearings (see Chapter II).

As the importance of the guidelines in LEAA's administration of the Act grew and as amendments to the Safe Streets Act increased the complexity of the program, LEAA recognized the need to standardize and formalize their guidelines. Therefore, for FY 1973, the first of a series of standardized guidelines was issued (series M4100), which also set forth a formal format highlighting specific requirements. Since then, the major statutory impact on the guidelines has come from the Crime Control Act of 1973 and the Juvenile Justice and Delinquency Prevention Act of 1974. As discussed in Chapter III, the current emphasis in LEAA is on technical compliance with guidelines, which when coupled with the issuance of expanded and changed guidelines for FY 1976, has raised the SPAs frustration level.

While not an accurate measure of the growth in workload, the increase in the number of pages in the guidelines document does provide an approximation of the overall rise in the number of requirements. As shown in Table IV–13, the total length of the guidelines and of the instructions for the completion of the planning grant application and the annual comprehensive plan have, for the most part, been expanding since FY 1971. Since standardization began in FY 1973, both the planning grant and plan sections of the guidelines have more than doubled. Of particular note, most of the major increases in length have occurred when the guidelines have reflected statutory changes and additions; in FY 1972, for the 1971 Part E and other amendments; in FY 1974, for the Crime Control Act of 1973, and in FY 1976, for the Juvenile Justice and Delinquency Prevention Act of 1974.

In addition to complaints about the guidelines in general and about specific statutory requirements like Part E, SPA Directors also indicated that frustration with the untimely issuance of new guidelines and the frequent revision of existing ones. As indicated in Table IV–14, the time between final issuance of the planning guidelines and the date of plan submission has been relatively short considering that the plan is to be produced on an annual basis and is to be "comprehensive". The concerns of many SPAs about integrating major changes into their planning

processes or obtaining additional information are highlighted by this table; in recent years the time allotted from issuance to plan submission has been the shortest when new statutory requirements must be implemented. In addition, for many states, the deadline for plans was much earlier than the May 15 submission date used to calculate the time period for FY 1973–1975. These SPAs had only a few months to incorporate major changes. Kentucky, for example, submitted three comprehensive plans to LEAA within a 15-month period.

TABLE IV-13.—NUMBER OF PAGES IN STATE PLANNING AGENCY GUIDELINES FISCAL YEARS 1969-76

Fiscal year	Total [1]	Appendices [2]	Planning grant [3]	Plan [4]	Forms, etc.[5]
1969	164	95	17	29	25
1970	113	38	20	41	38
1971 [6]	46	----	----	46	28
1972 [6]	50	----	----	50	18
1973: [7]					
(a)	94	46	37	----	27
(b)	58	15	----	43	23
Total	152	61	37	43	50
1974	175	78	86	67	48
1975	182	85	86	73	55
1976	254	134	96	100	59

[1] Number of pages of entire document including any appendices.
[2] Number of pages specified as an appendix by LEAA.
[3] Number of pages devoted to the development and submission of the planning grant application, including appendices.
[4] Number of pages devoted to the development and submission of the annual comprehensive plan including appendices.
[5] Number of pages involved with forms, instructions for form completion, pt. B and C allocations, etc. Not mutually exclusive from the other categories.
[6] In fiscal year 1971 and fiscal year 1972, no new sets of guidelines were issued although SPA directors' memorandum No. 10 (planning guidelines) was updated, the numbers represent the update of this memorandum.
[7] The fiscal year 1973 guidelines were issued in 2 vols., (a) M4100.1 which concerned planning grants and (b) M4300.1 which concerned the comprehensive plan.

TABLE IV-14.—RELATIONSHIP BETWEEN THE ISSUANCE OF PLANNING GUIDELINES AND PLAN DUE DATES, 1969-76

Fiscal year	Planning guidelines issued	Plan due date	Time between
1969 [1]	November 1968	June 1969	7 mo.
1970	January 1970	Apr. 15, 1970	3.5 mo.
1971	Sept. 15, 1970	Dec. 31, 1970	3.5 mo.
1972	Nov. 23, 1971	Negotiated on May 15, 1972, but no more than 11 mo after approval.	5.5 mo.[2]
1973	Sept. 11, 1972	Negotiated on May 15, 1973, but no more than 11 mo after approval.	8 mo.[2]
1974	Dec. 10, 1973	Negotiated on May 15, 1974, but no more than 11 mo after approval.	5 mo.[2]
1975	July 1, 1974	Negotiated on May 15, 1975, but no more than 11 mo after approval.	10.5 mo.[2]
1976	Mar. 21, 1975	Sept. 30, 1975	6 mo.

[1] The requirements of fiscal year 1969 guidelines were lessened through Memorandum to State Planning Agency Directors, No. 10, issued Feb. 28, 1969, which also encouraged SPA's to submit their plans in early April 1969 rather than in early June 1969.
[2] Calculated from the May 15 deadline.

Source: State Planning Agency grant guides, Guideline Manuals M4100.1–M4100.1D.

Despite the appearance of unreasonable time frames, the states have been informed of changes in or expansions of the guidelines since the inception of the program. Under the provisions of the Administrative Procedures Act and the Intergovernmental Cooperation Act of 1968, LEAA must involve the major state and local government associations and any other groups directly affected in the promulgation of the guidelines. In the early years of the program, LEAA sought and received SPA input into guideline formulation through workshops set up for training SPA directors. As the need for a stronger role in guideline formulation became apparent, the states joined together to form the National Conference of State Criminal Justice Planning Administrators (NCSCJPA). Since its inception in 1972, the NCSCJPA has actively reviewed and commented on proposed guidelines through a permanent standing committee. All SPAs receive copies of proposed guidelines and are asked to provide comments to the NCSCJPA,

which in turn submits them to LEAA. Despite this formal procedure, LEAA is only required to give interest groups and other interested citizens 30 days to review and comment on the guidelines. Many SPA directors complain that with their busy schedules, this does not allow them enough time to adequately enter into the guidelines development process. LEAA need only inform the associations or other complainants who may have suggested changes in the guidelines that such changes have not been incorporated into the final issuance. Thus far, according to the LEAA Office of General Counsel, no one has ever legally challenged a guideline after final issuance.

Besides the timing of issuances, SPA directors complain about the frequency with which LEAA changes its guidelines. A complete set of state planning agency grant guidelines is issued annually, but changes may be made at any time during the year. Therefore, SPAs may have to modify or adopt new procedures or provide additional information at any time. The major changes, however, are usually reserved for the annual guideline issuance. Table IV–15 shows the changes in the State Planning Agency Grant guidelines for each fiscal year since 1969. Material in this table was developed from the summary pages that accompany each new set of guidelines (see Appendix IV–8) and only reflects those changes indicated in the summaries. Therefore, the total number of modifications could have been far greater than the figures in the table. The data show that the greatest number of changes appears to occur in those guidelines issued after new legislation becomes effective. Particularly notable is the number of additional requirements (and changes therein) which result from legislation other than the Safe Streets Act. Overall, the changes appear to be due primarily to acts of Congress. But, with the promulgation of the FY 1976 guidelines, LEAA appears to be increasing its role here, to the point of initiating almost half of the major changes, a departure from past LEAA practice. The table also shows that most of the changes in the guidelines have been the addition of new requirements or expansions of existing ones. It would appear, therefore, that state complaints about the proliferation of Federal requirements have some merit, but the conclusion that these have been the result of LEAA's capriciousness is not substantiated by the data.

TABLE IV–15.—GUIDELINE CHANGES FOR PT. B AND PT. C GRANTS, FISCAL YEARS 1969–76

Fiscal years	Number of changes indicated by LEAA in preface	Summary of major changes	Primary initiator of such changes
1969–70	1	Replacement of simplified format of 1969 plans with detailed format and requirements.	LEAA.
1970–71	8	Reorganization of the plan outline into program and administrative components.	LEAA.
		Reorganization of multiyear plan and annual action plan	LEAA.
		Multiyear period increased from 4 to 5 yr	LEAA.
1971–72 [1]			
1972–73	33	Shifting of the administrative components of the plan from pt. C to the planning grant application.	LEAA.
		Buy in and hard match requirements instituted	1971 amendments to the act.
		Requirements resulting from other statutes included such as: National Environmental Policy Act, Clean Air Act, National Historical Preservation Act, Uniform Relocation Assistance and Real Property Acquisition Policy Act and Civil Rights Acts.	Congressional action and rulemaking by other Federal agencies.
1973–74	13	Requirements to show compliance with; (a) 90 day rule, (b) buy in and cash match changes, (c) RPU elected official presentation, and (d) procedures for direct submission of plans from local governments with over 250,000 population.	Crime Control Act of 1973.
		Requirements to show compliance with the determined effort provision of the act.	Do.
		Requirement to provide funding incentive to units of government that coordinate and combine criminal justice functions.	Do.
		Required inclusion of a comprehensive juvenile justice program	Do.
		Requirements to increase the emphasis on the development of narcotic and alcoholism treatment programs in correctional programs and to provide for programs to monitor the progress and improvement of the correctional system.	Do.
		Increased EEO requirements	Department of Justice EEO guidelines.
1974–75	7	Revisions in the requirements relating to the National Environmental Policy Act of 1969, the Clean Air Act and Federal Water Pollution Control Act and the National Historic Preservation Act.	Revised guidelines and Executive orders from other Federal agencies.
		Revised A–95 review requirements	OMB Circular A–95.

TABLE IV-15.—GUIDELINE CHANGES FOR PT. B AND PT. C GRANTS, FISCAL YEARS 1969-76—Continued

Fiscal years	Number of changes indicated by LEAA in preface	Summary of major changes	Primary initiator of such changes
1975-76.....	23	Increased emphasis on juvenile justice throughout the guidelines including required changes in SPA supervisory board composition.	Juvenile Justice and Delinquency Prevention Act of 1974.
		Revised A-95 procedures and a requirement for memorandums of agreement on areawide planning.	Revisions in OMB Circular A-95.
		New requirements for civil rights compliances especially concerning reporting on awards for construction projects.	LEAA and Department of Labor guidelines.
		Revised requirements for the National Environmental Policy Act and the National Historic Preservation Act.	Revised guidelines from other Federal agencies.
		Expansion of the required description of planning and plan relationships.	LEAA.
		Increased emphasis on SPA technical assistance requirements....	LEAA.
		Increased requirements (more specificity) about the SPA's auditing plans and procedures.	LEAA.
		Major changes to the comprehensive plan requirements including increased data analysis and the complete integration of standards and goals into the plan.	Progressive responses to the Crime Control Act of 1973.
		New requirement that LEAA's program descriptors be added to programs in the multiyear and annual action plans.	LEAA.
		Increased detail required in the progress reports.....	LEAA.
		New requirement for the provision of joint statements as to the relationships between LEAA and the Housing and Community Development Act of 1974 and the Joint Funding Simplification Act of 1974.	Other acts of Congress.
		More specific requirements for the provision of narcotics and alcohol treatment in corrections programs.	LEAA to clarify 1973 amendments.
		Requirement for more information on the plans and programs of States in the areas of organized crime and the Bicentennial.	LEAA.

[1] The summaries of changes for 1971-72 were distributed with the preliminary issuances, and were not available from LEAA and other sources. However, according to the General Counsel's office, no substantive changes occurred at that time. Technical and clarifying modifications were made, and a number of SPA memoranda were consolidated at LEAA's initiative.

SAFE STREETS PLANNING PROCESSES AND PROCEDURES

When the Safe Streets Act became law in 1968, little criminal justice planning was being conducted. As previously discussed the Office of Law Enforcement Assistance (LEAA's predecessor) between 1966 and 1968 had awarded over $29 million to 30 states to help them develop criminal justice planning capacities. Because of the small amount of funds involved and the state-of-the-art at the time most states had only established a mechanism to study their crime problems by the time the Safe Streets Act became law. Only seven SPA directors indicated that any comprehensive criminal justice planning activities existed at the state, regional, or local levels prior to 1968. Similarly, 95 percent of the 335 RPUs and an equal proportion of the 1236 local governments responding to ACIR's surveys stated that no criminal justice planning was being conducted in their jurisdiction prior to 1968.

As discussed in Chapter III, the Safe Streets program got off to a slow start. The delays in appointing administrators and promulgating guidelines combined with the lack of experience or knowledge about criminal justice planning resulted in initial state plans that were little more than compliance documents. In light of these factors, few expected the states to perform comprehensive planning at least initially.

Since them, expectations about planning have changed. A body of criminal justice planning knowledge has been developed, as have additional planning tools and techniques. A criminal justice planning profession has emerged and state planning agencies have had over seven years of experience to create processes and procedures for planning within their states. LEAA's expectations have also increased as evidenced by the guideline requirements relating to the planning process of each state and the required elements of the annual comprehensive plan. Even as the program matured, some observers continued to feel that the original congressional expectations regarding comprehensive criminal justice planning were ambiguous as well as ambitious. These expectations have since been clarified;

in 1973, Congress amended the act to include the following definition of comprehensive:

> 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.

While few would question the desirability of the kind of planning envisioned by Congress its feasibility is questionable especially when viewed in the context of the historic fragmentation of the criminal justice system and the small amount of funds involved. How the states, regions, and localities have attempted to meet this mandate and the problems they have encountered are the subjects of the following discussion.

SPA Planning

Most SPA activities related to planning are eventually translated into the annual comprehensive plan. This document serves as the focal point for most State level planning and for LEAA's decision to award block grants. The eight major required sections of the state plan were intended to provide the States with a framework for a logical progression for planning and decision making. Basically, the planning model set forth in the outline provides for an analysis of crime and the criminal justice system, a description of the standards and goals adopted by the State to measure acceptable levels of performance, an identification of deficiencies and of other needs and problems related to reducing crime and improving the administration of justice, and a selection of the most appropriate method(s) for remedial action. In other words, this approach to planning calls for defining the problem (e.g. burglary is the most serious crime problem in the state), setting a goal for correcting the problem (e.g. reduce burglary by five percent in three years), and determining a way to meet the goal (e.g. conduct a public education campaign concerning the need to keep doors and windows secure).

In addition to generally describing this process, the state plans are required to break down the results on a multi-year and annual basis. Because planning is, inherently, to look to the future, the multi-year perspective is required. Since block grants are awarded on an annual basis, description of how the funds will be used each year is also necessary. The detail required for the annual action plan is much greater than that required for the multi-year portions, since it is assumed that more information is available about the immediate future. While LEAA does not strictly hold the states to their multi-year plans, it does require close adherence to the annual action plan As a result of this emphasis, the concentration on funding and the annual plan requirement, SPAs are much more concerned about planning for the allocation of resources in the coming year than for longer periods. The survey of SPA directors, for example, revealed that the Needs and Problems and the Annual Action Plan elements of the plan were considered by more than 80 percent of the respondents to be essential or very helpful, while the Multi-year Budget and Federal Plan, Multi-year Forecast of Results and Accomplishments, and Related Plans, Programs and Systems components were viewed by more than one-third of the respondents to be of little or no use.

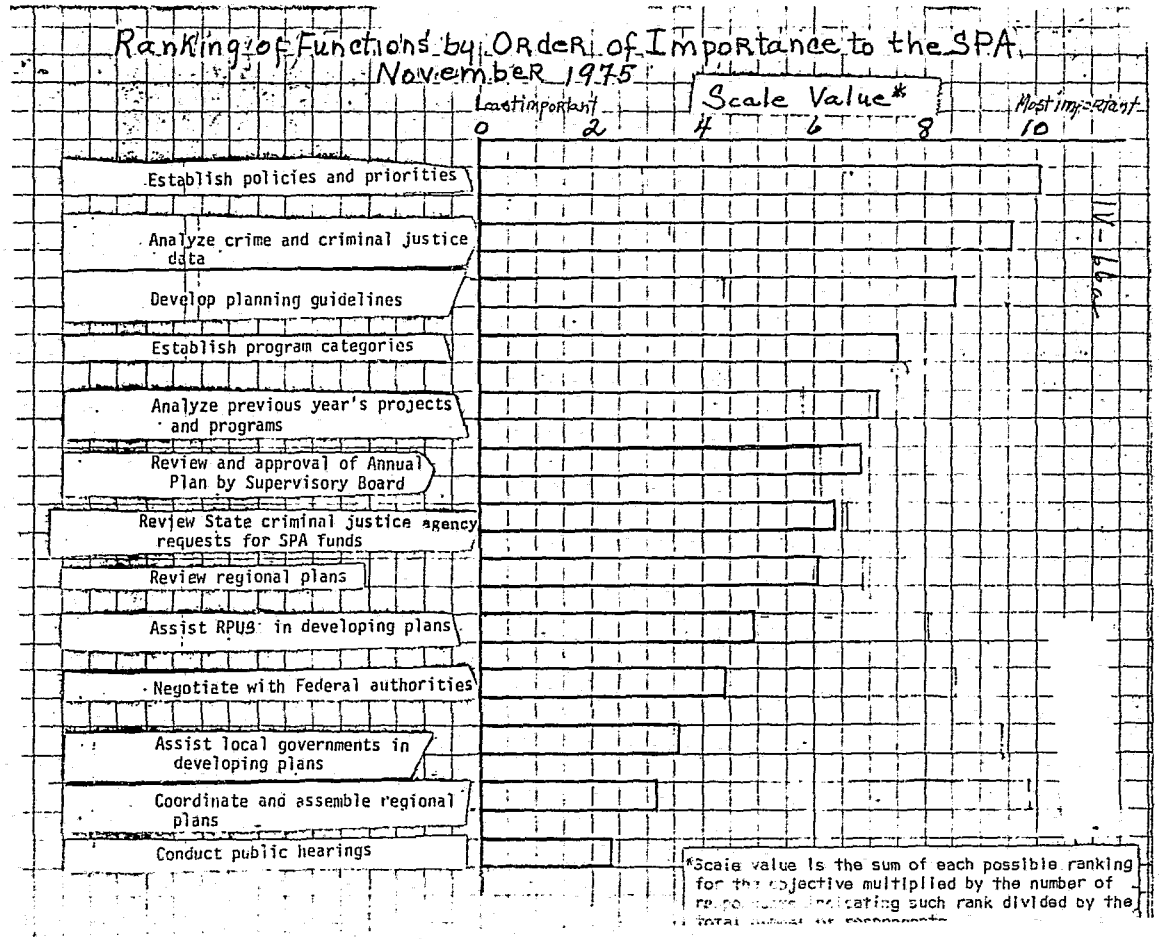
The responsibility for making decisions or performing activities needed to produce a plan varies from state to state. As previously indicated, in 21 states the supervisory board takes an active and influential role in reviewing and approving specific activities in the annual plan, while 22 accept staff recommendations with review. In addition to the differences between supervisory body and staff roles in planning, the activities of the regional and local planning units also must be considered. Generally, decentralized states delegate much of the decision making authority to regional and local units, so that the SPA supervisory body only makes broad policy decisions and the SPA staff complies the state plan from regional and local input.

When asked the extent to which the planning activities of the staff involve various functions, all 52 responding SPAs indicated that they have some degree of involvement in the review and approval of the annual plan by the supervisory body in establishing program categories, in analyzing the previous year's project and programs, in analyzing crime and criminal justice data, and in establishing policies and priorities. This level of participation reflects the reliance of the supervisory board on the staff to provide them with the information needed to

establish policies and priorities. As the technical requirements have grown in the Safe Streets program, supervisory bodies have become more dependent on the "staff" to keep them informed or to ensure that the plan remains in compliance without reconsideration by the supervisory board. The SPA staff's lack of contact with the general public and local planners in the planning process is underscored by the response of more than half of the SPA directors surveyed that their staffs had little or no involvement in conducting public hearings or helping local governments in developing plans.

As shown in Figure IV–2, the establishment of policies and priorities is thought to be the most important planning function of the SPA. The approaches to setting these policies and priorities vary from state to state and are still in transition in some places. Generally, three basic models for determining the priorities in the annual plan exist. First, some States employ a pre-planning approach wherein the SPA determines and sets forth the programs needed to implement the priorities. The level of functions for each program is also set by the SPA. A common characteristic of this model is the use of crime and criminal justice performance data as the basis for the determination of needs, problems, and priorities. States using this model often prescribe certain parameters for each program such as the type of recipient, size of recipient's jurisdiction, and specific goal to be achieved.

The second planning model sets overall priorities through the determination of minimum and maximum amounts of funding to be allocated to any functional or jurisdictional interest. For example, a state using this model would set forth percentage allocations to broad functional categories such as law enforcement or juvenile justice based upon general need as determined through data analysis, direct expenditures and/or continuation funding requirements. Because the categories used in this method are so broad, they are usually viewed as decision constraints for the SPA rather than for potential applicants. In some states, letters of intent from state and local applicants are solicited and result in the formation of specific programs to be included under each functional category. Several SPAs have used this approach to encourage funding balance rather than to specifically set forth the priorities for the entire criminal justice spectrum.


Ranking of Functions by Order of Importance to the SPA
November 1975
Scale Value*
Least important
Most important
0
2
4
6
8
10
Establish policies and priorities
Analyze crime and criminal justice data
Develop planning guidelines
Establish program categories
Analyze previous year's projects and programs
Review and approval of Annual Plan by Supervisory Board
Review State criminal justice agency requests for SPA funds
Review regional plans
Assist RPUs in developing plans
Negotiate with Federal authorities
Assist local governments in developing plans
Coordinate and assemble regional plans
Conduct public hearings
*Scale value is the sum of each possible ranking for the objective multiplied by the number of responses indicating such rank divided by the

	Scale Value
Establish policies and priorities	10.1
Analyze crime and criminal justice data	9.6
Develop planning guidelines	8.6
Establish program categories	7.5
Analyze previous year's projects and programs	7.2
Review and approval of Annual Plan by Supervisory Board	6.8
eview State criminal justice agency requests for SPA funds	6.3
eview regional plans	6.1
ssist RPUs in developing plans	4.9
egotiate with Federal authorities	4.4
ssist local governments in developing plans	3.6
oordinate and assemble regional plans	3.2
onduct public hearings	2.3

IV–2

The third model allows localities and state agencies to determine the priorities that will encompass their most pressing needs through the transmission of local plans, pre-applications, and letters of intent. From these indications of local and state agency needs, the SPA compile the priorities and programs for the annual plan. Analysis of crime data to identify problems and justify remedial measures is left to the applicant, who is assumed to possess much better information and insight. The SPA may set broad policies, such as prohibiting the use of funds for specific types of equipment or construction, but the actual priority setting is done by the localities and state agencies.

The above descriptions are simplified. In realtiy, combinations of all three are used in many states. For example, some states use a pre-planning method for state level problems and leave the responsibility for local priority setting to cities and counties. Generally, SPAs establish priorities and policies in their planning processes, although their scope varies considerably. For example, 39 SPAs reported establishing policies or priorities that exclude certain activities and encourage others; most of these related to the restrictions of equipment purchases or construction rather than to broader needs and problems.

Another basic variable in criminal justice planning efforts is the target for the planning—crime, standards and goals or system improvement. Each of these targets has resulted in a different approach to planning. Crime specific planning was developed and refined through the Impact Cities program initiated in 1971. Under this approach specific crime problems are identified and addressed throughout the system. For example, a crime specific planning effort would entail an

analysis of the circumstances surrounding the crime, the victim, the criminal and the system's response to the crime. Programs then would be developed relative to each of the variables. Dominant in the crime specific planning concept is the adoption of clear, measurable goals of reducing crime in the selected categories (e.g. reduce burglary by five percent).

The use of standards and goals in planning accompanied initiation of the Safe Streets program. Based upon the recommendations of the President's Crime Commission, many States launched their planning efforts by trying to implement certain standards. Recognizing the need to develop a complete and definitive set of standards and goals for the entire criminal justice system effort, LEAA established the National Advisory Commission on Criminal Justice Standards and Goals in 1971. The standards and goals recommended by the national advisory commission need not be adopted by the states, but the Crime Control Act of 1973 required that the states include their own standards and goals as part of the annual comprehensive plans. This requirement and the funding incentives LEAA has provided have greatly increased the use of standards and goals in planning throughout the nation. Two methods of standards and goals planning are currently employed: delineation of programs to encourage state agencies and localities to implement standards and goals adopted by the SPA; and requirements that recipients of certain types of grants meet the adopted state standards and goals adopted by the SPA; and requirements that recipients of certain types of grants meet the adopted state standards and goals in order to receive Federal aid.

System improvement planning, the most common approach used by the SPAs, seeks to enhance the quality of the components of the criminal justice system and the management of the flow of cases and people through it. Directing planning efforts toward system improvement rather than crime reduction has been a continuing bone of contention for those concerned about the program. The uneasy compromise adopted eventually by the Congress in the 1973 amendments called upon the program to promote planning for "strengthening and improving the criminal justice system" in order to reduce crime. The assumption that upgrading the system will reduce crime continues to be the basis for system improvement planning in the Safe Streets area.

None of the three primary targets for planning are mutually exclusive and, in fact, are often addressed in combination. Many states do some system improvement planning using state-adopted standards and goals as the measures for success. Crime specific planning has been a part of many SPA planning efforts, but not to the extent it was in the Impact Cities program. SPAs usually will direct a moderate amount of resources into crime specific planning, while concentrating on system improvement and standards and goals.

Despite the above, critics of the Safe Streets program contend that no real comprehensive planning is being conducted by the states. They argue that only funding decisions are being made rather than decisions concerning overall long range priorities. The specific project orientation of state plans is cited as evidence of a fund allocation process.

According to the responses to ACIR's survey of the SPA directors, plans are oriented toward specific projects since an average of 68 percent of the Part C funds annually planned for was earmarked for specific projects. Whether this finding indicates that the states are not actually planning is questionable for several reasons. First, the amount of funds committed to continuation projects has grown steadily, leaving many SPAs no choice but to base their plans on the projects that are committed for the upcoming year. Second, the emphasis of LEAA and later the states on using all of the Part C money during the period it is available has led many states to increase their level of implementation; the most feasible way to do so was to secure projects for inclusion within the plan. Third, state and local government officials have become well aware that programs translate into projects and that in order to get a project funded it must be covered by a program in the annual plan. Therefore, the pressures on the SPAs to make sure they have included specific projects in the plan is great. Finally, the level of information required by LEAA in the program descriptions of the annual action plan, such as the numbers and types of projects to be funded and jurisdictions involved, has encouraged many SPAs to attempt to develop projects for inclusion in the plan so that the required data can be readily obtained. While the long range decisions about priorities are usually included in the annual plans, they are not as apparent as the more numerous and explicit project discussions.

Another concern about state planning efforts is the need for the SPAs to perform empirical analysis in order to determine needs and problems. Twenty-two SPAs surveyed indicated that the allotment of funds to specific activities always or

usually reflected identified needs and problems as determined by statistical analysis of crime rates and criminal justice data, while an equal number indicated that the allotment of funds only sometimes reflected such analysis. However, Figure IV–2 reveals that SPA directors thought that analyzing crime and criminal justice data was the second most important planning function of an SPA. The relatively limited use of criminal justice data and analysis, then, has not occurred because of a lack of state desire or support, but because of the overall lack of information about the criminal justice system and the réluctance of decision makers to make use of available data. For instance, a recent report prepared by the Abt Associates for LEAA concerning the analysis of high crime areas in state plans concluded that:

> While an examination of Plans suggests that States are making some effort to obtain detailed data describing characteristics of victims, offenders and events at the local level, over 80 percent of the Plans reviewed contain no greater level of detail in crime than that of a law enforcement jurisdiction.
>
> In general, Plans demonstrate some degree of expertise in analyzing available data.
>
> Little evidence could be found in Plans to suggest that crime analysis is applied to the planning process in a unified manner.
>
> Despite the fact that State Planning Agencies must assume responsibility for the development of Comprehensive Plans, many States appear to be shifting much of the Plan development to local planning agencies [26]

In summary, the processes of making decisions about controversial issues in a political environment may well be a major contributor to the lack of use of empirical analysis, rather than poor performance on the part of the SPAs. Several factors appear to be encouraging the states to develop project specific, short-term plans that are not the result of data analysis. First, the annual plan requirement has caused many SPAs to gear their planning efforts toward the short-term. The delays in guideline issuance by LEAA have often resulted in the states having to develop plans and concentrate on related LEAA requirements. Many SPAs also view the comprehensive plan as a compliance document—a ticket to funding. The model of planning used by the states also influences the amount of empirical analysis and long range planning activity; states that have adopted a pre-planning process tend to conduct more data analysis within the SPA than those which use other approaches. In addition, continuation funding has had great influence over planning results in all states. By simply reducing the amount of resources available for allocation each year, the scope of planning activity has been reduced in most SPAs. But possibly the most important factor here is the persisting emphasis on the distribution of funds. As long as the distribution of LEAA funds is considered to be the primary function of SPAs and the major reason for participation in planning activities, project specific short-term plans will be the most common planning product. In short, lacking the authority and capacity to plan for the state-local criminal justice system, it is difficult for SPAs to gain credibility in planning and to fulfill the ambitious catalytic role the act delineated for them.

Regional and Local Planning in the Safe Streets Program

As discussed in the previous section the Safe Streets Act has specifically encouraged planning at the regional and local levels through the Part B pass-through provisions, the requirement that states provide for direct submission of plans by localities with more than 250,000 population and the authorization for the creation of criminal justice coordinating councils by local units with 250,000 or more population. The degree of local and regional planning varies considerably throughout the country and ranges from total control over Safe Streets planning within their jurisdictions to merely providing requested data to the SPA for use in its planning process. While many of these units also participate in criminal justice planning involving local or state resources, this discussion focuses on Safe Streets planning by the primary substate unit designated by the SPAs for this purpose the regional planning units (RPU). It should be noted that those single county and city planning units which perform the functions of a primary substate unit, such as some CJCC's, are treated as regions.

While many RPUs produce plans for the use of Safe Streets funds and often undertake many of the same processes and procedures described in connection with SPA planning, the measure of the impact of their efforts is the degree to which the RPUs are able to plan for their constituent jurisdictions. For example,

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[26] Abt. Associates, Inc., "An Assessment of State Planning for High Crime Areas," prepared for Law Enforcement Assistance Administration, Office of Planning and Management. December 8, 1975, p. 15.

many RPUs are required to submit plans to their SPAs that include a statement of priorities and a description of programs to implement those priorities, but the SPA may have already prescribed those that it will accept or may accept only some of the region's priorities or programs for inclusion in the annual plan. Since the states are the recipients of the block grant and are ultimately responsible for its administration to the Federal government, the delegation of authority to make planning decisions is entirely up to the SPA. As discussed in greater detail in Chapter VIII, no precise measure of centralized or decentralized planning exists although several criteria appear to be common to each approach. Generally, centralized states are characterized by:

(1) the presence of specific and firmly enforced SPA funding policies;

(2) the limitation of the amount of authority, capacity, and responsibility given the RPUs relative to the SPA;

(3) the absence of a fixed percentage distribution of block grants funds to RPUs;

(4) a lack of well-defined and specific regional plans that form the basis for the state plan; and

(5) the SPA's retention of authority for approving the funding of individual projects.

Decentralized States are characterized by:

(1) the delegation of substantial authority and responsibility for planning and funding decisions to regional planning units;

(2) a fixed allocation of block grant funds to RPUs on a percentage basis;

(3) the capacity and authority for RPUs to develop regional plans that also form the basis of the annual state plan; and

(4) the absence of specific SPA policies that identify or restrict the activities to be funded with Safe Streets funds.

TABLE IV-16.—SPA DIRECTORS VIEWS ON DECENTRALIZATION, OCTOBER 1975

State	Unit having the greatest influence over local funding		Does SPA indicate the amount of pt. C funds each region will receive?		Does the SPA accept RPU decisions and incorporate the RUP plan into the State plan?	
	SPA	RPU	Yes	No	Yes	No
Alabama		X		X		X
Alaska (NA)						
Arizona		X	X		X	
Arkansas	X			X	X	
California		X	X		X	
Colorado		X	X		X	
Connecticut	X			X		X
Delaware (NA)						
District of Columbia (NA)						
Florida		X	X		X	
Georgia	X			X		X
Hawaii		(NR)		X		(NR)
Idaho	X		X		X	
Illinois	X			X	X	
Indiana		X	X		X	
Iowa		X	X		X	
Kansas (NR)						
Kentucky	X			X		X
Louisiana		X	X		X	
Maine	X			X		X
Maryland	X			X		(NR)
Massachusetts	X			X		X
Michigan		(NR)	X		X	
Minnesota		(NR)	X			(NR)
Mississippi	X			X	X	
Missouri		X	X		X	
Montana (NA)						
Nebraska	X			X		X
Nevada		X	X		X	
New Hampshire	X			X	X	
New Jersey (NA)						
New Mexico	X			X		X
New York (NR)						
North Carolina	X			X		X
North Dakota	X			X		X

TABLE IV-16.—SPA DIRECTORS VIEWS ON DECENTRALIZATION, OCTOBER 1975—Continued

State	Unit having the greatest influence over local funding		Does SPA indicate the amount of pt. C funds each region will receive?		Does the SPA accept RPU decisions and incorporate the RPU plan into the State plan?	
	SPA	RPU	Yes	No	Yes	No
Ohio		X	X		X	
Oklahoma	X			X		X
Oregon	X		X		X	
Pennsylvania		X	X		X	
Rhode Island (NA)						
South Carolina		X	X		X	
South Dakota		X		X		(NR)
Tennessee	X			(NR)		X
Texas		X	X		X	
Utah	X		X		X	
Vermont (NA)						
Virginia	X		X		X	
Washington		X	X		X	
West Virginia (NA)						
Wisconsin	X		X			X
Wyoming	X			X		X
Puerto Rico (NA)						
U.S. Virgin Islands (NA)						
America Samoa (NA)						
Guam (NR)						

NA=Not applicable.
NR=No response.

Table IV-16 reflects the views of the responding SPA directors on three survey questions which relate to the above characteristics: Which unit (SPA or RPU) has the greatest influence over local activities that receive funding? Does the SPA indicate the amount of Part C funds each region will receive? and does the SPA accept RPU decisions and incorporate the RPU plan into the SPA plan with few changes? It would be expected that decentralized States would reply that the RPU has the greatest influence over which local activities receive funding, that the SPA indicates the amount of Part C funds each region will receive, and that the SPA accepts RPU decisions and incorporates the RPU plan into the State plan. Of the 35 SPA directors answering all three questions, 14 gave responses which meet all three of the decentralized criteria, while four gave two decentralized responses, and 11 did not indicate any of these factors were present. Therefore, it appears from this information that many states tend to be decentralized in terms of their planning relationship with the regions. These findings also suggest that regional planning and decision-making are important aspects of the Safe Streets program.

Another view of regional planning is provided by a description of the way regional units plan. Eighty-seven percent of 332 regional planning units surveyed indicated that they prepare an annual plan. More than 70 percent of these respondents noted that the RPU selects specific activities for inclusion in the plan from a larger number of proposals submitted by local governments, but that they usually accept these project decisions and incorporate them into their plan with few changes. Therefore, it appears that most regional planning units use a planning approach which relies upon the submission of proposals from local governments rather than the solicitation of proposals by the RPU.

In states where planning is not decentralized but RPUs are reguired to sumbit plans to the SPA, the inclusion of all proposed programs and projects into a regional plan occurs because the SPA makes the decisions about priorities, and the RPU wants to maximize its funding potential. According to the results of both the SPA and RPU surveys, RPUs establish their own funding policies and priorities despite the fact that they may not control these planning decisions. In some instances this occurs because the RPU have recognized many of the important effects that grant monies can have on local governments and seek to insure only positive results. For example, many RPUs have established continuation funding policies that are much more stringent than those of the SPA due to the need to gain local commitment to projects and enhance their prospects for successful implementation. (Other times, RPUs seek to establish funding policies and priorities in order to clearly indicate local problems and needs to the SPA.)

TABLE IV-17.—COMPARISON OF SPA AND RPU DIRECTORS VIEWS AS TO THE DEGREE OF INVOLVEMENT OF RPUs IN VARIOUS PLANNING ACTIVITIES, OCTOBER 1975

[In percent]

Activity	Total number responding		Great involvement		Some involvement		Little involvement		No involvement	
	SPA	RPU	SPA	RPU	SPA	RPU	SPA	RPU	SPA	RPU2
Establish program categories	41	346	12.2	37.3	31.7	28.0	31.7	16.2	24.4	18.2
Establish policies and priorities	41	347	29.3	53.3	56.1	30.0	12.2	10.7	2.4	6.1
Conduct public hearings	40	338	17.5	26.0	22.5	26.9	40.0	26.6	20.0	20.4
Analyze crime and criminal justice data	41	345	29.3	64.1	51.2	29.3	19.5	4.1	0	2.6
Assist local agencies in developing plans	41	345	48.8	70.1	36.5	20.0	9.8	5.5	4.9	4.3
Review local plans	40	337	60.0	59.9	25.0	23 7	7.5	5.3	7.5	11.0
Coordinate and assemble local plans	39	338	56.4	63.0	23.1	19.2	12.8	6.8	7.7	10.9
Negotiate with State authorities	41	342	48.8	67.0	39.0	23.1	9.8	6.4	2.4	3.5
Review and approve annual plan by RPU supervisory Board	40	334	67.5	74.0	17.5	10.8	7.5	4.2	7.5	11.1
A-95 review process	35	324	51.4	55.2	31.4	19.8	5.7	10.2	11.4	14.8

The procedures for formulating RPU plans are very similar to those of the SPA. As shown in Table IV–17, more than 60 percent of the RPU officials reported that they are greatly involved with the review and approval of the annual plan by the regional supervisory board, assisting local agencies in developing plans, negotiate with state authorities, analyze crime and criminal justice data, and coordinate and assemble local plans. While their role in conducting public hearings is greater than that of the SPAs, it still ranks as one of the lesser activities of the RPU. This table is particularly interesting with respect to the attitudes of the SPA toward RPU activities. In most instances, the SPA directors thought that the RPUs were much less involved in the various activities than the RPUs had indicated. The greatest disparity in opinion concerns the level of involvement of the RPUs in analyzing crime and criminal justice data. The SPAs rely upon the RPUs for much of the criminal justice data that is included in state plans. Because of the RPUs' inability to meet all of the demands made by the SPAs for such information, the SPAs feel that the RPUs are not greatly involved.

This disparity in attitude is characteristic of most relationships between RPUs and SPAs. For instance, a 1975 National League of Cities-U.S. Conference of Mayors survey report on local criminal justice planning concluded, "Relationships between local criminal justice planning offices and the State planning agencies are, with few exceptions, adversary in nature and generally hostile." [27] While these attitudes are the tensions that occur in day-to-day State-regional-local dealings, they also directly relate to the fact that the authority and resources needed for RPUs to plan must come from the SPA while the RPUs' constituency is local governments. This situation is often very similar to that existing between LEAA and the states due to the delegation of authority and resources from the Federal to the state level. RPUs in several states have joined together to form statewide associations, similar to the National Conference of State Criminal Justice Planning Administrators at the national level, in order to present a unified voice in dealing with the SPAs and to provide a forum for the exchange of information.

STATE AND REGIONAL PLAN DECISION-MAKING: AN ASSESSMENT

Two of the most important questions under the Safe Streets program are who makes the planning decisions and what are the attitudes of all participants in the program about the adequacy of the planning decisions? While much of the information in this section relates to earlier discussions, its presentation here provides the opportunity to analyze in a comparative manner state, regional and local attitudes.

As indicated earlier, many states have decentralized the authority to make planning decisions to their RPUs. Despite this trend, two-thirds of the 1207 responding localities felt that the SPA has the most influence in determining

[27] National League of Cities and U.S. Conference of Mayors, *1975 Survey Report on Local Criminal Justice Planning*, p. 49.

what activities and jurisdictions receive funding. An analysis of the replies to this question on a population basis shows that cities and counties with populations in excess of 500,000 were almost evenly split as to which unit had the most influence over funding than smaller jurisdictions. This differing attitude may reflect the fact that many large jurisdictions are also RPUs or CJCCs and, therefore, feel that the RPUs have more influence, conversely, it may reflect the frustrations that many large jurisdictions have with the decisions made by multi-county RPUs of which they are a part.

One of the major reasons that the composition of both SPA and RPU supervisory boards is of interest to participants in the Safe Streets program is the assumption that representation on these bodies determines which agencies and jurisdictions eventually receive funding. At the state level, one-third of the responding SPA directors found representation of the SPA supervisory board to be not at all important; one-half considered representation as somewhat important. According to RPU officials, representation on the RPU supervisory board has a slightly greater degree of influence on funding decisions than does representation at the state level. Of the 331 responding RPUs, 21 percent thought representation was crucial or very important while 45 percent felt that it was not at all important. From this comparison, the conclusion can be drawn that representation at both the state and regional levels may have some but not substantial influence on funding decisions.

Even though representation on supervisory boards may not be the major determinant of funding, local and regional participants have definite ideas about which groups or individuals exercise the most influence over supervisory board decisions. Despite the fact that over 40 percent of the 43 SPA directors replying to a question on this matter indicated that no specific group dominates the SPA supervisory board, local respondents said that state officials had the most influence over SPA board decisions, followed by the police representatives. As previously mentioned, RPU directors indicated that police representatives were the most influential, on regional boards, a view shared by the local respondents.

As with most decision-making bodies, supervisory boards do not make decisions in a vacuum and are subject to outside pressures. When asked how often the need to accommodate a particular jurisdictional or functional interest was the determining factor in decisions of SPA supervisory boards, 25 SPAs indicated rarely or never. At the same time, while no respondent reported that accommodation was always a determining factor, 27 did indicate that it was often or sometimes the determining factor. RPU boards appear to make decisions based on the need to accommodate particular jurisdictions or functional interests about as often as SPA boards; 52 percent of 323 RPU directors reported that accommodation is rarely or never the determining factor while 15 percent judged that this was always or often the case. SPA directors were also asked how often the need to accommodate a particular jurisdictional or functional interest was the determining factor in RPU board decisions; more than 80 percent of the 38 who responded said that it occurred always, often or at least sometimes at the RPU level. This difference in perception at the state and regional levels highlights the fact that SPAs do not view their RPUs as very capable or effective—rather they are often considered as inefficient political expedients.

Although no questions in the surveys requested information about the planning capacity of the SPAs, the SPA directors and the local respondents were asked to rate the extent to which the RPUs have the capacity to plan for the effective use of block funds. Of the 1131 local respondents, 22 percent rated RPU planning capacity as highly developed, 54 percent noted adequate, and 23 percent replied inadequate. On the other hand, of 43 responding SPA directors, only two (five percent) thought their RPUs had a highly developed planning capacity while 19 (44 percent) believed was adequate, and 22 (51 percent) thought regions had inadequate or no planning capacity. The disparity between the SPA and local respondents is probably attributable in part to the satisfaction each has with the services rendered by the RPUs; the RPUs provide useful services to local governments, but many SPAs think that they do not receive any assistance from the regions unless the SPA requires them do do so. This disparity in opinion may also result from the differences in planning sophistication at the state and local levels, since the SPAs probably judge RPU planning efforts against a much more stringent set of criteria than localities do.

Another measure of the satisfaction of local participants in the Safe Streets program is the degree to which they judge that state and regional plans reflect and incorporate their criminal justice needs and priorities. As shown in Table IV–18, the responding localities tend to believe that RPU plans reflect and incorporate their needs to a much greater extent than the SPA plans. This local reaction to the RPU and SPA planning efforts probably results from greater familiarity of localities with RPU operations and plans. In addition, it is usually easier to identify specific programs and projects in an RPU plan than in an SPA plan owing to the higher level of aggregation in the latter. Another major possible explanation which could explain these results is that in many states the SPA does not require RPU plans to be comprehensive, but does select programs for inclusion in state plans based on the need to ensure comprehensiveness and funding balance. Therefore, the projects of many localities may not be included in the state plans. While the size, location and type of jurisdiction does not appear to made much difference in the positive ratings of both SPA and RPU plans, the jurisdictions that indicated that SPA plans did not at all reflect and incorporate their needs were typically suburban cities with populations under 50,000 located in the northern part of the country. The localities most dissatisfied with RPU plans were generally the same, although they were slightly larger in population.

TABLE IV–18.—LOCAL VIEWS AS TO THE DEGREE TO WHICH SPA AND RPU PLANS REFLECT AND INCORPORATE, LOCAL NEEDS AND PRIORITIES, OCTOBER 1975

	Planning unit			
	SPA		RPU	
	Number	Percent	Number	Percent
Significant	105	8.7	281	24.5
Adequate	590	49.0	565	49.2
Very little	456	37.8	245	21.3
Not at all	54	4.5	58	5.0
Total responding	1,205	100.0	1,149	100.0

In summary, the planning decisions made by both SPA and RPU boards do not appear to be overly influenced by representation on the supervisory boards or the need to accommodate particular interests or jurisdictions. The most influence is exercised by the state officials on SPA boards and by police officials on RPU boards. Localities appear to be fairly satisfied with the results of planning decisions at both levels and tend to believe that their RPUs have a fairly well-developed planning capacity. At the same time, the SPAs have a fairly low opinion of the RPUs in terms of the way decisions are made by their supervisory boards and the extent to which RPUs have the capacity to plan for the effective use of block grant funds.

PLAN IMPLEMENTATION

Once the comprehensive plan is approved by LEAA—or in some states after its submission to LEAA—the state planning agency accepts applications for projects that would implement the plan. The states that employ a pre-planning approach usually have to solicit applications from eligible applicants and conduct a fairly rigorous comapign to inform such applicants about the availability of funds for particular programs. The states that have used pre-applications during their planning cycle or have adopted regional plans that specifically describe projects for funding usually inform the sponsors of the pre-applications or the RPUs that they are preparing to accept applications. The review and approval of applications by the SPA can occur at any time during the two-year period following the award of the block grant, even though the planning for and implementation of the next annual plan may be underway. Therefore, many projects are newly awarded when considered for refunding. (A complete discussion of the SPA application and funding processes is contained in Chapter V.)

Most states have funds that were allocated in the plan but not awarded or which were awarded but either refunded or reverted at the end of the project period by the subgrantee. Since each fiscal years block grant must be obligated and expended by the end of the second fiscal year after its award, many states have had to return block monies to the U.S. Treasury because of their inability to expend the funds, especially monies refunded or reverted by sub-grantees. Determining

a new use for unused, refunded or reverted funds before they have to be returned to the Treasury is called reprograming.

To assure itself, and the Congress, that the states are adequatley addressing the needs of all components of the criminal justice system, LEAA encourages in its annual planning guidelines, the use of "standard categories". While this does not prevent SPAs from developing their own categorized structures, if they do so, the program and funding information in their plans must be cross-referenced to LEAA's standard functional cateories. Through a variety of methods, SPAs divide their bloc grant appropriations among the programs that constitute their category structure. This apportionment results in a number of functional "pots," which are used as the basis for reporting expenditure information to LEAA. In order to ensure plan implementation, no more than 15 percent of the funds planned for expenditure in any one category may be transferred to any other category without prior LEAA approval. Applications are funded from these "pots" until the money has been expended. If more worthy applications are submitted in a particular area than can be covered by available funds, th SPA must reject some applications for. funding or transfer monies from underutilized "pots" to cover the shortage. If unused or reverted funds originally allocated to one category are reprogramed into another category, a transfer occurs.

If any transfer involves more than 15 percent of a category's funds, the SPA must request LEAA approval through a plan amendment, which indicates how the money will be spent and why such a change is merited. Table IV–19 shows the percentage of Part C fund reallocations among standard functional categories for fiscal years 1971, 1972 and 1973. The overall percentage of Part C funds reallocated among functional categories has declined slightly since 1971, although fluctuated considerably and even risen in 18 states during this period. While no data is currently available concerning later years, the continuation funding problems facing many SPAs probably have contributed to reductions in the amounts being transferred.

TABLE IV–19.—PERCENTAGE OF PT. C FUND REALLOCATIONS AMONG STANDARD FUNCTIONAL CATEGORIES, OCTOBER 1975

States	Fiscal year 1971	Fiscal year 1972	Fiscal year 1973
U.S., Total	17.6	16.9	16.7
Alabama	(1)	(1)	(1)
Alaska	10.0	10.0	10.0
Arizona	22.2	12.2	23.1
Arkansas	35.0	30.0	25.0
California	(1)	(1)	(1)
Colorado	80.0	80.0	40.0
Connecticut	20.0	25.0	30.0
Delaware	(1)	(1)	(1)
District of Columbia	6.2	5.4	14.4
Florida	40.0	30.0	20.0
Georgia	10.0	8.0	7.0
Hawaii	(1)	(1)	(1)
Idaho	5.0	3.0	2.0
Illinois	5.0	5.0	10.0
Indiana	20.0	15.0	35.0
Iowa	10.0	8.0	6.5
Kansas	(1)	(1)	(1)
Kentucky	(1)	(1)	(1)
Louisiana	17.0	8.0	7.0
Maine	40.6	32.6	31.6
Maryland	5.0	7.0	7.5
Massachusetts	10.0	5.0	3.0
Michigan	4.0	5.0	0
Minnesota	15.0	6.0	11.0
Mississippi	10.0	15.0	11.0
Missouri	(1)	(1)	(1)
Montana	25.0	30.0	30.0
Nebraska	49.5	63.3	51.9
Nevada	10.0	10.0	10.0
New Hampshire	10.0	14.1	17.0
New Jersey	10.0	12.8	6.0
New Mexico	(1)	10.0	5.0
New York	(1)	(1)	(1)
North Carolina	(1)	(1)	(1)
North Dakota	(1)	(1)	(1)
Ohio	9.6	5.8	6.2
Oklahoma	5.0	5.0	10.0
Oregon	20.0	30.0	30.0
Pennsylvania	1.0	3.0	1.0

TABLE IV-19.—PERCENTAGE OF PT. C FUND REALLOCATIONS AMONG STANDARD FUNCTIONAL CATEGORIES, OCTOBER 1975—Continued

States	Fiscal year 1971	Fiscal year 1972	Fiscal year 1973
Rhode Island	0.0	15.0	22.0
South Carolina	18.0	10.0	12.0
South Dakota	16.6	20.3	16.4
Tennessee	18.0	20.0	20.0
Texas	10.0	8.0	5.0
Utah	10.0	15.0	15.0
Vermont	(1)	(1)	(1)
Virginia	40.0	40.0	45.0
Washington	25.0	15.0	10.0
West Virginia	17.0	18.0	22.0
Wisconsin	15.0	15.0	15.0
Wyoming	5.0	5.0	6.0
Virgin Islands	0	18.0	11.0
American Samoa	79.0	49.0	42.0
Guam	(1)	(1)	(1)
Puerto Rico	(1)	(1)	(1)

[1] Not available.

Based on the survey responses, the effects of categorization on the planning and fund allocation processes seem fixed. Most states have few problems with LEAA's "standard functional categories;" generally the broad categories have not limited SPA discretion and flexibility. For instance, one SPA staff member noted that "naturally, some flexibility is lost since existing LEAA regulations prescribe certain procedures which must be accomplished including justification for transferring of funds from one category to another." However, the 15 percent allowable adjustment of funds among categories seems to give SPAs sufficient leeway. Moreover LEAA has usually approved SPA reprogramming actions. Several states indicated that program categories were proper in order to control funds and maintain comprehensiveness. Others, however, asserted that the LEAA guidelines required "force fitting" of projects into a particular program category. One SPA official said: "Flexibility is often destroyed due to the necessity of obligating funds to a specific function," while "much time is lost justifying new priorities to the LEAA regional office."

For most SPAs, then, administrative categorization has not had major adverse effects on the use of funds by state and local applicants. Significant flexibility remains in planning, priority setting and funding. Thirty-one of the SPAs surveyed indicated that the block grant approach gave them considerable programmatic and administrative discretion in establishing action grant priorities. Twenty-two thought that they had a significant amount of discretion over the control and use of Safe Streets funds, while 22 as well thought that this was the case with regard to planning procedures.

Because the SPA categories are used for all programs included in the state plan, the RPUs have much less flexibility if the SPA imposes program categories on the RPU plans than if it develops categories from the RPU plans. Because of this potential, and often actual, imposition of program categories on the RPUs their attitudes toward the state's system of categorization differs from the SPAs'. When asked to what extent the SPA's allocation of funds to particular categories for different purposes has limited flexibility in RPU planning processes more than 75 percent of 305 responding RPU directors indicated such categorization has greatly or moderately limited their flexibility. Therefore even though a substantial number of states appear to have decentralized their planning processes, the RPUs generally feel limited by the SPA's administrative categorization of action funds.

Improvements in plan development and implementation are underscored by the fact that 43 of the SPA directors surveyed reported that their supervisory boards never or seldom approved applications having little or no relationship to the annual action program contained in the state plan. In addition, the degree of plan implementation appears to be fairly high in most states. Appendix Table Table IV-9 reveals that in the judgment of the SPAs, an average of 88 percent of all projects included in the comprehensive plan have received funding, and 86 percent have been implemented. Overall, only four percent of the projects awarded funds never got off the ground. The percentage of planned projects that have been implemented has been increasing over the years, largely because of efforts to make planning more precise and more reflective of state and local

needs. More competition for funds, better monitoring of project progress and greater technical assistance to subgrantees by both the SPAs and RPUs have all contributed to the increasing percentage of projects that are funded and implemented.

EVALUATION AND MONITORING

Throughout the history of the Safe Streets program strong interest has been voiced—on the part of Congress, LEAA, SPAs, and regional and local officials. For a variety of reasons this interest has not been translated into equally forceful action. During the early years of the program, both the states and the LEAA were primarily concerned with distributing and monitoring Safe Streets funds. Congress, although citing evaluation as one of the purposes for which block funds could be used, was mainly concerned that the monies be put into the field as quickly as possible to combat rising crime and civil unrest.

In 1971 and 1972, after most SPA programs were well established, several states recognized the need to develop information about the success or failure of their projects. These states (California, Maryland, Massachusetts, Minnesota, North Carolina. Pennsylvania, and Virginia) initiated the first small evaluation programs which in most cases were designed to assess the results of specific projects. At about the same time, LEAA awarded contracts to various organizations to evaluate some of their large discretionary programs, such as Pilot Cities and Impact Cities.

The debate over the 1973 Safe Streets amendments highlighted Congressional concern about obtaining greater and more qualitative information on the results and impact of Safe Streets supported activities. The amendments specifically mandated LEAA to provide more leadership and to report to Congress on Safe Streets programs. The role of the National Institute of Law Enforcement and Criminal Justice was strengthened and expanded to include evaluation and state plans were required to assure that Safe Streets projects collected data that would allow the institute to perform evaluations.

In response to this new emphasis, LEAA began to improve its evaluation capabilities in the fall of 1973. An Evaluation Policy Task Force, consisting of both LEAA and SPA officials were formed to recommend appropriate strategies at the national and state level. Based on the deliberations of this group, a separate office of evaluation was created within the institute; several intensive evaluations of selected programs (such as youth services bureaus) were initiated; a "model evaluation" program was begun, whereby states and regions could compete for discretionary funding to create "model" assessment efforts at the state or regional level; and new SPA evaluation guidelines were drafted. In addition, LEAA sponsored in conjunction with the National Conference of State Criminal Justice Planning Administrators, a national meeting on evaluation for SPA executive directors and their chief evaluators.

With this impetus from LEAA many SPAs began new efforts to monitor funds (including increasing continuation commitments) was resulting in a greater demand from SPA and RPU supervisory board members, as well as staff, for more objective and timely feedback on previously funded projects.

Under the revised LEAA evaluation guidelines, SPAs are now required to develop a state evaluation strategy focusing on the results and impact of the programs or projects they support. Although the guidelines provide for ample SPA flexibility the require that: (1) the results and operations of all SPA-funded activities be rigorously monitored; (2) that all applications and the application process provide the prerequisites for an internal assessment of each project by the subgrantee as well as more intensive monitoring and evaluation activities as determined by the SPA; (3) that the SPA allocate sufficient resources to adequately carry out its monitoring and evaluation responsibilities; (4) that the SPA intensively evaluate, either with its own staff or with contracted evaluators; selected projects or groups of projects according to its planning needs; and (5) that the SPA take account of the results of the national evaluation program and its own state evaluations in planning its future activities [28]

Forty-five of the SPAs responding to ACIR's questionnaire indicated that they had developed an evaluation strategy in accordance with these guidelines and 44 thought that their effort had increased since 1973. The SPA directors estimated that on the average, 28 percent of all projects and 34 percent of all Safe Streets block funds were evaluated each year. Further, almost all believed their evaluation had had some impact on SPA planning and funding decisions (See Table IV-20).

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[28] U.S., Department of Justice, LEAA, "Guideline Manual: State Planning Agency Grants," pp. 20–25.

[TABLE IV-20.—SPA AND RPU VIEWS ON EFFECTS OF EVALUATION, OCTOBER 1975]

	Great influence				Moderate influence				Little influence				No influence			
	SPA		RPU		SPA		RPU		SPA		RPU		SPA		RPU	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Project refunding	13	28	117	44	27	57	84	32	5	11	27	10	2	4	36	14
Ongoing modification of projects	13	28	83	31	27	57	121	46	5	11	30	11	2	4	30	11
Provided feedback to planning process	17	36	119	45	22	47	98	37	7	15	26	10	1	2	20	8
Assumption of costs by State and local government	2	4	54	20	20	42	106	40	19	40	67	26	6	13	36	14
Developing new funding priorities [1]	3	6	----	----	23	49	----	----	16	34	----	----	5	11	----	----

[1] Not asked on RPU questionnaire.

In a 1975 report, the Urban Institute noted that SPAs have adopted a variety of organizational approaches for conducting evaluations: "There is variation in who provides funding, who does the evaluations, who uses the evaluation information, and who determines what will be evaluated."[29] For example, 39 SPAs utilize internal staff to perform evaluations, with about seven percent of all staff time devoted to this function. Twenty-seven SPAs use outside consultants, either exclusively or in conjunction with staff.

Another variation in the SPAs' evaluation approach is the degree to which responsibility and resources for evaluation have been assigned to the regional level. As the Urban Institute paper pointed out: "Most variation results from the fact that each SPA has its own organizational arrangement and management style for administering the Safe Streets Act and spending LEAA funds. Some States use a decentralized planning process in which the Regional Planning Units (RPUs) make most decisions while in other States the central SPA staff have the greatest impact."[30]

Thus, in some states, evaluation activities, like planning and grant responsibilities, have been concentrated at the regional and local level. Seventy-three percent of the regional officials replying to the ACIR survey said that their RPU had a substantial role in project monitoring or program evaluation; however, only 37 percent thought that their staff and resources were sufficient to perform this function. Sixty percent of the SPA directors agreed that RPUs had a major role in monitoring and evaluation, and 81 percent of those replying said they had provided assistance to the regions. However, only 43 percent thought RPU staff and resources were adequate.

RPUs estimated that they evaluate annually about 57 percent of their projects, representing about 60 percent of their funds, a somewhat higher estimate than that provided by the SPA directors. However, both SPA and RPU indications of the extent of evaluation activity seem higher in comparison with the case study results, and many reflect varying interpretations of what constitutes evaluation. (For the purpose of the ACIR survey, monitoring was defined as a periodic on-site assessment of the progress problems, and results to date of Safe Streets projects. Evaluation was defined as an in-depth analysis of the overall results and impact of a project in meeting its objectives.)

RPU directors surveyed also stated that, as at the SPA level, RPU evaluations have had an effect on project refunding, modification of ongoing activities and planning. Their impact has been less significant on state and local government assumption of costs.

Interestingly, local officials believed that RPUs evaluated their projects more frequently than did the SPA—24 percent estimated that the SPA evaluated at least quarterly and 35 percent, that RPU staff assessed project performance this often. Similarly, more localities (58 percent) are familiar with their RPU's evaluation system than with the SPA's (42 percent).

A current issue in the Safe Streets program is the degree of delegation of evaluation responsibilities by the SPAs to RPUs. LEAA guidelines allow SPAs to assign these responsibilities to regional or local planning units, but this decision is strictly at the state's discretion. Some SPAs prefer to retain the function at the state level in order to insure consistency, quality and more effective use limited resources. Others opt to decentralize evaluation. Some RPUs believe that greater decentralization should occur primarily because decisions are made at the regional and local level and evaluation reports need to be issued in a more timely and useable fashion for local planning.

The 1975 National League of Cities and U.S. Conference of Mayors survey of the nation's largest cities found overwhelming dissatisfaction among the respondents with SPA evaluation programs. Two-thirds of the 49 respondents said that these programs were either poor or should be abolished. Thirty percent rated them as fair; none answered good; and one city said excellent.[31] ACIR also polled local governments on this issue. Of 1,055 cities and counties responding, 32 percent rated the SPA evaluation system as excellent or good; 32 percent said it was fair; and 36 percent thought it was either poor or should be abolished. Ratings by the localities of the RPU evaluation system were more favorable. Fifty percent of the respondents thought it was good or excellent; 26 percent said fair; and 24 percent replied that it was poor or should be abolished. However, it is very possible

[29] The Urban Institute, "Intensive Evaluation for Criminal Justice Planning Agencies" (Washington, D.C. : The Urban Institute, 1975), p. 30.
[30] *Ibid.*
[31] National League of Cities and U.S. Conference of Mayors, "1975 Survey Report on Local Criminal Justice Planning," p. 38.

that these figures stem simply from their greater familiarity with RPU evaluation efforts.

Despite the heightened interest in evaluation and the increased Federal, state and regional efforts on this front during the last two years, evaluation activities have produced only limited results to date in the view of several observers. One major critic has been the General Accounting Office (GAO) which in 1974 claimed LEAAs leadership in the area of evaluation was lacking and cited difficulties in assessing the effectiveness of SPA projects due to the lack of comparable data or standards of performance. The GAO called on LEAA to develop operational standards and goals, uniform data collection and reporting systems and standardized evaluation methodologies. LEAA responded that it was inconsistent with the philosphy of "New Federalism" to adopt such guidelines, but that it would continue to urge the states to assess their activities.[32] Congressional hearings on reenactment of the program have also produced criticisms that there is still not sufficient information on the uses and outcomes of Safe Street funds. And the President's FY 1977 budget message states: "Improved selectivity in grant activities, coupled with a great distribution of resources for evaluation and research, will enable LEAA to determine and pursue those programs which promise the most impact on reducing crime in the United States. Such evaluation will improve decisions in the level and direction of LEAA assistance." [33]

The reasons for this lack of success are varied, but a major factor in the view of the SPAs is the lack of resources to conduct evaluation activities. Twenty-three of the SPAs surveyed said that present staff and funds were inadequate to meet their evaluation responsibilities. Thirty-two SPAs replied that evaluation activities were hampered greatly or moderately by the lack of Part B planning funds. To some extent the lack of planning monies has been offset by the availability of action funds (Part C) for evaluation. However, the LEAA general counsel has ruled that Part C funds may support only the actual conduct of evaluation while planning monies must be used for administering an evaluation program. [34] Thus, an SPA staffer responsible for developing an evaluation strategy would be supported by planning monies, while those staff members or consultants actually carrying out the evaluation could receive Part C funding. According to the survey data, as well as the FY 1976 state planning grant Applications, the average percentage of Part B funds devoted to evaluation increased gradually from none in FY 1970 to two percent in FY 1972, to 4.5 percent in FY 1974, to 5.7 percent in FY 1976. Part C support increased only slightly, from 1.9 percent in FY 1972 to 2.3 percent in FY 1974, while Part E (which may be used to fund evaluations of correctional programs) climbed from 0.4 percent to 1.5 percent.

Besides evaluation, LEAA guidelines also require SPAs to "monitor the implementation, operation, and results of the projects it supports." The purpose of monitoring is "to insure that the SPA generate adequate information to carry out its management responsibilities," and to use the monitoring information "to modify the operations of projects and affect the planning and funding decisions of the SPA." Thrity-five SPAs carry out regular monitoring activities and, in their judgment, generate adequate information for their management, planning and funding decisions and for assessing project performance and modifying operations.

Results of the local surveys suggest that monitoring has been a low-key operation. Nearly thirty percent of 745 cities and 403 counties reported that their projects were monitored by the SPA on an annual basis. A comparable proportion of the cities and counties did not know whether their projects had been monitored. One-sixth of these localities claimed they had never been subject to SPA monitoring.

PLAN OUTCOMES

If the success or failure of the Safe Streets program is measured solely in terms of its impact on crime, then the program has fallen markedly short of its goal. Crime has increased in almost every state and territory since 1969, and in some instances this growth has been dramatic. Nationwide, the 1974 reported index crime rate of 4,821 offenses per 100,000 population represented a 32 percent increase over 1969's rate and a 17 percent jump since 1973.

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[32] U.S., Government Accounting Office, "Difficulties of Assessing Results of Law Enforcement Assistance Administration Project to Reduce Crime," March 1974, pp. 3–4.

[33] U.S., Executive Office of the President, Bureau oof the Budget, "The Budget of the United States Government, Fiscal Year 1977, p. 55.

[34] U.S., Department of Justice, Law Enforcement Assistance Administration, Office of General Counsel, Legal Opinion 74–43, Nov. 10, 1973.

The SPAs responding to the ACIR questionnaire predominantly attributed the rise in crime to three factors: drug abuse (one-fourth of the respondents indicated it contributed "substantially" and 60 percent said "moderately"); increased juvenile crime (46 percent answered "substantially" and an additional 46 percent said "moderately"); and high unemployment (31 percent felt "substantially" and 27 percent replied "moderately").

However, in the opinion of these officials the most important factor is increased crime reporting; two-thirds of the respondents rated this factor as contributing "substantially" to the apparent rise in crime. One of the paradoxes of the Safe Streets program is that block grants (as well as LEAA discretionary monies) have been instrumental not only in vastly improving state and local reporting systems, but also in encouraging citizens to report offenses. Yet it is impossible to determine to what extent the growth in crime is due to this improved reporting efficiency as opposed to real increases in the number of crimes occurring in proportion to population.

Although the Safe Streets program has not reduced crime, state, regional and local officials agree that block grants have had some effect in slowing the rise in crime rate. More than half of the SPA and nearly three-fourths of the RPU officials surveyed responded that Safe Streets monies have had great or moderate success in reducing or slowing the growth in crime (See Table IV–21). No significant differences were evident in the replies among regions of an urban, rural or urban-rural mix. However, areas with average or high crime rates tended to be less optimistic about the effect of Safe Streets in slowing the rise in crime. City and county officials agreed with the views of the SPA and RPU respondents—about 72 percent of those replying felt that block grants have had great, substantial or moderate success in this regard. Similarly, the majority of officials, no matter what level of government, believed that crime would have risen at an even greater rate in the last six years had the Safe Streets program not been in existence (See Table IV–22).

Most SPA directors agreed that it is unfair to assess the program simply on the basis of changes in the reported crime rate. They pointed out that the causes of crime are too complex and deep-rooted to be solved by a program as limited in scope and resources as Safe Streets. More than half of these officials believed that little or no reduction in crime should have been expected as a result of the program (See Table IV–23). Regional planners were slightly more optimistic, many of these respondents (52 percent) thought at least a moderate decrease should have been expected. However, the regional respondents indicating that little or no reduction should have been anticipated were mainly from more highly populated, urban regions with average or high crime rates. City and county officials seemed to have had even higher expectations; 67 percent of the city and 72 percent of the county respondents indicated that crime should have been expected to decline at least to a moderate extent.

TABLE IV–21.—VIEWS REGARDING SUCCESS OF BLOCK GRANTS IN REDUCING OR SLOWING THE GROWTH IN CRIME, OCTOBER 1975

	Great		Moderate		Little		None	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
SPU officials	2	4	23	49	20	43	2	4
RPU officials	26	8	215	64	84	25	12	4

TABLE IV–22.—VIEWS REGARDING INCREASE IN CRIME RATE IF SAFE STREETS FUNDS NOT AVAILABLE, OCTOBER 1975

	Far greater		Moderately greater		Slightly greater		No greater	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
SPA officials	8	19	16	38	15	36	3	7
RPU officials	89	27	142	43	77	23	22	7
Local government officials	184	15	423	36	394	33	188	16

TABLE IV-23.—VIEWS REGARDING AMOUNT OF CRIME REDUCTION EXPECTED AS A RESULT OF THE SAFE STREETS PROGRAM, OCTOBER 1975

	Local officials		RPU officials		SPA officials	
	Number	Percent	Number	Percent	Number	Percent
Great reduction	16	1.3	9	2.7	1	2.1
Substantial reduction	242	20.0	----------	(1)	----------	(1)
Moderate reduction	574	47.4	167	49.7	17	36.2
Little/slight reduction	285	23.6	142	42.3	23	48.9
No reduction	93	7.7	18	5.4	6	12.8
Total	1,210	100.0	336	100.1	47	100.0

[1] Not included on the scale of possible responses for this questionnaire.

Despite the lack of direct impact on crime, the Safe Streets program appears to have played a key role in bringing about a number of significant improvements in the nation's system of criminal justice. SPA directors responding to the ACIR questionnaire estimated that on the average more than 60 percent of the activities supported with block grants has had a direct effect on the criminal justice system, whereas only 30 percent was directly impacted on crime.

Available evidence indicates that Safe Streets monies have not only upgraded traditional criminal justice activities but also have initiated new and innovative approaches to old problems. The program has provided fresh resources to an area too long under-financed and focused public attention on a system too long neglected.

In order to probe the attitudes of SPA directors about the impact of the Safe Streets program on the criminal justice system, ACIR asked them to assess to what extent various improvements had occurred in their States since 1969. Of the 90 activities rated, 38 (42 percent) were viewed by almost all SPA directors (more than 90 percent) as having improved; and an additional 33 (37 percent) were said to have improved by at least three-fourths of the respondents. Only these areas were cited by fewer than half of the directors as making gains since 1969: the establishment of uniform plea bargaining procedures; the reduction of plea bargaining and the creation of family courts. Since two of these deal with plea bargaining, it seems reasonable to surmise that much of the lack of progress can be attributed to the controversial nature of the plea bargaining issue and the mixed opinion that currently prevails as to the desirability of this practice. On the other hand, eleven activities were cited by all of the SPA directors as having improved. These include: police equipment; police, judicial and correctional training; police communications; police-community relations; diversion of juvenile offenders; prosecutorial services; crime laboratories; police detection and use of evidence; and alternatives to incarceration.

The SPA directors were also asked to identify those areas of improvement where the influence of Safe Streets funds had been the greatest. Only a few activities were not affected by block grants in the view of more than half of these officials. These were the decreases of police corruption (59 percent), decriminalization of drunkeness (59 percent), improvement of street lighting (63 percent) and revision of building codes (68 percent). Conversely, Safe Streets funds appear to have had the greatest influence on a handful of areas: police communication (90 percent), police training and education (82 percent), judicial training and education (86 percent), and the establishment of youth service bureaus (79 percent).

TABLE IV-24.—VIEWS OF SPA DIRECTORS REGARDING CRIMINAL JUSTICE IMPROVEMENTS AND THE INFLUENCE OF SAFE STREETS FUNDS, OCTOBER 1975

Criminal justice improvement	Some improvement		Influence of safe streets funds	
	Number	Percent	Number	Percent
Police:				
Updated equipment inventory of police departments	51	100	33	65
Improved police education and training	51	100	42	82
Improved police communications capacity	51	100	46	90
Improved organization of police departments	49	96	16	33
Improved police response time	50	98	15	30
Better detection and use of evidence	51	100	22	43
Improved police facilities	46	90	9	20
Increased police planning, research, and evaluation	50	98	18	36
Improved crime laboratories	51	100	37	73
Courts:				
Criminal code revision	47	94	23	49
Strengthened office of court administrator	47	92	27	57
Pretrial release alternatives	45	94	19	42
Judicial training and education	50	100	40	80
Increased prosecutorial services	48	100	26	54
Increased public defender services	46	90	29	63
Improved prosecution and defense training	49	96	34	69
Increased diversion of juveniles	50	98	34	68
Improved court facilities	45	90	10	22
Corrections:				
Improved existing correctional institutions	49	96	20	41
Increased training for correctional personnel	50	100	37	74
Improved diagnostic and classification services	48	96	22	46
Increased treatment alternatives	48	96	33	69
Expanded community-based alternatives	45	92	32	71
Improved probation and parole services	47	96	26	56
Improved educational opportunities for inmates	47	94	19	40
Increased use of work-release programs	50	98	19	38
Juvenile delinquency:				
Improved treatment of juvenile offenders	49	98	24	49
Increased diversion of juveniles	50	100	30	60
Expanded counseling and referral services for juveniles	49	98	30	61
Established half-way houses for juveniles	47	94	25	53
Improved police handling of juveniles	48	96	18	38
Expanded alternatives to incarceration of juveniles	51	100	32	63
Drugs and alcohol:				
Improved and expanded crisis intervention	45	90	5	11
Increased drug and alcohol abuse education	47	96	3	6
Community crime prevention:				
Established hot lines	46	94	2	4
Expanded volunteer program	47	94	21	45
Expanded police community relations	50	100	21	42
Improved street lighting	46	92	6	13
Improved burglary prevention	48	94	18	38

In most cases there is definite correlation between the extent of improvement and the influence of Safe Streets monies. Bearing in mind that these data reflect the opinion of SPA directors and not objective evidence, it appears, nevertheless, that many criminal justice improvements are largely the result of Safe Streets support. Table IV-24 indicates the areas cited by 90 percent or more of the respondents as having improved and shows the relative influence of block grants on each. Not surprisingly, it is in the law enforcement field that there seems to be the greatest relationship between improvements and the influence of Safe Streets

funding, with police communications, training and crime laboratories rating highly on both scales. However, education and training activities in the court and corrections areas also appear to have been positively affected by the act. Improvements in the drug and alcohol abuse field appear to have been least influenced by Safe Streets operation. Although significant advances have been recorded, in the judgment of the SPA directors, these gains cannot be attributed primarily to the program. It may be that the lack of Safe Streets influence in the drug and alcohol abuse area is in part a result of the availability of other Federal and state funding sources for programs of this type.

It also appears that some general types of activities have been more affected by the program than others. For example, Safe Streets monies seem to have played a major role in providing training opportunities for all criminal justice personnel, whether police, courts or corrections. Conversely, block grants have had only limited impact on the improvement of police and court facilities, perhaps because so many SPAs have adopted policies restricting the possible uses of monies for construction or renovation of buildings.

Questionnaire replies from city and county officials generally corroborate the views of the SPA directors and on the whole indicate that Safe Streets funds have enabled local jurisdictions to make improvements in their criminal justice agencies that would not otherwise have been possible. Specific activities that were most frequently cited by the respondents include the acquisition of law enforcement equipment (particularly communications equipment), expanded education and training for criminal justice personnel, upgraded information systems and increased services for juveniles.

Thus, the survey data show that state and local officials believe that the Safe Streets program has helped significantly to enhance the operational capacity of criminal justice agencies. Unfortunately, however, very little conclusive evidence exists by which to actually measure the impact of Safe Streets efforts, mainly because of the deficiencies in evaluation discussed earlier in this chapter.

One of the potential benefits of the Safe Streets program is the extent to which the comprehensive planning process fosters increased system integration. Participants in the program frequently mentioned that state, regional and local planning mechanisms have helped to increase inter-functional and jurisdictional communication and coordination. Some Safe Streets funded activities are specifically aimed at this objective; for example, the establishment of criminal justice information systems. All but one of the SPA directors responding to the ACIR survey indicated that to some extent the various components of the criminal justice system are beginning to view themselves and to function as part of a highly integrated and interdependent system. However, almost half of these officials cited the courts as being the most resistent to this trend. Lack of participation by the courts may reflect both the separation of powers principle as well as the low level of involvement of the courts in the Safe Streets program in its early years. Almost all SPA directors (96 percent) said that Safe Streets funds had played an important or crucial role in encouraging a more systemized and coordinated approach to criminal justice problems and all but one (98 percent) rated the role of SPA staff as either important or crucial.

Finally, to what extent have the efforts set in motion by the Safe Streets program resulted in the establishment of a planning capacity at the state and regional levels that transcends the boundaries of a Federal grant-in-aid program? As can be seen in Table IV–25, most SPA directors do not see their agency's long-range role as simply planning for and administering Safe Streets funds. However, it appears highly uncertain whether or not the planning structures set up by Safe Streets would continue in the absence of Federal financial support. When asked to rate the likelihood of their SPA continuing to operate without Safe Streets, no SPA directors replied that it would certainly receive state funding.

RPUs agreed with this assessment; 94 percent said criminal justice agencies had begun to see themselves as part of a highly integrated system and 91 percent thought they had begun to function in an interdependent manner to some degree. However, few of the SPA (21 percent) or RPU (20 percent) respondents rated the extent of integration as "very much." Seventeen percent said that it was likely the SPA would continue to function (through possibly at a reduced level); 42 percent answered, "possibly;" 23 percent said "unlikely;" and 17 percent thought it was "very doubtful." The future for regional planning units appears to be even darker, if the Safe Streets program should end. No SPA directors felt it was certain that RPUs would survive. Eight percent thought it was likely; 12 percent answered "possibly;" 50 percent said "unlikely;" and 29 percent thought it was "very doubtful."

TABLE IV-25.—VIEWS OF SPA DIRECTORS REGARDING LONG-RANGE ROLE OF SPAS, OCTOBER 1975

[In percent]

	Police	Courts	Corrections	Juvenile delinquency	Drug and alcohol abuse	Law reform
Primary force for change	46	22	56	44	12	12
1 of several groups working for change	64	70	62	76	78	76
Coordinating and legitimizing other group efforts	46	50	52	62	38	42
Disseminating information on new approaches	82	78	76	78	58	58
Source of funding to support other agencies' efforts to modernize	80	80	86	78	58	54
Source of funding to supplement inadequate State and local resources	54	46	52	52	40	30

SUMMARY

This chapter has reviewed the current state-of-the-art with respect to the organization and conduct of Safe Streets planning at the state, regional and local levels. It also has reviewed the status of evaluation and monitoring efforts and the impact of planning activities. Several long-standing criticisms of the program have been addressed: some have been refuted, others, confirmed. In addition, several newer issues surrounding Safe Streets operations have been raised. Following are some of the major findings emerging from this chapter.

Little comprehensive criminal justice planning was being conducted at the state, regional, or local levels prior to enactment of the Safe Streets Act.

All states geared up organizationally for Safe Streets planning in a short time period. After seven years, however, most SPAs have not shed their image as planner for and dispenser of Federal aid. Limited gubernatorial and legislative involvement, insufficient authority vis-a-vis other state agencies and high rates of executive director turnover have inhibited SPAs from becoming more integral parts of the state-local criminal justice system.

The relative amount of functional representation on SPA supervisory boards has remained fairly constant since 1970.

A total of 445 regional planning units have been established in 43 states, more than half of which were created specifically for criminal justice planning. Almost all RPUs perform or coordinate planning and review of grant applications; 87 percent prepare an annual plan.

Although most RPU and local officials believe that no single group is overrepresented on regional supervisory boards, police representatives were identified as the most influential in board decisions. With respect to local elected official representation, views were mixed. About one-third of both RPU and local officials and 15 SPA directors thought the 1973 amendment to the Act requiring RPU boards to consist of a majority of officials of this type had produced no effect.

State, regional, and local officials generally believe that the amounts of Part B planning funds made available to their agencies or units have been inadequate.

The impact of the 1973 amendment authorizing cities and counties, or combinations thereof, to submit plans to SPAs for funding in whole or in part has been limited, leaving officials in many of the nation's largest local governments dissatisfied.

Annual plan submission requirements, delays in guideline issuance by LEAA, a high rate of continuation funding, an emphasis on fund distribution and a lack of authority to plan for the State-local criminal justice system result in many SPA's developing project-specific, short-term plans that are not the result of data analysis. These factors inhibit SPAs from gaining credibility in planning and fulfilling the ambitious role intended by the Congress.

Two-fifths of the states with RPUs have decentralized substantial authority to these bodies in planning and funding matters. Yet, many SPAs remain skeptical about regional planning and decision-making capacities. Most local governments, however, rate their RPU's planning as either highly developed or adequate.

Two-fifths of the city and county officials surveyed reported that the state comprehensive plan reflected and incorporated local needs and priorities to a very limited degree or not at all, compared with one-fourth who thought this way about RPU plans.

Most states have experienced few problems with LEAA's standard functional categories largely because of the 15 percent allowable adjustment of funds among categories. RPUs, however, feel that Federal and state categories limit their discretion.

Despite heightened interest at all levels, evaluation activities have produced only limited results to date, partly because of inadequate resources.

SPAs generally find LEAA's regional offices to be helpful in performing their responsibilities. A major object of complaints is LEAA guidelines, which are considered restrictive, incomplete, repetitive and overly detailed. In some states, compliance with guideline requirements leaves little time for comprehensive planning. Yet, most of the changes and additions from year to year in the guidelines are not initiated by LEAA, but rather are a reaction to congressional amendments of the Act, the passage of new legislation not a part of the Safe Streets programs and the issuance of guidelines and circulars by other executive branch agencies.

Although the Safe Streets program has not reduced crime, state, regional and local officials concur that block grants have had some effect in slowing the rise in crime rates and a major impact on improving the criminal justice system.

With the above as background, it is useful to probe in greater depth an area of Safe Streets implementation that has been a major source of controversy throughout the seven-year life of the program—the distribution of funds. Several of the points made in this chapter concerning the decision-making processes in planning will gain significance with the discussion of the results of this activity—resource allocation—in the next chapter.

APPENDIX IV-1

Source of Authority for State Planning Agencies May 1975

STATE STATUTE (20)

Alaska, California, Colorado, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Montana, Nebraska, Nevada, New York, North Carolina, Oregon, Virginia, Wyoming, Puerto Rico, Virgin Islands.

GOVERNOR'S EXECUTIVE ORDER (35)

Alabama, Arizona, Arkansas, Connecticut, Delaware, District of Columbia' Florida, Georgia, Hawaii, Illinois, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, American Samoa, Guam.

Source.—Fiscal year 1976 State Planning Agency Planning Grant Applications, submitted May 1975.

APPENDIX IV-2.—FISCAL YEAR 1976 STATE MATCH OF PT. B ALLOCATION (15-MO BUDGET)

State	Pt. B allocation	State match [1]	State match [1] as a percent of Pt. B
Alabama	$1,220,000	$103,778	13.8
Alaska	340,000	229,170	46.0
Arizona	817,000	97,350	16.6
Arkansas	806,000	53,733	10.0
California	5,901,000	365,792	10.0
Colorado	925,000	61,667	10.0
Connecticut	1,093,000	72,859	10.0
Delaware	407,000	157,442	29.0
District of Columbia	451,000	58,115	11.4
Florida	2,370,000	174,828	10.0
Georgia	1,568,000	101,341	10.0
Hawaii	481,000	87,375	21.0
Idaho	463,000	224,665	44.7
Illinois	3,309,000	878,970	33.2
Indiana	1,702,000	109,171	10.0
Iowa	1,033,000	89,405	10.0
Kansas	869,000	53,628	10.0
Kentucky	[2] 1,161,000	[3] 404,398	40.3
Louisiana	1,275,000	174,331	16.0
Maine	534,000	45,398	12.4

APPENDIX IV-2.—FISCAL YEAR 1976 STATE MATCH OF PT. B ALLOCATION (15-MO BUDGET)—Continued

State	Pt. B allocation	State match [1]	State match [1] as a percent of Pt. B
Maryland	$1,365,000	$102,830	10.0
Massachusetts	1,837,000	513,432	30.0
Michigan	2,730,000	242,667	10.0
Minnesota	1,314,000	73,000	10.0
Mississippi	884,000	98,222	10.0
Missouri	1,554,000	73,680	11.9
Montana	450,000	55,648	11.0
Nebraska	670,000	46,040	10.3
Nevada	401,000	109,432	31.3
New Hampshire	468,000	31,200	10.0
New Jersey	2,254,000	200,355	10.0
New Mexico	551,000	183,222	35.7
New York	5,234,000	316,099	10.0
North Carolina	1,700,000	110,598	10.0
North Dakota	424,000	66,330	20.7
Ohio	3,190,000	212,667	10.0
Ohlahoma	980,000	65,333	10.0
Oregon	857,000	55,185	10.5
Pennsylvania	3,495,000	1,511,000	44.3
Rhode Island	515,000	62,372	11.1
South Carolina	995,000	88,445	10.0
South Dakota	437,000	37,004	13.6
Tennessee	1,371,000	121,867	10.0
Texas	3,487,000	199,508	10.0
Utah	[2] 565,000	[2] 68,400	17.2
Vermont	377,000	41,889	10.0
Virginia	1,576,000	406,154	25.2
Washington	1,189,000	82,267	10.0
West Virginia	740,000	82,223	10.0
Wisconsin	1,492,000	99,467	10.0
Wyoming	346,000	24,988	10.0
American Samoa	258,000	25,800	11.0
Guam	275,000	0	[3] 13.7
Puerto Rico	1,024,000	115,788	10.2
Virgin Islands	270,000	30,000	10.0

[1] State Match for State activities is computed as follows: State match over Pt. B allocation=pass-through plus State match=State buy-in for local programs.
[2] 12-mo budget.
[3] All match provided at the local level.
Source: Fiscal year 1976 State planning agency planning grant applications, submitted May 1975.

APPENDIX IV-3.1.—COMPOSITION OF STATE SUPERVISORY BOARDS BY GOVERNMENTAL LEVEL AND SECTOR

States	Total [1] government Number	State [2] government Number	State [2] government Percent	Local government Number	Local government Percent	Public Number	Public Percent
United States, total	1,439	531	36.9	573	39.8	335	23.3
Alabama	50	9	18.0	27	54.0	14	28.0
Alaska [3]	11	7	63.6	1	9.1	3	27.3
Arizona	20	6	30.0	12	60.0	2	10.0
Arkansas	17	7	41.2	8	47.1	2	11.8
California [4]	26	8	30.8	16	61.5	2	7.7
Colorado	22	9	40.9	10	45.5	3	13.6
Connecticut	22	11	50.0	5	22.7	6	27.3
Delaware	45	19	42.2	14	31.1	12	26.7
District of Columbia [5]	29	18	62.1	0	----------	11	37.9
Florida	35	20	57.1	12	34.3	3	8.6
Georgia	37	15	40.5	12	32.4	10	27.0
Hawaii	15	3	20.0	10	66.7	2	13.3
Idaho [6]	23	11	47.8	8	34.8	4	17.4
Illinois	26	6	23.1	10	38.5	10	38.5
Indiana	13	4	30.8	8	61.5	1	7.7
Iowa [7]	27	10	37.0	8	29.6	9	33.3
Kansas	29	13	44.8	11	37.9	5	17.2
Kentucky [8]	60	21	35.0	20	33.3	19	31.7
Louisiana	59	16	27.1	37	62.7	6	10.2
Maine	27	10	37.0	17	62.9	0	----------
Maryland	30	13	43.3	12	40.0	5	16.7
Massachusetts	41	11	26.8	20	48.8	10	24.4
Michigan	75	22	29.3	29	38.7	24	32.0
Minnesota	26	5	19.2	13	50.0	8	30.8
Mississippi	18	9	50.0	5	27.8	4	22.2
Missouri	20	8	40.0	5	25.0	7	35.0
Montana	16	8	50.0	6	37.5	2	12.5

APPENDIX IV-3.1.—COMPOSITION OF STATE SUPERVISORY BOARDS BY GOVERNMENTAL LEVEL AND SECTOR—Continued

States	Total [1] government Number	State [2] government		Local government		Public	
		Number	Percent	Number	Percent	Number	Percent
Nebraska	22	6	27.3	9	40.9	7	31.8
Nevada	17	6	35.3	11	64.7	0	----
New Hampshire	32	5	15.6	12	37.5	15	46.9
New Jersey	17	9	52.9	6	35.3	2	11.8
New Mexico	17	7	41.2	9	52.9	1	5.9
New York [9]	26	7	26.9	12	46.2	7	26.9
North Carolina [10]	26	12	46.2	12	46.2	2	7.7
North Dakota	31	13	41.9	18	58.1	0	----
Ohio [11]	35	13	37.1	14	40.0	8	22.9
Oklahoma	39	6	15.4	14	35.9	19	48.7
Oregon	18	1	5.6	9	50.0	8	44.4
Pennsylvania	12	5	41.7	5	41.7	2	16.7
Rhode Island	21	12	57.1	3	14.3	6	28.6
South Carolina	24	9	37.5	9	37.5	6	25.0
South Dakota	18	9	50.0	9	50.0	0	----
Tennessee	21	8	38.1	10	47.6	3	14.3
Texas	20	5	25.0	11	55.0	4	20.0
Utah	20	7	35.0	9	45.0	4	20.0
Vermont	20	8	40.0	4	20.0	8	40.0
Virginia	18	12	66.7	4	22.2	2	11.1
Washington	29	7	24.1	13	44.8	9	31.0
West Virginia	32	16	50.0	8	25.0	8	25.0
Wisconsin	30	8	26.7	11	36.7	11	36.7
Wyoming	26	8	30.8	12	46.1	6	23.1
Guam [12]	8	6	75.0	0	----	2	25.0
Puerto Rico [13]	10	7	70.0	0	----	3	30.0
Virgin Islands [14]	16	12	75.0	0	----	4	25.0
American Samoa	15	8	53.3	3	20.0	4	26.7

[1] Totals do not include vacancies, observers or nonvoting members.
[2] State legislators included under "State" category.
[3] 2 vacancies.
[4] Data submitted Aug. 20, 1975.
[5] 1 Federal judge and 1 Federal attorney included in "State" total.
[6] 2 ex officio Federal representatives also members.
[7] 4 vacancies.
[8] 1 nonvoting Federal representative also a member.
[9] 3 vacancies and one nonvoting member.
[10] 3 nonvoting members.
[11] 5 vacancies.
[12] 1 vacancy.
[13] 1 vacancy and 1 observer.
[14] 4 vacancies.

Note: District of Columbia has 1 Federal judge and 1 Federal attorney as members of its Board, counted as representing "State" government.

Source: Fiscal year 1976 State planning agency planning grant applications.

APPENDIX IV-3.2.—COMPOSITION OF STATE SUPERVISORY BOARDS BY PRIMARY FUNCTIONAL INTEREST[1]

	Total		Courts[2]		Police[3]		Corrections[4]		Juvenile justice[5]		Other[6]	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
U.S. total	825	57.3	303	21.1	291	20.2	117	8.1	103	7.1	11	.8
Alabama	25	50.0	9	18.0	9	18.0	2	4.0	5	10.0		
Alaska	8	72.7	5	45.5	2	18.2	1	9.1	0			
Arizona	10	50.0	6	30.0	3	15.0	1	5.0	0			
Arkansas	15	88.2	4	23.5	5	29.4	3	17.7	3	17.7		
California	17	65.4	7	26.9	7	26.9	2	7.7	1	3.9		
Colorado	14	63.6	5	22.7	7	31.8	1	4.5	1	4.5		
Connecticut	12	54.5	4	18.2	4	18.2	2	9.1	2	9.1		
Delaware	20	44.5	7	15.6	7	15.6	2	4.4	3	6.7	1	2.2
District of Columbia[7]	10	34.5	6	20.7	1	3.5	2	6.9	1	3.5		
Florida	20	57.1	7	20.0	7	20.0	4	11.4	2	5.7		
Georgia	27	73.0	8	21.6	8	21.6	3	8.1	6	16.2	2	5.4
Hawaii	8	53.3	4	26.7	3	20.0	1	6.7	0			
Idaho	13	56.5	6	26.1	4	17.4	1	4.4	2	8.7		
Illinois	18	69.2	4	15.4	9	34.6	3	11.5	0		2	7.7
Indiana	8	61.5	4	30.8	2	15.4	2	15.4	0			
Iowa	13	48.1	6	22.2	5	18.5	1	3.7	1	3.7		
Kansas	13	44.8	6	20.7	4	13.8	3	10.4	0			
Kentucky	38	63.3	15	25.0	12	20.0	5	8.3	6	10.0		
Louisiana	48	81.4	15	25.4	24	40.7	3	5.1	6	10.2		
Maine	15	55.6	3	11.1	8	29.6	1	3.7	3	11.1		
Maryland	19	63.3	9	30.0	4	13.3	2	6.7	4	13.3		
Massachusetts	28	68.3	16	39.0	8	19.5	3	7.3	1	2.4		
Michigan	26	34.7	9	12.0	11	14.7	3	4.0	3	4.0		
Minnesota	17	65.4	7	26.9	5	19.2	5	19.2	0			
Mississippi	10	55.6	3	16.7	4	22.2	2	11.1	1	5.6		
Missouri	12	60.0	4	20.0	3	15.0	3	15.0	2	10.0		
Montana	10	62.5	4	25.0	3	18.8	2	12.5	1	6.3		
Nebraska	12	54.6	5	22.7	3	13.6	2	9.1	2	9.1		
Nevada	14	82.4	5	29.4	6	35.3	2	11.8	1	5.9		
New Hampshire	19	59.4	4	12.5	9	28.1	4	12.5	2	6.3		
New Jersey	8	47.1	3	17.7	4	23.5	1	5.9	0			
New Mexico	12	70.6	4	23.5	2	11.9	2	11.8	4	23.5		
New York	15	57.7	5	19.2	4	15.4	3	11.5	1	3.9	2	7.7
North Carolina	15	57.7	5	19.2	5	19.2	5	19.2	0			
North Dakota	19	61.3	4	12.9	7	22.6	4	12.9	4	12.9		
Ohio	13	37.2	4	11.4	7	20.0	1	2.9	1	2.9		
Oklahoma	21	53.8	6	15.4	8	20.5	2	5.1	5	12.8		
Oregon	8	44.4	3	16.7	4	22.2	0		1	5.6		
Pennsylvania	6	50.0	3	25.0	2	16.7	1	8.3	0			

See footnotes at end of table.

APPENDIX IV-3.2.—COMPOSITION OF STATE SUPERVISORY BOARDS BY PRIMARY FUNCTIONAL INTEREST [1]—Continued

	Total		Courts [2]		Police [3]		Corrections [4]		Juvenile justice [5]		Other [6]	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
U.S. total	825	57.3	308	21.1	291	20.2	117	8.1	103	7.1	11	.8
Rhode Island	11	52.4	7	33.3	3	14.3	1	4.8	0			
South Carolina	18	75.0	3	12.5	6	25.0	2	8.3	7	29.2		
South Dakota	11	61.1	4	22.2	3	16.7	2	11.1	2	11.1		
Tennessee	13	61.9	6	28.6	5	23.8	1	4.8	1	4.8		
Texas	12	60.0	6	30.0	5	25.0	1	5.0				
Utah	9	45.0	3	15.0	4	20.0	1	5.0	1	5.0		
Vermont	10	50.0	4	20.0	3	15.0	1	5.0	2	10.0		
Virginia	12	66.7	7	38.9	3	16.7	2	11.1	0			
Washington	12	41.4	4	13.8	5	17.2	2	6.9	1	3.5		
West Virginia	29	90.6	5	15.6	7	21.9	7	21.9	7	21.9	3	9.4
Wisconsin	19	63.3	8	26.7	6	20.0	2	6.7	3	10.0		
Wyoming	13	50.0	5	19.2	6	23.1	2	7.7	0			
Guam	4	50.0	1	12.5	1	12.5	1	12.5	1	12.5		
Puerto Rico	5	50.0	2	20.0	1	10.0	0		1	10.0	1	10.0
Virgin Islands	8	50.0	2	12.5	2	12.5	2	12.5	2	12.5		
American Samoa	3	20.0	2	13.3	1	6.7	0		0			

[1] Percentages are based on total membership of supervisory boards.
[2] "Courts" includes judges (except juvenile court judges), court administrators, attorneys general, public defenders, prosecutors and private attorneys when noted by a State as representing the courts sector.
[3] "Police" includes local sheriffs.
[4] "Corrections" includes probation and parole.
[5] "Juvenile Justice" includes juvenile court judges and officers.
[6] "Other" includes representatives of drug prevention agencies, community relations programs, etc.
[7] District of Columbia has 1 Federal judge and 1 Federal attorney as members of its board counted as representing "State" government.

Source: Fiscal year 1976 State planning agency, planning grant applications.

APPENDIX TABLE IV-3.3.—LOCAL MEMBERSHIP COMPOSITION ON STATE SUPERVISORY BOARDS, OCTOBER 1975

	Total local number	Executive		Administrative[1]		Legislative		Criminal justice		Other[2]	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
United States, total	573	69	12.0	19	3.3	68	11.9	390	68.1	27	4.7
Alabama	27	7	26.0			1	3.7	19	70.3		
Alaska	1							1	100.0		
American Samoa	3	1	33.3	1	33.3			1	33.3		
Arizona	12	2	16.7	1	8.3	4	33.3	5	41.7		
Arkansas	8	1	12.5					7	87.5		
California	16					5	31.3	11	68.8		
Colorado	10	1	10.0	1	10.0	1	10.0	7	70.0		
Connecticut	5	1	20.0					4	80.0		
Delaware	14	5	35.7	2	14.3	1	7.2	5	35.3	1	7.2
District of Columbia[3]	NA										
Florida	12	1	8.3			3	25.0	8	66.6		
Georgia	12	3	25.0			2	16.7	7	58.3		
Guam	0										
Hawaii	10	4	40.0			1	10.0	5	50.0		
Idaho	8	1	12.5			2	25.0	5	62.5		
Illinois	10	1	10.0					9	90.0		
Indiana	8	3	37.5					5	62.5		
Iowa	8			1	12.5			6	75.0	1	12.5
Kansas	11	1	9.1			5	45.5	5	45.5		
Kentucky	20	1	5.0	1	5.0	1	5.0	17	85.0		
Louisiana	37	3	8.1			2	5.4	32	86.4		
Maine	17					2	11.8	11	64.7	4	23.5
Maryland	12	2	16.7			3	25.0	7	58.3		
Massachusetts	20	1	5.0	1	5.0	1	5.0	17	85.0		
Michigan	29	2	6.9			6	20.7	19	65.6	2	6.9
Minnesota	13	1	7.7			2	15.4	10	76.9		
Mississippi	5	1	20.0			1	20.0	3	60.0		
Missouri	5	1	20.0					4	80.0		
Montana	6	1	16.7			1	16.7	4	66.7		
Nebraska	9			1	11.1	1	11.1	7	77.8		
Nevada	11	1	9.1			1	9.1	9	81.8		
New Hampshire	12					1	8.3	11	91.7		
New Jersey	6	3	50.0					3	50.0		
New Mexico	9	1	11.1			3	33.3	5	55.6		
New York	12	3	25.0					8	66.7	1	8.3
North Carolina	12			2	16.7			7	58.3	3	25.0
North Dakota	18	3	16.7			1	5.6	10	55.6	4	22.2
Ohio	14	2	14.3	1	7.1	2	14.3	8	57.1	1	7.1
Oklahoma	14	3	21.4					11	78.6		
Oregon	9			1	11.1	1	11.1	7	77.8		

See footnotes at end of table.

APPENDIX TABLE IV-3.3.—LOCAL MEMBERSHIP COMPOSITION ON STATE SUPERVISORY BOARDS, OCTOBER 1975—Continued

	Total local number	Executive		Administrative[1]		Legislative		Criminal justice		Other[2]	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Pennsylvania	5					1	20.0	4	80.0		
Puerto Rico	0							0			
Rhode Island	3							3	100.0		
South Carolina	9	1	11.1	1	11.1			6	66.7	1	11.1
South Dakota	9					1	11.1	5	55.6	3	33.3
Tennessee	10	1	10.0					8	80.0	1	10.0
Texas	11			2	18.2	1	9.1	8	72.8		
Utah	9	1	11.1			4	44.4	4	44.4		
Vermont	4	1	25.0					3	75.0		
Virginia	4			1	25.0	1	25.0	2	50.0		
Virgin Islands	0							0			
Washington	13	2	15.4			3	23.1	8	61.5		
West Virginia	8	2	25.0			1	12.5	5	62.5		
Wisconsin	11			1	9.1	1	9.1	9	81.8		
Wyoming	12			1	8.3	1	8.3	5	41.7	5	41.7

[1] Administrative includes local government staff and staff of State associations of local government officials.

[2] Other includes private attorneys, officials of local organizations, etc. who might otherwise be considered public members but who are classified by a State as a local member.

[3] District of Columbia has 1 Federal judge and 1 Federal attorney as members of its board, counted as representing State government.

Source: Fiscal year 1976 State planning agency planning grant applications.

APPENDIX TABLE IV-4.—STATE PLANNING AGENCY STAFF

States	Professional				Clerical				Total			Authorized	
	Full time		Part time		Full time		Part time						
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Total	Professional	Clerical
United States, total	1,424.8	68.3	33	1.6	549.0	28.7	30.5	1.5	2,087.3	100.1	2,216.4	1,539.8	676.6
Alabama	27.0	77.1	0		8	22.9	0		35.0	100.0	35.0	27.0	8.5
Alaska	8.0	76.2	0		2	19.1	.5	4.8	10.5	100.1	10.5	8.0	2.0
Arizona	18.0	78.3	0		5	21.7	0		23.0	100.0	23.0	18.0	5.0
Arkansas	22.0	73.3	0		8	26.7	0		30.0	100.0	31.0	22.0	9.5
California	[1] 66.0	57.9	0		48	42.1	0		114.0	100.0	137.5	80.0	57.0
Colorado	16.0	72.7	0		6	27.3	0		22.0	100.0	26.0	19.0	7.0
Connecticut	23.0	53.5	5	11.6	12	27.9	3.0	6.9	43.0	99.9	43.0	29.0	14.0
Delaware	17.0	81.0	0		4	19.0	0		21.0	100.0	21.0	17.0	4.0
District of Columbia	29.0	72.5	0		11	27.5	0		40.0	100.0	46.0	35.0	11.
Florida	42.0	60.9	1	1.4	23	33.3	3.0	4.4	69.0	100.0	69.0	43.0	26.0
Georgia	24.0	68.6	0		11	31.4	0		35.0	100.0	38.0	27.0	11.0
Guam	12.0	75.0	0		4	25.0	0		16.0	100.0	16.0	12.0	4.0
Hawaii	6.0	54.6	1	9.1	4	36.4	0		11.0	100.1	12.0	8.0	4.0
Idaho	13.0	65.0	1	5.0	6	30.0	0		20.0	100.0	21.0	15.0	6.0
Illinois	58.0	69.0	0		24	28.6	2.0	2.4	84.0	100.0	84.0	58.0	26.0
Indiana	23.0	60.5	1	2.6	14	38.8	0		38.0	99.9	38.0	24.0	14.0
Iowa	20.0	80.0	0		5	20.0	0		25.0	100.0	25.0	20.0	5.0
Kansas	15.0	65.2	0		8	34.8	0		23.0	100.0	24.0	16.0	8.0
Kentucky	30.0	75.0	0		10	25.0	0		40.0	100.0	50.0	37.0	13.0
Louisiana	26.0	68.4	0		12	31.6	0		38.0	100.0	39.0	27.0	12.0
Maine	25.0	71.4	2	5.7	8	22.9	0		35.0	100.0	35.0	27.0	8.0
Maryland	29.0	74.4	1	2.6	9	23.1	0		39.0	100.1	38.0	29.0	9.0
Massachusetts	52.0	73.2	1	1.4	18	25.4	0		71.0	100.0	71.0	53.0	18.0
Michigan	42.0	73.7	0		15	26.3	0		57.0	100.0	60.0	45.0	15.0
Minnesota	28.0	80.0	0		7	20.0	0		35.0	100.0	36.0	29.0	7.0
Mississippi	17.0	54.8	0		14	45.2	0		31.0	100.0	34.0	20.0	14.0
Missouri	23.0	74.2	0		8	25.8	0		31.0	100.0	31.0	23.0	8.0
Montana	12.0	54.6	4	18.2	2	9.1	4.0	18.2	22.0	100.1	22.0	16.0	6.0
Nebraska	18.0	78.3	0		5	21.7	0		23.0	100.0	25.0	19.0	6.0
Nevada	12.0	60.0	0		6	30.0	2.0	10.0	20.0	100.0	20.0	12.0	8.0
New Hampshire	10.0	62.5	0		6	37.5	0		16.0	100.0	16.0	10.0	6.0
New Jersey	45.0	67.2	0		22	32.8	0		67.0	100.0	75.0	50.0	25.0
New Mexico	13.0	54.2	0		10	41.7	1.0	4.2	24.0	100.1	24.0	13.0	11.0
New York	44.0	65.7	0		23	34.3	0		67.0	100.0	73.0	49.0	24.0
North Carolina	35.0	68.6	1	2.0	13	25.5	2.0	3.9	51.0	100.0	53.0	37.0	16.0
North Dakota	11.0	64.7	0		6	35.3	0		17.0	100.0	17.0	11.0	6.0
Ohio	55.0	66.3	0		28	33.7	0		83.0	100.0	101.0	66.0	35.0
Oklahoma	20.0	66.7	0		10	33.7	0		30.0	100.0	34.0	21.0	13.0
Oregon	26.0	86.7	0		4	13.3	0		30.0	100.0	33.0	28.0	5.0

See footnotes at end of table.

APPENDIX TABLE IV-4.—STATE PLANNING AGENCY STAFF—Continued

States	Professional				Clerical				Total			Authorized	
	Full time		Part time		Full time		Part time						
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Total	Professional	Clerical
Pennsylvania	58.0	67.4	0	----------	28	32.6	0	----------	86.0	100.0	93.0	59.0	34.0
Rhode Island	22.0	66.7	2	6.1	6	18.2	3.0	9.1	33.0	100.1	33.0	24.0	9.0
South Carolina	19.8	62.2	0	----------	9	28.4	3.0	9.4	31.8	100.0	37.8	23.8	14.0
South Dakota	10.0	71.4	0	----------	3	21.4	1.0	7.2	14.0	100.0	13.6	10.0	3.0
Tennessee	29.0	76.3	0	----------	9	23.7	0	----------	38.0	100.0	38.0	29.0	9.6
Texas	56.0	74.7	0	----------	17	22.7	2.0	2.7	75.0	100.1	83.0	61.0	22.0
Utah	18.0	62.1	6	20.7	5	17.2	0	----------	29.0	100.0	30.0	24.0	6.0
Vermont	14.0	71.8	0	----------	5	25.6	.5	2.6	19.5	100.0	19.5	14.0	5.0
Virginia	37.0	60.7	5	8.2	19	31.2	0	----------	61.0	100.1	56.0	37.0	19.5
Washington	25.0	75.8	0	----------	8	24.2	0	----------	33.0	100.0	33.0	25.0	8.0
West Virginia	29.0	74.4	1	2.6	9	23.1	0	----------	39.0	100.1	44.0	32.0	12.0
Wisconsin	28.0	69.1	0	----------	12	29.6	.5	1.2	40.5	99.9	42.5	29.0	13.0
Wyoming	9.0	69.2	1	7.7	3	23.1	0	----------	13.0	100.0	13.0	10.0	3.5
American Samoa	4.0	40.0	0	----------	3	30.0	3.0	30.0	10.0	100.0	10.0	4.0	6.0
Puerto Rico	47.0	68.1	0	----------	22	31.9	0	----------	69.0	100.0	69.0	47.0	22.0
Virgin Islands	7.0	77.8	0	----------	2	22.2	0	----------	9.0	100.0	14.0	11.0	3.0

[1] When this material was submitted to LEAA, California was undergoing a major change in SPA staffing. Therefore, this number is not representative of the lower staffing levels which now exist in that State.

Source: Fiscal year 1976 State planning agency planning grant applications, submitted May 1975.

APPENDIX TABLE IV-5.—NUMBER OF CRIMINAL JUSTICE PLANNING REGIONS[1]

States	1975	1969	States	1975	1969
United States, total	445	452	Nebraska	19	22
			Nevada	3	3
Alabama	7	7	New Hampshire	5	13
Alaska	0	0	New Jersey	0	0
Arizona	6	3	New Mexico	7	3
Arkansas	8	5	New York	7	15
California	21	13	North Carolina	17	22
Colorado	13	14	North Dakota	6	0
Connecticut	7	7	Ohio	6	15
Delaware	0	0	Oklahoma	11	14
District of Columbia	0	(2)	Oregon	14	14
Florida	10	7	Pennsylvania	8	8
Georgia	18	18	Rhode Island	0	9
Hawaii	4	4	South Carolina	10	10
Idaho	3	3	South Dakota	6	7
Illinois	19	35	Tennessee	9	8
Indiana	8	8	Texas	24	22
Iowa	7	0	Utah	8	9
Kansas	7	5	Vermont	0	4
Kentucky	16	16	Virginia	22	13
Louisiana	9	7	Washington	19	4
Maine	7	7	West Virginia	0	2
Maryland	5	5	Wisconsin	10	12
Massachusetts	7	12	Wyoming	7	7
Michigan	14	11	Puerto Rico	0	(2)
Minnesota	7	7	Guam	0	(2)
Mississippi	5	11	Virgin Islands	0	(2)
Missouri	19	6	American Samoa	0	(2)
Montana	0	5			

[1] Based on data from 1970 ACIR survey a well as 1976 State Planning Agency planning grant applications, submitted May 1975.

[2] States that did not respond to this question in the 1970 ACIR survey.

APPENDIX TABLE IV-6.—REGIONAL PLANNING UNIT STAFF

	Professional				Clerical				Total		
	Full time		Part time		Full time		Part time				
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Total authorized[1]
United States, total	948	55.8	168.8	9.9	397	23.4	183.75	10.8	1,697.55	99.9	1,405.85
Alabama	8	33.3	0	0	16	66.6	0	0	24	100.0	24
Alaska	[2] NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Arizona	6	25.0	9.0	37.5	4	16.7	5	20.8	24	100.0	24
Arkansas	9	52.9	0	0	8	47.0	0	0	17	100.0	17
California	133	69.3	4.0	2.1	51	26.6	11	5.7	199	100.0	192
Colorado	15	65.2	0	----------	8	34.8	0	----------	23	100.0	23
Connecticut	15	68.2	0	0	7	31.8	0	0	22	100.0	24
Delaware	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
District of Columbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Florida	30	46.2	7.0	10.8	14	21.5	14	21.5	65	100.0	65
Georgia	18	43.4	11.0	26.8	3	7.3	9	21.9	41	100.0	41
Hawaii	6	50.0	0	0	3	25.0	3	25.0	12	100.0	12
Idaho	2	33.3	1.0	16.7	1	16.7	2	33.3	6	100.0	6
Illinois	46	76.6	2.0	3.3	25	41.6	5	8.3	78	100.1	60
Indiana	17	58.6	0	0	11	37.9	1	3.4	29	100.0	29
Iowa	23	71.9	1.0	3.1	8	25.0	0	0	32	100.0	NA
Kansas	13	59.1	1.0	4.5	4	18.2	4	18.2	22	100.0	25
Kentucky	26	52.0	7.0	14.0	16	32.0	1	2.0	50	100.0	50
Louisiana	23	63.8	0	0	13	36.1	0	0	36	100.0	36
Maine	8	53.3	0	0	7	46.7	0	0	15	100.0	15
Maryland	10	50.0	3.0	15.0	3	15.0	4	20.0	20	100.0	20
Massachusetts	49	90.1	5.0	9.9	NA	----------	NA	----------	54	100.0	NA
Michigan	47	72.3	0	0	18	27.7	0	0	65	100.0	70
Minnesota	34	75.5	0	0	11	24.5	0	0	45	100.0	45
Mississippi	4	57.1	0	0	3	42.8	0	0	7	100.0	8
Missouri	34	43.6	18.0	23.1	8	10.3	19	24.4	9	100.0	78
Montana	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Nebraska	5	27.6	10.1	55.8	3	16.6	0	0	18.1	0	18.1
Nevada	4	57.1	0	0	2	28.6	1	14.3	7	100.0	7
New Hampshire	6	54.4	0	0	4	36.4	1	9.1	11	100.0	13
New Jersey	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
New Mexico	12	50.0	2.0	8.3	6	25.0	4	16.6	24	100.0	24
New York	88	62.4	3.0	2.1	36	25.5	14	9.9	141	100.0	NA
North Carolina	40	55.6	0	0	32	44.4	0	0	72	100.0	72
North Dakota	5	50.0	0	0	0	0	5	50.0	10	100.0	10
Ohio	42	71.2	2.0	3.3	15	25.4	0	0	59	100.0	59
Oklahoma	11	39.3	7.0	25.0	4	14.3	6	21.4	28	100.0	29
Oregon	12	35.3	8.0	23.5	0	0	14	41.2	34	100.0	34
Pennsylvania	28	63.6	0	0	16	36.4	0	0	44	100.0	44

See footnotes at end of table.

Rhode Island	1	33.3	1.0	33.3	1	33.3	0	0	3	99.9	3
South Carolina	3	10.0	17.0	56.6	1	3.3	9	30.0	30	100.0	30
South Dakota	7	72.2	.2	2.1	2	20.6	.5	5.2	9.7	100.0	NA
Tennessee	12	27.3	21.0	47.7	7	15.9	4	9.1	44	100.0	44
Texas	33	40.7	20.0	24.7	11	13.6	17	20.9	81	100.0	84
Utah	8	34.8	5.0	21.7	2	8.7	8	34.8	23	100.0	23
Vermont	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Virginia	26	54.2	0	0	2	4.2	20	41.7	48	100.0	NA
Washington	16	62.1	3.5	13.6	4	15.5	2.55	8.7	25.75	100.0	25.75
West Virginia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Wisconsin	13	65.0	0	0	7	35.0	0	----------	20	100.0	22
Wyoming	0	0	0	0	0	0	0	0	0	0	0
Virgin Islands	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Puerto Rico	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Guam	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
American Samoa	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

[1] Add approximately 285 for those authorization figures that were not available.
[2] NA—Not applicable.

Source: Fiscal year 1976 State Planning Agency planning grant applications, submitted May 1971.

PT. B FUNDS "PASSED THROUGH" TO UNITS OF LOCAL GOVERNMENT [1] FOR FISCAL YEAR 1976

State	Total amount of pass through (15-mo budgets)	Percent of State pt. "B" allocation
U.S., Total	28,729,701	39.9
Alabama	569,597	46.7
Alaska	76,500	22.5
Arizona	326,800	40.0
Arkansas	322,400	40.0
California	2,739,667	46.0
Colorado	370,000	40.0
Connecticut	437,200	40.0
Delaware [2]	20,996	5.2
District of Columbia	NA	NA
Florida	1,101,586	46.5
Georgia	686,850	43.8
Hawaii	192,400	40.0
Idaho	185,200	40.0
Illinois	1,455,960	44.0
Indiana	766,951	45.1
Iowa	479,955	46.5
Kansas	386,343	44.5
Kentucky	[3] 467,444	48.4
Louisiana	510,000	40.0
Maine	213,600	40.0
Maryland	505,050	37.0
Massachusetts	734,800	40.0
Michigan	1,092,000	40.0
Minnesota	657,000	50.0
Mississippi	Waiver	----------
Missouri	827,886	50.9
Montana	Waiver	----------
Nebraska	268,000	40.0
Nevada	160,000	40.0
New Hampshire	187,200	40.0
New Jersey	901,600	40.0
New Mexico	220,400	40.0
New York	2,389,111	45.6
North Carolina	712,118	41.9
North Dakota	169,600	40.0
Ohio	1,276,000	40.0
Oklahoma	392,000	40.0
Oregon	386,493	45.1
Pennsylvania	1,595,000	45.6
Rhode Island [2]	31,250	6.1
South Carolina	398,000	40.0
South Dakota	201,894	46.2
Tennessee	548,400	40.0
Texas	1,691,423	48.5
Utah	[3] 235,377	41.7
Vermont	Waiver	----------
Virginia	643,150	40.8
Washington	478,600	40.2
West Virginia	Waiver	----------
Wisconsin	596,800	40.8
Wyoming [3]	121,100	35.0
Guam	Waiver	----------
American Samoa	Waiver	----------
Virgin Islands	Waiver	----------
Puerto Rico	Waiver	----------

[1] Source: Fiscal year 1976 State planning agency planning grant applications, submitted May 1975.
[2] The figures for fiscal year 1976 represent 15-mo budgets (except where noted) due to the change in the Federal fiscal year.
[3] 12-mo budgets.

APPENDIX IV–8

LEAA STATE PLANNING AGENCY GRANT GUIDELINE TRANSMITTALS

PREFACE

On June 19, 1968, the Omnibus Crime Control and Safe Streets Act of 1968 became law. The Act provided for increased federal aid to State and local law enforcement agencies through a comprehensive program of planning grants, action grants, and research, demonstration and educational aid designed to strengthen and improve the nation's crime control effectiveness. It superseded and absorbed programs supported under the Law Enforcement Assistance Act of 1965.

The new Act has made possible for the first time a wide-scale program of aid for States and local units of government. To qualify for aid, States must develop comprehensive law enforcement plans as defined in the Act. To facilitate such planning, the Act provides grants to State planning agencies whose primary function will be to develop, revise, and implement these State plans. During Fiscal Year 1969, the first year of program operation, all States developed comprehensive law enforcement plans and qualified for action grants to execute the programs set forth in such plans.

This 1970 edition of the Guide replaces the initial edition (November, 1969) as modified by SPA Directors Memo No. 10 which promulgated a simplified format for first year plans under the Act and an action grant application procedure (February 28, 1969). It combines previous issuances relating to 1970 planning and action grants released through the SPA Directors Memo series. Together with the LEAA Financial Guide (May, 1969) and Discretionary Grants Guide (January, 1970) it provides complete guidance on application, award and administration of planning and action grants during Fiscal Year 1970 under Parts B and C of the Act.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
CHARLES H. ROGOVIN,
Administrator.
RICHARD W. VELDE,
Associate Administrator.
CLARENCE M. COSTER,
Associate Administrator.

MEMORANDUM TO STATE PLANNING AGENCY DIRECTORS NO. 10 (REVISED)

Subject: Guidelines for fiscal year 1971 Comprehensive State Law Enforcement Plans—Final Issuance

Transmitted herewith, in the form of a revision to Section IV of the LEAA Guide for Comprehensive Law Enforcement Planning and Action Grants, are final guidelines for fiscal year 1971 comprehensive State plans submitted under Title I of the Omnibus Crime Control and Safe Streets Act of 1968.

The guidelines conform to the preliminary issuance forwarded to State planning agencies under date of July 10, which SPA's have been using in plan development work thus far. The final issuance incorporates no significant departures or new content or data items, thus avoiding prejudice from State reliance on the preliminary guidelines. LEAA had hoped to incorporate pending statutory amendments in the final issuance, but since these have not yet been enacted, any adjustments required will be effected subsequently.

On August 25, 1970, the Director of the Office of Law Enforcement Programs and key staff met with the SPA Committee on Guidelines, Rules, and Procedures designated by the State planning directors at the Colorado Springs meeting. Several suggestions were made and, as a result, some changes were effected. The most notable was modification of the year-by-year projection of expected accomplishments and results to include instead, the basic five-year projection and year-by-year projections only for the first (current) and second years of the multi-year period. LEAA encourages the States to produce year-by-year projections for the full 5-year cycle but recognizes the difficulties posed by a mandatory requirement of this kind. Concern was also expressed by the Committee for uniformity of guideline interpretation by the LEAA regional offices in review and negotiation of the various State plans. It was agreed to strengthen "standardization" effort on the part of LEAA during the coming round of plan submissions and to work in close liaison with the Committee when major questions were presented.

As indicated in the July issuance, the 1971 guidelines substantially follow 1970 specifications, with the following significant changes:

(a) The current Section A (Law Enforcement Needs, Problems, and Priorities) has been dropped as a separate section and integrated in the Multi-Year Plan Component. With introduction of the multi-year plan last year and the general statement required for it, it appeared that the "needs, problems, and priorities" section had become "pro forma" and repetitive of what was required in more intensive form in multi-year presentations.

(b) The "general statement" of the annual action plan has been deleted, again in light of the general statement required for the multi-year plan and to avoid repetition of data.

(c) The overall plan format has been divided into a "Program Component" and an "Administrative Component." It is anticipated that the program component, which includes the multi-year and annual action programs will undergo more active change and revision than the administrative segment. (The latter can stabilize in a basic volume with occasional updating and annual listings and charts for administrative data such as current personnel rosters, local planning allocations, etc.)

(d) The multi-year period has been increased from four to five years (current and four succeeding calendar years). In doing so, it was noted that several States (over 10 percent) were already on a five-year plan basis and that most others had indicated the capacity to more in this direction.

(e) In the multi-year plan, the new guidelines specify a year-by-year projection of hoped-for results and accomplishments for the first and second years of the multi-year period and for the 5-year period as a whole. In the preliminary guidelines, annual projection for each of the 5-years was presented (still recommended by LEAA to States capable of such an effort).

(f) The "Schedule of Law Enforcement System Data" has been retained with modest expansion in the number of information items and improvement of structure and definitions by LEAA's National Criminal Justice Information and Statistics Service (NCJISS). A near-final schedule is included in the guidelines, reflecting inputs of the special SPA directors committee established for this purpose at the Colorado Springs meeting. The final issuance is expected by October 1.

(g) LEAA has retained the suggested functional categories set forth in the 1969 and 1970 guidelines, mindful of the option for States to establish other categories and the fact that many States have actually done so. Nevertheless,

experience to date has shown the need to re-examine these categories as a joint LEAA/SPA endeavor and the Administration plans to commence this effort in January 1971 with a view toward adoption of new categories, or category alternatives, commencing with the FY 1972 plans. These will be consistent with the grant management information systems now being developed to facilitate proper LEAA and SPA administration of the Title I program.

(h) Clarifying language has been inserted in several places to remedy difficulties with the 1970 guidelines. Other adjustments include (i) specific request for discussion in Section I–E (Related Plans and Systems) of awards under other LEAA programs (such as the LEEP and National Institute grants), if not covered elsewhere; (ii) distribution of the former statutory justification sections (old Section F) among the new program and administrative components as appropriate; (iii) request for specific data about supervisory board "executive committees" and other standing committees and (iv) a number of updating corrections.

The new Section IV has been punched for insertion in Guide binders and additional copies will be forwarded under separate cover. Those particular pages which include modifications from the preliminary guidelines show a September 1970 rather than June 1970 issuance date. A full reprint of the Guide for fiscal year 1971 is in preparation and should be available for distribution by November 1. As in the past, States may depart from the guideline structure, provided all guideline items are covered and their location is referenced and explained. The December 31, 1970 due date for plan submissions remains firm.

CLARENCE M. COSTER,
Associate Administrator.
RICHARD W. VELDE,
Associate Administrator.

AUGUST 22, 1972.

FOREWORD

1. *Purpose.*—This guideline manual provides guidance on the application, award, and administration of the Part B program, State Planning Agency Grants.

2. *Scope.*—The provisions of this guideline manual apply to all State Planning Agency Grants. This manual is of concern to all State Planning Agencies.

3. *Cancellation.*—The Guide for Comprehensive Law Enforcement Planning and Action Grants, Fiscal Year 1970, Section I and II, is cancelled. The following State Planning Agency Director's Memorandums are also cancelled:

(a) No. 13, 4/28/72, Guidelines re: Public Availability of SPA and Subgrantee Records and Documents.
(b) No. 14, 4/28/72, 1973 Planning Advances and Planning Carryover.
(c) No. 22, 4/30/71, Full 1972 Planning Grants.
(d) No. 31, 3/2/72, Environmental Statements.

4. *Explanation of Changes.*—

(a) *Guideline Manual Format.*—The material in this manual has been arranged in the proper format to comply with LEAA directives system standards for external issuances. Thus the topic lettering and numbering format does not correspond to that used for the 1972 Comprehensive Plan Guidelines.

(b) *Major Textual Changes.*—The following major changes to material contained in the Guide, the 1972 Guidelines, and associated SPA memorandums are incorporated in this guideline manual:

(1) State and Regional Supervisory Board Operations.
(2) State and Regional Planning Agencies Structure.
(3) State Planning Agency Operations.
(4) Lists—State Supervisory Boards, Regional Supervisory Boards, State Planning Agency Staff and Combined State Planning Agency Staff and Regional Planning Staff.
(5) Annual Comprehensive Plan Development Process.
(6) Utilization of Services, Facilities, etc.
(7) Evaluation Activities of the State Planning Agency.
(8) Plan Implementation and Subgrant Procedures.
(9) Manual/Guidelines of the State Planning Agency.
(10) State Planning Agency Denial/Termination Procedures.
(11) FY 1973 Buy-In and Hard Match Requirements.
(12) State Assumption of Cost Responsibilities.
(13) Non Supplanting Responsibilities.
(14) State Planning Agency Technical Assistance and Services.
(15) State Audit Activities.

(16) OMB Circular A–95 Procedures.
(17) National Environmental Policy Act.
(18) Clean Air Act.
(19) National Historic Prevention Act.
(20) Uniform Relocation Assistance and Real Property Acquisition Policy Act.
(21) Federal Freedom of Information Requirement.
(22) Civil Rights Act.
(23) Fund Availability Plan for Localities.
(24) Source of Funds Statement.
(25) Annual State Planning Agency Budget.
(26) Annual State Planning Agency Functional Budget.
(27) Standard General and Fiscal Grant Conditions.
(28) Advanced Planning Grant Application Procedure.

(c) *Administrative Component.*—The major change to the Fiscal Year 1973 Planning Grant Guidelines is the inclusion of the administrative components formerly required as a part of the Comprehensive State Plan.

(d) *Buy-In and Hard Match Requirement.*—Included in this Guideline Manual are the Buy-In and Hard Match Requirements which will effect the operation of the State Planning Agency.

(e) *Other Statutory Requirements.*—Included is a discussion and listing of requirements imposed on the State Planning Agency by legislation other than the Omnibus Crime Control and Safe Streets Act, as amended.

(f) *Consolidation of SPA Memorandum.*—This Guideline Manual is an effort to combine in one document numerous SPA Memorandums and other related correspondence affecting the State Planning Agency Operation.

5. *Forms.*—Use of the following new forms is prescribed by the Guideline Manual. An initial distribution of these forms will be made to State Planning Agencies.

(a) *LEAA Form 4201/1* (5–72), Application for Planning Grant Advanced Funds—Fiscal Year 1973.

(b) *LEAA FORM 4202/1* (6–72), Full Planning Grant Application.

JAMES T. DEVINE,
Assistant Administrator, OCJA.

OCTOBER 4, 1972.

FOREWORD

1. *Purpose.*—This Guideline manual provides guidance on the formulation of Comprehensive State Law Enforcement Plans.

2. *Scope.*—The provisions of this Guideline manual apply to all Comprehensive State Plans. The manual is of concern to all State Planning Agencies.

3. *Cancellation.*—SPA Memo No. 10, Change No. 1, Guidelines for FY 1973 Comprehensive State Law Enforcement Plans.

4. *Explanation of Changes.*—This Guideline manual complements Guideline Manual M 4100.1 and completes the Guide for Comprehensive Law Enforcement Planning and Action Grants. Guideline Manual M 4100.1, Chapters 1 and 2 are to be used for Part B Planning Grants and Guideline Manual M 4300.1, Chapters 3 and 4 are to be used for Part C and E Comprehensive State Plans. The material in this Guideline Manual M 4300.1 has been arranged in the proper format to comply with LEAA directives system standards for external issuances. No major textual changes have been made.

JAMES T. DEVINE,
Assistant Administrator,
Office of Criminal Justice Assistance.

DECEMBER 10 1973.

FOREWORD

1. *Purpose.*—This guideline manual provides guidance on the application, award and administration of the Part B planning program and the Part C and E action programs.

2. *Scope.*—The provisions of this guideline manual apply to all State Planning Agency grants. This manual is of concern to all State Planning Agencies and LEAA professional personnel.

3. *Cancellation.*—Guideline Manual M 4100.1A, State Planning Agency Grants is canceled.

4. *Explanation of Changes.*—

a. Crime Control Act of 1973: This manual incorporates changes required by the Crime Control Act of 1973 which became Public Law 93–83 on August 6, 1973.

b. Major Textual Changes: The following major changes which will have a significant effect on planning and action grant applications have been incorporated in this guideline manual:

(1) Citizen representation on State Planning Agency (SPA) Supervisory Boards is now optional rather than required [paragraph 16b(2)].

(2) SPA's are required to provide procedures for the submission and review of annual plans from regional planning units and/or units of general local government having a population of at least 250,000 persons [paragraph 18a(3)].

(3) SPA's are required to approve or deny applications to the SPA for funding no later than 90 days after receipt by the SPA. SPA's must develop written procedures regarding the 90 day review (paragraph 19).

(4) On Part B and Part C Block funds, States are required to Buy-In on not less than one-half of the required non-federal funding (paragraph 19h).

(5) The required non-federal funding of the cost of any program or project utilizing Part B, Part C or Part E funds must be new money appropriated in the aggregate by the State or local unit of government (paragraph 19i).

(6) Regional Planning units may receive up to 100 percent funding for expenses incurred in criminal justice planning (paragraph 24b).

(7) Regional Supervisory Boards must be composed of a majority of local elected officials [paragraph 24c(a)].

(8) Additional emphasis has been placed on the establishment of State standards, goals and priorities. The State Plan must also be comprehensive and demonstrate a determined effort to improve the quality of law enforcement and criminal justice (paragraphs 60 and 62).

(9) The State Plan must provide funding incentives to units of government that coordinate and combine criminal justice functions [paragraph 79a(2)].

(10) The State Plan must include a comprehensive program for the improvement of juvenile justice (paragraph 81).

(11) The State Plan must reflect an emphasis on the development of narcotic and alcoholism treatment programs in correction programs (paragraph 84n).

(12) The State Plan must reflect programs to monitor the progress and improvement of the correctional system (paragraph 84o).

(13) SPA's are required to implement the Department of Justice Equal Employment Opportunity Guidelines 28 C.F.R. 42.302, *et seq.*; subpart E (paragraph 33).

5. *Effective Date.*—This manual is effective July 1, 1973.

DONALD E. SANTARELLI, *Administrator.*

JULY 1, 1974.

FOREWORD

1. *Purpose.*—This guideline manual provides guidance on the application, award and administration of the Part B planning program and the Part C and E action programs.

2. *Scope.*—The provisions of this guideline manual apply to all State Planning Afency grants. This manual is of concern to all State Planning Agencies and LEAA professional personnel.

3. *Cancellation.*—Guideline Manual M 4100.1B, State Planning Agency Grants is cancelled.

4. *Explanation of changes.*—The following textual changes have been incorporated into this guideline manual:

a. A–95 Review: Revised OMB Circular No. A–95 issued November 13, 1973 now requires Federal agencies to provide the Clearinghouse with a written explanation when proceeding to approve a program or project which has been recommended by the Clearinghouse not to be approved (p. 24)

b. National Environmental Policy Act of 1969: Revised guidelines issued by the Council on Environmental Quality on August 4, 1973, required a

complete revision of LEAA regulations relating to the implementation of the National Environmental Policy Act (pp. 26–29 and 149).

c. Clean Air Act and Federal Water Pollution Control Act: Executive Order 11738 issued January, 1974, prohibits Federal funds to be used in contracting with violators of the Clean Air Act and Federal Water Pollution Control Act (pp. 29 and 148).

d. National Historic Preservation Act of 1966: Revised guidelines pursuant to the National Historic Preservation Act include two new requirements. In addition to the Federal Register Properties, properties eligible for inclusion in the Federal Register also must be reviewed for adverse effect. Finding of effects must be reported to the Advisory Council on Historic Preservation (p. 29).

e. Medical Research and Psychosurgery: LEAA policy regarding the use of grant funds for medical research is incorporated into Appendix 4–3 (p. 150).

f. Content of Environmental Analysis: A revision and elaboration of information to be included in environmental impact statements necessitated the addition of Appendix 4–6 (pp. 155–156).

g. Environmental Review Format: The development of a new and more elaborate environmental review format necessitated the addition of Appendix 4–7 (pp. 157–160).

5. *Effective Date:* This manual is effective July 1, 1974.

DONALD E. SANTARELLI, *Administrator.*

MARCH 21, 1975.

FOREWORD

1. *Purpose.*—This guideline manual provides guidance on the application, award and administration of the Part B planning program and the Part C and E action programs.

2. *Scope.*—The provisions of this guideline manual apply to all State Planning Agency grants. This manual is of concern to all State Planning Agencies and LEAA professional personnel.

3. *Cancellation.*—Guideline Manual M 4100.1C, State Planning Agency Grants, dated July 1, 1974, is cancelled.

4. *Explanation of Changes.*—The following textual changes have been incorporated into this guideline manual:

a. Change to M 4100.1C: Change 1, issued November 1, 1974, and Change 2, issued January 24, 1975, have been incorporated into this document. These were changes to FY 1975 guideline. The planning grant application forms have been changed to reflect change in policy with regard to carryover of planning funds from one year to the next.

b. Juvenile Justice: Changes have been made throughout this guideline which reflect a new emphasis on Juvenile Justice in both the Planning Grant and Comprehensive Plan applications. Paragraph 81, page 131, provides for a citation to all portions of the plan which deal with juvenile justice and juvenile delinquency prevention.

c. Juvenile Justice and Delinquency Prevention Act of 1974: The changes to the Safe Streets Act mandated by the JJ&DP Act of 1974 (i.e. the composition of the SPA Supervisory Board and the maintenance of the 1972 level of effort on Juvenile Delinquency Prevention) have been included. The first of these was included in Change 2 to the 1975 guidelines. The second is in Paragraph 81, page 131. Paragraph 82, page 131, is reserved for guidelines for those states which plan to participate in the programs to be funded under the new Act.

d. A–95 Notification Procedures: Two changes have been made in Paragraph 27 to more clearly describe the requirements of OMB circular A–95. These can be found in Paragraph 27b(4)(a) and (b).

e. State Planning Agency Staff: The kinds of competencies suggested as appropriate for State Planning Agency staffs is changed in Paragraph 17, page 10, to reflect emphasis on evaluation capabilities, among other competencies which are appropriate.

f. National Environmental Policy Act and National Historic Preservation Act: Paragraphs 28 and 30, pages 37–42, which contain the requirements mandated by the National Environmental Protection Act of 1969 and the National Historic Preservation Act of 1966 have been revised. LEAA will issue a guideline which will more fully articulate NEPA and NHPA requirements in the near future.

g. Memorandum of Agreement on Areawide Planning: A memorandum of agreement must be developed between the areawide planning agency which is designated as the A–95 clearinghouse and the applicant for funds for an areawide or regional law enforcement and criminal justice planning unit. This change, contained in Paragraph 27, page 36, requires that the memorandum must specify how the general areawide planning agency and the law enforcement and criminal justice planning agency will coordinate planning activities. If the two agencies are the same, the memorandum is not required.

h. Civil Rights Compliance: Changes in Paragraph 33, pages 52–56, reflect new requirements for civil rights compliance, with special reference to reporting on awards for construction projects.

i. Description of Planning Process and Plan Relationships: A fuller statement of the planning process or planning methods to be used by the State Planning Agency is required by these changes in Paragraph 18, pages 12–14. A set of planning setps is suggested. The State Planning Agency is to show how it expects to relate the sections of the plan to one another.

j. Technical Assistance: The guidelines were revised in two places, both in the planning grant application requirements (Paragraph 22, page 26), and in the comprehensive plan guidelines (in a new Paragraph 83, pages 131–132), to reflect increased emphasis on the development of a technical assistance strategy and plan by each State Planning Agency. Technical Assistance is defined in the new Paragraph.

k. State Assumption of Costs: The guidelines have been revised in two places, both in the planning grant application (Paragraph 18, page 19), and in the Progress Report (Paragraph 92, page 147) to reflect the need for additional detailed information about the extent to which state and local governments are assuming costs of programs originally funded by block grants, and are building these programs into ongoing state and local criminal justice and law enforcement agencies.

l. Audit Capabilities/Activities: The guidelines have been changed to provide for more specificity about the plans and proposed procedures for audit by each State Planning Agency (Paragraph 23, pages 26–28). A biennial audit is permitted.

m. Submission Dates for Planning Grant Applications and Comprehensive Plans: The submission date for FY 1976 planning grants is changed to May 31, 1975. The submission date for the FY 1976 comprehensive plan is changed to September 30, 1975. It is intended that in FY 1977, the planning grant will be submitted by May 1, 1976, and the comprehensive plan by June 30, 1976. This set of dates is designed to permit the approval of state plans for 1977 by the time the new fiscal year begins for fiscal 1977, which is October 1, 1976, as provided in the new Budget Act. These changes will also permit State Planning Agencies to move toward full plan implementation at the start of calendar year 1977. These changes are found in Paragraph 44, page 63, and in Paragraph 105, page 166.

n. Certified Check List: The certified check list (pages 89–93) has been changed to reflect other changes in the guideline which require that states report where new material is now required.

o. Comprehensive Plan Requirements: The requirements for the comprehensive plan have been changed, in accordance with the intent of Congress in adding the definition of comprehensiveness [Section 601(m)], to specify more fully what a comprehensive plan must include. The requirements have also been changed to require a fuller effort at data-based crime analysis. The statement originally required on standards, goals, and priorities has been separated into three statements, although states may still choose to combine them into one. Methods by which goals, standards, and priorities were developed, and strategies for achievement of them are now required. Standards and goals development efforts are fully integrated into the planning process. The multi-year budget and financial plan is changed to require that all state

and local expenditures for law enforcement and criminal justice must be included and related to the proposed block grant expenditures. The annual action program section must include statements about what the contribution programs are expected to make to goal and standard achievement. These changes involve substantial revisions in Paragraphs 49 through 73, pages 97–122.

p. Program Categories and Program Descriptors: The guidelines have been changed to eliminate suggested program categories (1) through (9), leaving each State Planning Agency free to select its own program categories. The guidelines now include a new requirement that program descriptor codes be added to programs funded with LEAA grants in the multi-year plan and in the annual action program. The changes are contained in Paragraph 65, page 113, in Paragraph 73, page 118 and 122 in Appendix 3–1 and in Attachment A, pages 173–174, to the comprehensive plan, which provides the crosswalk to the program descriptors from the state's program categories. The crosswalk will be mandatory for the FY 77 plan. LEAA will do this for the SPAs for the FY 76 plan. The SPAs must apply the program descriptors to their subgrants in the FY 76 plan after LEAA codes the plan.

q. Progress Report: The section on the progress report on the previous year's grant awards have been changed (Paragraphs 92–94), pages 147–148) to require that states provide more detailed reports on projects which have been monitored and which appear to have promise of success and to offer potential for widespread replication.

r. Housing and Community Development Act of 1974 and Joint Funding Simplification Act of 1974: Changes have been included (in Paragraph 91, page 145) which reflect the passage of the Housing and Community Development Act of 1974 and the Joint Funding Simplification Act of 1974, and which require statements, as applicable, of relationships to the requirements of those Acts.

s. Narcotics and Alcoholism Treatment: Revisions (in Paragraph 84, pages 140–142) which reflect required LEAA coordination with other Federal agencies, including the Special Action Office for Drug Abuse Prevention (SAODAP), the National Institute for Drug Abuse (NIDA), and the National Institute for Alcoholism and Alcohol Addiction (NIAAA), are set forth in the guidelines. They make more specific the requirements for provision of needed services to those in corrections programs.

t. Manpower Plans and Programs: The guideline has been changed in several places to reflect added emphasis on and reporting of manpower plans and programs. The changes appear in Paragraph 18, page 12; Paragraph 59, page 103, and Paragraph 73, page 118.

u. Organized Crime Plans and Programs and Bicentennial Plans and Programs: The guideline has been changed to reflect the need to provide more information on the plans and programs of the states, in an easily identifiable way, in the areas of organized crime and the bicentennial.

v. Advances on Action Grants: The requirements for action grant advances has been changes (Paragraph 100, page 147) to require that first quarter advance action grants will be made only if the planning grant application has been submitted to LEAA. Second quarter advances will be made only if the comprehensive plan for the state has been submitted to LEAA.

w. Appendices 1 and 2: The Crime Control and Safe Streets Act as amended by the Juvenile Justice and Delinquency Prevention Act of 1974 is appendix 1. The Juvenile Justice and Delinquency Prevention Act of 1974 is appendix 2.

CHARLES R. WORK,
Deputy Administrator for Administration.

APPENDIX TABLE IV-9

STATE PLAN IMPLEMENTATION

States	Percent of projects planned and receiving funding	Percent of projects actually implemented	Percent of projects never started
U.S., total	88	86.1	4.4
Alabama	95	90.0	0
Alaska	95	0	.5
Arizona	90	90.0	5.0
Arkansas	90	80.0	3.0
California	85	98.0	1.0
Colorado	75	70.0	5.0
Connecticut	99	95.0	2.0
Delaware	(1)	(1)	(1)
District of Columbia	90	95.0	0
Florida	99	98.0	1.0
Georgia	95	95.0	5.0
Hawaii	(1)	(1)	(1)
Idaho	98	98.0	2.0
Illinois	90	85.0	5.0
Indiana	90	95.0	2.0
Iowa	80	79.0	1.0
Kansas	(1)	(1)	(1)
Kentucky	90	80.0	2.0
Louisiana	95	90.0	1.0
Maine	70	65.0	5.0
Maryland	87	87.0	2.0
Massachusetts	95	93.0	2.0
Michigan	90	95.0	5.0
Minnesota	90	90.0	2.0
Mississippi	95	90.0	5.0
Missouri	95	85.0	5.0
Montana	98	98.0	2.0
Nebraska	50	99.0	2.0
Nevada	95	90.0	5.0
New Hampshire	90	80.0	2.0
New Jersey	95	95.0	1.0
New Mexico	90	80.0	10.0
New York	(1)	(1)	(1)
North Carolina	70	60.0	10.0
North Dakota	83	99.0	0
Ohio	90	90.0	5.0
Oklahoma	95	99.0	1.0
Oregon	95	80.0	10.0
Pennsylvania	(1)	95.0	5.0
Rhode Island	90	85.0	5.0
South Carolina	95	80.0	5.0
South Dakota	75	75.0	10.0
Tennessee	73	95.0	5.0
Texas	83	88.0	5.0
Utah	90	96.0	4.0
Vermont	(1)	(1)	(1)
Virginia	90	85.0	5.0
Washington	75	75.0	2.0
West Virginia	90	90.0	1.0
Wisconsin	77	67.0	5.0
Wyoming	(1)	(1)	(1)
Virgin Islands	85	80.0	10.0
American Samoa	90	50.0	10.0
Guam	95	75.0	25.0
Puerto Rico	(1)	(1)	(1)

[1] Not available

Source: 1975 ACIR Safe Streets questionnaire.

CHAPTER V

SAFE STREETS FUNDING

This chapter focuses on the ways in which Safe Streets funds have been used over the past seven years. It includes a discussion of the different kinds of assistance made available under the Safe Streets Act, the purposes for which they have been used, and the distribution to various jurisdictions and agencies.

While the best available data have been used here, complete and reliable information on Safe Streets funding has been and continues to be difficult to obtain. Hence, the reader is cautioned on the limitations of the data upon which the following analyses are based.[1]

DISTRIBUTION OF PART C BLOCK GRANT FUNDS

In Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Congress mandated that an amount of funds be distributed among the states in the form of block grants and in accordance with a population-based formula. This formula for Part C "action" funds, which has been in effect throughout the life of the act, has resulted in the distribution of Federal assistance shown in Appendix Table V–1. These block grants are to be used by the states to carry out programs and projects to improve and strengthen law enforcement and criminal justice. Nationally, the 10 most heavily populated states have received over 50 percent of the action funds, compared with less than a three percent share for the 10 least populated states.

To put the Safe Streets block grant program in perspective, total Part C expenditures are compared with total state and local direct criminal justice outlays for the years for which data are available (see Table V–1).

TABLE V-1.—COMPARISON BETWEEN SAFE STREETS PART C BLOCK GRANT FUNDS AND DIRECT (EXCLUDING INTERGOVERNMENTAL PAYMENTS) STATE AND LOCAL CRIMINAL JUSTICE EXPENDITURES, FISCAL YEARS 1969–73

[Dollar amounts in thousands]

	State expenditures	Local expenditures	Block grant funds[1]	Block grant funds as a percent of State/local total expenditures
Fiscal year:				
1969	1,849,000	4,691,000	25,062	0.3
1970	2,139,000	5,454,000	182,750	2.4
1971	2,681,000	6,621,000	340,000	3.1
1972	2,948,000	7,281,000	413,695	4.0
1973	3,304,000	8,052,000	480,180	4.2
Total	12,921,000	32,099,000	1,441,687	3.2

[1] These figures were obtained from comprehensive planning guidelines published annually by LEAA.

Source: U.S. Law Enforcement Assistance Administration and U.S. Bureau of Census "Expenditure and Employment Data for the Criminal Justice System, 1968–69 and 1972–73, Washington, D.C.: U.S. Government Printing Office, 1974.

During the first five years of the program, Safe Streets Part C funds represented a total of only 3.2 percent of total state-local direct criminal justice expenditures. Since block grant funds began to level off after FY 1973, it is doubtful whether they have ever exceeded five percent of such outlays in the past few years. Even when Part E allocations for corrections are added the proportion of total Safe Streets funds in state and local criminal justice expenditures in any year does not rise above five percent. Thus, the relatively small size of the Safe Streets program must be considered in assessing its results and impact.

Distribution by Level of Government

To help ensure that sufficient Safe Streets funds would be made available to meet local needs, Congress mandated that, within each state, a certain percentage of the Part C block grant award must be passed-through to local governments. This pass-through percentage now is variable, based on the local proportion of state and local expenditures for criminal justice during the preceding fiscal year. While this formula determines the overall allocation of Part C funds between state and local government by each state planning agency (SPA), the amounts to be awarded to individual jurisdictions, and the purposes for which they are to be used, are decided by SPAs, and in some states by regional planning units, based on applications submitted by localities.

Table V–2 indicates the percentages of action funds received by the different levels and types of government.

[1] The source of much of the data presented in this chapter was the Grants Management Information System of the Law Enforcement Assistance Administration. An analysis of the GMIS data is presented in Appendix V–1.

TABLE V-2.—PERCENTAGES OF PART C BLOCK GRANT FUNDS RECEIVED BY DIFFERENT LEVELS OF GOVERNMENT

[In percent]

Type of recipient	Fiscal year—							1969–75
	1969	1970	1971	1972	1973	1974	1975	
State	28	28	32	36	36	36	47	35
Cities	48	42	37	31	31	29	23	33
Counties	23	28	29	31	31	30	25	30
Private agencies	1	2	2	2	3	5	5	3

Source: LEAA grant management information system data.

As can be seen, the relative percentages of Safe Streets subgrants to state agencies, cities, counties and private non-profit organizations have fluctuated over the years. Some of these changes are attributable to Congressional action. In the 1971 amendments, for example, Congress modified the original requirement for states to pass-through a total of 75 percent of their block grant funds to local units. The increase in state agency funds and the decrease in awards to cities from 1969 to 1972 could reflect the change from a fixed to a variable pass-through percentage. In most instances, this revised pass-through formula resulted in more funds being available for state agencies.

The jump in the state agency percentage and decline in the city and county percentages in 1975 could be illusory since only a small proportion of 1975 funds had been awarded and included in the GMIS system at the time research for this chapter was completed. Also, state agency grants require less processing time and thus could be awarded earlier than local grants.

The percentages of total direct criminal justice expenditures by each level of government are shown below.

TABLE V-3.—PERCENT DISTRIBUTION OF CRIMINAL JUSTICE SYSTEM DIRECT EXPENDITURES (EXCLUDING INTERGOVERNMENTAL PAYMENTS), BY TYPE OF GOVERNMENT

Type of government	Fiscal year—		
	1970–71	1971–72	1972–73
State	29	29	29
Municipalities	48	47	46
Counties	23	24	25

Source: U.S. Law Enforcement Assistance Administration and U.S. Bureau of Census, "Expenditure and Employment Data for the Criminal Justice System, 1970–71, 1971–72, 1972–73," Washington, D.C.: U.S. Government Printing Office, 1974.

Comparison with Table V–2 suggests that states and counties now are receiving more, and municipalities less, than a proportionate amount of Safe Streets Part C funds based on their relative shares of direct criminal justice outlays. This was not the case in the program's initial years. It should be noted, however, that a significant proportion of total municipal criminal justice expenditures include those of small towns and villages, many of which are unwilling or unable to apply for Safe Streets funds or are not eligible individually to receive such assistance, under state guidelines, because of a low crime rate or small population. Another factor to be considered here is the practice of making grants to state agencies or regional planning units but counting these awards as part of the required pass-through percentage because they benefit municipalities which have waived their right to receive direct aid. These appear as state agency or county grants in LEAA's Grants Management Information System (GMIS) data. Still another, of course, is the tapering off of SPA awards for police and police-related activities; this obviously affected the cities' share of the funds over time.

To gauge attitudes on this issue, ACIR asked all SPA directors whether or not they thought that the present pass-through formula provides the most appropriate division of resources. Slightly less than three-fourths of the respondents answered affirmatively. Those who disagreed generally believed that more funds should be retained at the state level, but their reasons varied widely. Some indicated that state agencies have greater expertise and administrative capability, and are better able to make effective use of Safe Streets funds. Others mentioned the

efficiency of making monies available to state agencies to provide services directly benefitting local government. For example, one SPA stated: ". . . a number of projects in which a single State agency could perform a service to local agencies in a uniform, cost effective manner must often be carried out in a multiplicity of fragmented local grants because of pass-through limitations and the difficulties of working out an adequate waiver process." Two SPAs objected to the pass-through formula on the ground that it reinforced the state-local division of functions providing no incentive for the state to assume additional responsibilities. As one put it: "The existing pass-through formula is based on the current balance between state and local spending for criminal justice, and therefore tends to perpetuate the current structure of the criminal justice system. While some limits on SPA allocations to its sister state agencies may be necessary, these limits should be flexible enough to allow for SPA support of major realignments of criminal justice responsibilities (e.g., state takeover of the county corrections system)." Still other SPAs took issue with the method by which the pass-through ratios are computed. Typically, these respondents challenged the currency and completeness of the data on which the formula are based.

When city and county officials were asked whether the present pass-through percentage provides the most appropriate division of resources between state and local levels, 71 percent (835 of 1,177) replied negatively, with 98 percent of these officials indicating that the localities should receive a greater percentage of Safe Streets funds. There were no differences in the views of city and county officials on the issue. This feeling on the part of local officials stem from their resentment of state control of Safe Streets allocations, a view that was expressed rather consistently during the field interviews with local officials. It also reflects their hostility to the variable pass-through provision.

There is some evidence that within each state Safe Streets funds have been fairly widely distributed among local units of government. Of the 1,636 cities and counties responding to ACIR's survey, 77 percent indicated that they had received Safe Streets funds at some time since 1969. Although this percentage probably would drop if non-respondents were polled, it does indicate a wide diffusion of Safe Streets dollars across many jurisdictions.

Funding Policies and Priorities

One of the prime areas of inquiry in ACIR's surveys and field studies was the extent to which the block grant approach provided sufficient flexibility to state and local governments. All SPAs were asked to assess their degree of programmatic and administrative discretion in handling Safe Streets block grants.

TABLE V-4.—SPA DIRECTORS' VIEWS ON AMOUNT OF DISCRETION UNDER THE BLOCK GRANT, OCTOBER 1975

	Great discretion		Some discretion		Little discretion		No discretion	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Control and use of funds	22	43.1	29	56.9	0	----------	0	----------
Establishing action grant priorities	31	60.8	20	39.2	0	----------	0	----------
Planning procedures	22	43.1	26	51.0	3	5.9	0	----------
Budgeting procedures	18	35.3	25	49.0	8	15.7	0	----------
Auditing procedures	13	25.5	28	54.9	9	17.6	1	2
Evaluation procedures	18	35.3	30	58.8	3	5.9	0	----------

As the data in Table V–4 show, most SPAs believe they have significant discretion in establishing action grant priorities and, in fact, most have taken an active role in setting specific policies and/or priorities which limit the range of eligible funding activities. Eighty-seven percent of the 45 state planning agencies responding to a question concerning this matter stated that they established policies which excluded certain activities from funding and encouraged others. Among the types of policies cited most frequently were those prohibiting the use of Safe Streets support for equipment and construction projects. A number of SPAs also have attempted to maximize the reform potential of Federal monies by setting certain eligibility standards for applicants; for example, Maryland refuses to fund police departments not meeting the SPA's minimum standards for police services. Similarly, Louisiana and Georgia exclude localities not participating in the Uniform Crime Reporting program from eligibility for Safe Streets assistance. Several states give priority to consolidated multi-jurisdictional efforts, primarily in the areas of law enforcement communications, training and construction.

As seen in Table V–5 the SPAs indicate that their supervisory board and staff exercise by far the most influence in establishing funding policies and priorities.

TABLE V–5.—RELATIVE INFLUENCE OF VARIOUS PARTICIPANTS ON SPA POLICIES AND PRIORITIES, OCTOBER 1975

	Great influence		Some influence		No influence	
	Number	Percent	Number	Percent	Number	Percent
LEAA priorities	8	17.4	32	69.6	6	13.0
Congressional priorities as expressed in the act and amendments thereto	17	36.9	27	58.7	2	4.3
The Governor	10	21.7	28	60.9	8	17.4
The State legislature	4	8.7	31	67.4	11	23.9
SPA Supervisory Board	41	89.1	5	10.9	0	----------
SPA staff	31	67.4	15	32.6	0	----------
Other State criminal justice agencies	7	25.9	18	66.7	2	7.4
Regional planning units	14	35.9	24	61.5	1	2.6
Local governments	8	19.0	32	76.2	2	4.8
Interest groups	3	19.0	10	76.2	9	4.8

Congressional preferences also appear to have a rather strong effect on SPA actions; the response pattern suggests that the categorization of the act as well as other statutory provisions like the personnel ceiling, have narrowed state discretion. In contrast, the governor and the state legislature appear to exercise relatively little influence in priority setting. It should be remembered, however, that the governor normally appoints the SPA director and the supervisory board members. Hence, gubernatorial influence may be exercised in indirect ways.

Among the most important SPA policies are those which govern the distribution of funds by jurisdictional and functional area. Twenty-one of the SPAs surveyed establish, by formula or other means, the percentage of Part C funds each region will receive; 22 do not do so. Of those SPAs which set aside specific amounts of funds by region, 82 percent do so prior to the preparation of the regional plan. Two of three states (Washington and Wisconsin) indicating that regional allocations take place after review and consideration of regional plans by the SPA, include regional plan quality as one of the criteria in determining the amounts. As one of these SPAs explained: "Regional Comprehensiveness, quality of Plan submission, interregional equity, regional priorities in relationship to overall State priorities and the availability of alternative local resources are all factors considered in efforts to equitably distribute money among regions."

Distribution formulas utilized by these SPAs vary widely in their precise detail, but generally they are based on some combination of population and reported index crime, although a number of states incorporate other factors as well. Several SPAs cited obstacles to developing an equitable formula, particularly outdated population statistics and unreliable crime data.

Those states not establishing distribution formulas took issue with this basic approach to allocating Safe Streets funds. One urban state commented: "The Committee (SPA) sees LEAA funds as a demonstration program, not revenue sharing. Since funds are limited, they should go to the most promising or desperately needed projects. Any other approach only encourages mediocre prjects." Another, a predominantly rural SPA, asked: "Is it the purpose of LEAA merely to divide the money as opposed to directing funds to problem areas of the criminal justice system?" These SPAs tend to distribute funds on the basis of documented need, usually after a project-by-project assessment at the state level.

ACIR's survey of regional planning units indicates that 77 percent of 326 responding RPUs establish their own funding policies and priorities in addition to those of the SPAs. This raises the question of who exercises the most influence in determining which activities and jurisdictions receive Safe Streets support—the SPA or the RPU? According to the survey of cities and counties, even though 71 percent of the localities communicate more often with the RPU than with the SPA concerning fund availability and application procedures, 66 percent of them think that the SPA has more influence in determining which activities and jurisdictions receive Safe Streets funds. Thus, while the RPUs may be assuming more administrative duties in the application process, in most localities the SPA is still viewed as controlling the distribution of Federal dollars.

In both the RPU and local government surveys, officials were asked whether, given their population and crime rate, they believed their jurisdiction receives a "fair share" of Safe Streets funds as compared with others. Both the local and regional respondent divided fairly evenly with 55 percent of the 418 counties and 321 RPUs and 48 percent of the 775 cities answering this question indicating that they did receive a "fair share."

Localities claiming they had received an unfair share gave various explanations for this condition, including an inadequate substate allocational formula or faulty SPA distributional criteria (25 percent), their comparatively week political position vis-a-vis others (21 percent), insufficient representation on the SPA supervisory board (18 percent), deficient RPU allocational criteria (12 percent), meager representation on their RPU supervisory board (11 percent), unwillingness to apply for Safe Streets funds because of worries over ultimate assumption of project costs (8 percent) and/or difficulties in coming up with matching funds (7 percent).

Funding of Urban Areas

A continuing issue throughout the history of the Safe Streets program has been whether the larger urban areas, which have the greatest crime-reduction needs, are receiving a sufficient share of the funds. In an attempt to resolve this matter, GMIS data were analyzed according to the population size of the recipient jurisdiction.

Table V–6 indicates that the larger cities and counties have received proportionately more Safe Streets funds than their population would seem to warrant. Places over 100,000, for example, contain approximately 39 percent of the population, yet they were awarded approximately 51 percent of the Safe Streets funds distributed to cities and counties. On the other hand, localities under 25,000 population have 37 percent of the population but were allocated only 23 percent of the funds.

The larger cities and counties, then, account for the greatest dollar amounts but a lesser number of grants, while jurisdictions under 10,000 population received 43 percent of the number of awards but only 13 percent of the funds. This reflects the tendency of small municipalities and rural communities to apply for and be awarded funds—particularly for equipment and training purposes—to upgrade their law enforcement and criminal justice operations.

In order to guage the extent of Safe Streets participation among local jurisdictions, those surveyed were asked if they had received Safe Streets funds since 1969. The responses are shown in Table V–7.

TABLE V-6.—PERCENT DISTRIBUTION OF SAFE STREETS FUNDS TO MUNICIPALITIES AND COUNTIES BY POPULATION SIZE, FISCAL YEAR 1969-75

[Dollar amounts in thousands]

Size of population	Percent of population living in incorporated[1] and unincorporated places	Amount awarded				Totals				
		Municipalities[2]		Counties		Amount awarded		Number of Grants	Percent	Total per capita
		Amount	Percent	Amount	Percent	Amount	Percent			
Over 1,000,000	13	$117,368	20	$38,038	7	$155,406	14	891	2	$8.28
500,000 to 1,000,000	9	66,444	11	56,392	11	122,836	11	2,254	4	9.46
250,000 to 500,000	7	58,981	10	69,903	13	128,884	11	1,614	3	12.31
100,000 to 250,000	10	95,142	16	75,558	14	170,700	15	5,244	9	11.94
50,000 to 100,000	12	68,312	12	58,750	11	127,062	11	4,608	8	7.59
25,000 to 50,000	12	55,422	9	46,435	9	101,857	9	6,714	12	5.71
10,000 to 25,000	15	44,759	8	69,727	13	114,486	10	8,634	15	5.34
1 to 10,000	22	49,250	8	100,484	19	149,734	13	24,590	43	4.69
Unknown		31,773	5	19,391	4	51,164	5	2,220	4	
Total	[3] (144,448,164)	587,451		534,678		1,122,129		56,769		

[1] U.S. Department of Commerce and U.S. Bureau of Census, "1970 Census of Population," 1970 v. 1, pat. A, sec. 1, U.S.Government Printing Office, Washington, D.C., May 1972, p. 1-45, table 6.

[2] Note: This column includes all local jurisdictions other than counties and RPU's.

[3] This does not include the 58,564,816 persons not living in incorporated areas or closely settled population centers as defined by the Bureau of Census.

TABLE V-7.—LOCAL GOVERNMENTS THAT HAVE RECEIVED SAFE STREETS FUNDS, SINCE 1969, BY JURISDICTIONAL SIZE, OCTOBER 1975

Size of local jurisdiction	Number reporting	Number receiving funds	Percent receiving funds
Over 500,000	16	16	100
250,000 to 500,000	19	19	100
100,000 to 249,999	68	67	99
50,000 to 99,999	122	110	90
25,000 to 49,999	228	196	86
10,000 to 24,999	535	396	74

TABLE V-8.—PERCENT DISTRIBUTION OF SAFE STREETS FUNDS BY POPULATION AND CRIME RATE OF CITIES, PT. C BLOCK GRANT FUNDS, FISCAL YEAR 1969–75

Sizes of city population	Population [1] of 1973 total population living in cities, percent living in cities of different population sizes	Crime [2] of total 1973 index crimes reported by cities, percentage reported by cities of different population sizes	Funds [3] of total safe streets pt. C block grant funds awarded to cities, (fiscal year 1969–75) percentage awarded to cities of different population sizes
Over 1,000,000	15	18	20
500,000 to 1,000,000	11	14	11
250,000 to 500,000	8	11	10
100,000 to 250,000	11	14	16
50,000 to 100,000	14	14	12
25,000 to 50,000	14	12	9
10,000 to 25,000	16	11	8
1 to 10,000	11	7	8
Unknown			5

[1] U.S. Federal Bureau of Investigation, U.S. Dept. of Justice, "Uniform Crime Reports" (Washington, D.C.: U.S. Government Printing Office, 1973,) pp. 104–5.
[2] Ibid.
[3] LEAA grant management information system data.

Clearly, a greater percentage of the larger cities and counties surveyed have obtained Safe Streets support than the smaller jurisdictions.

Population, of course, is not the only consideration in distributing block grants within their states. Many other factors, most notably crime rates, are given as much or more attention in developing SPA funding policies and priorities. Table V–8 shows how Safe Streets funds have been allocated to cities of varying population ranges relative to their percent of reported crimes and population.[2]

On the basis of these data, it appears that the ffow of dollars among cities of different sizes more closely reflects the amount of crime in these jurisdictions than their population. Cities over 100,000 received 57 percent of the Safe Streets Part C block grant funds awarded to all cities and accounted for 57 percent of the total index crimes reported by jurisdictions of this type, even though they contained only 45 percent of the population living in cities. At the other extreme cities, under 25,000 had 27 percent of the population and experienced 18 percent of reported municipal crime, but received 16 percent of the Part C block grant funds awarded to local units of this type. Hence, it would seem that the Part C block grant funds provided to cities have been distributed in close proportion to the amount of crime they are actually experiencing.

An other issue throughout the history of the program has been the proportion of total pass-through funds awarded to cities compared to counties. It has been argued that cities have received less than an adequate share of funds given their population, crime volume and law enforcement responsibilities. While Table V–8 shows the distribution of the aggregate city share of pass-through dollars among larger and smaller jurisdictions relative to their crime rates, Tables V–9 and V–10 indicate the overall proportion of city *and* county awards to localities of different size in light of their population and crime rates.

[2] The reader should note that these crime figures are based only on crimes reported to the police. Evidence suggests that this may represent only a small percentage of all crimes committed. Moreover, some jurisdictions do not report crimes regularly or at all to the FBI.

TABLE V-9.—SAFE STREETS PART C FUNDING OF CITIES, FISCAL YEARS 1969–75

Population	Percent of U.S. reporting population living in cities [1]	Percent of all reported U.S. crimes reported by cities [1]	Total city-county block grant funds awarded to cities [2]		Total city-county discretionary funds awarded to cities [2]	
			Amount	Percent	Amount	Percent
Over 1,000,000	10	14	117, 367, 878	10	18, 874, 496	9
500,000 to 1,000,000	8	12	66, 443, 691	6	51, 417, 374	[3] 24
250,000 to 500,000	6	9	58, 981, 462	5	44, 841, 588	[3] 21
100,000 to 250,000	8	11	95, 141, 898	8	11, 531, 906	5
50,000 to 100,000	10	12	68, 312, 434	6	6, 727, 761	3
25,000 to 50,000	10	10	55, 421, 897	5	2, 861, 438	1
10,000 to 25,000	10	10	44, 759, 069	4	1, 322, 340	1
1 to 10,000	7	5	49, 250, 475	4	1, 371, 511	1
Unknown	0	0	31, 773, 735	3	9, 974, 894	5
Total	70	83	587, 452, 539	52	148, 923, 308	70

[1] U.S. Federal Bureau of Investigation, U.S. Department of Justice, "Uniform Crime Reports" (Washington, D.C., U.S. Government Printing Office, 1973), pp. 104–7.
[2] Source: LEAA grant management information system data.
[3] Discretionary funds totaling approximately $124,000,000 were awarded to eight cities in these 2 population groups as part of the impact cities program.

TABLE V-10.—SAFE STREETS PART C FUNDING OF SUBURBAN AND NON-SUBURBAN COUNTIES, FISCAL YEARS 1969–75

Population	Percent of United States reporting population living in counties of [1]	Percent of total reported crime reported by counties of [1]	Total city/county block grant funds awarded to counties [2]		Total city/county discretionary funds to counties of [2]	
			Amount	Percent	Amount	Percent
Over 100,000	9	8	239, 891, 049	21	37, 835, 243	18
25,000 to 100,000	12	6	105, 185, 666	9	8, 382, 987	4
Under 25,000	9	3	107, 210, 419	15	8, 770, 163	4
Unknown	0	0	19, 480, 785	2	7, 924, 726	4
Total	30	17	534, 767, 919	48	62, 913, 119	30

[1] U.S. Federal Bureau of Investigation, U.S. Department of Justice, "Uniform Crime Reports," Washington, D.C., U.S. Government Printing Office, table 10, pp. 104–7, 1973.
[2] Source: LEAA grant management information system data.

Note: These population and crime percentages relate only to county population living outside of cities and the crimes reported by jurisdictions other than cities.

Although the larger cities are receiving a greater percentage of the funds awarded to cities in proportion to their higher crime rates the figures in Table V–9 suggest that, overall cities are not receiving a percentage of pass-through funds proportionate to their share of total crimes. While cities account for 83 percent of total reported crimes and 70 percent of the population, jurisdictions of this type have received only 52 percent of the total block grant funds awarded to cities and counties from FY 1969–FY 1975. On the other hand, Table V–10 indicates that suburban and non-suburban counties have received a disproportionate share of Safe Streets monies in view of their population and crime rates.

There are several possible reasons for these differences. First, counties have substantial responsibilities of their own in the law enforcement, judicial and detention areas. In addition to functions performed in unincorporated areas, counties provide some criminal justice services to smaller municipalities within their boundaries. This may account for the relatively large percentage of total city-county Safe Streets funds awarded to counties. A related factor, noted earlier, is the declining Federal support for police activities over the years, which may have reduced the amount of monies available for the cities.

A second explanation is that city crime reporting is more complete than that of counties due to a greater data collection capacity and more law enforcement personnel at the city level. It should be noted again that the uniform crime reporting system has been criticized for incomplete reporting, particularly from smaller jurisdictions.

A third reason for the large percentage of funds awarded to counties is the trend toward consolidating criminal justice and law enforcement services at the county level, eliminating duplication among smaller jurisdictions. Communica-

tions projects and correctional programs are examples of this trend. Thus many Safe Streets activities undertaken by the counties are often of direct benefit to, and at the request of cities.

Finally, the funding pattern highlighted in Tables V–9 and V–10 implies a separation of city and county activities, whereas the purpose of the act was to promote coordination and eliminate duplication. It is possible that the present funding balance fosters and reflects a more appropriate division of responsibilities between cities and counties, with the former assuming a major law enforcement role and the latter occupying a key position in courts and corrections.

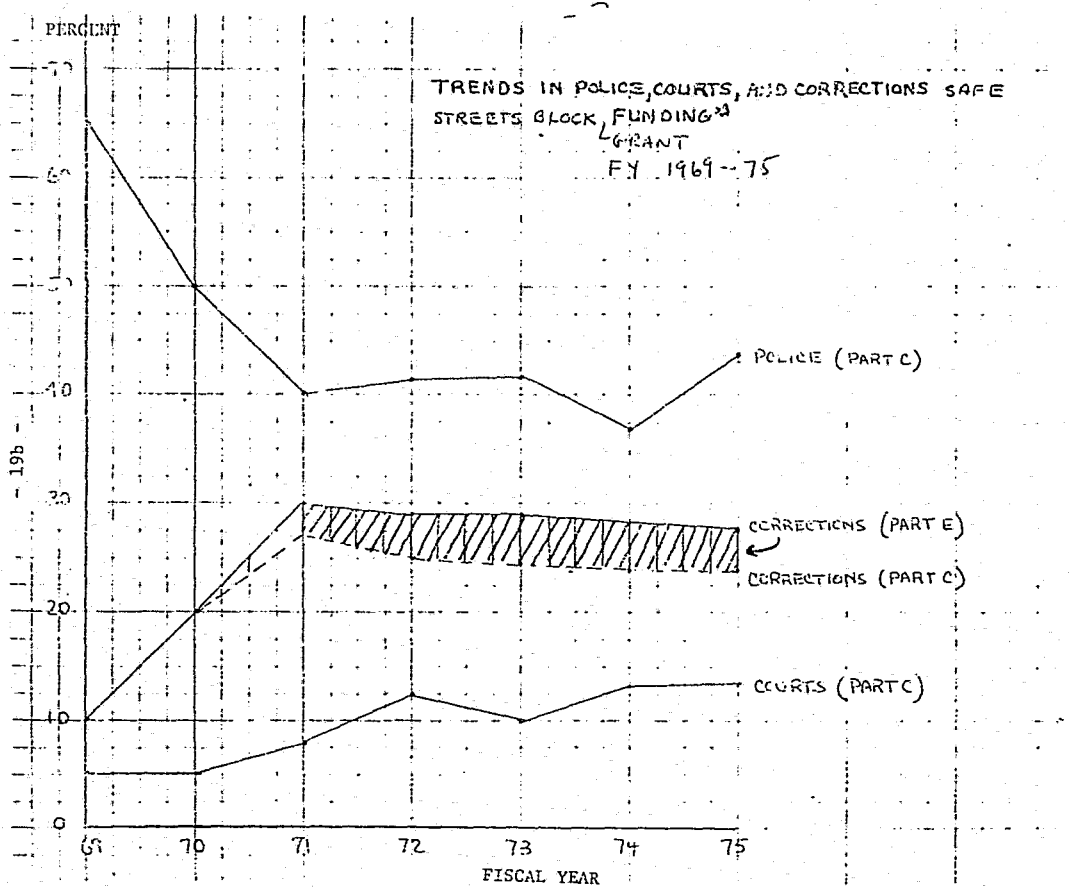
Given the overlapping geographical areas and jurisdictional responsibilities of cities and counties, it may be useful to combine county and city funding for analytical purposes. When this is done a more balanced block grant distribution pattern emerges. Combining Tables V–9 and V–10 for cities and counties over 100,000 population indicates that these jurisdictions contain 41 percent of the reporting population, 54 percent of the total reported crimes and received 50 percent of the block grant funds awarded to local governments. Thus, it appears that the larger jurisdictions are receiving Safe Streets funds more closely proportionate to their percentage of total crime than their percentage of total population. (Refer to Appendix Table V–2 for a state-by-state breakdown of city funding, population and crime data.)

This finding is even more striking when the distribution of Part C discretionary funds is considered. Approximately 77 percent of all discretionary funds awarded to cities and counties have been to jurisdictions over 100 000 population well beyond their population and crime percentages of 41 percent and 54 percent respectively. It appears that any gaps in the distribution of Safe Streets block grants to large urban jurisdictions have been filled by discretionary funds.

Despite the fact that Safe Streets monies have been directed to high crime areas, the SPAs surveyed reported that a total of only 30 percent of their projects and programs could be described as having a direct effect on reducing or preventing crime, although they thought that 48 percent were having an indirect effect. Sixty-one percent of their activities, on the other hand, were considered to be directly related to improving the criminal justice system. This also was found to be the case during the field interviews; many officials expressed the view that a significant reduction in crime was an unrealistic goal of the Safe Streets program, whereas system improvement was a more appropriate and feasible objective.

CRIMINAL JUSTICE FUNCTIONAL COMPONENTS RECEIVING BLOCK GRANT FUNDS

Another major source of controversy throughout the life of the Safe Streets program has been the proportion of funds awarded to the different functional areas of the criminal justice system —principally, the police, courts and corrections components. Using the data from GMIS, Part C subgrants were classified into five categories (see Table V–11).



*Source: LEAA Grant Management Information System Data

FIGURE V-1

As Figure V–1 illustrates, police funding dominated the early years of the program and has declined and stabilized since. Support for corrections and courts activities also appears to have stabilized, with the former declining very slightly and the latter increasing somewhat in recent years. The stabilization in the percentage of Part C funds for corrections after 1971 may reflect the effect of the additional funds for this functional area provided by the Part E amendment. The actual drop in the percentage of Part C funds for corrections in 1974 and 1975 is difficult to explain in view of the requirement that is level of percentage effort be maintained in order for states to qualify for Part E funds.

TABLE V–11.—SAFE STREETS, PT. C BLOCK GRANT FUNDS AWARDED TO MAJOR FUNCTIONAL COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM, 1969–75

[Dollar amounts in thousands]

	Police		Courts		Corrections [1]		Combinations		Noncriminal justice agencies	
Fiscal year:	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
1969	$15,353	66	$1,584	6	$2,450	10	$2,597	11	$1,113	4
1970	86,300	49	11,337	6	38,673	22	27,856	15	11,317	9
1971	140,075	40	32,079	9	97,820	28	50,269	14	23,932	6
1972	169,485	42	60,566	15	96,642	24	29,289	7	41,073	10
1973	180,993	43	60,570	14	101,340	24	43,098	10	34,072	8
1974	130,567	36	61,994	17	80,822	22	49,051	13	34,479	9
1975	36,533	43	14,950	17	17,982	21	9,833	11	4,755	5
1969–75	759,307	42	243,081	13	435,729	24	211,995	11	150,745	8

[1] In 1971 substantial funds were made available for corrections under a separate amendment to the Safe Streets Act (pt. E). These funds are not included in this table but are discussed in a seaprate section of the report.

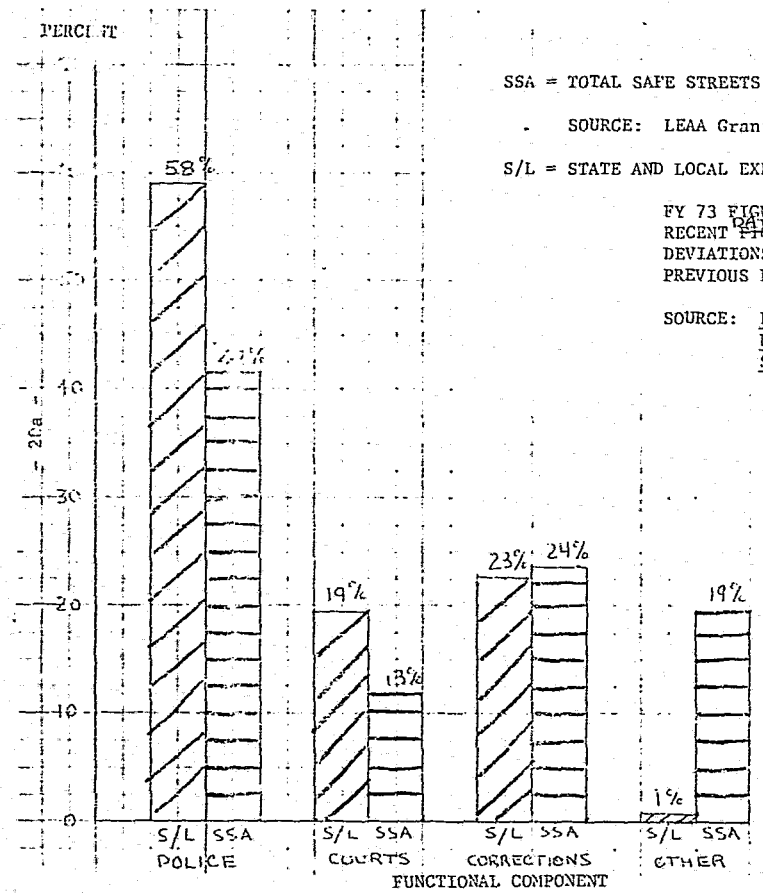
Source: LEAA grant management information system data.

Since broad categories are used here, many activities which do not directly relate to police, courts or corrections are included in the most relevant category. For example, funds awarded for defense and prosecution activities are included in the "courts" category, even though they often are not a responsibility of the judiciary. This is particularly important to note in light of the recent claims by court officials that activities related directly to the judiciary are not receiving an adequate share of Safe Streets funds. In testimony before the Senate Subcommittee on Criminal Laws and Procedures, Chief Justice Howell Heflin of Alabama, the chairman of the Federal Funding Committee of the Conference of Chief Justices, indicated that an overall figure of six percent would more accurately reflect the funding level for the judicial branch.[3]

When Part C block grant funding for the criminal justice components is examined on a state-by-state basis, wide differences are noted. As Appendix Table V–3 shows, support for police activities ranges from 15 percent in the District of Columbia and 22 percent in New York to 60 percent or more in Alabama, Nevada, New Hampshire and North and South Carolina. The courts' share ranges from six percent in Montana and Puerto Rico to 22 percent or more in Delaware, the District of Columbia and Missouri. Similarly, the percentage of block grant funds awarded in the corrections area varies from 10 percent in South Carolina to 36 percent in New York and 37 percent in the Virgin Islands.

Figure V–2 indicates the breakdown of direct state and local criminal justice expenditures by functional areas as compared with Safe Streets funding. Although the large amount of funds in the "other" category somewhat distorts the findings, it appears that smaller percentages of Part C grant funds have been used in the police and courts categories than would be expected from the overall pattern of state/local outlays. This difference could result from the large amounts of personnel expenditures by police departments and the courts, which the Safe Streets Act specifically discourages. In making this comparison, it should be noted that there is no particular reason why Safe Streets awards should follow the pattern of state and local criminal justice funding. Indeed, given the emphasis in the act on corrections and juvenile delinquency programs and innovative activities, it is not surprising that differences would appear. At the same time, these figures partially refute the charge that the SPA funding decisions merely reflect the relative power position of the various components of the criminal justice system within each state.

[3] U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, Hearings on the Crime Control Act, statement of Chief Justice Howell Heflin, Alabama, Chairman, Federal Funding Committee on the Conference of Chief Justices, Oct. 22, 1975, p. 9.



SSA = TOTAL SAFE STREETS FUNDS FY 69-75

SOURCE: LEAA Grant Management Information System

S/L = STATE AND LOCAL EXPENDITURES FOR CRIMINAL JUSTICE IN FY 73***

FY 73 FIGURES WERE USED BECAUSE THEY ARE THE MOST RECENT ~~FIGURES AND~~ DATA AVAILABLE THERE HAVE BEEN ONLY SLIGHT DEVIATIONS FROM THESE PERCENTAGES OVER THE PREVIOUS FIVE YEARS.

SOURCE: EXPENDITURES AND EMPLOYMENT DATA FOR THE CRIMINAL JUSTICE SYSTEM FY 1972-73

Figure V-2

COMPARISON OF STATE AND LOCAL DIRECT CRIMINAL JUSTICE OUTLAYS WITH SAFE STREETS FUNDING, BY FUNCTIONAL COMPONENTS

In an attempt to gauge the nature of the activities supported with Safe Streets funds, SPAs were asked to describe their projects according to the extent that they were "innovative." The replies from 44 states indicate that, in the opinion of the SPAs, nine percent of their projects represented pilot or demonstration efforts that had never been attempted anywhere. Fifty percent were programs that had never been attempted in the state, of which 21 percent were classified as innovative and 29 percent as generally accepted undertakings. The remaining 41 percent represented generally accepted programs and activities which had already been implemented in other parts of the state.

These figures are similar to the results of the analysis of a sample of grants in the 10 states selected for field study. That analysis also revealed, however, that over two-thirds of the activities which had been implemented in other areas of the state had not been attempted in the jurisdiction-receiving the funds.

When asked to estimate the percentages of their projects which could be classified as routine activities of state or local agencies and ordinarily would be supported by state or local funds, as against those which could be classified as supplemental activities not normally supported by such funds, the SPAs believed that approximately three-fourths were supplemental and less than one-fourth were routine undertakings.

General Revenue Sharing Funds

As part of ACIR's surveys, SPA and local officials were asked to compare the criminal justice activities supported with Safe Streets funds with those supported with general revenue sharing (GRS). Other studies of GRS have indicated that a substantial percentage of such monies (perhaps as much as one-third) have been used for public safety.[4] Given this situation, and the urging from some quarters to change the Safe Streets block grant program into a revenue sharing approach, a comparison of the uses of the two funding sources is warranted.

Most SPAs either did not know the extent to which GRS had been used for criminal justice activities or thought that very few if any revenue sharing dollars went for such purposes. Twelve SPAs, however, reported that GRS funds supported construction and renovation of police, court, and corrections facilities, and "one-time" expenditures such as hardware purchases. Two thought that GRS funds also had made personnel additions possible. Five SPAs also indicated that revenue sharing had been used to support routine operations of law enforcement agencies, to supplant local budget efforts and to reduce the tax burden of localities. Safe Streets funds, on the other hand, were used to support programs, with little or no emphasis on construction according to the SPAs.

When asked to describe the differences, if any, in the way GRS and Safe Streets dollars had been used, 206 localities responding indicated the following:

GRS funds are used for:

Support of normal operations, existing programs or salaries of local personnel (67).

Capital expenditures and equipment purchases (58).

Support of law enforcement projects when Safe Streets funds are not available (26).

Property tax relief or to avoid budget deficit (10).

Other than criminal justice purposes (10).

Safe Streets funds are used for:

New or innovative programs or programs to improve the criminal justice system (65).

Specific projects, operations and services as opposed to capital expenditures (48).

Equipment and hardware (26).

Police activities (10).

These findings are consistent with other studies of the public safety uses of GRS. Particularly similar is the large amounts of revenue sharing funds used for capital outlays and the support or expansion of existing services.[5]

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[4] Richard P. Nathan, Allen D. Manuel, Susannah E. Calkins, and Associates, "Monitoring Revenue Sharing" (Washington, D.C.: The Brookings Institution, 1975), pp. 234–260.

[5] *Ibid.*, pp. 244–260.

A recent study of the use of GRS funds for law enforcement by the Brookings Institution confirms the ACIR survey results.[6] The Brookings study found that, although substantial amounts of GRS funds were officially reported as being used for public safety and law enforcement purposes, less than one quarter of this amount went for new additional spending for public safety. The remainder was used for a variety of other purposes, including tax cuts or stabilization, program maintenance or the restoration of Federal aid. The study concludes that law enforcement, possibly because of its high visibility and political appeal, is an area in which the official designations for GRS funds may not always reflect new expenditures, but may be a substitute for local funds diverted to other uses.

The study also revealed that capital expenditures predominated over operational expenditures among new uses for GRS funds, although there was a strong shift toward operational purposes from 1973 to 1974, the two years considered in the Brookings study. This change may reflect the fulfillment of most capital needs or the increased fiscal pressures which force localities to use GRS funds to cover operating expenses. The fact that those jurisdictions facing greater fiscal pressures report more expenditures for public safety operation and maintenance suggests the latter possibility. These fiscally hard-pressed jurisdictions also show the greatest differences between GRS funds reportedly spent on law enforcement and those actually allocated, reflecting both the widespread substitution of GRS funds for local revenues and the problem of tracking revenue sharing expenditures.

The Brookings study also found a strong reluctance among local officials to use GRS funds to initiate long-term programs, and a preference for "one-time" expenditures, due to the fear of termination of GRS funding. The authors speculated, however, that this concern may be used as an excuse by some local officials who wish to use GRS funds for construction purposes rather than risk the defeat of a bond issue.

In summary, a comparison of ACIR's findings concerning the use of LEAA block grant funds with the findings of the Brookings Institution study suggests the following:

1. Much less GRS funds are used for *new* law enforcement activities than we are led to believe from local actual use reports.
2. GRS support for law enforcement takes the form of capital items and "one-time" expenditures, which entail no long-term commitment. Safe Streets block grant funds, on the other hand, are more often used for new service activities which have not been attempted before in the recipient jurisdiction.
3. GRS funds are often used interchangeably with and as a supplement to local revenues in supporting normal operations, whereas Safe Streets funds are more often used for new non-routine activities and are not used interchangeably with local revenues.

When asked whether the SPA or the RPU have played any role in determining the use of GRS funds at the state or local levels, only three percent of 1,096 city and county officials and none of the SPAs thought that this had occurred. One-third of 336 RPUs, on the other hand, reported that they played some role in influencing the use of local GRS funds, but only seven percent of the localities responding and two SPAs (Illinois and Delaware) thought that the RPU had played a part in these decisions. ACIR field interviews indicated that this role was usually limited to providing assistance and information to law enforcement and criminal justice officials. In some cases the RPU staff would work with local officials to encourage the use of GRS funds to support activities which were no longer receiving Safe Streets funds. This reinforces the impression gained in the ACIR case studies that the SPAs and RPUs focus their planning efforts almost exclusively on the distribution of Safe Streets funds.

Supplantation

An issue in all Federal grant programs is whether they stimulate further spending by state and local governments or are used as a substitute for existing state and local expenditures, thereby reducing the amount (or percentage) of state and local outlays in the area. The rather sharp distinction in the use of Safe Streets and GRS funds, which was also found during the field visits, is significant. It indicates that Safe Streets dollars are used to stimulate new and innovative efforts rather than as a substitute for present local criminal justice expenditures. In contrast, GRS funds have been used far more often to substitute for local revenues in supporting normal operations and existing programs, particularly

[6] Richard P. Nathan, Dan Crippen, and Andre Jucau, "Where Have All the Dollars Gone?" (Washington, D.C.: The Brookings Institution, 1975).

construction projects. This stimulative impact was an important goal of the Safe Streets Act and it appears to have been communicated to the local level.

In an attempt to gather additional information on the stimulative or substitution effects, state and local expenditures were examined for any changes which might be attributable to Safe Streets funds. As can be seen in Table V–12, state and local expenditures have remained relatively stable during the years 1971, 1972 and 1973, the only years for which reliable data were available.[7] It is difficult to say whether the slight increase in county expenditures and a similar decrease in city expenditures could reflect the stimulative and substitution effects of Safe Streets funds at those levels. It could well reflect increases in suburban crime relative to central city crime in those years.

TABLE V–12.—STATE AND LOCAL CRIMINAL JUSTICE SYSTEM DIRECT EXPENDITURES

	Fiscal Year—				
	1969	1970	1971	1972	1973
Type of government: (Criminal justice direct expenditures as a percent of total State and local general expenditures):					
United States, total	3.2	5.8	8.4	8.3	8.5
State	4.6	2.9	3.3	3.4	3.6
Local, total	12.0	6.6	12.1	11.8	11.9
Counties	NA	NA	10.4	10.5	10.9
Municipalities	NA	NA	12.8	12.4	12.2
Functional area: (Percent of State and local direct criminal justice expenditures awarded to):					
Police	60.4	59.2	57.6	58.1	57.5
Courts	19.7	19.1	18.2	18.3	18.7
Corrections	19.9	21.4	23.4	22.4	22.6
Other		.4	.7	1.2	1.2

NA=Not available.

Source: U.S. Law Enforcement Assistance Administration and U.S. Bureau of Census, "Expenditure and Employment Data for the Criminal Justice System," 1970–73" (U.S. Government Printing Office, Washington, D.C.).

Similarly, it is difficult to determine whether the decline in the percentage of funds awarded to corrections reflects a substitution of Part E funds, which were initially distributed in 1971. Given the relatively small amount of Safe Streets funds, however, it is doubtful whether any major substitution or stimulative effect could be expected.

In response to a survey question regarding the substitution effect of Safe Streets funds, responding SPAs indicated that direct supplantation of local funds with Safe Streets monies to support routine local expenditures rarely occurs. Only four states reported that supplantation occurred "sometimes" at the state level; and one thought "often" seven SPAs thought it occurred "sometimes" at the local level. Similar low estimates of the extent of substitution were offered by local and regional officials. Of 1,226 cities and counties responding to this question, 19 (two percent) indicated that supplantation occurred "often" while 136 (11 percent) thought that it happened "sometimes." Of the 349 RPUs responding, nine (three percent) indicated that a substitution effect was a common fiscal result at the local level and 41 (12 percent) thought that it sometimes occurred. However, the RPU responses differed from the SPA replies in that more RPUs (36 percent) claimed that supplantation occurred either often or sometimes at the state level more frequently than at the local level (14 percent). More SPAs (eight) thought that the substitution of Safe Streets funds for those of recipient jurisdictions took place at the local rather than at the state level (four). This pattern could simply be a case of each level of government magnifying the alleged transgressions of the other.

[7] Although data for FY 1969 and FY 1970 are available, different bases for calculating state and local expenditures were used, thus making the comparison with data from subsequent years difficult.

DISTRIBUTION OF PART C DISCRETIONARY FUNDS

It is useful to compare the distribution of block grant funds with that of LEAA discretionary monies. The latter, after all, account for 15 percent of Part C and 50 percent of Part E appropriations and are distributed by the LEAA administrator. In effect, they represent categorical grants from the Federal government. Appendix Table V–4 shows the discretionary funds received by each state over the past seven years, together with the state's percentage of the total population which, as indicated earlier, is the basis for annual block grant allocations to the states.

Several of the larger states (Pennsylvania, Illinois, California) received a smaller percentage of discretionary funds than their population ranking, while some of the moderately populated states (Colorado, New Jersey, Georgia) and the District of Columbia received a larger proportion. Yet, it should be noted that all three of these latter states contained Impact Cities, which received a total of over $40 million of LEAA discretionary funds.

Viewing the data another way, of the 50 states and the District of Columbia, the 18 smallest contained seven percent of the population, yet received 16 percent of the discretionary funds. On the other hand, the nine largest states had 51 percent of the population, but were awarded 46 percent of the discretionary funds. Discretionary funds, then, have been directed more toward the smaller rural states than the larger urban states. The small state supplemental allocations, made annually by LEAA from discretionary funds to the 15 smallest states and territories, is the probable explanation of this pattern; these allocations totaled almost $38 million since 1971.

Yet, as was noted earlier, it was not the intent of Congress to have LEAA discretionary funds distributed on a population basis. Therefore, the above analysis may be less significant than a comparison of the distribution of block grant as against discretionary funds among different types of recipients. Table V–13 compares the distribution of these two types of funds among the state agencies, cities, counties and private agencies. (Private agencies usually represent independent, non-profit, agencies such as the YMCA, YWCA, Big Brothers, Urban League, Goodwill Industries, neighborhood youth organizations, crisis intervention and counseling centers, drug and alcohol agencies, etc.)

TABLE V–13.—DISTRIBUTION OF PT. C AND E[1] DISCRETIONARY AND BLOCK GRANT FUNDS, BY PERCENT AWARDED TO TYPE OF RECIPIENT

[Fiscal years 1969–75][2]

Type of funds	Federal	State	Cities	Counties	Private agencies
Pt. C funds:					
Discretionary	1	42	35	15	7
Block grants	0	35	33	30	3
Pt. E funds:					
Discretionary	0	60	20	17	3
Block grant	0	74	5	20	1
Total:					
Discretionary	1	48	30	16	6
Block grant	0	37	31	29	3

[1] Pt. E funds represent those funds appropriated under pt. E of the Safe Streets Act and designated for the support of specified corrections activities. A separate discussion of pt. E funding is presented in a subsequent section.
[2] Source: LEAA grant management information system data.

Clearly, state and private agencies have received proportionately more discretionary than block grant funds. The reverse applies to counties, possibly because LEAA has awarded a large percentage of its Part E discretionary funds to states because of their strong role in corrections.

In Appendix Table V–5, the allocation of discretionary funds to cities and counties of different population categories is shown vis-a-vis block grants. Unlike Part C dollars, which are distributed roughly proportional to population and crime rates, discretionary funds are chiefly targeted on large urban areas. Over 68 percent of the discretionary funds disbursed to substate units between 1969 and 1975 were awarded to cities and counties over 250,000 population, which contained a total of 29 percent of the population. Seven percent were given to localities under 50,000, which account for 49 percent of the nation's inhabitants. Thus, despite the

fact that discretionary funds appear to be directed toward the smaller states, it seems that at the local level, the overwhelming majority of discretionary funds are awarded to the larger urban areas.

Comparing the distribution of block grant and discretionary funds among the different components of the criminal justice system is made difficulty by the fairly sizeable amounts of funds that have been awarded to multi-purpose undertakings, especially under the discretionary program (notably the Impact Cities effort).

TABLE V-14.—DISTRIBUTION OF PT. C DISCRETIONARY AND BLOCK GRANT FUNDS BY PERCENT AWARDED TO CRIMINAL JUSTICE COMPONENTS

[Fiscal years 1969-75][1]

	Police	Courts	Corrections	Combinations	Noncriminal justice agencies
Discretionary	38	18	12	26	6
Block grant	42	14	24	12	8

[1] Source: Grant management information system data.

The data in Table V-14 indicate that, aside from the awards given to such joint efforts, the greatest percentages of Part C discretionary and block grant funds are awarded to the police area. The next highest percentage of discretionary funds is awarded to the courts, and the next highest percentage of block grants, to corrections. This pattern could result from the large percentage of Part E discretionary funds available for corrections which, in turn, allows LEAA to concentrate Part C discretionary funds on police and courts.

To determine the SPA's views regarding LEAA discretionary grants in their states, they were queried as to percentage of these funds that had been used for various program purposes. Table V-15 highlights the range of responses from 40 SPAs.

TABLE V-15.—*SPA views on the use of LEAA discretionary funds, October 1975*

	Percent
To continue support of existing programs	7. 7
To support innovative programs	41. 4
To fill gaps in block grant funds	29. 1
To build local jurisdiction support for the programs	4. 6
Research, demonstration and pilot programs	27. 5

[NOTE.—These percentages total more than 100% because of multiple responses by some states.]

In the view of the SPAs only a small percentage of discretionary funds have been used for existing programs or to build local support. The greater proportion has supported innovative and research programs and filled gaps in block grant funding.

Local officials, responding to the same question phrased slightly differently, responded similarly, as can be seen below.

TABLE V-16.—LOCAL VIEWS ON THE USE OF LEAA DISCRETIONARY FUNDS—OCTOBER 1975

[In percent]

Use	Always or often	Sometimes	Rarely or never	Not applicable
To support existing programs	13	13	52	22
To support innovative programs	31	19	29	20
To build local jurisdictional support	10	15	50	26
Research, demonstration, and pilot programs	23	18	39	21

This basic agreement between local officials and the SPAs tends to confirm the case study findings that discretionary funds are more often used to support innovative projects and research efforts than to continue existing programs or to build local jurisdictional support for Safe Streets.

It should be noted that there have been charges that LEAA's discretionary funds have been used in some instances to buy political support for the program from certain larger jurisdictions [8] and interest groups. For instance, it has been suggested that the two large discretionary grants awarded to the City of Philadelphia under Mayor Frank Rizzo were designed to garner Rizzo's support for President Richard M. Nixon in the 1972 election campaign. The amount of funds awarded to the 26 largest cities relative to the amount of population and crime in those cities was examined in an effort to discover whether there were any significant differences in the distribution of discretionary funds based on the political affiliation of the majors or their support of President Nixon. While it was difficult to analyze the data because of their relatively large amounts of funds awarded to eight cities under the Impact Cities program (only one of which was under Republican control) there does not appear to be any systematically unusual flow of funds to either the small number of Republican mayors or to other mayors who supported the President in 1972. Excluding monies distributed to the Impact Cities, the allocation of discretionary funds to the 26 cities over 500,000 population closely reflects the amount of crime and population in those cities, as shown in Table V–17.

TABLE V–17.—DISTRIBUTION OF PT. C DISCRETIONARY FUNDS TO CITIES OVER 500,000 BY POLITICAL AFFILIATION (IMPACT CITIES EXCLUDED) (FISCAL YEARS 1969–75)

[In percent]

	Population in cities with mayors registered as	Crime in cities with mayors registered as	Funds awarded to cities with mayors registered as
Democrats	69	69	70
Republicans	6	6	5
Liberal-Independents [1]	23	22	24
Unknown	1	2	1

[1] The large percentage of population in cities having Liberal or Independent mayors consists primarily of the New York City population under Mayor Lindsay from 1969 to 1973.

Source: LEAA Grant Management Information System data.

DISTRIBUTION OF PART E FUNDS

In the 1971 amendments, in response to increasing pressures to direct funds toward the expansion and improvement of rehabilitative and correctional services. Congress added a special Part E category of funds to the Safe Streets Act; the amounts available have ranged between 15 percent and 20 percent of the total Part C block grant appropriation. Part E funds are used solely for corrections-related activities. Fifty percent of these funds are grants allocated to the states according to a population based formula. The remainder are discretionary funds, used for LEAA for direct grants to state and local governments.

Table V–18 indicates the percentages of Part E dollars awarded by the states to various local units over the past four years compared with discretionary funds.

TABLE V–18.—DISTRIBUTION OF PT. E FUNDS (FISCAL YEARS 1971–75) (BY TYPE OF RECIPIENT)

	Formula		Discretionary	
	Amount	Percent	Amount	Percent
Federal	0	0	$542,707	0.3
State	$90,869,747	74	126,289,872	60.0
Cities	5,706,738	5	42,723,597	20.0
Counties	24,040,858	20	35,204,479	17.0
Private agencies	1,475,532	1	5,238,206	2.0
Total	122,092,875		209,998,861	

Note: Since in each fiscal year 50 percent of pt. E funds are granted to the States and by formula 50 percent are retained by LEAA and distributed in the form of discretionary grants, the differences in the totals shown above reflect both a slower rate of using pt. E funds and a lower degree of GMIS reporting by the States. While almost all pt. E discretionary funds have been awarded and reported to GMIS, less than 70 percent of the pt. E formula funds have been awarded, and less than 80 percent of the funds awarded have been reported to GMIS.

Source: LEAA Grant Management Information System data.

[8] Edward J. Epstein, "The Krough File—The Politics of 'Law and Order'," "The Public Interest," No. 39 (New York: National Affairs, Inc., 1975), pp. 110–111.

A slightly greater percentage of Part E formula grants is awarded to counties, and a greater percentage of Part E discretionary funds is awarded to cities. Unlike Part C, distribution, more Part E formula grants than discretionary funds are awarded to state agencies.

A comparison between corrections expenditures by different levels of government and the distribution of Part E funds (Table V–19) tends to confirm that, relative to state and local corrections outlays (FY 73), the states have received the major share of formula grant awards. LEAA, on the other hand, has devoted a greater percentage of Part E discretionary dollars to cities. Under both funding sources, counties received less than a proportionate share. Yet, as was mentioned earlier, it is debatable whether Safe Streets funds necessarily should follow the overall pattern of state and local corrections expenditures.

TABLE V–19.—DISTRIBUTION OF PT. E AND DIRECT CORRECTIONS EXPENDITURES BY TYPE OF GOVERNMENT FISCAL YEAR 1971–75

[In percent]

	Formula[1]	Discretionary[1]	Total	State/local direct corrections expenditures[2]
State	74	60	66	60
Cities	5	20	15	11
Counties	20	17	18	29
Private agencies	1	2	2	0

[1] Source: LEAA Grant Management Information System data.
[2] U.S. Law Enforcement Assistance Administration and U.S. Bureau of Census, "Expenditure and Employment Data for the Criminal Justice System," 1972–73 Washington, D.C.: U.S. Government Printing Office, 1975, table 7, p. 30.

Appendix Table V–6 shows the percent of Part E discretionary funds received by each state relative to its portion of the nation's population. There appears to be no particular trend other than many of the larger, more urban states (California, New York, Pennsylvania, Michigan) appear to receive a smaller percentage of the Part E discretionary funds than their population rank would indicate. However, the figures in Table V–20 indicate that, as is the case with Part C monies, the majority (63 percent) of the Part E discretionary funds are awarded to local jurisdictions over 250,000. Only 32 percent of the Part E formula grants go to such areas. As would be expected, formula grants more closely reflect the distribution of both population and crime, while discretionary funds focus on large urban areas experiencing the worst crime problems and on small, rural states.

TABLE V–20.—DISTRIBUTION OF PT. E DISCRETIONARY AND FORMULA FUNDS BY POPULATION SIZE OF RECIPIENT JURISDICTION, FISCAL YEAR 1969–75

Size of population	Percent of population[1]	Percent of crime[2]	Cities[3]		Counties[3]		Total Cities/Counties[3]	
			Percent of formula funds	Percent of discretionary	Percent of formula funds	Percent of discretionary	Percent of formula funds	Percent of discretionary
Over 1,000,000	13	18	40	9	8	2	14	6
500,000 to 1,000,000	9	14	13	59	11	13	12	38
250,000 to 500,000	7	11	8	15	6	25	6	19
100,000 to 250,000	10	14	6	6	18	21	16	13
50,000 to 100,000	12	14	4	2	14	6	12	4
25,000 to 50,000	12	12	8	2	5	6	5	4
10,000 to 25,000	15	11	3	2	12	10	10	6
1,000 to 10,000	22	7	3	1	18	9	15	5
Unknown			15	5	8	7	9	6

[1] U.S. Department of Commerce, U.S. Bureau of Census, "1970 Census of Population," (Washington, D.C.: U.S. Government Printing Office, May 1972), vol. 1, Pt. A., sec. 1, p. I–45, table 6.
[2] Federal Bureau of Investigation, U.S. Department of Justice, (Washington, D.C.: U.S. Government Printing Office, 1973), p. 104–5, table 10.
[3] LEAA grant management information system data.

Block grant funds awarded by LEAA to the states are in turn subgranted by the SPA to state agencies and local governments (and in some cases to non-profit agencies and regional planning units) for carrying out various crime reduction or system improvement activities pursuant to the state's approved annual plan. In some states, the plan specifically identifies projects which will be funded; in others, only broad program categories and dollar allocations are set forth. While these basic approaches reflect the degree to which project funding commitments have been made during the planning process, all states require applications to be developed, reviewed and approved prior to the actual disbursement of funds.

The grants administration process, while varying greatly from state to state, generally consists of four major steps: the development of applications by potential grantee agencies, the review and approval of applications by regional planning units and the SPA, the disbursement of funds and the fiscal and programmatic monitoring of project performance. As the comparative analysis of the 10 case study states points out, grants administration (the distribution, management and control of Safe Streets funds) is a major and important SPA function demanding a significant portion of staff time.

Based on the SPA responses to the ACIR questionnaire, there appears to be little uniformity among the states as to the frequency with which grants are awarded. Six SPAs indicated that this is done weekly or even more frequently; at the other extreme, seven said that grants were awarded only once during the year. Twenty-six SPAs make these decisions on a monthly basis; seven others use either a bi-monthly or quarterly schedule. Factors influencing the frequency of grant awards include the sheer volume of applications to be processed and the degree to which the SPA supervisory board takes an active role in the review and approval or denial of each application.

Some states criticize the frequent grant award cycles of other SPAs, contending that planning functions are necessarily relegated to secondary importance by the continuous review of project applications. On the other hand, others believe that awarding grants on an annual basis does not allow sufficient time for staff and supervisory board members to adequately assess each application, since they must review and decide upon several in a short period of time. Some cities and counties are also critical of annual funding, asserting that it restricts their ability to respond to changing local needs and priorities. All these viewpoints have merit. The key issue appears to be how best to strike a balance between a responsive and flexible process and one which is also efficient and keeps within bounds the demands placed on the SPA's time, attention and energy.

Forty-six of the states responding to the ACIR questionnaire usually award grants for an average duration of one year; two states, for a 14-month period; two states, for two years and one for an average period of three years. A few states noted that awarding grants for one-year periods resulted in frequent requests for grant extensions, due to start-up delays by grantees. A one-year funding period also results in decisions concerning second-year funding being made with incomplete knowledge about the project's experience.

Most states have established fairly routine procedures for the review and approval of grant applications. Although the application flow differs greatly among the states, the following description (though greatly oversimplified) provides a general overview. Applications from localities are usually initiated by an operating agency (for example, the police department), often with the assistance of a local or regional criminal justice planner. Occasionally SPA staff also are involved in the preparation of applications. After endorsement by the local governing body or chief executive, applications are forwarded to the regional planning unit for review and comment by staff, subcommittees and policy boards. If the RPU does not have review authority under Office of Management and Budget Circular A-95, the application must also be sent to the appropriate metropolitan or regional clearinghouse for review and comment. Subsequently, applications are transmitted to the SPA where the staff reviews them from the standpoint of compliance with LEAA technical and administrative requirements and SPA policies, budgetary feasibility, adherence to the Annual Plan and programmatic merit. Some applications are sent to other state agencies for their review and comment, such as proposed drug and alcohol programs. Finally, applications (or summaries) are transmitted to the supervisory board with the SPA staff recommendation to approve or deny. The process for state applications is essentially the same with the exception of the review by regional planning units, although some states have procedures whereby regions comment on state applications having a local impact.

SPAs were asked to estimate the number of weeks required for specific steps in the award process. While there were wide variations among the states, the estimated average time for local applications was as follows: 4.4 weeks to develop the application, 3.1 weeks for review and approval by the RPU, 3.2 weeks for A–95 clearance, 5.6 weeks for review and approval by the SPA and 4.9 weeks from this time of award until the receipt of funds by the subgrantee. The total time, from development of the application through the receipt of funds, was estimated at 18.4 weeks. This does not equal the total time of the above steps because some of the steps take place concurrently.

The elapsed time for the award of state agency grants is somewhat less than that for local applications, probably because there is no need for RPU review. The average SPA estimates of the time for various steps in the review process for state applications was as follows: 5.0 weeks for the development of the application; 3.4 weeks for A–95 clearance; 5.7 weeks for SPA review and approval and 4.9 weeks from the time of award until the receipt of funds by the subgrantee. The total time for state applications was estimated to be 15.3 weeks. (Again, some of the above steps take place concurrently).

Although delays in the award process were at one time a major concern in the Safe Streets program, the SPA directors surveyed indicated that there are presently no significant problems of this type.

The most frequently mentioned reasons given for the delays that had occurred in the award process were: (1) poorly developed or incomplete applications requiring revisions by either the SPA or the applicant, (2) the need to wait for the next RPU or SPA meeting to approve grant funds, (3) the A–95 review process and (4) the slowness of some state disbursing and accounting systems.

As a result of earlier complaints about delays in grant processing, in a 1973 amendment to the act, Congress required that all applications be approved or disapproved by the SPA in whole or in part within 90 days of their receipt by the SPA. Failure to do so within this period results in the automatic approval of the grant and the award of funds.

ACIR's local survey found that 37 percent of the 1,176 jurisdictions responding to a question on the incidence of major delays in the grant award process since 1973 gave an affirmative answer. Thus, despite the development by all SPAs of procedures to insure that applications are acted upon within the prescribed period, some problems still appear to exist. During the field studies, for example, several local officials commented that the 90-day rule may have unintentionally increased the delays in the review process by forcing the SPAs to reject and return applications with minor deficiencies rather than risk the expiration of the 90-day period. At the same time, all states claimed that they approve or disapprove all applications within 90 days. Only three (Missouri, New Mexico and Pennsylvania) reported having to award funds to a project because of the expiration of the 90-day period. Thus, the question of whether there are major delays in the SPA grant award process appears to be a matter of interpretation and jurisdictional viewpoints.

Administrative Cost of the Safe Streets Program

One of the most troublesome aspects of assessing Federal grant programs is their administrative cost. Safe Streets is no exception. Perhaps the most useful way to do so is to measure the costs associated with the delivery of funds from LEAA through the SPAs and RPUs to local recipients. This is facilitated by the Congressionally-mandated division of funds between Part B—to be used for planning and administration by the state, regional and local levels—and Parts C and E—to be used for "action" grants to state and local agencies. The $60 million of Part B funds (FY 1976) used by SPAs, RPUs and certain local agencies for planning and administration represent 11.5 percent of the total Part B, C and E block grant funds. This is a rough approximation of an administrative cost rate. (See Table V–21).

As can be expected from the minimum base formula for Part B distribution and the addition of the small states' supplement, the administrative cost rate is usually higher in states with small populations. For example, the administrative cost rate is over 20 percent in Alaska, Delaware, Nevada, North Dakota, Vermont and Wyoming. Of the $60 million of FY 1976 Part B funds allocated to the states, $24,577,437 or 41 percent was passed through to support the planning and administrative activities of regional planning units and large localities.

TABLE V-21.—PT. B PLANNING FUNDS AS A PERCENTAGE OF TOTAL PT. B, C, AND E BLOCK GRANTS FUNDS, FISCAL YEAR 1976

[In thousands]

	Pt. B, C, and E funds	Pt. B funds	Pt. B, funds as a percent of total pt. B, C, and E funds
U.S. total	522,375	60,000	11.5
Alabama	8,718	1,016	11.7
Alaska	993	276	27.8
Arizona	5,180	677	13.1
Arkansas	5,089	668	13.1
California	49,813	4,954	9.9
Colorado	8,303	768	9.2
Connecticut	7,599	909	12.0
Delaware	1,577	332	21.1
District of Columbia	3,540	369	10.4
Florida	18,806	1,983	10.5
Georgia	11,774	1,309	11.1
Hawaii	2,220	394	17.7
Idaho	2,065	379	18.4
Illinois	27,048	2,773	10.3
Indiana	12,942	1,421	11.0
Iowa	7,078	859	12.1
Kansas	5,639	721	12.8
Kentucky	8,194	966	11.8
Louisiana	9,199	1,062	11.6
Maine	2,696	439	16.3
Maryland	9,987	1,138	11.4
Massachusetts	14,131	1,535	10.9
Michigan	21,968	2,285	10.4
Minnesota	9,544	1,095	11.5
Mississippi	5,766	733	12.7
Missouri	11,654	1,297	11.1
Montana	1,954	368	18.8
Nebraska	3,883	553	14.2
Nevada	1,524	327	21.5
New Hampshire	2,108	383	18.2
New Jersey	17,777	1,886	10.6
New Mexico	2,840	453	15.6
New York	43,958	4,393	10.0
North Carolina	12,936	1,420	11.0
North Dakota	1,725	346	20.1
Ohio	26,008	2,673	10.3
Oklahoma	6,612	814	12.3
Oregon	5,531	711	12.9
Pennsylvania	28,695	2,930	10.2
Rhode Island	2,523	423	16.8
South Carolina	6,744	827	12.3
South Dakota	1,838	357	19.4
Tennessee	10,038	1,143	11.4
Texas	28,614	2,923	10.2
Utah	2,963	465	15.7
Vermont	1,319	307	23.3
Virginia	11,836	1,315	11.1
Washington	8,442	990	11.7
West Virginia	4,496	612	13.6
Wisconsin	11,105	1,245	11.2
Wyoming	1,047	281	26.8
American Samoa	272	207	76.1
Guam	423	221	52.2
Pureto Rico	6,996	851	12.2
Virgin Islands	376	217	57.7

Source: Fiscal year 1976 Law Enforcement Assistance Administration planning guidelines.

TABLE V-22.—LEAA ADMINISTRATIVE COSTS

[Dollar amounts in thousands]

Year	Level of total appropriations	Appropriations for administration and management	Percent for administration and management
1969	$63,000	$2,400	4.0
1970	268,119	4,487	1.7
1971	529,000	7,454	1.4
1972	698,919	11,823	1.7
1973	841,166	15,568	1.9
1974	870,675	17,428	2.0
1975	887,171	21,500	2.4
Total	4,158,050	80,760	1.9

Source: Budget Division, Office of the Comptroller, Law Enforcement Assistance Administration.

While this 11.5 percent figure gives some idea of the administrative cost, the formula excludes several items from consideration. Many states use some Part C funds to support criminal justice coordinating councils, regional planning councils, other local planning efforts, and evaluation activities. While Part C funds may also be used for coordination and evaluation purposes, coordination and evaluation costs are considered to be administrative costs under most accounting methods. The match provided for Federal funds is also excluded here. In several states, the SPA receives state appropriations to administer the program, above and beyond the Federal funds and the required state match. Other state agencies, such as the treasurer's office or department of personnel, also provide services to SPAs which are considered to be administrative costs but are not included in these figures. Thus, the 11.5 percent figure could be viewed as a conservative estimate.

Determination of the activities to be included in an administrative cost rate is a very complex matter. Some SPAs believe the development of a comprehensive plan to be of intrinsic value and do not associate its formulation with the allocation and administration of funds. Other SPAs consider plan development costs to be necessary in order to receive and distribute action funds. Part B dollars also often support SPA activities such as legislative initiatives which are not related to Safe Streets funding. The difficulty in attributing various costs to administration becomes even greater when subgrantee administrative costs, both direct and indirect, are taken into account. But these of necessity are excluded for purposes of this analysis.

In addition to the 11.5 percent of block grant funds used for administration of the program, Table V–22 indicates that LEAA spends an additional two percent of the total appropriations for the Safe Streets Act as amended. The administrative cost of the program has been increasing consistently at the national level even as the overall level of appropriations has stabilized.

The administrative cost rate at the Federal level is of the same magnitude as that found in the Headstart program (2.0 percent) and the Federal-aid Highway program (2.3 percent), but more than that found for some others, such as Title I of the Elementary and Secondary Education Act (0.1 percent) and the National School Lunch program (0.2 percent.) [9] However, caution should be exercised in directly comparing Safe Streets with these programs since different definitions may be used in determining their administrative cost, and these are categorical rather than block grants.

Matching Provisions

Another recurrent issue in the administration of Safe Streets funds is matching. Under the 1978 Safe Streets Act, the Federal share for all action programs (other than construction) could be up to 60 percent of the total cost of each undertaking,

[9] U.S., General Services Administration, Office of Federal Management Policy, Office of Financial Management, "Administrative Costs in Federally-Aided Domestic Programs," January 1975.

and the remaining 40 percent had to be provided from non-Federal sources. However, the 40 percent "match," as the non-Federal share is termed, could be provided either in dollars or by "in kind" goods and services. The 1971 amendments changed the matching ratio to 75 percent Federal and 25 percent non-Federal (once again, with the exception of construction) and also required that at least 40 percent of the required 25 percent match (or 10 percent of the total project costs) be appropriated money (termed "hard match"), as opposed to goods and services. In 1973 Congress once again changed the matching provisions of the act, so that at present up to 90 per cent of total project costs may be supported by Federal funds, and at least 10 percent must be provided in cash from non-Federal sources. "Soft" or in-kind match was completely eliminated. The 1973 amendments also provided that states "buy-in" to local projects by providing in the aggregate one-half of the required non-Federal match (or five percent of the total project costs). Construction projects require a 50-50 matching ration, with the non-Federal share also to be in cash and with the same "buy-in" requirements. Under these provisions, a state generally must provide in cash 25 percent of the total costs of a local construction project (one half of the non-Federal share).

ACIR asked the SPAs to describe any differences they have noticed between the 25 percent "in-kind" matching requirements in effect prior to 1973 and the current 10 percent cash matching requirements, particularly in terms of applicant willingness to provide matching funds and ultimately to assume project costs. Most SPAs thought that there were no such differences. However, those that did perceive a change commented that the provision of a cash match caused local officials to be more cautious in initiating projects with Safe Streets funds and to review proposed projects more carefully. This, they believed, resulted in greater local commitment to the projects and more willingness to assume costs later. They claimed that the cash match was easier to administer compared with the inkind match which posed problems of definition, administration, and audit. Almost 90 percent of the 1,318 city and county respondents to this question also expressed satisfaction with the current matching requirements.

Thirty states reported no difficulty in obtaining legislative approval of the state buy-in and matching funds, while 14 had experienced some difficulty and seven (Alabama, Illinois, Louisiana Missouri, Pennsylvania, Vermont and Guam), indicated great difficulty. Most problems appear to stem from increasingly tight state budgets, as well as a lack of understanding by the legislature of the consequences of a cutback in buy-in or matching funds. One state (Missouri) attributed its difficulties to legislative resentment of the Safe Streets program.

Several states on the other hand, reported that declining state revenues also are causing legislators to take more interest in the long-term consequences of starting programs with Safe Streets funds. Four noted that their legislatures have sought greater control over Safe Streets funds, often through line-item approval of grants (Illinois, New Hampshire, Missouri and North Dakota).

The change to cash matching requirements appears to have had some effect on the number of requests for Part C funds for construction. When asked whether this change had curtailed the number of requests for this purpose, more than half of the SPAs responded affirmatively: five SPA said it had eliminated all requests; 11 stated it had reduced them sharply, four indicated a moderate reduction, seven believed the decline had been only slight and 19 said there had been no change.

Fund Flow

The comparative analysis of the 10 case study states and the questionnaire responses both indicate that most SPAs believe effective planning in the early years of the program was hindered by the initial rapid influx of Part C funds. Thirty SPAs rated this growth as "too rapid;" six as "not rapid enough;" and 15 as "about right." One SPA commented: "the rapid growth in availability of funds negated much of the need to develop rational planning and allocation processes. It encouraged the spending of money for the sake of moving it, created serious carryover problems and reinforced the SPA as a money giving agency rather than a criminal justice planning agency concerned with the improvement of the criminal justice system . . ." Another stated: "The development of a planning process at State and local levels was too complex a function to be done quickly and the rapid increase in action funds and the pressure to get them out complicated the situation." Still another said: "The program didn't allow enough time to develop statistical procedures; etc. Worst of all, absolutely no groundwork was laid for evaluation."

The extraordinary growth of Federal funds, particularly over the first three years of the program, also made it difficult for a number of states to absorb and expend the rapidly increasing grant monies. As was mentioned earlier; "fund flow" been an issue in the Safe Streets program almost since its inception.

Responses from 43 SPAs indicated that in Fiscal Year 1972 they reverted almost $4 million in Part C funds (or about two percent of the total) back to the Federal government. ACIR's survey data, while not complete, suggest that the relative proportion of reverted (or "lapsed") funds to the total Part C block grant award has remained fairly stable from FY 1969 to FY 1972. Yet it appears that there is a great deal of discrepancy among the states in their ability to fully utilize Safe Streets monies in that certain states account for a disproportionate share of the total amount reverted. Moreover, a few states seem to experience more difficult expending Part E corrections monies than Part C action funds, perhaps because of the special requirements placed on use of the former. These include a requirement that all corrections facilities constructed with Safe Streets funds separate juvenile from adult offenders, provide for treatment of drug and alcohol offenders and consult with the National Clearinghouse for Criminal Justice Planning and Architecture.

In order to determine the reasons for fund reversion, the SPAs were asked to indicate the factors contributing to the problem of lapsed or unused monies. As can be seen in Table V–23, the primary factor in the opinion of the SPA directors is project underspending followed closely by the two-year life of block grant funds. Few SPAs thought that a lack of applicants or delays in the application or award processes significantly affected the reversion rate.

TABLE V–23.—SPA DIRECTORS' VIEWS ON REASONS FOR REVERTED FUNDS, OCTOBER 1975

	Primary factor		Contributes somewhat		Not a contributing factor	
	Number	Percent	Number	Percent	Number	Percent
2-yr life of block grant funds	15	30.6	[1] 23	46.9	11	22.4
Slow start of many projects	13	26.0	32	64.0	5	10.0
Underspending by projects	15	30.6	31	63.3	3	6.1
Lack of applicants for funds	2	4.2	10	20.8	36	75.0
Slow development of applications by applicants	4	8.2	27	55.1	18	36.7
Delays in the award process	1	2.0	8	16.3	40	81.6

[1] North Dakota has 3-yr life of block grant funds.

Continuation Funding

Based on responses to the ACIR survey, it appears that almost all (45) SPAs have now established policies regarding the number of years a project may be eligible to receive Safe Streets support. Three SPAs (Hawaii, Iowa and New Jersey) do not have specific continuation policies (the latter two indicated that continuation decisions are handled on a case-by-case basis), and eight did not respond. These policies generally range from two to five years, with the majority (30) calling for a maximum of three years funding with applicants assuming an increasing portion of the total costs over this period. The rationale for increasing the required match is to encourage state and local governments to gradually assume greater and greater financial commitments, so that when Federal funding terminates, projects can be fully sustained by general revenues. SPA continuation policies, however, vary greatly in their details. Many SPAs have provided for exceptions to the policy; for example, in a number of states technical assistance and training activities are not covered. In at least one state, community corrections programs may be funded for a longer period than other types of activities. Some states also apply more restrictive policies to certain program are as, such as police-community relations. Two SPAs (Arkansas and North Carolina) have adopted different policies for state and local projects and one (Arizona) has limited Part C funding to a maximum of three years while restricting Part E to only two years.

Although there is a great variation in the nature and applicability of these policies, they share a basic intent to wean projects from their dependence on Federal aid and to insure that the SPA has an adequate amount of funds in each fiscal year for initiating new program activity. One of the major factors causing SPAs to adopt specific funding limits, and in some cases, to revise earlier, more

generous policies, was the increasing portion of their Part C funds implicitly committed to continue projects initiated with prior year Safe Streets funds. For example, in FY 1974 four states were faced with 80 percent or more of their block grant committed to continuation grants. Eight SPAs estimated their continuation funding to equal or exceed this level for FY 1975.

The mean percentage of fiscal year funds committed to continuation projects has steadily increased, from 40.6 percent in FY 1971 to 58.3 percent in FY 1974. It tapered off only slightly (56.4 percent) in FY 1975. In FY 1971 13 of the SPAs surveyed had 50 percent or more of their block grant funds committed to continuation activities. By FY 1975, this has increased to 30 states.

TABLE V-24.—SPA DIRECTORS' VIEWS ON ASSUMPTION-OF-COST RECORD, OCTOBER 1975

Extent of success	State		Local	
	Number	Percent	Number	Percent
Great	15	30	9	20
Moderate	29	58	26	59
Very little	5	10	9	20
None	1	2	0	0
Total	50	100	44	99

Each SPA also was asked to estimate the percentage of projects which have been assumed by state and local governments. The mean percentage estimate was 64.3 percent, indicating that a fairly high number of long-term projects are continuing to operate with state or local government support after Safe Streets funding terminates. The percentage of assumption ranges from a low of 10 percent to a high of 99 percent. Yet, it should be remembered that these figures are only estimates of the SPA directors. Generally, however, they are substantiated by the findings of the grant sample analysis conducted by ACIR in the 10 case study states.

Moreover, these figures agree with those provided by city and county respondents. The mean assumption rate of projects initiated with Safe Streets funds was quite high. Eighty-three percent of the city projects and 78 percent of the county projects were reported as continuing with local government support.

Table V-25 reflects the SPA directors' assessment of the relative importance of various factors in determining whether or not a project will be assumed by a state or local government. As these data show, the two most important factors affecting assumption are the financial capacity of the governmental unit and the demonstrated merit of the project. These two factors were also by far the most important ones cited by city and county respondents.

TABLE V-25.—SPA DIRECTORS' ASSESSMENT OF FACTORS INFLUENCING STATE/LOCAL ASSUMPTION OF PROJECT COST, OCTOBER 1975

Factor	Very important		Moderately important		Of little importance		Unimportant		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Proven success of the project	33	66.0	16	32.0	1	2.0	0	.....	5	100
Ability of the governmental unit to support the project	45	90.0	4	8.0	1	2.0	0	.....	50	100
Functional area of the project (police, courts corrections, etc.)	2	4.1	23	46.9	21	42.9	3	6.1	49	100
Innovativeness of the project	2	4.0	17	34.0	29	58.0	2	4.0	50	100
Noncontroversial nature of the project	7	14.0	28	56.0	11	22.0	4	8.0	50	100
Political appeal or support of the project	22	44.0	16	32.0	11	22.0	1	2.0	50	100

A study of the assumption of cost problem by the General Accounting Office (GAO) revealed findings similar to those resulting from the ACIR survey of SPAs.[10] The continuation policies and practices of six states (Alabama, California, Michigan, Ohio, Oregon and Washington) were examined and 33 other states

and the District of Columbia were surveyed to determine their assumption of cost record. GAO found that, of 440 long-term projects which were iniated with Safe Streets dollars but were no longer receiving block grants prior to July 1, 1973, 64 percent were continuing to operate at expanded or at about the same levels,. Of these 281 projects, 253 were being supported with state or local funds, while 28 were being continued with general revenue sharing monies or Department of Health, Education and Welfare assistance.

Of the 159 long-term projects that had either stopped or significantly reduced operations, 95 merited continuation in the eyes of state and project officials. Lack of state or local funds, due primarily to poor cost-assumption planning, was seen as the factor responsible for non-continuation of 81 percent of these projects.

While GAO considered these findings as evidence of "limited success in continuing projects," they could also be interpreted as evidence of surprising success, given state and local revenue problems. However the GAO study also found that the real test concerning the assumption of costs will come in the near future when an increasing number of long-term projects receive the last award of Safe Streets funds under new SPA continuation funding policies.

SUMMARY

Despite the limitations of the available data, many of the more controversial issues involved in the Safe Streets program may be seen more clearly in this section. The following are some of the more significant findings:

Collectively, the larger cities and counties, experiencing more serious crime problems, have received a percentage of Safe Streets block grant funds in excess of their percentage of population and slightly below their percentage of all reported crimes.

Safe Streets block grant funding for different funstional areas (police, courts corrections, etc.) has stabilized over the years. Of particular note, the percentage of funds awarded to police activities has declined from more than 66 percent in 1969 to 36 percent in 1974.

For the most part, Safe Streets block grant funds have been used to support activities which are new to the jurisdictions receiving the funds, rather than for routine undertakings or as a substitute for normal local expenditures.

A small proportion of Safe Streets funds have been used to purchase equipment or construct facilities, while the overwhelming majority of the funds have been used to provide law enforcement and criminal justice services.

A greater proportion of LEAA discretionary funds than block grant funds have been directed to large urban jurisdictions and private agencies, with most of these dollars being used for innovative projects or research and demonstration activities.

A greater percentage of Safe Streets funds have been awarded to correctional activities and a smaller percentage to police and courts relative to the distribution of state and local revenues to these functiopal areas.

One of the most serious problems facing the Safe Streets program is the large number of activities continued year after year with Safe Streets funds. While there is some evidence to indicate a rather high assumption rate in light of recent economic trends it is unclear whether state and local governments will be able or willing to assume the costs of activities after Safe Streets funding terminates.

With respect to grant administration the "90-day rule" appears to have an effect on expediting processing time, although some major delays have been reported as a result of the A-95 review process, the timing of supervisory board meetings and different interpretations as to whether this period may be extended by the SPA's return of poorly developed applications. At the same time, several states continue to experience fund flow problems and revert monies to the Federal government.

But perhaps the most significant issues regarding the ultimate effects of Safe Streets funding remain only partly settled: will the activities initiated with Safe Streets funds continue with state and local support after Safe Streets funding ends? Will these programs and projects have a material effect on preventing and reducing crime? Even though the SPAs are optimistic, the results to date provide few definitive answers to these pivotal questions.

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[10] U.S., General Accounting Office, Comptroller General, "Report to the Congress: Long-term Impact of Law Enforcement Assistance Grants Can Be Improved" (Washington, D.C.: Government Printing Office, 1974).

Appendix V–1

Source and Limitations of Data From the LEAA Grants Management and Information System (GMIS)

GMIS was used as a source of data since it represents the only aggregated data available which provides information on the kinds of activities supported with Safe Streets funds. Although the GMIS data represents the best information available, the following limitations should be kept in mind when using the analyses based upon the data.

SOURCE OF THE DATA

As each SPA awards subgrants, it is asked by LEAA to send a list and description of the subgrants to LEAA to be included in the GMIS system. On the basis of this information, LEAA classifies the project among various categories and includes the information in the GMIS computerized data base.

COMPLETENESS OF THE DATA

Due to incomplete reporting from the states, the GMIS system does not contain information on all subgrants awarded by the states. Furthermore, not all block grant funds received by the states have been subgranted, particularly FY 1975 block grant funds. In addition, because of low reporting rates and different classification procedures, LEAA does not have great confidence in the accuracy or completeness of the GMIS data collected prior to FY 1972. Information on the degree of completeness of the GMIS data prior to FY 1972 is not available.

Since 1972, records have been maintained showing the degree of completeness of the GMIS data. As Table V–1A indicates, slightly more than 70 percent of total Part C block grant funds (FY 1972–75) have been subgranted. Of this 70 percent, over 92 percent is included in the GMIS system, as is shown in Table V–1B. Tables V–1C through V–1F indicate the percentage of each state's Part C subgrant in GMIS for each year from 1972–75.

As Table V–1G indicates, GMIS data is less complete for Part E formula grant funds than for Part C, with 66 percent of the funds having been subgranted from 1972 through 1975. Of the 66 percent, 76 percent have been included in the GMIS system as is indicated in Table V–1H. Tables V–1I through V–1L show the percentage of each state's Part E subgrants in GMIS for each year from 1972 through 1975.

The most complete data available relate to the LEAA discretionary grant awards. According to GMIS officials, all discretionary grant awards have been included in the GMIS system through June 30, 1975.

In the above tables the reader will notice that occasionally the percentage of funds in GMIS for a state will exceed 100 percent of the funds subgranted by the state. This may result from two different situations. Sometimes a state may award a grant only to have the project falter or underspend its award funds. When this happens the funds are deobligated and returned to the SPA where they are reawarded to another project. The SPA may report to GMIS the total funds awarded to both grants but only record the actual funds spent by each project. This failure to reflect deobligated funds accounts for most of the excess of funds reported in GMIS. A second possibility, less likely, is that an SPA will report grants which they anticipate awarding, but which, for some reason, are never awarded.

In classifying projects receiving Safe Streets funds among the functional areas, police, courts and corrections, there are some activities which are not immediately recognizable as falling into one of the three major areas. These have been placed in another category labeled as "combinations of criminal justice agencies."

While it is clear that the GMIS data is not complete, there is no evidence to indicate that there is a systematic error in reporting which would affect the analyses presented in this report. However, because of the importance of the classification procedures in determining the categorization of funding according to different criteria, the reader is urged to contact GMIS officials at the Law Enforcement Assistance Administration if specific questions arise concerning the collection, classification and interpretation of GMIS data.

APPENDIX TABLE V-1.—PT. C ALLOCATIONS TO STATES FISCAL YEARS 1969-76

[In thousands][1]

State	1969	1970	1971	1972	1973	1974	1975	1976
Alabama	$434	$3,175	$5,645	$6,915	$8,026	$8,026	$8,007	$6,890
Alaska	[2] 100	249	493	607	700	700	739	641
Arizona	201	1,503	2,933	3,559	4,127	4,127	4,464	4,028
Arkansas	242	1,787	3,157	3,862	4,482	4,482	4,566	3,955
California	2,352	17,287	32,999	40,060	46,495	46,495	46,414	40,133
Colorado	243	1,863	3,646	4,432	5,143	5,143	5,376	4,796
Connecticut	360	2,669	5,001	6,088	7,064	7,064	7,004	5,985
Delaware	[2] 100	480	909	1,100	1,277	1,277	1,298	1,114
Florida	737	5,597	11,166	13,631	15,821	15,821	16,707	15,051
Georgia	555	4,127	7,518	9,215	10,695	10,695	10,763	9,363
Hawaii	[2] 100	699	1,253	1,546	1,791	1,791	1,856	1,634
Idaho	[2] 100	639	1,169	1,431	1,660	1,660	1,717	1,508
Illinois	1,339	9,877	18,368	22,314	25,898	25,898	25,569	21,718
Indiana	614	4,565	8,609	10,428	12,102	12,102	12,020	10,307
Iowa	338	2,501	4,670	5,672	6,581	6,581	6,558	5,564
Kansas	279	2,065	3,712	4,516	5,235	5,235	5,157	4,400
Kentucky	392	2,906	5,290	6,464	7,500	7,500	7,518	6,467
Louisiana	449	3,344	5,966	7,315	8,485	8,485	8,500	7,280
Maine	120	882	1,636	1,995	2,312	2,312	2,333	2,019
Maryland	451	3,349	6,485	7,875	9,140	9,140	9,205	7,917
Massachusetts	666	4,902	9,424	11,422	13,257	13,257	13,180	11,269
Michigan	1,055	7,817	14,692	17,819	20,681	20,681	20,498	17,608
Minnesota	439	3,302	6,307	7,639	8,866	8,866	8,816	7,559
Mississippi	289	2,117	3,614	4,451	5,166	5,166	5,130	4,503
Missouri	565	4,155	7,760	9,391	10,897	10,897	10,795	9,266
Montana	[2] 100	627	1,162	1,394	1,618	1,618	1,628	1,419
Nebraska	176	1,310	2,457	2,979	3,457	3,457	3,475	2,979
Nevada	[2] 100	405	807	981	1,139	1,139	1,212	1,071
New Hampshire	[2] 100	634	1,210	1,481	1,719	1,179	1,710	1,543
New Jersey	860	6,372	11,870	14,388	16,703	16,703	16,711	14,235
New Mexico	123	896	1,671	2,040	2,367	2,367	2,447	2,136
New York	2,251	16,392	30,093	36,522	42,496	42,496	41,766	35,395
North Carolina	619	4,625	8,305	10,203	11,842	11,842	11,872	10,303
North Dakota	[2] 100	562	1,022	1,240	1,439	1,439	1,442	1,234
Ohio	1,284	9,563	17,645	21,386	24,821	24,821	24,382	20,877
Oklahoma	306	2,291	4,182	5,138	5,964	5,964	5,987	5,187
Oregon	246	1,806	3,442	4,199	4,873	4,873	4,969	4,312
Pennsylvania	1,427	10,591	19,532	23,679	27,482	27,482	27,072	23,051
Rhode Island	111	819	1,544	1,907	2,206	2,206	2,204	1,879
South Carolina	318	2,406	4,223	5,201	6,036	6,036	6,112	5,294
South Dakota	[2] 100	599	1,107	1,337	1,551	1,551	1,546	1,325
Tennessee	478	3,562	6,425	7,878	9,143	9,143	9,260	7,958
Texas	1,334	9,926	18,393	22,480	26,091	26,091	26,387	22,985
Utah	126	929	1,775	2,127	2,468	2,468	2,563	2,235
Vermont	1,100	387	733	893	1,035	1,035	1,046	906
Virginia	557	4,150	7,604	9,333	10,832	10,832	10,836	9,413
Washington	380	2,971	5,612	6,845	7,944	7,944	7,772	6,667
West Virginia	221	1,640	2,849	3,502	4,064	4,064	4,082	3,475
Wisconsin	515	3,795	7,309	8,870	10,294	10,294	10,292	8,821
Wyoming	[2] 100	290	556	667	775	775	787	686
District of Columbia	[2] 100	723	1,249	1,519	1,763	1,763	1,710	1,426
American Samoa		28	47	56	63	63	61	58
Guam	[2] 40	90	146	175	198	198	191	181
Puerto Rico	330	2,454	4,502	5,401	6,320	6,320	6,347	5,498
Virgin Island	[2] 40	50	106	127	146	146	141	142
Total	25,062	182,750	340,000	413,695	480,250	480,250	480,250	413,666

[1] These figures were obtained from comprehensive planning guidelines published by LEAA annually.
[2] Includes small State supplements.

TABLE V–1A.—STATUS OF P.T.C. SUBGRANT FUNDS FOR STATES, FISCAL YEARS 1972 THROUGH 1975

State planning agency	Total block award available	Total subgranted as of Mar. 31, 1975	Total percentage subgranted
Alabama	30,970,000	24,058,786	77.67
Alaska	4,475,000	3,280,158	73.30
Arizona	16,275,000	11,635,530	71.49
Arkansas	17,390,000	11,611,419	66.77
California	179,440,000	116,951,406	65.18
Colorado	20,091,000	13,729,019	68.33
Connecticut	27,216,000	19,539,816	71.90
Delaware	5,448,000	1,171,761	21.51
District of Columbia	7,671,000	6,858,757	89.41
Florida	61,971,000	37,435,189	60.41
Georgia	41,362,000	29,859,584	72.19
Hawaii	7,701,000	3,373,462	43.81
Idaho	7,115,000	5,119,874	71.96
Illinois	99,665,000	65,059,926	65.28
Indiana	46,646,000	1,639,540	3.51
Iowa	25,389,000	18,977,413	74.75
Kansas	20,141,000	15,438,787	76.65
Kentucky	28,978,000	24,462,711	84.42
Louisiana	32,781,000	29,261,253	89.26
Maine	8,951,000	7,852,214	87.72
Maryland	35,355,000	25,153,746	71.15
Massachusetts	51,109,000	45,324,026	88.68
Michigan	79,668,000	80,182,037	100.65
Minnesota	34,183,000	24,736,550	72.37
Mississippi	19,910,000	13,605,257	68.33
Missouri	41,974,000	37,531,406	89.42
Montana	6,884,000	5,067,909	73.62
Nebraska	13,366,000	11,150,136	83.42
Nevada	4,918,000	3,365,004	68.42
New Hampshire	7,630,000	5,700,375	74.72
New Jersey	64,497,000	44,370,541	68.79
New Mexico	9,220,000	8,749,385	94.90
New York	163,258,000	112,010,766	68.61
North Carolina	45,753,000	29,493,895	64.46
North Dakota	6,115,000	4,088,306	66.86
Ohio	95,397,000	67,882,730	71.16
Oklahoma	23,050,000	18,579,208	80.60
Oregon	18,911,000	13,253,165	70.08
Pennsylvania	105,701,000	72,103,333	68.21
Rhode Island	8,614,000	0	0
South Carolina	23,382,000	12,355,429	52.84
South Dakota	6,586,000	4,549,537	69.08
Tennessee	35,419,000	27,320,016	77.13
Texas	101,036,000	79,931,950	79.11
Utah	9,624,000	7,376,132	76.64
Vermont	4,475,000	2,826,819	63.17
Virginia	41,827,000	27,537,621	65.84
Washington	30,501,000	22,181,523	72.72
West Virginia	15,710,000	10,459,900	66.58
Wisconsin	39,745,000	28,315,843	71.24
Wyoming	4,475,000	3,272,024	73.12
Subtotal	1,837,969,000	1,295,786,579	70.50
Guam	1,385,000	541,812	39.12
Puerto Rico	24,384,000	19,758,587	81.03
Samoa	567,000	63,406	11.18
Virgin Islands	1,385,000	854,225	61.68
Subtotal	27,721,000	21,218,030	76.54
Total	1,865,690,000	1,317,004,709	70.59

TABLE V-1B.—STATUS OF PT. C SUBGRANT FUNDS IN GMIS, FISCAL YEARS 1972 THROUGH 1975

State planning agency	Funds subgranted as of Mar. 31, 1975, H1 Report	Funds subgranted as of Mar. 31, 1975, in GMIS	Percent of funds subgranted in GMIS
Alabama	24,053,786	22,321,486	92.7
Alaska	3,280,158	3,392,771	103.4
Arizona	11,635,530	11,284,058	96.9
Arkansas	11,611,419	10,659,716	91.8
California	116,951,406	95,044,030	81.2
Colorado	13,729,019	13,669,979	99.5
Connecticut	19,539,816	17,438,873	89.5
Delaware	3,983,312	3,558,975	89.3
District of Columbia	6,858,757	6,896,618	100.5
Florida	37,435,189	32,028,412	85.5
Georgia	29,859,584	30,520,282	102.2
Hawaii	3,373,462	3,476,191	103.0
Idaho	5,119,874	4,641,368	90.6
Illinois	65,059,926	50,322,126	77.3
Indiana	1,639,540	26,874,890	1,639.1
Iowa	18,977,413	18,145,853	95.6
Kansas	15,438,787	13,916,498	90.1
Kentucky	24,452,711	22,937,850	93.7
Louisiana	29,261,253	29,768,385	101.7
Maine	7,852,214	2,965,864	37.7
Maryland	25,153,746	16,459,537	65.4
Massachusetts	45,324,026	35,221,768	77.7
Michigan	80,192,037	65,102,960	81.1
Minnesota	24,736,550	25,227,551	101.9
Mississippi	13,605,257	14,065,313	103.3
Missouri	37,531,406	37,910,894	101.0
Montana	5,067,909	2,475,241	48.8
Nebraska	11,150,136	9,253,798	82.9
Nevada	3,365,004	3,861,059	114.7
New Hampshire	5,700,875	4,558,650	79.9
New Jersey	44,370,541	46,066,380	103.8
New Mexico	8,749,385	6,520,832	74.5
New York	112,010,766	106,945,734	95.4
North Carolina	29,493,395	27,698,269	93.9
North Dakota	4,088,306	4,053,258	99.1
Ohio	67,882,730	59,070,000	87.0
Oklahoma	18,579,208	19,230,769	103.5
Oregon	13,253,165	11,367,998	85.7
Pennsylvania	72,103,333	66,471,556	92.1
Rhode Island	0	6,392,105	----------
South Carolina	12,355,429	19,474,454	157.6
South Dakota	4,549,537	4,042,645	88.8
Tennessee	27,320,016	17,355,679	63.5
Texas	79,931,950	76,262,230	95.4
Utah	7,376,132	5,433,157	73.6
Vermont	2,826,819	2,675,245	94.6
Virginia	27,537,621	28,986,593	105.2
Washington	22,181,523	18,162,195	81.8
West Virginia	10,459,900	10,884,886	104.0
Wisconsin	28,315,848	23,251,897	82.1
Wyoming	3,272,024	3,318,651	101.4
Subtotal	1,295,786,679	1,197,715,529	92.4
Guam	541,812	346,098	63.8
Puerto Rico	19,758,587	14,751,613	74.6
Samoa	63,406	0	----------
Virgin Islands	854,225	296,200	34.6
Subtotal	21,218,030	15,393,911	72.5
Total	1,317,004,709	1,213,109,440	92.1

TABLE V–10.—STATUS OF PT. C SUBGRANT FUNDS IN GMIS, FISCAL YEAR 1972

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	HI report	In GMIS	
Alabama	$6,576,788	$6,152,545	93.5
Alaska	998,059	969,436	97.1
Arizona	3,550,804	3,237,948	91.1
Arkansas	3,742,939	3,822,007	102.1
California	41,700,037	40,641,603	97.4
Colorado	4,409,617	4,321,943	98.0
Connecticut	5,840,137	5,276,779	90.3
Delaware	3,983,312	1,175,139	100.2
District of Columbia	1,670,269	1,740,567	104.2
Florida	13,357,131	13,622,722	101.9
Georgia	9,152,000	8,613,369	94.1
Hawaii	1,345,000	1,625,461	120.8
Idaho	1,567,000	1,596,657	101.8
Illinois	20,884,326	20,337,931	97.3
Indiana	(1)	8,999,795	0
Iowa	5,671,985	5,305,601	93.5
Kansas	4,745,144	4,611,190	97.1
Kentucky	6,463,673	5,923,896	91.6
Louisiana	7,252,781	7,671,547	108.0
Maine	1,986,798	1,707,287	85.9
Maryland	7,671,300	6,515,055	84.9
Massachusetts	11,372,517	8,995,155	79.0
Michigan	18,159,981	16,899,180	93.0
Minnesota	7,639,000	7,774,613	101.7
Mississippi	4,378,255	4,339,475	99.1
Missouri	9,389,433	8,974,736	95.5
Montana	1,486,224	1,349,201	90.7
Nebraska	2,900,096	2,763,247	95.2
Nevada	1,018,000	1,071,417	105.2
New Hampshire	1,539,490	1,575,411	102.3
New Jersey	14,051,032	14,547,321	103.5
New Mexico	1,958,438	1,915,174	97.7
New York	36,522,000	30,694,014	84.0
North Carolina	9,949,724	9,476,317	95.2
North Dakota	1,349,000	1,437,076	104.4
Ohio	21,198,229	20,144,375	95.0
Oklahoma	5,080,205	5,353,158	105.3
Oregon	4,141,178	4,479,929	108.1
Pennsylvania	23,587,446	20,967,496	88.8
Rhode Island	(1)	1,953,346	0
South Carolina	3,852,165	5,360,942	130.9
South Dakota	1,471,000	1,173,565	79.7
Tennessee	7,855,878	11,790,553	150.0
Texas	21,832,544	23,411,339	107.2
Utah	2,112,000	2,100,846	99.4
Vermont	1,005,727	865,479	86.0
Virginia	9,318,411	10,005,707	107.3
Washington	6,752,619	6,603,435	97.7
West Virginia	3,435,402	3,859,532	112.3
Wisconsin	8,869,000	6,825,574	76.9
Wyoming	982,000	1,015,988	103.4
Subtotal	392,964,463	391,581,421	99.6
Guam	300,000	302,250	100.7
Puerto Rico	5,400,821	4,862,600	90.0
Samoa	(1)	0	
Virgin Islands	294,000	296,200	160.7
Subtotal	5,994,821	5,461,050	91.0
Total	398,959,284	392,042,471	99.5

[1] Not reported.

TABLE V-1D.—STATUS OF PT. C SUBGRANT FUNDS IN GMIS, FISCAL YEAR 1973

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	HI report	In GMIS	
Alabama	7,880,163	7,437,740	94.3
Alaska	1,143,892	1,293,261	113.0
Arizona	4,101,111	4,243,118	103.4
Arkansas	4,280,564	4,253,602	99.3
California	44,327,804	32,567,443	73.4
Colorado	5,029,333	5,004,876	99.5
Connecticut	7,059,369	6,711,289	95.0
Delaware	(1)	1,486,958	0
District of Columbia	2,000,000	2,009,129	100.4
Florida	15,613,914	10,217,404	65.4
Georgia	10,380,121	11,165,000	107.5
Hawaii	1,576,381	1,466,609	93.0
Idaho	1,772,376	1,378,492	77.7
Illinois	23,838,655	18,157,918	76.1
Indiana	(1)	5,471,092	0
Iowa	6,508,477	5,821,980	89.4
Kansas	5,462,326	4,015,987	73.5
Kentucky	7,310,220	6,400,435	87.5
Louisiana	8,424,412	7,964,819	94.5
Maine	2,311,982	1,016,273	43.9
Maryland	8,936,381	3,273,554	36.6
Massachusetts	12,984,087	13,002,163	100.1
Michigan	17,315,044	18,642,805	107.6
Minnesota	8,708,173	8,882,376	102.0
Mississippi	4,703,376	5,090,541	108.2
Missouri	10,695,404	10,775,060	100.7
Montana	1,779,987	725,545	40.7
Nebraska	3,666,741	2,095,754	57.1
Nevada	1,217,438	1,710,351	140.4
New Hampshire	1,970,849	1,549,627	78.6
New Jersey	16,647,156	16,578,409	99.5
New Mexico	2,360,841	2,403,650	101.8
New York	40,699,249	44,319,809	108.8
North Carolina	11,790,398	10,451,356	88.6
North Dakota	1,570,508	1,460,052	92.9
Ohio	24,379,510	22,760,414	93.3
Okhahoma	5,655,839	5,601,205	99.0
Oregon	4,854,396	4,443,771	91.5
Pennsylvania	27,257,133	25,047,688	91.8
Rhode Island	(1)	2,061,239	0
South Carolina	3,970,920	6,139,936	154.6
South Dakota	1,682,841	1,534,498	91.1
Tennessee	9,297,045	5,565,126	59.8
Texas	25,657,608	27,027,115	105.3
Utah	2,467,999	598,278	24.2
Vermont	1,144,992	985,126	86.0
Virginia	10,814,570	10,929,172	101.0
Wasington	7,901,224	7,142,920	90.4
West Virginia	4,059,280	4,028,467	99.2
Wisconsin	9,863,633	9,193,887	93.2
Wyoming	1,148,559	1,159,545	100.9
Subtotal	444,222,081	413,262,944	93.0
Guam	241,812	30,348	12.5
Puerto Rico	6,257,290	5,007,149	80.0
Samoa	51,575	0	----------
Virgin Islands	324,500	0	----------
Subtotal	6,875,177	5,037,497	73.2
Total	451,097,258	418,300,441	92.7

[1] Not reported.

TABLE V–IE.—STATUS OF PT. C SUBGRANT FUNDS IN GMIS, FISCAL YEAR 1974

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	HI report	In GMIS	
Alabama	7,451,915	6,367,400	85.4
Alaska	1,138,407	1,130,074	99.2
Arizona	3,983,615	3,802,992	95.4
Arkansas	3,285,900	2,458,424	74.8
California	30,167,281	21,834,984	72.3
Colorado	3,500,674	3,553,765	101.5
Connecticut	6,640,310	5,500,805	82.8
Delaware	(1)	896,878	0
District of Columbia	1,966,093	2,037,417	103.6
Florida	8,464,144	8,188,286	96.7
Georgia	10,327,463	10,741,833	104.0
Hawaii	452,081	384,121	84.9
Idaho	1,167,443	1,247,946	106.8
Illinois	19,699,641	11,747,527	59.6
Indiana	(1)	8,609,707	0
Iowa	5,736,544	5,950,131	103.7
Kansas	5,136,817	5,199,321	101.2
Kentucky	5,945,992	5,696,488	95.8
Louisiana	7,896,257	8,298,031	105.0
Maine	2,306,377	242,304	10.5
Maryland	8,546,065	6,670,928	78.0
Massachusetts	12,496,572	13,224,450	105.8
Michigan	19,717,475	18,980,087	96.2
Minnesota	8,389,377	8,570,562	102.1
Mississippi	4,523,626	4,635,297	102.4
Missouri	10,398,502	11,073,078	106.4
Montana	1,614,520	400,495	24.8
Nebraska	3,130,592	2,798,751	89.4
Nevada	1,129,566	1,079,291	95.5
New Hampshire	1,632,842	1,246,582	76.3
New Jersey	13,672,353	13,947,089	102.0
New Mexico	2,324,061	2,202,008	94.7
New York	34,789,517	31,081,911	91.7
North Carolina	7,753,773	7,770,595	100.2
North Dakota	1,155,766	1,171,098	101.3
Ohio	21,790,845	16,165,211	74.1
Oklahoma	5,422,771	5,880,291	104.7
Oregon	3,560,029	2,444,298	68.6
Pennsylvania	21,258,754	20,456,432	96.2
Rhode Island	(1)	1,951,208	0
South Carolina	2,996,436	5,305,011	177.0
South Dakota	1,395,696	1,334,582	95.6
Tennessee	10,167,093	0	----------
Texas	22,723,632	16,098,610	70.8
Utah	2,447,496	2,885,396	97.4
Vermont	676,100	824,640	121.9
Virginia	7,404,640	8,051,714	108.7
Washington	6,665,146	3,767,047	56.5
West Virginia	2,965,218	2,996,887	101.0
Wisconsin	8,356,049	7,150,468	35.5
Wyoming	1,141,465	1,143,118	100.1
Subtotal	375,512,931	335,345,568	89.3
Guam	(1)	13,500	0
Puerto Rico	5,898,295	3,995,864	67.7
Samoa	11,831	0	----------
Virgin Islands	235,725	0	----------
Subtotal	6,145,851	4,009,364	65.2
Total	381,658,782	339,354,932	88.9

[1] Not reported.

TABLE V-1F.—STATUS OF PT. C SUBGRANT FUNDS IN GMIS, FISCAL YEAR 1975

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	Hi report	In GMIS	
Alabama	2,144,920	2,363,801	110.2
Alaska	0	0	
Arizona	(1)	0	
Arkansas	302,016	125,683	41.6
California	756,284	0	
Colorado	789,395	789,395	100.0
Connecticut	(1)	0	
Delaware	(1)	0	
District of Columbia	1,222,395	1,109,505	90.7
Florida	(1)	0	
Georgia	(1)	0	
Hawaii	0	0	
Idaho	613,055	418,273	68.2
Illinois	637,304	78,750	12.3
Indiana	1,639,540	3,794,296	231.4
Iowa	1,060,407	1,068,141	100.7
Kansas	94,500	90,000	95.2
Kentucky	4,742,826	4,917,031	103.6
Louisiana	5,687,883	5,813,988	102.2
Maine	1,247,057	0	
Maryland	(1)	0	
Massachusetts	8,470,850	0	
Michigan	24,989,537	10,580,888	42.3
Minnesota	0	0	
Mississippi	(1)	0	
Missouri	7,048,067	7,088,020	100.5
Montana	187,178	0	
Nebraska	1,452,707	1,596,046	109.8
Nevada	0	0	
New Hampshire	557,694	186,630	33.4
New Jersey	(1)	953,561	0
New Mexico	2,106,045	0	
New York	(1)	0	
North Carolina	0	0	
North Dakota	13,032	13,032	100.0
Ohio	514,146	0	
Oklahoma	2,420,393	2,596,115	107.2
Oregon	697,562	0	
Pennsylvania	(1)	0	
Rhode Island	(1)	426,310	0
South Carolina	1,535,908	2,678,565	174.3
South Dakota	0	0	
Tennessee	0	0	
Texas	9,718,166	9,718,166	100.0
Utah	348,637	348,637	100.0
Vermont	(1)	0	
Virginia	(1)	0	
Washington	862,534	648,793	75.2
West Virginia	0	0	
Wisconsin	1,227,166	81,970	6.6
Wyoming	(1)	0	
Subtotal	83,087,204	57,525,596	69.2
Guam	(1)	0	
Puerto Rico	2,202,181	886,000	40.2
Samoa	(1)	0	
Virgin Islands	(1)	0	
Subtotal	2,202,181	886,000	40.2
Total	85,289,385	58,411,596	68.4

1 Not reported.

TABLE V–1G.—STATUS OF PT. E SUBGRANT FUNDS FOR STATES IN ALPHABETICAL SEQUENCE, FISCAL YEARS 1972–75

State planning agency	Total block award available	Total subgranted as of Mar. 31, 1975 H1 report	Total percentage subgranted
Alabama	3,645,000	3,007,939	82.52
Alaska	322,000	235,000	72.98
Arizona	1,916,000	1,376,399	71.84
Arkansas	2,046,000	975,027	47.66
California	21,121,000	11,019,494	52.17
Colorado	2,364,000	1,533,885	64.88
Connecticut	3,203,000	2,375,429	74.16
Delaware	583,000	128,412	22.03
District of Columbia	794,000	598,229	75.34
Florida	7,294,000	5,471,731	75.02
Georgia	4,868,000	3,473,457	71.35
Hawaii	822,000	187,737	22.84
Idaho	761,000	637,855	83.82
Illinois	11,731,000	6,558,442	55.91
Indiana	5,491,000	0	0
Iowa	2,988,000	1,747,451	58.48
Kansas	2,371,000	1,679,780	70.85
Kentucky	3,410,000	3,396,313	99.60
Louisiana	3,858,000	3,250,113	84.24
Maine	1,053,000	979,427	93.01
Maryland	4,161,000	1,661,441	39.93
Massachusetts	6,017,000	5,938,785	98.70
Michigan	9,377,000	5,578,167	59.49
Minnesota	4,023,000	2,937,032	73.01
Mississippi	2,344,000	1,275,585	54.42
Missouri	4,941,000	4,055,017	82.07
Montana	736,000	506,742	68.85
Nebraska	1,574,000	1,192,565	75.77
Nevada	527,000	377,268	71.59
New Hampshire	786,000	555,747	70.71
New Jersey	7,592,000	4,733,927	62.35
New Mexico	1,086,000	1,028,840	94.74
New York	19,218,000	12,607,216	65.60
North Carolina	5,385,000	2,902,827	53.91
North Dakota	654,000	646,014	98.78
Ohio	11,228,000	8,044,270	71.64
Oklahoma	2,713,000	2,593,160	95.58
Oregon	2,226,000	1,791,752	80.49
Pennsylvania	12,441,000	8,870,919	71.30
Rhode Island	1,004,000	0	0
South Carolina	2,752,000	2,472,806	89.85
South Dakota	706,000	374,611	53.06
Tennessee	4,169,000	3,017,218	72.37
Texas	11,893,000	8,624,045	73.10
Utah	1,133,000	893,193	78.83
Vermont	472,000	331,912	70.32
Virginia	4,923,000	2,680,249	54.44
Washington	3,591,000	1,833,079	51.05
West Virginia	1,849,000	902,217	48.79
Wisconsin	4,678,000	3,364,806	71.93
Wyoming	354,000	197,985	55.93
Subtotal	215,194,000	140,692,175	65.37
Guam	89,000	21,000	23.60
Puerto Rico	2,871,000	2,463,800	85.82
Samoa	30,000	16,000	53.33
Virgin Islands	66,000	32,000	48.48
Subtotal	3,056,000	2,532,800	82.87
Total	218,250,000	143,224,975	65.62

TABLE V-1H—STATUS OF PT. E SUBGRANT FUNDS IN GMIS, FISCAL YEARS 1972-75

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	HI report	In GMIS	
Alabama	3,007,939	2,598,604	85.0
Alaska	235,000	245,000	100.0
Arizona	1,376,399	1,223,501	88.8
Arkansas	975,027	932,268	95.6
California	11,019,494	8,921,039	80.9
Colorado	1,583,835	317,169	20.6
Connecituct	2,375,429	2,398,329	99.2
Delaware	128,412	225,354	175.4
District of Columbia	598,229	386,000	64.5
Florida	5,471,731	4,943,793	90.3
Georgia	3,473,457	2,962,471	85.3
Hawaii	187,737	0	----------
Idaho	637,855	233,517	36.6
Illinois	6,558,442	5,810,959	88.6
Indiana	0	1,383,647	----------
Iowa	1,747,451	963,606	55.1
Kansas	1,679,780	1,498,869	89.2
Kentucky	3,396,313	1,686,734	48.1
Louisiana	3,250,113	2,960,140	90.7
Maine	979,427	317,684	32.4
Maryland	1,661,441	1,083,958	65.2
Massachusetts	5,938,785	4,416,876	74.3
Michigan	5,578,167	3,123,082	55.9
Minnesota	2,937,032	2,654,470	90.3
Mississippi	1,275,585	720,854	56.5
Missouri	4,055,017	3,396,486	83.5
Montana	506,742	65,464	12.9
Nebraska	1,192,565	814,723	68.3
Nevada	377,263	314,965	83.4
New Hamsphire	555,747	450,783	82.9
New Jersey	4,733,927	4,047,583	102.4
New Mexico	1,028,840	475,083	46.1
New York	12,607,916	7,436,417	58.9
North Carolina	2,902,827	2,317,599	79.8
North Dakota	646,014	702,103	108.6
Ohio	8,044,270	7,285,639	90.5
Oklahoma	2,593,160	1,246,000	44.1
Oregon	1,791,762	1,485,463	82.9
Pennsylvania	8,870,919	8,209,135	93.6
Rhode Island	0	405,506	----------
South Carolina	2,472,806	2,155,236	87.1
South Dakota	374,611	93,135	24.8
Tennessee	3,017,218	504,975	16.7
Texas	8,694,045	6,396,880	73.5
Utah	893,193	493,388	55.2
Vermont	331,912	125,240	37.7
Virginia	2,680,249	2,532,024	94.4
Washington	1,833,079	2,310,965	126.0
West Virginia	902,217	638,285	70.7
Wisconsin	3,364,806	2,766,901	82.2
Wyoming	197,985	194,291	98.1
Subtotal	140,692,175	109,477,598	77.8
Guam	21,000	0	----------
Puerto Rico	2,463,800	140,540	5.7
Samoa	16,000	0	----------
Virgin Islands	32,000	0	----------
Subtotal	2,532,800	140,540	5.5
Total	143,224,975	109,618,138	76.5

TABLE V–11.—STATES OF PT. E SUBGRANT FUNDS IN GMIS. FISCAL YEAR 1977

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	HI report	In GMIS	
Alabama	781, 369	491, 884	62. 9
Alaska	71, 000	71, 000	100. 0
Arizona	409, 668	343, 999	83. 9
Arkansas	453, 350	410, 591	90. 5
California	4, 647, 916	5, 318, 440	114. 4
Colorado	520, 226	7, 189	1. 3
Connecticut	713, 429	713, 429	100. 0
Delaware	128, 412	130, 000	101. 2
District of Columbia	179, 000	179, 000	100. 0
Florida	1, 601, 671	1, 551, 233	96. 8
Georgia	1, 080, 000	1, 010, 461	93. 5
Hawaii	182, 000	0	----------
Idaho	169, 000	0	----------
Illinois	2, 588, 603	2, 444, 999	94. 4
Indiana	(1)	504, 086	0
Iowa	645, 819	213, 727	33. 0
Kansas	535, 320	457, 230	85. 4
Kentucky	755, 916	508, 384	67. 2
Louisiana	859, 763	462, 000	53. 7
Maine	235, 000	201, 400	85. 7
Maryland	851, 855	414, 919	48. 7
Massachusetts	1, 344, 510	1, 266, 000	94. 1
Michigan	2, 189, 427	681, 054	31. 1
Minnesota	884, 885	568, 457	64. 2
Mississippi	515, 837	269, 022	52. 1
Missouri	1, 100, 469	1, 073, 172	97. 5
Montana	161, 757	8, 360	5. 1
Nebraska	347, 582	282, 293	81. 2
Nevada	116, 000	117, 560	101. 3
New Hampshire	159, 364	157, 327	98. 7
New Jersey	1, 637, 254	1, 667, 883	101. 8
New Mexico	235, 642	136, 486	57. 5
New York	4, 304, 000	2, 370, 946	55. 0
North Carolina	891, 184	932, 271	104. 6
North Dakota	142, 000	98, 265	69. 2
Ohio	2, 473, 413	2, 561, 530	103. 5
Oklahoma	604, 964	200, 000	33. 0
Oregon	495, 000	358, 536	72. 4
Pennsylvania	2, 715, 779	2, 114, 495	77. 8
Rhode Island	(1)	54, 905	0
South Carolina	608, 388	612, 998	100. 7
South Dakota	157, 000	48, 056	30. 6
Tennessee	926, 573	454, 975	49. 1
Texas	2, 194, 115	2, 277, 490	103. 7
Utah	251, 000	247, 613	98. 6
Vermont	105, 000	98, 494	93. 8
Virginia	1, 013, 522	490, 000	48. 3
Washington	806, 889	1, 345, 143	166. 7
West Virginia	398, 372	171, 138	42. 9
Wisconsin	1, 045, 000	641, 714	61. 4
Wyoming	75, 000	71, 306	95. 0
Subtotal	45, 309, 243	36, 811, 550	81. 2
Guam	21, 000	0	----------
Puerto Rico	635, 300	0	----------
Samoa	(1)	0	----------
Virgin Islands	15, 000	0	----------
Subtotal	671, 800	0	----------
Total	45, 981, 043	36, 811, 550	80. 0

1Not reported.

TABLE V-1J.—STATUS OF PT. E SUBGRANT FUNDS IN GMIS, FISCAL YEAR 1973

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	HI report	In GMIS	
Alabama	896,410	893,742	99.7
Alaska	82,000	82,000	100.0
Arizona	485,985	485,497	99.8
Arkansas	521,677	521,677	100.0
California	5,731,500	3,507,620	61.1
Colorado	603,132	14,986	2.4
Connecticut	831,000	831,000	100.0
Delaware	(1)	95,354	0
District of Columbia	203,211	207,000	101.8
Florida	2,010,990	1,533,490	76.2
Georgia	1,135,457	1,268,266	111.6
Hawaii	5,737	0	----------
Idaho	177,954	88,616	49.7
Illinois	2,866,922	2,900,260	101.1
Indiana	(1)	109,630	0
Iowa	737,047	385,294	52.2
Kansas	619,554	521,491	84.1
Kentucky	882,000	0	----------
Louisiana	982,663	1,088,722	110.7
Maine	271,989	116,284	42.7
Maryland	788,980	669,039	90.5
Massachusetts	1,580,000	1,560,000	100.0
Michigan	2,109,202	1,386,945	65.7
Minnesota	1,009,134	1,043,000	103.3
Mississippi	420,748	333,185	79.1
Missouri	1,278,548	1,245,581	97.4
Montana	154,985	57,104	36.8
Nebraska	397,945	163,007	40.9
Nevada	132,225	115,050	87.0
New Hampshire	201,035	156,956	78.0
New Jersey	1,938,205	2,015,528	103.9
New Mexico	276,036	216,812	78.5
New York	4,988,704	3,615,270	72.4
North Carolina	1,332,156	904,656	67.9
North Dakota	165,014	159,072	102.4
Ohio	2,864,748	2,330,165	81.3
Oklahoma	682,000	702,000	102.9
Oregon	573,000	572,820	99.9
Pennsylvania	3,161,977	3,253,952	102.9
Rhode Island	(1)	161,137	0
South Carolina	710,000	689,724	97.1
South Dakota	173,166	45,079	26.0
Tennessee	1,025,143	50,000	4.8
Texas	2,986,189	1,011,713	33.9
Utah	286,403	9,387	3.2
Vermont	126,912	26,746	21.0
Virginia	1,247,899	1,319,179	105.7
Washington	803,373	743,005	92.4
West Virginia	478,000	467,147	97.7
Wisconsin	1,173,443	978,899	83.4
Wyoming	62,392	62,392	100.0
Subtotal	52,096,790	40,725,479	78.1
Guam	0	0	----------
Puerto Rico	744,000	30,000	10.7
Samoa	8,000	0	----------
Virgin Islands	17,000	0	----------
Subtotal	769,000	30,000	10.4
Total	52,865,790	40,805,479	77.1

[1] Not reported.

TABLE V–1K.—STATUS OF PT. E SUBGRANT FUNDS IN GMIS, FISCAL YEAR 1974

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	HI report	In GMIS	
Alabama	826,629	721,512	87.2
Alaska	82,000	82,000	100.0
Arizona	480,746	394,005	81.9
Arkansas	0	0	
California	640,078	94,979	14.8
Colorado	410,477	294,994	71.8
Connecticut	881,000	813,900	97.9
Delaware	(1)	0	
District of Columbia	160,518	0	
Florida	1,859,070	1,859,070	100.0
Georgia	1,258,000	684,144	54.3
Hawaii	0	0	
Idaho	195,000	49,000	25.1
Illinois	1,102,917	465,700	42.2
Indiana	(1)	724,931	0
Iowa	364,585	364,585	100.0
Kansas	524,906	520,148	99.0
Kentucky	874,397	740,000	84.6
Louisiana	996,511	988,242	99.1
Maine	272,020	0	
Maryland	70,606	0	
Massachusetts	1,522,500	1,590,876	104.4
Michigan	519,667	537,655	103.4
Minnesota	1,043,013	1,043,013	100.0
Mississippi	339,000	118,647	34.9
Missouri	1,100,373	479,887	43.6
Montana	190,000	0	
Nebraska	398,653	321,038	80.5
Nevada	129,043	82,355	63.8
New Hampshire	175,701	146,505	83.3
New Jersey	1,158,468	1,164,172	100.4
New Mexico	260,999	121,785	46.6
New York	3,315,212	1,450,201	43.7
North Carolina	679,487	480,672	70.7
North Dakota	169,000	264,765	156.6
Ohio	2,481,109	2,393,944	96.4
Oklahoma	644,196	244,000	37.8
Oregon	524,167	554,107	105.9
Pennsylvania	2,993,163	2,940,688	98.2
Rhode Island	(1)	189,374	0
South Carolina	560,000	256,096	45.7
South Dakota	44,445	0	
Tennessee	1,065,502	0	
Texas	2,447,069	2,143,137	87.5
Utah	279,000	159,598	57.2
Vermont	100,000	0	
Virginia	418,828	722,845	172.5
Washington	222,817	222,817	100.0
West Virginia	25,845	0	
Wisconsin	1,146,363	1,146,288	99.9
Wyoming	60,593	60,593	100.0
Subtotal	34,963,613	27,632,269	79.0
Guam	(1)	0	
Puerto Rico	744,000	60,540	8.1
Samoa	8,000	0	
Virgin Islands	0	0	
Subtotal	752,000	60,540	8.0
Total	35,715,613	27,692,809	77.5

[1] Not reported.

TABLE V-1L.—STATUS OF PT. E SUBGRANT FUNDS IN GMIS, FISCAL YEAR 1975

State planning agency	Funds subgranted as of Mar. 31, 1975		Percent of funds subgranted in GMIS
	HI report	In GMIS	
Alabama	503,531	451,466	89.6
Alaska	0	0	
Arizona	(1)	0	
Arkansas	0	0	
California	0	0	
Colorado	0	0	
Connecticut	(1)	0	
Delaware	(1)	0	
District of Columbia	55,500	0	
Florida	(1)	0	
Georgia	(1)	0	
Hawaii	0	0	
Idaho	95,901	95,901	100.0
Illinois	0	0	
Indiana	0	0	
Iowa	0	0	
Kansas	0	0	
Kentucky	884,000	388,350	43.9
Louisiana	411,176	411,176	100.0
Maine	200,418	0	
Maryland	(1)	0	
Massachusetts	1,511,775	0	
Michigan	759,871	517,428	68.0
Minnesota	0	0	
Mississippi	(1)	0	
Missouri	575,627	587,846	102.1
Montana	(1)	0	
Nebraska	48,385	48,385	100.0
Nevada	0	0	
New Hampshire	19,647	0	
New Jersey	(1)	0	
New Mexico	256,163	0	
New York	(1)	0	
North Carolina	0	0	
North Dakota	170,000	170,000	100.0
Ohio	225,000	0	
Oklahoma	662,000	0	
Oregon	199,655	0	
Pennsylvania	(1)	0	
Rhode Island	(1)	0	
South Carolina	594,418	596,418	100.3
South Dakota	0	0	
Tennessee	0	0	
Texas	1,072,672	964,540	89.9
Utah	76,790	76,790	100.0
Vermont	(1)	0	
Virginia	(1)	0	
Washington	0	0	
West Virginia	0	0	
Wisconsin	0	0	
Wyoming	(1)	0	
Subtotal	8,322,529	4,308,300	51.7
Guam	(1)	0	
Puerto Rico	340,000	0	
Samoa	(1)	0	
Virgin Islands	(1)	0	
Subtotal	340,000	0	
Total	8,662,529	4,308,300	49.7

[1] Not reported.

APPENDIX TABLE V-2.—DISTRIBUTION OF PT. C FUNDS TO CITIES OF OVER 250,000 POPULATION, FISCAL YEARS 1972–74

[Cities over 250,000]

State	Number	Percent of State population	Percent of crime	Percent of pt. C block grant funds awarded	Percent of pt. C discretionary funds awarded
Alabama	1	8.9	22.4	11.08	38.26
Alaska	0	0	0	0	0
Arizona	2	45.9	59.9	30.22	25.34
Arkansas	0	0	0	0	0
California	7	24.1	23.6	14.73	20.03
Colorado	1	0	32.9	4.05	92.05
Connecticut	0	21.1	0	----	----
Delaware	0	0	0	----	----
District of Columbia	1	100.0	100.0	100.0	100.0
Florida	3	14.9	19.6	11.89	8.66
Georgia	1	9.4	27.4	6.98	80.35
Hawaii	1	82.4	85.4	2.38	----
Idaho	0	0	0	----	----
Illinois	1	28.2	44.1	4.76	----
Indiana	1	13.7	15.8	10.44	53.07
Iowa	0	0	0	----	----
Kansas	1	11.4	20.8	13.78	0
Kentucky	1	10.0	22.5	7.01	48.64
Louisiana	2	22.9	40.1	32.90	76.07
Maine	0	0	0	----	----
Maryland	1	21.5	33.6	33.89	90.79
Massachusetts	1	10.6	19.9	18.57	60.95
Michigan	1	15.3	23.8	13.06	11.19
Minnesota	2	17.1	38.2	28.05	53.26
Mississippi	0	0	0	----	----
Missouri	2	21.9	48.8	28.88	21.11
Montana	0	0	0	----	----
Nebraska	1	24.4	49.0	12.18	17.41
Nevada	0	0	0	----	----
New Hampshire	0	0	0	----	----
New Jersey	2	8.4	14.7	13.02	83.68
New Mexico	1	24.7	43.5	17.87	0
New York	3	45.7	65.7	67.13	23.43
North Carolina	1	5.3	10.9	0	0
North Dakota	0	0	0	----	----
Ohio	5	21.2	38.3	18.76	88.35
Oklahoma	2	26.6	45.7	28.77	0
Oregon	1	16.8	30.8	14.12	18.79
Pennsylvania	2	19.6	33.6	24.36	94.85
Rhode Island	0	0	0	----	----
South Carolina	0	0	0	----	----
South Dakota	0	0	0	----	----
Tennessee	2	26.3	53.5	14.13	79.44
Texas	6	33.0	53.2	13.34	96.74
Utah	0	0	0	----	----
Vermont	0	0	0	----	----
Virginia	1	5.8	11.0	15.99	43.44
Washington	1	14.6	23.1	16.95	12.55
West Virginia	0	0	0	----	----
Wisconsin	1	15.1	21.0	16.19	56.36
Wyoming	0	0	0	----	----

APPENDIX TABLE V-2.—DISTRIBUTION OF PT. C FUNDS TO CITIES OF 100,000 TO 250,000 POPULATION, FISCAL YEARS 1972-74,

[Cities of 100,000 to 250,000]

State	Number	Percent of State population	Percent of crime	Percent of pt. C block grant funds awarded	Percent of pt. C discretionary funds awarded
Alabama	3	13.54	25.0	11.00	38.10
Alaska	0				
Arizona	0				
Arkansas	1	6.98	23.8	6.73	80.04
California	13	8.58	9.8	7.07	7.06
Colorado	2	11.43	13.2	11.32	0
Connecticut	5	20.92	38.6	55.33	92.92
Delaware	0				
District of Columbia	0				
Florida	5	9.60	12.4	5.54	6.15
Georgia	3	8.10	11.5	12.36	2.36
Hawaii	0				
Idaho	0				
Illinois	2	2.40	3.8	2.68	6.22
Indiana	4	11.69	21.1	14.37	16.84
Iowa	2	10.64	20.7	8.00	0
Kansas	2	13.56	23.3	11.10	35.34
Kentucky	1	3.24	11.8	0.95	14.96
Louisiana	1	4.89	6.4	8.45	6.69
Maine	0				
Maryland	0				
Massachusetts	2	5.69	11.1	18.92	4.81
Michigan	7	11.04	13.2	9.07	11.34
Minnesota	0				
Mississippi	1	7.19	17.8	8.73	49.98
Missouri	2	5.10	6.2	4.20	0
Montana	0				
Nebraska	1	10.60	14.3	12.92	10.96
Nevada	1	26.34	49.0	7.38	.65
New Hampshire	0				
New Jersey	4	6.22	12.1	11.42	0
New Mexico	0				
New York	3	2.69	2.7	6.46	0
North Carolina	4	10.06	19.1	15.39	7.01
North Dakota	0				
Ohio	3	3.19	4.1	1.82	.02
Oklahoma	0				
Oregon	0				
Pennsylvania	2	2.01	3.3	2.39	0
Rhode Island	1	17.47	10.1	22.22	100.0
South Carolina	1	4.12	7.1	2.80	17.44
South Dakota	0				
Tennessee	2	7.76	15.2	*17.21	0
Texas	6	6.89	9.9	4.03	.47
Utah	1	14.63	31.4	20.89	23.33
Vermont	0				
Virginia	6	19.16	31.6	27.70	28.01
Washington	2	9.43	12.5	4.20	9.50
West Virginia	0				
Wisconsin	1	3.72	6.7	2.88	0
Wyoming	0				

*Available for 1972 and 1973 only.

APPENDIX TABLE V-3

DISTRIBUTION OF PT. C SAFE STREETS FUNDS (SSA) BY STATE AND BY CRIMINAL JUSTICE COMPONENT (FISCAL YEAR 1969-75) AND STATE AND LOCAL (S/L) CRIMINAL JUSTICE EXPENDITURES (FISCAL YEAR 1973)

[In percent]

State	Police		Courts		Corrections		Combinations		Non-C.J. agencies	
	SSA [1]	S/L [2]	SSA [1]	S/L [2]	SSA [1]	S/L [2]	SSA [1]	S/L [2]	SSA [1]	S/L [2]
Alabama	60	60	15	21	18	18	4	1	1	----
Alaska	43	43	15	33	20	23	16	1	3	----
Arizona	53	63	16	18	18	19	5	1	6	----
Arkansas	54	63	11	17	21	19	8	1	4	----
California	48	53	8	19	16	28	15	1	10	----
Colorado	55	53	8	25	23	21	8	1	4	----
Connecticut	38	59	9	21	32	20	8	2	11	----
Delaware	39	47	24	24	21	27	3	1	11	----
District of Columbia	15	59	22	15	26	25	17	1	17	----
Florida	38	52	7	23	28	24	16	1	8	----
Georgia	51	50	13	19	18	31	12	1	3	----
Hawaii	38	62	13	24	30	12	8	1	9	----
Idaho	50	50	16	21	19	23	10	6	2	----
Illinois	50	67	9	17	19	16	14	1	5	----
Indiana	47	60	14	17	22	20	6	2	9	----
Iowa	58	58	12	20	16	21	8	1	2	----
Kansas	39	49	18	19	22	30	14	2	6	----
Kentucky	46	59	12	19	23	22	10	1	5	----
Louisiana	40	62	20	20	27	18	5	0	5	----
Maine	59	55	12	17	18	26	4	2	5	----
Maryland	35	55	21	16	27	28	6	2	8	----
Massachusetts	28	59	21	15	29	24	12	2	8	----
Michigan	55	60	11	20	22	20	6	1	5	----
Minnesota	40	56	8	19	23	24	15	2	11	----
Mississippi	59	64	12	16	21	18	2	2	2	----
Missouri	30	64	22	19	23	18	18	0	5	----
Montana	53	53	6	20	21	25	10	3	7	----
Nebraska	46	57	13	22	27	19	8	2	4	----
Nevada	65	56	16	17	14	26	1	1	2	----
New Hampshire	61	64	9	17	18	17	6	1	4	----
New Jersey	31	60	14	20	25	19	18	1	10	----
New Mexico	52	59	10	18	19	22	10	2	7	----
New York	22	61	16	18	36	20	12	2	12	----
North Carolina	60	51	8	17	17	30	8	2	5	----
North Dakota	55	58	14	25	19	15	1	2	9	----
Ohio	40	55	11	19	23	25	14	0	9	----
Oklahoma	38	58	13	21	25	20	7	1	14	----
Oregon	48	53	11	21	15	25	17	1	6	----
Pennsylvania	28	58	16	21	30	21	14	1	10	----
Rhode Island	52	61	14	19	15	18	9	1	7	----
South Carolina	61	54	12	13	10	31	10	2	4	----
South Dakota	40	55	15	23	27	19	11	3	4	----
Tennessee	51	53	11	19	22	27	10	1	3	----
Texas	43	61	17	20	18	18	13	1	7	----
Utah	51	57	17	19	20	22	8	2	3	----
Vermont	39	44	14	22	35	33	5	1	4	----
Virginia	42	57	8	17	31	26	7	1	9	----
Washington	33	52	11	18	32	29	13	1	9	----
West Virginia	48	56	8	18	27	25	6	1	8	----
Wisconsin	34	59	15	15	24	24	13	2	12	----
Wyoming	45	55	15	19	11	24	15	1	12	----
Guam	39	NA	3	NA	39	NA	7	NA	10	----
Puerto Rico	41	NA	6	NA	23	NA	10	NA	17	----
Virgin Islands	31	NA	0	NA	37	NA	20	NA	10	----
Total	42	58	13	19	24	23	11	1	8	----

[1] GMIS data.

[2] U.S. Law Enforcement Assistance Administration and U.S. Bureau of Census, "Expenditure and Employment Data for the Criminal Justice" System: 1972-73, U.S. Government Printing Office, Washington, D.C., 1975, table 7, pp. 30-37.

APPENDIX TABLE V-4

PERCENTAGE DISTRIBUTION OF DISCRETIONARY FUNDS (FISCAL YEAR 1969-75), POPULATION (1970), AND CRIME (1973) BY STATE

State	Percent of population [1] (A)	Amount of pt. C discretionary funds [2] (B)	Percent of pt. C discretionary funds [2] (C)	Discretionary funds per capita (D)	C-A (E)	Percent of crime ended [3] (F)	C-F (G)
Alabama	1.7	4,217	1.1	1.22	—0.6	1.0	+0.1
Alaska	.2	3,947	1.0	13.16	+.8	.2	+.8
Arizona	1.0	6,687	1.7	3.78	+.7	1.6	+.1
Arkansas	1.0	1,060	.5	.55	—.7	.6	—.3
California	9.7	32,537	8.1	1.63	—1.6	15.0	—7.9
Colorado	1.2	[4] 20,352	5.1	9.22	+3.9	1.6	+3.5
Connecticut	1.4	2,644	.7	.87	—.7	1.3	—.6
Delaware	.3	[5] 2,450	.6	4.47	+.3	.3	+.3
District of Columbia	.3	[5] 20,491	5.0	27.10	+4.7	NA	NA
Florida	3.6	14,280	3.6	2.10	----------	5.3	—1.7
Georgia	2.3	[4] 16,581	4.1	3.61	+1.8	1.9	+2.2
Hawaii	.4	[5] 1,787	.4	2.33	----------	.5	—.1
Indiana	.4	[5] 1,986	.5	2.79	+.1	.3	+.2
Illinois	5.3	14,307	3.6	1.29	—1.7	5.6	—2.0
Indiana	2.5	4.055	1.0	.78	—1.5	2.2	—1.2
Iowa	1.3	2,804	.7	.99	—.6	.9	—.2
Kansas	1.1	2,250	.6	1.00	—.5	.9	—.3
Kentucky	1.2	7,040	1.8	2.19	+.6	.9	+.9
Louisiana	1.8	7,651	1.9	2.10	+.1	1.5	+.4
Maine	.5	2,801	.7	2.82	+.2	.3	+.4
Maryland	1.9	[4] 10,499	2.6	2.68	+.7	2.3	+.3
Massachusetts	2.7	9,074	2.3	1.60	—.4	3.0	—.7
Michigan	4.3	14,258	3.6	1.61	—.7	5.7	—2.1
Minnesota	1.8	4,627	1.2	1.22	—.6	1.6	—.4
Mississippi	1.1	1,905	.5	.86	—.6	.5	----------
Missouri	2.2	[4] 13,952	3.5	2.98	+1.3	2.3	+1.2
Montana	.3	[5] 3,095	.8	4.46	+.5	.3	+.5
Nebraska	.7	1,851	.5	1.25	—.2	.5	----------
Nevada	.3	[5] 4,773	1.2	9.78	+.9	.4	+.8
New Hampshire	.4	[5] 1,925	.5	2.61	+.1	.2	+.3
New Jersey	3.4	[4] 19,169	4.8	2.67	+1.4	3.5	+1.3
New Mexico	.5	4,252	1.1	4.19	+.6	.6	+.5
New York	8.6	30,911	7.7	1.70	—.9	9.1	—1.4
North Carolina	2.5	4,657	1.2	.92	—1.3	1.7	—.5
North Dakota	.3	[5] 2,024	.5	3.28	+.2	.2	+.3
Ohio	5.0	[4] 21,319	5.3	2.00	+.3	4.3	+1.0
Oklahoma	1.3	2,933	.7	1.15	—.6	1.1	—.4
Oregon	1.0	[4] 9,611	2.4	4.60	+1.4	1.4	+1.0
Pennsylvania	5.6	14,582	3.6	1.24	—2.0	3.4	+.2
Rhode Island	.5	1,773	.4	1.87	—.1	.5	—.1
South Carolina	1.3	3,471	.9	1.34	—.4	1.1	—.2
South Dakota	.3	[5] 3,066	.8	4.61	+.5	.2	+.6
Tennessee	1.9	1,468	.4	.37	—1.5	1.5	—.9
Texas	5.6	[4] 21,530	5.4	1.92	—.2	5.5	—.1
Utah	.5	2,168	.5	2.05	----------	.6	—.1
Vermont	.2	1,324	.3	2.98	+.1	.1	+.2
Virginia	2.3	5,306	1.3	1.14	—1.0	1.8	—.5
Washington	1.6	3,945	1.0	1.16	—.6	2.0	—1.0
West Virginia	.8	2,518	.6	1.44	—.2	.3	+.3
Wisconsin	2.1	4,347	1.1	.98	—1.0	1.7	—.6
Wyoming	.2	[5] 2,115	.5	6.37	+.3	.1	+.4
American Samoa	.01	[5] 360	.07	4.03	+.06	NA	NA
Guam	.04	[5] 721	.17	1.56	—.23	NA	NA
Puerto Rico	1.3	978	.2	.28	—1.1	.8	—.6
Virgin Islands	.03	[5] 1,827	.45	13.74	+.15	NA	NA

[1] Bureau of the Census, U.S. Dept. of Commerce, "1970 Census of Population," U.S. Government Printing Office, Washington, D.C., May 1972, table 14, p. I-58.

[2] GMIS data.

[3] Federal Bureau of Investigation U.S. Department of Justice "uniform crime reports," table 4, pp. 66-76, U.S. Government Printing Office, Washington, D.C 1973.

[4] Contains an impact city.

[5] Includes small state supplements.

APPENDIX TABLE V-5.—DISTRIBUTION OF PT. C DISCRETIONARY AND BLOCK GRANT FUNDS TO LOCAL GOVERNMENTS BY CRIME RATE AND POPULATION OF RECIPIENT JURISDICTION (FISCAL YEAR 1969–75)

Size of population	Percent of population	Percent of crime	Municipalities [1]		Counties [2]		Total city/county [3]	
			Percent B.G. funds	Percent district funds	Percent B.G. funds	Percent district funds	Percent B.G. funds	Percent district funds
Over 1,000,000	13	18	20	13	7	11	14	12
500,000 to 1,000,000	9	14	11	35	11	15	11	29
250,000 to 500,000	7	11	10	30	13	19	11	27
100,000 to 250,000	10	14	16	8	14	16	15	10
50,000 to 100,000	12	14	12	5	11	10	11	6
25,000 to 50,000	12	12	9	2	9	3	9	2
10,000 to 25,000	15	11	8	1	13	6	10	2
1 to 10,000	22	7	8	1	19	8	13	3
Unknown			6	7	4	13	5	8

[1] U.S. Department of Commerce and U.S. Bureau of Census, Census of Population 1970 issues, Vol. 1. pt. A, Section 1. p. 1–45, table 6 U.S. Government Printing Office, Washington, D.C. May 1972.
[2] Of total 1972 index crimes reported by cities, these percentages were reported for cities in the population categories shown, Federal Bureau of Investigation, U.S. Dept. of Justice," Uniform Crime Reports," p. 104–5 table 10 U.S. Government Printing Office, Washington, D.C. 1973.
[3] GMIS Data.

APPENDIX TABLE V-6.—DISTRIBUTION OF PT. E DISCRETIONARY FUNDS BY STATE (FISCAL YEAR 1969–75)

State	Percent of population (A)	Amount of pt. E discretionary funds [2] (B)	Percent of pt. E discretionary funds [2] (C)	Difference between A and C (D)
Alabama	1.7	3,120	1.5	−0.2
Alaska	.2	905	.4	+.2
Arizona	1.0	2,992	1.4	+.4
Arkansas	1.0	6,895	3.3	+2.3
California	9.7	12,232	5.8	−3.9
Colorado	1.2	8,444	4.0	+2.8
Connecticut	1.4	2,002	1.0	−.4
Delaware	.3	795	4.	−.1
District of Columbia	.3	2,062	1.0	−.7
Florida	3.6	2,530	1.2	−2.4
Georgia	2.3	9,070	4.3	+2.0
Hawaii	.4	5,583	2.7	+2.3
Idaho	.4	1,326	.6	+.2
Illinois	5.3	9,512	4.5	−.8
Indiana	2.5	1,486	.7	−1.8
Iowa	1.3	9,04	.4	−.9
Kansas	1.7	795	.4	−.7
Kentucky	1.2	2,416	1.1	−.1
Louisiana	1.8	9,879	4.7	+2.9
Maine	.5	905	.4	−.1
Maryland	1.9	11,004	5.2	+3.3
Massachusetts	2.7	7,400	3.5	+.8
Michigan	4.3	4,637	2.2	−2.1
Minnesota	1.8	2,668	1.3	−.5
Mississippi	1.1	3,615	1.7	+.6
Missouri	2.2	15,329	7.3	+5.1
Montana	.3	631	.3	
Nebraska	.7	3,093	1.5	+.8
Nevada	.3	2,235	1.1	+.8
New Hampshire	.4	1,233	.6	+.2
New Jersey	3.4	8,079	3.8	+.4
New Mexico	.5	1,578	.8	+.3
New York	8.6	5,082	2.4	−6.2
North Carolina	2.5	891	.4	−2.1
North Dakota	.3	528	.3	
Ohio	5.0	12,587	6.0	+1.0
Oklahoma	1.3	5,921	2.8	+1.5
Oregon	1.0	11,563	5.5	+4.5
Pennsylvania	5.6	2,841	1.6	−4.0
Rhode Island	.5	728	.3	−.2
South Carolina	1.3	5,354	2.5	+12.
South Dakota	.3	635	.3	

See footnotes at end of table.

APPENDIX TABLE V-6.—DISTRIBUTION OF PT. E DISCRETIONARY FUNDS BY STATE (FISCAL YEAR 1969-75)—Continued

State	Percent of population (A)	Amount of pt. E discretionary funds [1] (B)	Percent of pt. E discretionary funds [2] (C)	Difference between A and C (D)
Tennessee	1.9	1,157	0.6	−1.3
Texas	5.6	9,100	4.3	−1.3
Utah	.5	1,272	.6	+.1
Vermont	.2	938	.4	+.2
Virginia	2.3	1,608	.8	−1.5
Washington	1.6	667	.3	−1.3
West Virginia	.8	591	.3	−.5
Wisconsin	2.1	1,713	.8	−1.3
Wyoming	.2	810	.4	+.2
American Samoa	.01	42	.01	----------
Guam	.04	50	.02	−.02
Puerto Rico	1.3	220	.1	−1.2
Virgin Islands	.03	576	.3	−.27

[1] U.S. Bureau of Census, U.S. Department of Commerce, "1970 Census of Population," U.S. Government Printing Office, Washington, D.C., May 1972, table 14, p. -158.
[2] GMIS Data.

PART II: ISSUES AND RECOMMENDATIONS

CHAPTER VI

SAFE STREETS AND THE BLOCK GRANT EXPERIMENT

Issues and Perspectives

In its 1970 report, "Making the Safe Streets Act Work: An Intergovernmental Challenge," the ACIR observed that the Safe Streets Act represented an experiment in Federal-state-local administrative and fiscal relations. The act embodies the Federal government's first comprehensive grant program for assisting state and local efforts to reduce crime and improve the administration of justice. Moreover, the instrument chosen to dispense Federal aid sharply contrasted with the categorical grant orientation of congressional legislation enacted during the 1960's. Instead, in the Safe Streets Act the Congress established a major Federal program which embodied the block grant instrument from the outset, and departed from its traditional approach by relying heavily on the states as planners, administrators, coordinators, and innovators in the criminal justice area.

Over seven years have passed since the President signed the act into law. During that time, a new profession—criminal justice planning—has emerged. Relationships have been fostered between previously separate and independent components of the state-local criminal justice system. Organizations have been created at the state, substate regional and local levels to perform planning and administrative activities under the program. And more than $4 billion has been spent by the Federal government to assist states and localities in the fight against crime.

What has been accomplished under this highly-touted crime reduction program? How well has the block grant experiment worked? What lessons can be learned? This section addresses these and other basic intergovernmental issues raised by the Safe Streets record.

What Are We Trying To Do?

The legislative history of the Safe Streets Act since 1967 reveals a multitude of objectives reflecting changes over the years in congressional understanding of the nature of the crime problem. responses to pressures from various functional interests, and the need on the part of both the Congress and the Chief Executive to convince the public that the Federal Government was concerned about and dealing with crime. Although unavoidable, the politicization of the crime issue has caused some confusion over what the Safe Streets Act was intended to do, and what it realistically can accomplish.

Conceived in the wake of political assassination, urban civil disorders, and campus unrest, the early legislative history of the Safe Streets Act is replete with references to the need for better law enforcement at the state and local levels. The congressional emphasis on curbing growing domestic violence through more effective police protection at the time was not usually accompanied by recognition that the prosecutorial, judicial and correctional components of the criminal justice system also needed upgrading. The early intent of Congress is perhaps best revealed in the variable matching ratio embodied in the 1968 legislation, under which the Federal government would pay 75 percent of the costs of riot and civil disorders control activities, 60 percent of non-construction action programs and 50 percent of construction projects. The predominance of the police in both State Planning Agency (SPA) policy-making and funding during the initial years of the program, then, came as no surprise.

Although Congress in subsequent amendments to the act revealed a growing awareness of the needs of the criminal justice system and the desirability of achieving greater balance among the functional components; the basic legislative goals of reduced crime and improved administration of justice have remained intact. These objectives were reinforced by the executive branch. As crime rates began to level off and decline during the early 1970's, LEAA became the showpiece of the Nixon administration "law and order" program.

By the mid 1970's, however, crime rates had begun to escalate. In the Ford administration and in the newly elected Congress, questions were raised as to why the Federal government's anti-crime program had apparently failed. Some blamed the states, questioning the optimistic assumptions of the framers that these units could be entrusted with responsibility for improving the state-local criminal justice system. Several asserted that the problem was simply a matter of insufficient Federal funds. Others believed that LEAA had failed to exert strong leadership in finding and communicating solutions to crime, in ensuring that the SPAs prepared quality comprehensive plans, and in providing effective technical assistance. Still others argued that crime was so rooted in the basic fabric of society that reliance on the crimnial justice system alone for remedial action was naive and quite possibly counter-productive. And some concluded that, given these limitations, crime reduction should not be the overriding purpose of the act.

All of the above views have a certain amount of validity. This chapter begins with an analysis of the expectations underlying the act and an assessment of how well they have been achieved. The various charges that have been made against the program will then be examined in light of the implementation record as well as the issues and problems that have arisen in block grant administration.

As was pointed out earlier, reducing crime and improving the administration of justice were basic purposes of the Safe Streets Act. Several points of clarification need to be made, however, regarding how this objective would be realized. First, Congress determined that crime is essentially a state and local problem that could be dealt with most effectively by these jurisdictions. Hence, direct national action was not intended. Second, Congress designed the act to be facilitative rather than preemptive. Federal aid was to be used to "improve and strengthen" law enforcement and criminal justice at the state and local levels. Third, the act reflects the realization that, although greater attention should be given to addressing crime problems through a well-integrated criminal justice system, decisions concerning the type of remedial action to be taken should not be confined to the police, prosecutors, judges or corrections professionals. Instead, state and local elected chief executives and legislators, administartive generalists and representatives of the general public also should be involved in such decisions through the comprehensive planning, fund allocation and project approval processes. Fourth, the Congress viewed the use of Federal funds for fostering innovation, undertaking demonstration projects, and supporting research and development as desirable ways of developing and testing new remedial approaches to crime. Finally, despite these ambitious objectives, the Congress initially considered crime reduction within the relatively narrow context of improving the capacity of the criminal justice system to process offenders. This limited view of deterrence or prevention ignored other basic causes of or influences on crime rates—such as education, unemployment and public attitude—that go beyond the scope of a single statute, and perhaps beyond the intergovernmental partnership itself.

To sum up, then, the Safe Streets Act attempted to direct Federal funds toward crime in three ways:

Stimulation of new activity that otherwise would not or could not have been undertaken by recipients, including innovative and demonstration efforts;

System building through setting in motion a process for planning and decisionmaking relating to the uses of Safe Streets dollars that would produce as byproducts greater understanding and better coordination among police, prosecution and defense, court and corrections interests and between the functional components of the criminal justice system, other criminal justice officials and the general public and

System support by providing funds to upgrade existing law enforcement and criminal justice agencies at the state and local levels.

All three of the above approaches have been employed in administering the program since its inception. Changes in their relative priority, however, have occurred in response to shifting congressional sentiment, turnover in LEAA's top management and the maturation of SPAs. In many respects, the debate over specific aspects of the Safe Streets record subsumes these basic questions regarding the use of the stimulation, system building and system support strategies to achieve national objectives while maximizing the flexibility and discretion of state and local governments. Keeping in mind the concerns about the proper grant instrument, five broad issue areas need to be addressed: funds, discretion, system building, the generalist vs. specialist question and planning.

How Much Money Makes a Difference?

A key assumption underlying the Safe Streets program is that money makes a difference. That is, the more funds made available, the greater the possibility of reducing crime. This view, which characterized much of the social legislation enacted by Congress during the 1960's, has occasionally been questioned by critics who argue that crime is a deep-rooted community social problem. Hence, governmental financial intervention to improve criminal justice system structure and personnel, even when accompanied by expenditures on education, housing and other community needs, can at best have a limited impact.

To some, the 17 percent increase in reported crimes in 1974 reflects the failure of the Safe Streets program to achieve one of its basic objectives. For that matter, it underscores the lack of success of other Federal, state and local criminal justice agencies in crime reduction, and perhaps reinforces the critics' point of view. Others, however, reach the opposite conclusion. In light of the problems associated with obtaining reliable information on crime incidence, a rise in rates may really indicate success in improving reporting and data collection capabilities.

With respect to Safe Streets, then, a major question is: would more money have produced different outcomes? Even with the benefit of hindsight this question is difficult, if not impossible, to answer. Two observations, however, can be made that help to put the program in perspective. Firts, the $4 billion spent by LEAA since 1968 is a small fraction—about five percent annually—of the total criminal justice outlays of state and local governments. Second, relative to the amounts of funds available, the program has been oversold in terms of both the objectives to be achieved and the capacity of the block grant instrument.

What results, then, can be reasonably expected from the expenditure of Safe Streets dollars? It seems clear that, despite the system support objective of the act, state and local governments will continue to make approximately 95 percent of the crime reduction outlays from their own sources. Moreover, a substantial amount of these funds will be used for basic equipment, personnel and services.

An analysis of criminal justice spending patterns reveals few significant differences between state and local direct outlays and their use of Safe Streets assistance in terms of major functional components. In comparison with their own outlays, these jurisdictions tend to devote slightly more Safe Streets monies to corrections and slightly less to police and courts. Despite the planning and funding flexibility inherent in the block grant instrument, the financial threshold does not seem substantial enough to produce major functional shifts. At the same time, it is quite possible that within each principal component of the criminal justice system, changes could well occur as a result of the Safe Streets program.

Given these constraints, many observers contend that the five percent of the total state-local criminal justice budget accounted for by Safe Streets assistance should be considered "seed money." In line with public finance theory, Federal aid would be used to stimulate recipients to attempt approaches to crime reduction that they otherwise would be unwilling or unable to undertake, to test innovative concepts or ideas and to carry out demonstration projects. After Federal funding ended, recipinets would be expected to assume the costs of successful activities.

Despite early criticisms of the program that too much of the funds were spent on routine purposes, particularly in the law enforcement area, the available evidence indicates that over time the majority of Safe Streets dollars have been

used to initiate new programs and projects that would not have been launched in the absence of Federal aid. Whether or not these are truly new undertakings remains a major source of contention.

Proponents argue that the Safe Streets Act has triggered innovative efforts at both the state and local levels. Even though the amount of support is relatively small, they stress that its marginal utility is great, because the funds are unencumbered by commitments to underwrite the operations of police, court and corrections agencies, except in some rural states. In addition, they note that many SPAs have adopted policies excluding from Federal funding basic equipment, routine personnel additions and other activities that should be covered by direct state or local outlays.

On the other hand, skeptics point out that it is nearly impossible to determine the extent to which innovations have been fostered by the program. They concede that, if nothing else, the multifunctional and intergovernmental process for arriving at planning and funding decisions at the SPA and regional planning unit (RPU) levels has accelerated the diffusion of ideas and experiences. Yet, new activity and innovative activity are not necessarily the same. In many rural states and in small local jurisdictions, for instance, programs and projects considered to be new and innovative might well be viewed as routine and unimaginative in more urban settings. Moreover, it is claimed, regardless of the degree of "newness" or "innovativeness," recipients have used too much Safe Streets money for short-term, non-instrumental endeavors. For these critics, the reluctance to commit Federal, local, and in some cases, state dollars to long-term efforts that well might well produce significant results implies that Safe Streets funds are being wasted. This is exacerbated by LEAA's unwillingness or inability to exercise leadership in developing and enforcing performance standards in connection with comprehensive plans and funding policies.

The above views on funding as they relate to innovation go directly to the type of instrument selected to dispense Federal aid. The block grant approach taken in the Safe Streets Act is designed to enhance funding flexibility within the broad range of activities encompassed by the criminal justice function. The relatively small amount of funds available, coupled with the growing difficulty some recipients are having in assuming costs, means that Safe Streets aid cannot be expected to produce significant changes in the on-going operations of police, courts and corrections agencies. If, then, Safe Streets funds are "seed money," the degree which they can have a stimulative effect depends on the willingness of the recipient to undertake new, and possibly, innovative activity, and to integrate successful experiences into the jurisdiction's criminal justice budget. On the other hand, if recipients view Federal aid as an entitlement, prospects for innovative behavior are reduced.

In summary, when stimulation is the basic purpose of outside assistance, a block grant may not be an appropriate mechanism, particularly if recipients believe that they have a "right" to receive aid. Under these conditions, the block grant functions much like a foreign aid treaty—it is a vehicle for conveying dollars so that grantees may engage in activities with a minimal amount of grantor intrusion by the grantor. In addition, as in the international area, the block grant represents an intergovernmental commitment, from which it is difficult for the Federal partner to extricate itself unless egregious problems occur. Although the available evidence shows that a substantial amount of new activity has been generated at the state and local levels by the Safe Streets Act, the discretion accorded recipients by the block grant means that Congress and LEAA can do little to influence grantee behavior. It is difficult for Federal decision-makers, for example, to prevent recipients from spending Safe Streets monies on basic equipment and other routine needs, if they so desire, and practically impossible to ensure that such expenditures supplement and do not supplant normal state and local criminal justice outlays.

If Congress concludes that innovation is the primary purpose of the act and that greater certainty is needed to assure that appropriations will be used for this purpose, then the project based categorical grant would seem to be the most effective instrument. Attempts to achieve this goal within a block grant lead inevitably to greater Federal intrusion into the state-local decision-making process, thus compromising the integrity of the mechanism. If on-going support is the goal, then the block grant device is obviously appropriate. If both goals are sought, then a hybrid approach is needed.

Discretion: Playing the Old Shell Game?

The preceding discussion of Safe Streets objectives assumes that under a block grant, recipients will have greater discretion in identifying and prioritizing their problems, and using funds accordingly, than under a categorical grant. By definition, the revenue sharing approach offers even more latitude and flexibility than a block grant.

It has already been noted that Congress has categorized the Safe Streets Act by earmarking funds for corrections institutions and facilities and for juvenile justice, and has required SPAs to use special planning and administrative procedures in these areas. These actions were taken basically to increase accountability and to achieve greater certainty that grantees would use monies in specific ways. Most authorities concur that, however undesirable in light of the "ideal" block grant, the political rationale for such categorization is understandable. Moreover, as yet it has not had major adverse effects on state administration of the program. Hence, Safe Streets supporters conclude, even a hybrid block grant still provides far greater discretion than the project or formula-based categorical alternatives.

Some local elected and criminal justice officials strongly believe that this discretionary feature is illusory, and that to argue its existence is naive, bordering on nonsensical, In the real world of administration, they point, out, a block grant is a Federal-state, not a Federal-state-local partnership. Under this arrangement, the State—not local government is the beneficiary of the discretion, because it becomes the senior partner in determining the uses of funds. The Federal government merely sets a few rules of the game, only occasionally stepping in to overrule the state or direct it to take specific actions.

In the case of Safe Streets, the "realists" contended, the states are given wide latitude by both Congress an LEAA. Block grant funds are allocated among the states in accordance with a statutory formula, and the SPAs are required to pass-through an amount proportionate to the local share of total state-local criminal justice expenditures during a specified period. Which jurisdictions receive aid, how much, and for what purpose are all questions decided by SPAs, and by RPUs in states having decentralized planning structures, not by LEAA or local governments. Local governmental and functional interests are represented on the SPA supervisory board, which is supposed to reach balanced and equitable decisions. In fact, it is argued, SPA professional staff dominate the proceedings and influence the outcome, or the decision-making process amounts to little more than log-rolling among the functionalists.

Furthermore, the "realists" point out, congressional behavior is only part of the categorization issue. Almost since the inception of the program. LEAA has encouraged the use of functional categories to assure itself, and Congress, that the states are adequately addressing all components of the criminal justice system. While SPAs may develop their own categorized structure, they are required to cross-reference the program and funding information in their plans to LEAA's standard functional categories, as contained in its annual planning guidelines. Through a variety of methods, SPA's divide their block grant appropriations among the programs that constitute their category structure, resulting in a number of functional "pots."

LEAA requires that all SPA expenditure information be reported under the adopted SPA category structure and that in order to ensure plan implementation, no more than 15 percent of the funds planned for expenditure in one category may be transferred to any other category without prior LEAA approval. Applications are funded from these "pots" until the money has been expended. If more meritorious applications are submitted in a particular area than can be covered by available funds, the SPA will either have to deny funding to some proposals or it will have to transfer funds from underutilized "pots" to cover the deficit. If this transfer involves more than 15 percent of the funds, the SPA must request LEAA approval of a plan amendment, which is almost always granted.

The categorization of the block grant within a State emanates from the LEAA's need for organized and standardized information about planned and actual use of Safe Streets funds. In operation, it is asserted, the requirements resulting from this informational need have resulted in limiting the flexibility of both the SPA and potential applicants. In some states, the programs to which funds are allocated are so specifically defined as to exclude numerous activities and/or eligible recipients. City and county applicants often find that such categorization ignores local needs and is unresponsive to local initiatives or emergencies. Although the approval

of plan amendments is routine, the amount of paperwork and administrative "hocus-pocus" involved in securing most allocation changes leaves many local officials feeling that Safe Streets planning and funding allocation decisions are at best a ritual.

Another line of criticism on the discretionary front involves the absence, until recently, of SPA policies gradually phasing out the Federal share of project funding after a three or four year period. Many SPAs have been reluctant to adopt and enforce continuation funding policies because of the need to give long-term support to particular activities that otherwise might be terminated because a grantee's resources are inadequate. As a result of these decisions, on the average about half of a state's annual block grant appropriation is committed to continuing on-going programs and projects, making it difficult for SPAs to respond readily to changing needs and conditions.

Block grant proponents claim that neither statutory nor administrative categorization has unduly limited the discretion of recipients. They point out that these actions are necessary to ensure that public funds are being spent as intended, and that LEAA will have a basis for determining whether state comprehensive plans meet the needs of the entire criminal justice system.

While these contentions may be valid, many local officials believe that the Safe Streets program has become a shell game as far as discretion is concerned. The states, not localities, have had their flexibility increased, despite the rhetoric of block grant advocates. To the local recipient, the program is perceived as being too much like a categorical grant in terms of the constraints on the uses of funds and the "red tape" associated with the receipt of aid. The only major difference is that the state rather than the Federal government is making and enforcing the requirements. In light of these facts of life, several city and county chief executives, legislators and criminal justice officials prefer a revenue sharing type approach to a perpetuation of the block grant myth and to continuation of the discretionary "shell game."

Others contend, however, that wide state discretion is entirely appropriate in light of the pivotal role the states occupy vis-a-vis the state-local criminal justice system. Moreover, they note, despite complaints about "red tape", local officials still prefer continuation of the hybird block grant arrangement to adoption of a completely categorical approach.

The Search for a System

A major reason for Congress adopting the block grant instrument for dispensing Safe Streets funds was the wide array of agencies responsible for performing law enforcement and criminal justice functions. Although during the early history of the program, policy related activities commanded the bulk of the attention and resources, gradually the emphasis shifted to a more system-wide perspective. It was recognized that crime reduction was more than a matter of detection and apprehension, that the efficiency with which offenders processed and the effectiveness with which they rehabilitated vital to enhancing respect for the law, reducing recidivism, and possibly deterring criminal behavior. To many, the block grant was the device best suited to facilitating communication and coordination between police departments, prosecutors, judges and corrections officials. It was anticipated that these functional component relationships within the block grant framework would eventually foster a genuine criminal justice system. "System," then, applied to police-court-corrections cooperation within individual jurisdictions as well as between cities, counties, and the state A categorical approach, in the judgment of the architects of the Safe Streets Act, would only accentuate the forces of separatism and fragmentation in the criminal justice field.

After seven years, supporters of the Safe Streets program believe that considerable progress has been made in the search for a criminal justice system. They point out that law enforcement and criminal justice agencies have operated in virtual isolation from one another practically since colonial times. The courts still assert their independence under the separation of powers doctrine, and sheriffs and other law enforcement officials are protected by the constitutions of many states. In light of this state of affairs, obtaining participation of police, court and corrections spokesmen in SPA and RPU supervisory board planning and decision-making is no small feat. Proponents claim that in 1968 the block grant was heralded as the principal means for instilling a system perspective in dealing with crime. While they concede that more needs to be done to strengthen the linkages between the various functional components, they contend that the mechanism is in place and that it is beginning to work well. A mere seven years of effort to achieve system integration, after all, cannot modify drastically the separatist habits of nearly 200 years.

To these observers, the block grant is significant for reasons other than the flexible framework which its broad functional scope provides. Safe Streets assistance, they stress, should be viewed as "glue money," which helps hold together the components of the criminal justice system in at least two major ways. First, pction funds are planned for and distributed within a state by an intergovernmental, multifunctional body—the SPA supervisory board. Through these processes, the various functional and jurisdictional interests gain a greater appreciation of the problems and needs of the others, which is a key consciousness raising experience that must precede cooperation in day-to-day operations. In many states, this exercise is duplicated or carried out entirely at the substate regional level, with similarly positive results. Secondly, substantial amounts of Safe Streets aid have been used to support joint undertakings of law enforcement and criminal justice agencies, such as communications and information systems, diversion projects for youths, victim and witness programs and community-based treatment alternatives. Neither of these basic lines of cooperation would be likely to occur within a categorical grant structure, they contend.

For the above reasons, program supporters feel that although the overall amount of Federal dollars is relatively small, the marginal utility is great. Like the "seed money" function, using Safe Streets assistance as "glue money" can produce significant results that would not otherwise occur because the vast majority of state and local criminal justice resources are committed to on-going personnel, service or other fixed costs. The major functional components and jurisdictional interests of criminal justice tend to go their own separate ways in the absence of a compelling cohesive force—like the availability of outside funds.

Critics of the block grant approach argue that the Safe Streets Act has produced a very superficial and fragile criminal justice "system." With respect to the chief functional components, they note the continuing capacity of the police to command the lion's share of available resources. Although the average proportion of aid awarded to police departments has declined from two-thirds to two-fifths, they argue, this is still a substantial share, especially when the remainder must be divided among prosecution and defense, courts, corrections, juvenile justice and other functions. If LEAA and the SPAs purport to be concerned about fostering a system, they ask, then why has so much been spent on only the detection and apprehension of suspected offenders?

Another chink in the armor of block grant advocates has been the periodic, but persistent, congressional and LEAA willingness to flirt with categorization. If the block grant works so well in providing a climate conducive to multifunctional and intergovernmental cooperation, skeptics inquire, then why was a separate corrections category added in the 1971 amendments? And why was the Juvenile Justice and Delinquency Prevention Act tacked on in 1974? And why, in 1975-1976, have the Conference of Chief Justices and National Center for State Courts claimed that the Judiciary has not received a fair share of available funds and urged Congress to set aside an amount for this purpose? Separation of powers and need considerations aside, it is argued, these developments reveal the instability of the criminal justice alliance. Although the various functional interests appear to be willing to meet together, to discuss common problems and identify ways of addressing them, the question of "who gets how much" tends to be resolved in favor of those who are best organized and most skilled in the art of grantsmanship. The tendency of the losers or nonparticipants in this contest—first corrections, then juvenile delinquency and now courts—to turn to Congress to redress what they perceive to be an imbalance of power as well as money reveals the soft underbelly of the block grant—congressional willingness to categorize or earmark and to substitute national priorities for state and local ones.

A related point involves the lack of genuine intergovernmental comity under the block grant. Although the Safe Streets Act calls upon the states to deal with local needs in an effective and equitable manner, there are few statutory gurantees that this will occur. Almost since the inception of the program, spokesmen for large cities in particular have criticized SPA allocation decisions and bureaucratic layering and delays at the state and regional levels. In response to these problems, the U.S. Conference of Mayors and National League of Cities have recently called for the establishment of a separate block grant program for LEAA and cities, or county-city combinations, over 100,000 in population. Their basic conerns have been echoed by the National Association of Counties, which has urged Congress to authorize block grants through the state to local planning regions or to individual urban counties. Hence, block grant opponents note, in addition to functional categorization, an attempt is being made to effect jurisdictional categorization of the block grant.

Another indicator of the unresponsiveness of the block grant mechanism, critics contend, is the LEAA administrator's discretionary fund. Accounting for this fund, which amounts to 15 percent of the annual congressional appropriation for Part C action programs, has served a variety of purposes. For the most part, LEAA's five Administrators have used these dollars to stimulate innovative activity, accelerate the implementation of projects, initiate national priority programs, and undertake research and demonstration efforts. Some observers believe that the presence of these monies has been largely responsible for the survival of the Safe Streets block grant. They charge that, unlike "glue money", it has been used as "putty" to fill the functional and jurisdictional gaps remaining after SPAs have made their allocational decisions. A few contend that these dollars also have been useful in buying political support for the program.

LEAA itself describes the discretionary fund as its categorical program. In terms of the latitude given Federal officials in determining priorities, applying and enforcing conditions and targeting awards to particular recipients, there are close similarities between discretionary funds and project grants. In the judgment of some, were it not for these funds, the act would have been even more categorized than it already is, owing to the states' inability to convince the Congress that national objectives were being met. The Ford administration's proposed amendments to the act underscore this basic point, in that they call for increased discretionary funding for court improvements, juvenile delinquency, and high-impact crime. Ironically, then, discretionary fund categorization appears to be necessary to prevent further statutory categorization of the block grant.

To summarize, if the Safe Streets Act is expected to have a system building effect, the major obstacles must be surmounted. Although the block grant covers a sufficiently broad scope of activities and provides ample policy latitude to deal with the functional and jurisdictional interests involved in crime reduction, nevertheless, it is extremely difficult to overcome the traditions of state-central city distrust and hostility and policy-court-corrections fragmentation and general functional feudalism. The search for a system, then will take a good deal of time—and considerable patience on the part of the congressional decision-makers.

The Myth of the Generalist

Like other block grants, the Safe Streets Act was designed to enhance the power position of generalists in planning and managing Federal aid. In part, the act was a reaction against some of the excesses that had occurred in many of the categorical grants enacted during the 1960's. Particularly disturbing to some observers were two tendencies associated with project-based categorical grants. (1) the considerable leeway accorded to Federal middle managers in determining which jurisdictions would receive assistance and which would be excluded from funding eligibility or bypassed in program management, how much money would be provided, what activities would be undertaken and their relative priority and what conditions would relate to applying, administering and accounting for Federal dollars and (2) the tendency of program specialists to deal directly with their counterparts at other levels of government, oftentimes making policy, program and funding commitments without consulting elected chief executive and legislative officials or top administrative generalists. The already feudalistic nature of criminal justice agencies at the state and local level, coupled with fears that the attorney general of the United States gain too much authority under the Johnson administration's initial "direct federalism" proposal, set the stage in the late 1960's for putting the specialists "on tap, but not on top" through the block grant device.

Safe Streets is generally perceived as a governor's program, in that the state's chief executive sets up the state planning agency, appoints all or most of the members of the supervisory boards, directs other state agencies to cooperate with the SPA and often designates regional planning units. Despite this major gubernatorial responsibility, other generalists also have important roles in the program—the state legislature appropriates match and buy-in funds and makes decisions about assuming the costs of projects, while county executives and supervisors, mayors and council members, and chief administrative officers and city managers develop plans and applications for assistance. Normally, county and city chief executive and legislative officials serve on RPU and SPA supervisory boards, especially since the 1973 amendments to the act requiring at least 51 percent of the members of RPU boards to be local elected officials.

Supporters of the Safe Streets program contend that this heavy generalist orientation is a positive sign that some of the problems associated with categorical aids can be avoided. They point out that the participations of mayors and other key local elected officials in regional and state decision-making helps assure that the projects undertaken are responsive to citizen needs, reflect community prior-

ities, and are within city and county fiscal capacities. Furthermore, if top administrative generalists, like city managers, are involved in developing applications and implementing funded activities, coordination of Safe Streets programs with locally funded criminal justice efforts will be facilitated. Morever, proponents assert, the prospects for eventual assumption of costs will be increased, because those responsible for budget preparation and taxation decisions will be knowledgeable about and committed to Safe Streets generated projects practically from the outset.

Critics believe that enhancement of the generalists' power position through the block grant has been a myth. This charge applies to both the state and local levels. With respect to the former, they note that, while governors technically have a substantial role in the program, for the most part they arejnot very interested in or do not have much time for SPA affairs. In the majority of states, after deciding where to locate the SPA in the executive branch and appointing the supervisory board, for a variety of reasons the governor has tended not to intervene in its policies or day-to-day operations. In some cases, they concede, he has appointed a close staff associate as director and entrusted this person with responsibility for carrying out the governor's implicit wishes. In others, a criminal justice specialist in the Governor's office keeps in contact with the SPA. Yet, skeptics observe, many governors look at the SPA primarily as an agency for planning for and dispensing Federal funds. Even the comprehensive plan is viewed more as a compliance instrument than as a device that, with sufficient gubernatorial backing, could help make the SPA an integral part of the state criminal justice system and lead to better coordination of state agency efforts to reduce crime. This, they note, may be partly due to the small amount of Safe Streets monies compared with the state's criminal justice outlays from its own sources. Another factor cited by some critics is that in light of the political volatility of the crime issue, some governors may be hesitant to become too closely identified with an agency that has a high risk potential and may become more of a liability than an asset.

Opponents also note the failure of almost every state legislature to do more than appropriate the lump sum match. The limited legislative awareness and involvement, they claim, is due to the "governor's program" image and to the relatively limited number of Safe Streets dollars available. In addition, they usually cite the antiquated committee structures and procedures, high legislator turnover, inadequate professional staff assistance and other problems endemic to state legislatures across the country that limit oversight capacity. In any event, as a result of these factors, most legislatures, they believe, have no real say in planning and policy decisions, yet are expected to routinely fund programs submitted by the governor and the SPA. This undermines the checks and balances concept, gives too much power to the executive branch and makes it difficult to mesh Safe Streets with other state criminal justice outlays.

At the local level, the critics find even greater problems are encountered by generalists. The fact that the vast majority of local elected chief executives and legislators are part-time officials and this fact is a major constraint in the frequency and effectiveness of their participation in the Safe Streets program. Contrary to what is imagined, these observers argue, such officials do not usually dominate supervisory board proceedings. Partly this is due to the local elected official requirement being interpreted broadly to include criminal justice officials like sheriffs and district attorneys as well as non-criminal justice officials, thus diluting the influence of mayors, county executives and others. In addition, as a practical matter, it must be realized that many of these part-time officials have other public business to attend to in the limited time available to do so. Even when they are able to participate in the Safe Streets matters, they may not have had an opportunity to become well-acquainted with the issues. Hence, the tendency is to send a criminal justice functionary to represent the local jurisdiction in RPU and SPA deliberations. In both cases, the skeptics emphasize, the potential for the generalist to become a captive of the specialist is high.

To sum up, the block grant provides important incentives to generalist participation. Whether this instrument will enhance the power position of these officials in dealing with program specialists, however, depends largely on factors beyond the influence of the block grant itself. These include the nature and term of office, amount of staff resources, and policy interests of the generalists, as well as the degree of fragmentation among local and substate regional units.

The Planning Ritual

Earlier several criticisms of the Safe Streets planning process were raised in connection with the funding, discretionary, and system building areas. At this point, it is useful to summarize the principal issues involved here.

Supporters of the program assert that the requirement for states to prepare annually a comprehensive plan as a means of triggering their block grant award from LEAA is an extremely valuable component of the block grant instrument. Without comprehensive planning, they argue, no framework would be provided for the interfunctional coordination and consciousness raising that is so vital if crime reduction at the state and local levels is to be addressed in a systematic, as opposed to a fractionated, manner. In addition, LEAA would lack a key indicator of recipients performance, making effective monitoring and evaluation difficult.

Although these observers concede that in many states, comprehensive criminal justice planning is still at a rudimentary stage and is addressed mainly to the projects to receive Safe Streets funding, they point out that prior to 1968 little if any such activity was occurring. In short, the act develops a new profession—criminal justice planning—as well as a new way of dispensing Federal assistance—the block grant. Congressional amendments also have led to the establishment of evaluation units in many SPAs. Considering the state of the planning art, as well as the state of the relationships initially between and among the principal criminal justice functional components, significant gains have been achieved with a nominal investment of Federal monies. These advocates, believe that if more sophisticated system planning and evaluation are expected, then the funds available under the act for these purposes must be increased or the time period for planning must be extended. In addition, governors and legislatures must give SPAs greater authority to collect data from and plan for other state criminal justice agencies and to influence their resource allocation decisions.

Some proponents point to regionalization as illustrative of the potentialities of the planning process. Funded largely from Part B monies, over 460 RPUs for criminal justice planning have been established across the nation. Because local elected officials constitute a majority of the supervisory board membership, there is assurance that RPU planning and technical assistance will be responsive to both single and multijurisdictional crime problems. The availability of regional professional criminal justice planners also bolsters the capacity of cities and counties to plan for their crime control needs. In the absence of a Safe Streets program, such regional planning and cooperation very likely would not have developed.

Although agreeing with the above positions, others point out that inadequate attention has been given to the unique position of the courts in the Safe Streets program. An executive branch agency—the SPA—has planned for and awarded funds to the judicial branch. Judges and court administrators have served with prosecutors and public defenders on SPA and RPU supervisory boards as "courts" representatives. These actions, it is contended, have violated the separation of powers doctrine and have compromised the independence of the judiciary. Hence, separate planning and funding processes for the courts need to be established, as was done for corrections. Another suggestion is that court officials prepare the judicial component of the state comprehensive plan and make recommendations to the SPA regarding the funding of projects to implement the plan. In addition to recognizing the importance of separation of powers this approach would have practical political significance—it would very likely avoid the need for further categorization of the Safe Streets Act to earmark a separate planning and action grant program for the courts.

Critics of the act reply that even though comprehensive criminal justice planning is a relatively new field, much more should have been accomplished in the past seven years in light of the amount of Federal funds that have been made available to support planning activity. They criticize the state plans as being little more than glorified project lists and they argue that such plans should reflect careful analyses of crime reduction needs, should be based on hard data, should identify linkages between state/local police, prosecutorial, court and correctional agency activities, should contain multi-year projections and should incorporate a well-defined policy framework and other attributes of a sound planning process. They contend that Federal monies intended for professional planners instead have been used to hire grant administrators since, due to poor management practices, considerable staff time must be devoted to funding decisions and related procedural matters. They assert that SPA evaluation efforts are very limited and produce little impact on planning and funding decisions. As a result, too much paperwork and too little genuine planning occurs at the state level, they maintain.

With respect to regions, Safe Streets opponents claim that in those states which have decentralized planning and administrative responsibilities but not resource allocation authority to regions, the RPUs tend to be "paper tigers". Unfortunately, they note, only a few SPAs have delegated substantial authority to regions. In the remainder, the RPUs tend to spend a large amount of staff time on grantsmanship activities on behalf of their constituent localities; and regional "plans" are really shopping lists of local project proposals. In both types of region, competing city-county and central city-suburban-rural interests may well undermine responsiveness. Another problem here, critics contend, is that half of the RPUs in the country are free-standing; the only relationship to councils of governments (COGs) and other generalist-oriented regional planning bodies is the A–95 review and comment process. Although providing a focal point for criminal justice activity at the regional level, as opposed to the loss of identity that would occur through "piggybacking" a COG with criminal justice planning, this agency separatism impedes functional and jurisdictional coordination, and may contribute to the time burdens that participation in regional affairs imposes on local elected chief executives and legislators.

Some attribute the weaknesses of Safe Streets planning to LEAA's failure to establish adequate standards or criteria against which to determine and enforce state plan comprehensiveness. A common complaint of state and some local officials is that the annual planning guidelines are oriented more to financial management and control than to planning. Until recently, they assert, LEAA has been primarily interested in ensuring that all comprehensive plan components specified in the act are incorporated, that action funds are put into appropriate functional categories and that various fiscal and procedural requirements are met. SPA spokesmen assert that LEAA should exercise more positive leadership in setting national standards, assessing state performance and communicating the results of successful programs. Lacking such standards, effective monitoring and evaluation of SPA performance is difficult. Yet, it is noted, evaluation of Safe Streets funded activities was recognized by Congress in the 1973 amendments to the act as quite important. It appears, then, that LEAA—and many states—have given evaluation a low priority.

To summarize, supporters of the Safe Streets Act believe that comprehensive planning has come a long way despite three basic constraints: (1) the relative newness of criminal justice planning (2) limited Federal resources and (3) insufficient SPA authority to engage in genuine system planning. Critics, on the other hand, believe that Safe Streets planning is a charade, or at best a ritual, geared mainly to turning on the Federal funding spigot and keeping the dollars flowing, rather than an instrument for achieving the system building objective of the block grant.

Lessons From the Safe Streets Experience

The Safe Streets Act provides several important lessons about how national purposes can be achieved through the block grant instrument, while at the same time maximizing state and local discretion. It also underscores the differences between the conceptual and operational features of block grants and reveals the compromises and trade-offs that apparently need to be made in order to ensure the effectiveness and perhaps survival of the instrument. At this point, it is useful to summarize our principal findings concerning the block grant experience under the Safe Streets Act, and to indicate their significance to intergovernmental policy-makers.

Purpose.—The block grant means different things to different people. In part, this is attributable to the high expectations generated by either consolidating a number of narrow existing categorical grants into a broad, visible assistance program covering a wide functional territory or to the launching of a new, presumably integrated, Federal initiative (such as a War on Crime) in an area that traditionally had been the almost exclusive domain of state and local jurisdictions. At least three major purposes of the block grant can be distilled: stimulation system building and sytem support. Where a mix of these objectives is sought, the block grant device appears most appropriate. Taken individually, however, it seems that the project grant maximizes opportunities for innovation; a formula-based categorical and/or revenue sharing is best suited to system support and the block grant enhances system-building prospects.

Funding Threshold.—When a block grant accounts for a relatively small proportion of total public expenditures in a functional area, it is often difficult to discern an impact resulting from the investment of Federal funds. This is particularly the case when a mix of program objectives is sought; funds tend to

be spread (sometimes thinly) between innovative, supportive and systemic undertakings. If the block grant is expected to produce short-term changes in intergovernmental or functional relationships and show progress in tackling problems it was designed to address, then the funding threshold must be increased substantially relative to state-local direct outlays to generate a "critical mass" for change or the basic objectives must be prioritized to avoid dilution of available resources.

Discretion.—As can be seen from the Safe Streets record the block grant gives wide discretion to recipients in planning for and allocating Federal funds. Yet, often LEAA has been accused of being too intrusive vis-a-vis states and localities (as in guidelines) or not intrusive enough (in the case of ensuring plan comprehensiveness, enforcing standards and maintaining fiscal accountability). The block grant forces Federal administrators to walk a tightrope between congressional demands for accountability and state demands for flexibility. While the two demands are not irreconcilable it is a difficult balance to strike especially in the absence of clear expressions of congressional intent. Although it affords recipients maximum flexibility in determining the use of funds the block grant instrument does not excuse the Federal administering agency from developing and enforcing performance standards, conducting substantive reviews and evaluations of recipient plans and activities and exercising other oversight responsibilities—even if this leads to a withholding of funds.

Categorization.—An ideal block grant does not exist. Partly in response to political pressures and partly due to gaps in block grant allocations, the earmarking of assistance categories has been a fact of life with which program administrators have had to reckon.

As the block grant matures two conflicting patterns emerge: Congress and interest groups become more interested in categorizing, while states become better equipped to achieve functional and jurisdictional balance in funding. The presence of a discretionary fund seems to be an expeditious way of deflecting pressures for earmarking and increasing funding flexibility at the Federal level.

Generalists.—The block grant approach carries with it a functional framework and decision-making process conducive to generalist participation. The Safe Streets experience, however, suggests that it is difficult to harness the rather diverse political, programmatic, and personal interests of elected chief executives and legislators and top administrators. Unless the block grant provides substantial amounts of Federal funds, decentralizes authority to make resource allocation decisions or fills a major program void, generalists will be reluctant to make the time and intellectual commitments necessary for effective involvement. Otherwise, functional specialists and professional staff will dominate policy-making.

Planning.—State criminal justice planning under SPA auspices has been geared largely to the allocation of Safe Streets funds. Too often planning has been eclipsed by grant administration, making the planning process an annual ritual. SPAs have been generally unable, and occasionally unwilling, to comprehensively plan for the state criminal justice system and to seek to influence spending decisions on the part of related state agencies.

If the planning process is considered instrumental to achieving the system-building objective of a block grant, then the state agency responsible for comprehensive planning must have sufficient authority and time to plan for all activities encompassed within the functional scope of the block grant, including those supported directly by state appropriations.

In conclusion, the Safe Streets Act tells us much about how the block grant experience really works. Subsequently, the record of this program is assessed in light of various changes that might be made in the act, or its administration by LEAA and the states.

Chapter VII

Future Directions

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 was a bold experiment in intergovernmental relations. Like many of the initiatives taken on the domestic front during the Great Society years, 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 resulting from the infusion of Federal funds. The use of a block grant to dispense such assistance 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.

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, including the family structure, income, educational process, place of residence and societal attitudes, could not be significantly affected by the criminal justice system.

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 (LEAA) as spearheading this effort. Yet, the appropriations level remained at less than five percent of state and local direct expenditures for criminal justice purposes.

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. However, 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.

The act called upon representatives of state and local governments, police departments, judges, prosecutors, defenders, corrections and juvenile delinquency officials, and the general public to cooperate 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 has 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.

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 Congressmen were skeptical about the states' willingness and capacity to perform these roles effectively, a concern that has been voiced repeatedly throughout the history of the program.

The act attempted to strike a delicate balance between the achievement of national 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 under 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 these are sharply contrasting views of the basic purpose of the Safe Streets Act, the nature of the block grant instrument, the states' planning and administrative experience, the appropriate role of LEAA vis-a-vis the state planning agencies (SPAs) and the statutory changes necessary to better align expectations with reality. To help clarify and resolve these issues, and to discern lessons that might be useful in future considerations of new block grant proposals or assessments of existing programs that rely upon this approach, the Advisory Commission on Intergovernmental Relations (ACIR) conducted an evaluation of the Safe Streets block grant record. The major results of this research effort are summarized in the following findings and conclusions.

MAJOR FINDINGS AND CONCLUSIONS

After seven years, the Safe Streets 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 on the whole, the results are positive. This is not to say, however, that changes are unnecessary. In brief, the ledger reads as follows:

On the positive side.—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.

During the early implementation of the Safe Streets Act, law enforcement-related activities commanded the bulk of the attention and money. As the program matured, a more comprehensive and insightful orientation emerged. It is now generally understood that crime is a complex societal problem which cannot be solved only by investing substantial amounts of funds in improving the processing of offenders. It is also recognized that the efficiency with which offenders are apprehended and processed and the effectiveness with which they are rehabilitated are vital to enhancing respect for the law and possibly deterring criminal behavior. Much of this consciousness-raising was the result of the intergovernmental and multi-functional framework established by the block grant and is a necessary precondition to building an effective criminal justice system.

A process has been established for coordination of efforts to reduce crime and improve the administration of justice.—The Safe Streets Act has provided an incentive for elected officials, criminal justice professionals and the general public to work together in attempting to reduce crime. Representation of these interests on state planning agency and regional planning unit supervisory boards has been the chief vehicle for achieving greater cooperation in the day-to-day operations of criminal justice agencies and encouraging more joint undertakings across functional and jurisdictional lines.

At the state level, for example, 40 percent of the SPA supervisory board members represent local government. Of these, 70 percent are law enforcement or criminal justice officials and 24 percent are elected chief executives or legislators. Thirty-seven percent of the membership is accounted for by state spokesmen, while 23 percent represent the general public. This varied representation pattern has helped make activities supported with Safe Streets dollars more responsive to community needs and priorities. In addition, these programs have been more realistic in light of state and local fiscal capacities, and closer linked with non-Federally funded crime reduction activities than otherwise might have been the case. While the goal of a well-integrated and smoothly-functioning criminal justice system has yet to be realized, a solid foundation has been established.

Safe Streets funds have supported many law enforcement and criminal justice activities that recipients otherwise would have been unable or unwilling to undertake.—Although early critics of the program claimed that too much money was spent on routine purposes, particularly in the law enforcement area, the available evidence indicates that most Safe Streets dollars have been used for new programs that would not have been launched without Federal aid. For example, replies from 44 SPAs indicated that nine percent of the activities supported by Safe Streets funds over the years were considered to be innovative in the sense that they were demonstrations of new approaches that had never been attempted, and another 21 percent were classified as innovations that had been tried elsewhere but not in their state. Twenty-nine percent were viewed as generally accepted activities that had already been implemented widely in other parts of the country but not in the responding state. Regardless of the degree of innovation involved, however, the program has established a mechanism for diffusing ideas and information about approaches to crime reduction and system improvement and has provided resources to enable states and localities to carry them out.

Another indicator is the policy of several SPAs to prohibit the use of Safe Streets funds for equipment, construction and other routine activities. Other states have attempted to maximize the reform potential of Federal assistance by setting certain eligibility standards for applicants, such as requiring police departments to meet the SPA's minimum standards for police services. Still others have given priority to multijurisdictional efforts, particularly in the areas of law enforcement communications, training and construction.

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.—A persistent complaint since the program's inception has been that not enough money goes to jurisdictions with the greatest need and that too much goes to police departments. ACIR's 1970 report found that these charges were largely valid at that time. Since then, however, a more balanced funding pattern has emerged. An analysis of LEAA's Grant Management Information System data reveals that since 1969 the 10 most heavily populated states have received over half of the Part C allocations, compared with a less than three percent share for the 10 least populous states. Collectively, large cities and counties (over 100,000 population) experiencing more serious crime problems have received a proportion of Safe Streets action funds in excess of their percentage of population and slightly below their percentage of crime.

With respect to the functional distribution, although there are wide interstate differences, overall the police proportion has declined and stabilized from two-thirds in FY 1969 to approximately two-fifths by FY 1975. Funding for corrections and courts also appears to have leveled off, with the former now accounting for about 24 percent of the funds and the latter 13 percent. By way of comparison, of the total state-local direct outlays for criminal justice purposes in FY 1973, 58 percent were for police, 23 percent for corrections and 19 percent for courts.

State and local governments have assumed the costs of a substantial number of Safe Streets-initiated activities.—A key barometer of the impact and importance of Safe Streets supported activities is the extent to which they have been "institutionalized" and their costs assumed by state agencies and local governments. It appears that once Federal funding ends, a rather high percentage of programs or projects continue to operate with state or local revenues.

Although responses to ACIR's questionnaires varied widely from jurisdiction to jurisdiction, the mean estimate by SPAs for the percentage of Safe Streets supported activities assumed by state and local governments was 64 percent. City and county estimates were even higher, with 83 percent of the former's and 78 percent of the latter's projects estimated as having been assumed.

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.—Despite rising crime rates, many state and local officials believe that the Safe Streets program has had a positive impact. In part, this can be attributed to the amount of discretion and flexibility inherent in the block grant, which has helped make Federal funds more responsive to recipient needs and priorities. In some jurisdictions, Safe Streets has been a source of "seed money" for crime reduction activities that they otherwise would not have undertaken. In others, particularly rural states and smaller localities, block grant support has been used to upgrade the operations of police departments, the courts and corrections agencies.

These officials also believe that actual crime rates would have been somewhat higher without the program. Fifty-four percent of the SPAs reported that Safe Streets funds had achieved great or moderate success in reducing or slowing the growth in the rate of crime, while approximately half of 774 cities and 424 counties surveyed indicated that their crime rates would have been substantially or moderately greater without Federal aid.

On the negative side.—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.

The impact of the Safe Streets Act on developing a genuine criminal justice system has been limited, due largely to the historically fragmented relationships between the police, judicial, and correctional functions, traditions of state-local conflict, and the relatively limited amounts of Federal funds involved. Replies from three-fourths of the SPAs surveyed, for instance, indicated that since 1969 the various functional components had only begun to view themselves and operate in a "somewhat" interdependent fashion. While two-thirds of the RPU respondents saw some signs of growing functional interdependence, most felt though that little actual progress had occurred.

Elected and criminal justice officials appear to be willing to meet together, discuss common problems, identify ways of addressing them, and coordinate their activities at the state and regional levels. Yet, when the issue of "who gets how much?" is raised, the Safe Streets alliance often breaks down. Those who are best organized and most skilled in the art of grantsmanship have tended to prevail at the state level, while others have appealed to Congress for help. Congress has responded by categorizing the act and earmarking funds in three major areas:

In 1971 Part E was added to the act, creating a new source of aid specifically earmarked for correctional purposes. Half of these monies are distributed as block grants, while the remainder are discretionary funds. In order to receive assistance under this part, states have to maintain their level of correctional funding in Part C grants.

Also in 1971, big city spokesmen succeeded in getting two other amendments to the act. Local units of general government, or combinations of such units with a population of 250,000 or more, were deemed eligible to receive action funds to establish local criminal justice coordinating councils. Language was added to the planning grant revisions assuring that major cities and counties within a state would receive funds to develop comprehensive plans and to coordinate action programs at the local level. Furthermore, language

was added to the effect that states had to indicate in their plans that adequate assistance was being provided to areas of "high crime incidence and high law enforcement activity."

In 1974, a new statute, the Juvenile Justice and Delinquency Prevention Act, required that action funding for juvenille delinquency programs be maintained at the fiscal year 1972 level in order to receive financial assistance under the Safe Streets Act.

These steps were taken by Congress to increase accountability and achieve greater certainty that grantees would use monies in specific ways. Although as yet there have not been many major adverse effects on state administration, the amendments have converted Safe Streets into a "hybrid" block grant and have raised questions about the extent of discretion actually accorded to states and localities in tailoring Federal assistance to their own needs and priorities.

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.—The Safe Streets Act is generally perceived as a "governor's program," since the state's chief executive sets up the SPA by executive order (35 states), appoints all or most of the members of the supervisory board (and in six states serves as chairman), directs other state agencies to cooperate with the SPA, and often designates regional planning units. Most SPAs report that the governor displays an interest in Safe Streets but does not play an active role in the program. Only nine governors, for example, review the annual comprehensive criminal justice plan and SPA priorities before submission to LEAA. Sixteen SPAs surveyed characterized their supervisory board's relationship with the governor as very independent, while 24 indicated that it involved mainly occasional communication and consultation. Eleven SPAs reported having regular communication and consultation with the governor. Typically, the governor's influence is exercised indirectly through his selection of supervisory board members and appointment of the SPA executive director.

The legislative role in the program is more removed. Although the legislature appropriates matching and "buy-in" funds, makes decisions about assuming the costs of projects, and in 20 states, sets up the SPA, its awareness of and substantive participation in Safe Streets planning and police matters has been quite limited. This lack of involvement makes it difficult to mesh Safe Streets funds with other state criminal justice outlays, and to exercise effective legislative oversight.

SPAs have devoted the vast majority of their efforts to distributing Safe Streets funds and complying with LEAA procedural requirements.—One effect of limited gubernatorial and legislative participation in the program has been the restriction of SPAs to Safe Streets-related activities, even though the block grant instrument is designed to address criminal justice in a system-wide context. Generally, SPAs have not been authorized to prepare comprehensive plans responsive to the overall needs and priorities of the entire criminal justice system, to collect relevant data, or to scrutinize appropriations requests. Thirty-three SPAs surveyed indicated that they were not involved in planning and budgeting for state criminal justice activities other than those supported by Safe Streets funds, while 14 reviewed and commented on the budgets of these agencies. Nineteen SPAs provided planning assistance to state criminal justice agencies and 11 performed evaluations of certain state crime reduction programs.

As a result of these limitations, the quality of SPA plans varies widely, as does the extent of implementation. Lacking a genuine frame of reference, Safe Streets planning has been largely directed to the allocation of Federal dollars to particular projects. Because the planning and funding processes tend to be closely linked, many local officials complain that the program has become too immersed in red tape, and SPA officials often contend that too much staff time is devoted to grant administration. In their view, the inadequacy of Part B funds further impede planning at the state, regional, and local levels.

LEAA has not established meaningful standards or criteria against which to determine and enforce state plan comprehensiveness and SPA effectiveness.—Two common complaints of state and some local officials are that LEAA has not developed adequate performance standards for evaluating the quality of state plans and implementation efforts, and that it has been spotty in enforcing special conditions attached to the state plan and other requirements. In addition, many SPAs claim that LEAA planning guidelines are oriented more to financial management and control than planning. Until recently, they assert, LEAA has been primarily interested in ensuring that all comprehensive plan components specified in the act are incorporated, that action funds are put into appropriate functional cate-

gories, and that various fiscal and procedural requirements are met. While these are important considerations, LEAA has been less concerned with developing operational criteria for making qualitative determinations about plans and implementation strategies. Lacking such standards, effective evaluation of SPA performance is difficult.

Only 11 SPAs indicated that LEAA's application and enforcement of guidelines were very helpful in improving their performance. At least one-fourth of the SPAs reported five of the eight LEAA-mandated sections of the comprehensive plan to be of little or no use.

LEAA's relationship with the SPAs has changed over the years largely in accordance with the program priorities of different Administrators and their views on the amount of Federal level supervision and guidance necessary to ensure achievement of the Act's objectives. The relationship also has been affected by Congressional oversight activities. In general, SPAs would like to see more positive leadership exerted by LEAA in setting national standards, assessing state performance, and communicating the results of successful programs.

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.—Turnover of top management has been a fact of life in the Safe Streets program. There have been four attorneys general and five LEAA administrators in seven years, and with each new Administrator came an internal reorganization of LEAA. The agency was without a permanent administrator for periods which totaled over one year out of LEAA's seven year life. The SPAs also have experienced high turnover. New directors were appointed in 23 states from October 1974 through October 1975. The median number of directors SPAs have had since 1969 is three, with a range of one to 15. Assuming that the attrition rates at the Federal and state levels will continue to be high, the need for standards dealing with plan comprehensiveness, funding balance, monitoring and evaluation, and other key aspects of block grant administrations seems critical. Otherwise, the problems of inconsistency and uncertainty will persist.

In summary, the block grant approach taken in the Safe Streets Act has helped reduce crime and improve the administration of justice in three ways: stimulation of new activity; 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 national, state, and local objectives. The following recommendations are intended to facilitate this process.

The ACIR finds that crime reduction and the administration of justice have been and continue to be mainly state and local responsibilities. Yet, it is appropriate for the Federal government to provide financial assistance to initiate innovative approaches to strengthening and improving state and local law enforcement and criminal justice capabilities and disseminate the results of these efforts; to help support the crime reduction operations of state and local agencies and to facilitate coordination and cooperation between the police, prosecutorial, court, and correctional components of the criminal justice system. The commission concludes that the block grant approach contained in Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, generally has been effective in assuring that the national interest in crime prevention and control is being met while maximumizing state and local flexibility in addressing their crime problems. However, achievement of these objectives has been hindered by statutory and administrative categorization and by Federal and state implementation constraints.

RECOMMENDATION 1: DECATEGORIZATION

The Commission recommends that

(a) Congress refrain from establishing additional categories of planning and action grant assistance to particular functional components of the criminal justice system, repeal the Juvenile Justice and Delinquency Prevention Act of 1974 and subsume its activities and appropriations within the Safe Streets Act, and amend the Safe Streets Act to remove the Part E correctional institutions and facilities authorization and allocate appropriations thereunder to Part C action block grants;

(b) Congress refrain from amending the Safe Streets Act to establish a separate program of block grant assistance to major cities and urban counties for planning and action purposes; and

(c) Congress amend the Safe Streets Act to authorize major cities and urban counties, or combinations thereof, as defined by the State Planning Agency for criminal justice (SPA), to submit to the SPA a plan for utilizing Safe Streets funds during the next fiscal year. Upon approval of such plan, a "mini block 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 major purpose of this recommendation 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. It would do so by removing the Part E corrections and certain juvenile justice requirements from the Safe Streets Act, shifting the funds appropriated under these provisions to Part C action block grants, and urging Congress to refrain from further efforts to earmark funds or to establish separate program categories for particular functional or jurisdictional interests. However, local governments or combinations of such units designated by SPAs would be authorized to submit plans which would be the basis of "mini block grant" awards from the State.

Functional Categorization

It is now practically conventional wisdom that crime should be dealt with by a criminal justice system rather than by individual functional components operating in isolation from one another. State and local police, court and correctional agencies each need adequate personnel, facilities and equipment. Yet, they must also be able to coordinate their efforts to reduce crime and improve the administration of justice.

During the early years of the Safe Streets program, the police received the majority of the block grant dollar. In 1971, Congress responded to this imbalance by establishing a separate category within the Safe Streets Act—Part E—for grants for correctional institutions and facilities. Not less than 20 percent of the Part C "action" appropriations were to be set aside each year for corrections, and states were to give satisfactory assurances in their comprehensive plans that Part E would not reduce the amount of action funds available for this purpose. In 1974, the Congress passed the Juvenile Justice and Delinquency Prevention Act, and required that action funding for juvenile delinquency programs be maintained at the FY 1972 level in order to receive financial assistance under that act.

The courts have been the most functional component to come before the Congress seeking statutory recognition. Their case rests basically on three arguments. First, the separation of powers principle is violated by an executive branch agency—the SPA—planning for and allocating Federal funds to court-related activities, and the independence of judges is compromised by their participation on SPA supervisory boards.

Second, the judiciary has to compete for Federal funds with police, corrections, prosecution and defense and other functional interests, instead of being removed and protected from the political arena. Third, compared with the amounts of Safe Streets monies awarded over the years to police and corrections, the courts' present 16 percent national average is not considered a "fair share." Moreover, court spokesmen assert, the bulk of this amount goes to prosecution and public defender projects, leaving roughly only about six percent of Safe Streets action funds for purely judicial undertakings.

In the commission's judgment, experience has proved 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 real flexibility in arriving at an appropriate functional and jurisdictional funding balance and in adapting Federal aid to their own needs. 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, prosecution and defense, judicial and correctional activities within individual jurisdictions as well as between cities, counties and their state governments.

With respect to the Part E and juvenile justice provisions of the Safe Streets Act, the commission favors repeal. Although it can be argued that these provisions have had few major adverse effects on state planning and administration, this is not to say that individual states have not experienced or will not experience

difficulty in the future. In the case of Part E, while earmaking and maintenance-of-effort requirements have helped make more Safe Streets funds available for correctional institutions and facilities, in some states a balanced funding pattern probably would have occurred in the absence of this amendment as corrections and other interests became better organized, better represented on SPA supervisory boards and more skilled in developing and defending project proposals. The decline and stabilization of the police share over the years, and the corresponding increases in the proportion of block grant funds made available to other functional components, underscores this belief. In the commission's view, therefore, these statutory restrictions on states should be removed.

Turning to juvenile justice, the appropriations level 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 believes that the sections 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 interests on supervisory boards should be scrutinized to identify overlapping and redundancy with the Safe Streets Act. Removal of such unnecessary provisions could significantly streamline the juvenile justice components of the act. The provisions dealing with matching, pass-through, planning procedures and administrative requirements also need to be reviewed and any inconsistencies with the Safe Streets Act should be eliminated. The requirements for SPAs to prepare and submit an additional functional plan, which may or may not be incorporated into the state comprehensive criminal justice plan, appears to be especially 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 in addition to eliminating or subsuming the above provisions, Congress should consider raising the authorization and appropriations levels for Part C of the Safe Streets Act to include the amounts provided for under Title II of the 1974 legislation as well as such additional funds as Congress may deem necessary. However, the States should determine the degree of funding and program emphasis for juvenile justice and delinquency within the overall block grant framework. An arbitrary national level, such as the present maintenance of effort provision, should be avoided since it ignores significant differences between the States in their needs, resources, and priorities in this area.

The Commission is fully aware of the reasons why both functional areas received special attention in amendment to 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 decisionmaking 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 respond effectively to the needs of these and other functional funds.

With respect to the cgurts, 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. Court congestion and trial backlog, among other factors, have prevented realization of these objectives. In view of increases in civil and criminal litigation, more resources need to be made available to state and local courts.

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 unduly compromised, and the separation of powers principle should not be violated. Yet it must be remembered that the act was designed, in part, to foster a criminal justice system. Provisions requiring comprehensive planning, balanced funding and representation of diverse interests in SPA and regional supervisory board deliberations reflect this ambitious "system building" intent. Not to be overlooked also are the facts that Federal funds account for only a small fraction of total criminal justice expenditures at the state and local levels, and that the amount allocated to the courts varies from state to state. Although estimates range widely, at this time no reliable data exist on the allocation of these Federal dollars among the judiciary, prosecution and defense, and other functions subsumed within the broad "court" category.

The commission recognizes the view of some court spokesmen that establishment of a 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. A number of procedural options are set forth in recommendation 7.

While categorization, as was done for corrections, would unduly restrict the flexibility of state and local governments, the commission believes that more financial assistance needs to be targeted on the judiciary in order to "catch up" with the funding levels of other components of the criminal justice system. Using the administrator's discretionary funds for this purpose is the approach most consistent with the block grant concept. Each year, court related needs and the SPA's response to them could be reviewed by LEAA, and supplemental monies awarded on a state-by-state basis. This would provide a flexible response to a short-term problem which should eventually be resolved through greater judicial participation in the Safe Streets planning and funding processes at the state level.

Jurisdictional Categorization

Practically 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 large local units having the greatest crime reduction needs. 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 cities and counties 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 on high crime areas on a continuous basis. Such concentration of the relatively limited Federal resources they maintain is the only way to have an impact on crime reduction. Of the several statutory changes that have been suggested in this regard, two appear to be the most popular: establishment of a separate block grant program for major cities and urban counties, or combinations thereof, administered by LEAA; and requiring SPAs to set aside a portion of their block grant allocation, as determined by a formula emphasizing need factors, into a fund to be used by larger jurisdictions.

The Commission notes the long-standing concern of those who argue that a proportionate amount of Safe Streets dollars should go to areas having the severest crime problems. It is aware that several large cities individually receive substantially fewer funds than their share of state crime rates or population would appear to warrant. Yet, it also recognizes that 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. Analyzing 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 accord with their share of population and slightly below their share of crime rates.

In short, the existing statutory provisions calling upon both LEAA and 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, 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 for remedial action will not be in vain. Officials of large counties and cities have contended, for example, that at the local level planning takes place in a vacuum because the amount of funds available for new undertakings 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, as 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. In determining eligibility, SPAs should emphasize population size (particularly whether the locality exceeds 100,000), crime rates, and other appropriate measures of need. The jurisdiction's direct criminal justice expenditures also could be considered in connection with assessing its willingness and capacity to deal with crime problems. Individual units, as well as combinations thereof, meeting these criteria would submit their plan to the SPA for approval. These plans would have been previously reviewed by the A-95 clearinghouse in the region encompassing the applicant jurisdictions, and comments would have been attached for SPA consideration. Such plans should be comprehensive, in the sense that they should contain data, analyses and projections similar to those called for in the act with respect to the state plan, and would not be merely "shopping lists" for projects. Following approval of the local plan, a "mini block grant" award would be made by the SPA to implement the contents. 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, then, could 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 Crime Control Act of 1973 (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 a fixed statutory 250,000 population floor for individual units or combinations thereof, 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 55 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 "decatergorizing" 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 need to be increased. Subsequent recommendations seek to achieve these objectives.

RECOMMENDATION 2

Personnel Compensation Limits

The commission recommends that Congress amend the Safe Streets Act to remove the statutory ceiling on grants for personnel compensation.

Personnel compensation constitutes a substantial portion of the expenditures of state and local programs to reduce crime and improve the administration of justice. About 90 percent of overall local law enforcement outlays, for example, are for this purpose. Many jurisdictions, however, still have inadequate numbers of well trained policemen, correctional officers, prosecutors, judges and other criminal justice professionals. Recent efforts have gone far toward bettering the pay and caliber of police departments, but correctional institutions and courts are still facing serious problems in attracting and retaining qualified personnel. Specialized positions in criminal justice planning and administration, crime research and statistics, and training also are difficult to fill.

In light of the foregoing, the act's provision that no more than one-third of an action grant may be used for personnel compensation has hindered the efforts of some jurisdictions to meet their most pressing need—acquiring sufficient personnel to operate their law enforcement and criminal justice agencies. This requirement restricts the freedom of cities, counties, and state agencies to establish priorities and to develop programs to meet their needs. In some cases, it may lead to action grant awards being used for projects of secondary or even lower priority to the recipient.

In calling for elimination of the personnel ceiling, the commission is fully aware of the continuing concerns of some observers that this action might tempt states and localities to apply for Federal funds only for this purpose, rather than developing innovative proposals for law enforcement and criminal justice system improvements. To some, unlimited Federal funding of state and local personnel might lead to a national police force. These attitudes were a major reason for the commission recommending in its 1970 report that LEAA be authorized to waive the ceiling on grants for personnel compensation. At that time, it was thought that the personnel needs of state and local governments could be considered on a case-by-case basis in conjunction with the broad program goals established in the state comprehensive plan and the national objectives specified in the Safe Streets Act. However, the five years since then have witnessed growing state and local sophistication in criminal justice planning and program development, and a lessening of the fears about a national police force. There has been a marked shift away from funding routine equipment purchases and toward the provision of new services. Partly as a result of these changes, personnel needs have not abated; indeed, in many places they have arisen. Hence, retention of the statutory ceiling increases the possibilities for skewing applicant priorities.

In light of these factors, the commission believes that the SPAs and LEAA possess the capacity to effectively oversee the use of Federal funds for personnel purposes, as well as the authority to intervene and modify such uses in instances where it is deemed appropriate to do so. This approach maximizes flexibility and encourages decisions based on assessments of an applicant's overall needs rather than the dictates of an arbitrary statutory provision. It is consistent with both the block grant concept and implementation experience to date.

RECOMMENDATION 3

LEAA Oversight

The commission recommends that LEAA develop meaningful standards and performance criteria against which to determine the extent of comprehensivesness of state criminal justice planning and funding, and that it more effectively monitor and evaluate state performance against these standards and criteria.

This recommendation responds to the complaint of state and some local officials 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 and put action funds into related functional "pots," after seven years of experience, greater attention needs to be given 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 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 following examples of possible performance standards relating to SPA planning and fiscal administration underscore this basic distinction. They are offered merely for illustrative purposes, and would need refinement before they could become operational.

Planning

All SPAs must identify at least their top 10 annual priorities for reducing crime and improving the criminal justice system, indicate the distribution of Safe Streets funds among these priority areas and analyze the relationship with the expenditures and activities of other state and/or local law enforcement and criminal justice agencies.

All SPAs must identify during the planning process individual projects (including the recipients and amounts of funds) totaling at least 50 percent of the action funds, and report on progress in implementing such projects supported during the previous fiscal year.

Local Participation

All units of local government eligible for Safe Streets funds must be informed in writing of existing or proposed SPA policies and priorities and the annual availability of Safe Streets funds.

All units of local government eligible for Safe Streets funds, or regional planning units representing such jurisdictions, must be given an opportunity to review and comment upon the SPA annual comprehensive plan prior to its adoption by the SPA supervisory board and submission to LEAA.

Continuation Funding

All SPAs must have a formally adopted policy governing the length of time individual programs or projects may receive Safe Streets funds. In no case may individual projects or programs receive the equivalent of more than three years of full Federal funding at a 90–10 matching ratio.

The total amount of Safe Streets funds committed to funding continuation projects in a given year must not exceed 50 percent of the total state block grant allocation.

Fund Flow

All SPAs must award at least 90 percent of their total block grant within one year after receipt of the block grant funds from LEAA.

In the commission's view, such standards to be workable should be formulated by LEAA in conjunction with the National Conference of State Criminal Justice Planning Administrators and other public Interest Groups.

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 described in recommendation 1. 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 substance of state plans and action programs and the procedures by which decisions should be made on these matters. The authority of LEAA to generally oversee SPA operations and to specifically ascertain whether they adequately address the needs of high crime areas, the problems of organized crime and civil disorders, and other congressional priorities is clear. This includes the authority, if not the obligation, to disapprove entire state comprehensive plans instead of their components—something that LEAA has been unwilling to do in all but a handful of cases since 1969. In short, what has often 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 efforts, especially in the monitoring and evaluation areas. However, it believes 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, evaluation, and auditing needs to be better focused. Each year LEAA should provide detailed reports 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 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 it is hoped 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. The commission is familiar with the difficulties encountered in the course of LEAA's previous efforts to establish SPA performance criteria. The commission is also sensitive to the constraints imposed by the block grant on the Federal administering agency. And the commission is aware of the time demands on Congress. Still, at this point in the evolution of the Safe Streets program, it seems essential to begin a serious effort on these fronts if pressures for further statutory categorization are to be abated, and if Congress is to be given adequate assurance that the legislative intent of the act is being accomplished.

RECOMMENDATION 4

State Planning

The commission recommends that in lieu of an annual comprehensive plan, SPAs be required to prepare five-year comprehensive plans and submit annual statements relating to the implementation thereof to LEAA for review and approval.

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 make comprehensive planning difficult if not impossible. In some states the SPA, RPUs, or local planning agencies may be involved in various phases of three comprehensive plans at the same time—evaluation of one, implementation of another, and data collection and analysis for a third. As a result of these factors, Safe Streets planning has been largely directed to the allocation of Federal dollars.

This recommendation addresses the above problems 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.

The pretense of preparing a comprehensive plan on an annual basis would be scrapped. In its stead, states at a maximum would have to develop only one plan covering a multi-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 involving thorough analyses, based on empirical data, of present and projected needs, and the capacity of existing state and local agencies to deal with them; standards and goals to be achieved; the relationship between Safe Streets supported activities and direct State, regional and local undertakings; and other factors. This approach would encourage the development of well integrated strategies to reduce crime and improve the administration of justice. The complaint that "funding forces out planning" would no longer be justified, then, and the image of State comprehensive plans as glorified shopping lists for projects would be erased; moreover, SPA planning and analytical capabilities would be enhanced.

The commission recognizes the view of many SPA and local officials that the level of Part B funding has been inadequate. Yet, 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 is 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.

A more realistic approach to planning also would improve Federal oversight. LEAA would be able to assure itself, and the Congress, that national priorities were being adequately addressed through review and approval of annual statements on implementation progress and cross-referencing them to the state's comprehensive plan. The scrutiny of these statements, and periodic revision of the plan, would facilitate monitoring, evaluation and auditing of SPA performance. In short, more effective utilization of Federal, state, regional and local staff, some cost-savings, and a more usable planning document would occur.

RECOMMENDATION 5

The Governor's Role

The commission recommends that governors and, where necessary, state legislatures, authorize the SPA to (a) collect data from other state agencies related to its responsibilities, (b) engage in system-wide comprehensive criminal justice planning and evaluation and (c) review and comment on the annual appropriations requests of state criminal justice agencies.

The state's 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. In the 35 states lacking a statutory basis for the SPA, these activities are accomplished by executive order and may be periodically changed in response to gubernatorial turnover, executive branch reorganizations and other factors. 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 the limited gubernatorial involvement in the Safe Streets program in many states has been the restriction of the SPA to Safe Streets-related activities, even though the block grant instrument is supposed to address criminal justice in a system-wide context. With few exceptions, SPAs have not been authorized to collect criminal justice data from other state agencies, to develop comprehensive plans for the entire criminal justice system or to influence state resource allocation decisions through the review and comment on the appropriation requests of its law enforcement and criminal justice agencies. Neither the representation of these agencies on supervisory board nor the provision of planning and technical assistance to them have been successful in enabling SPAs to become a more integral part of the state criminal justice system. As a result, SPAs are still viewed largely as planners for and dispensers of Federal aid.

This recommendation is designed to enhance the SPA's authority and credibility by making it responsible for system-wide planning and providing access to the criminal justice information necessary to effectively discharge this function. While the commission does not believe it appropriate to specify the most desirable location of the SPA in the executive branch, it seems preferable that, in light of the review and comment role vis-a-vis appropriations requests for state criminal justice purposes, it be closely affiliated with an agency having responsibility for resource allocation decisions for the criminal justice area—such as a department of justice, budget office or the state's general planning agency—instead of being a free-standing unit or a subdivision of a particular functional department like public safety.

RECOMMENDATION 6

The legislature's role

The Commission recommends that, where lacking, state legislatures (a) give statutory recognition to the SPA, including designation of its location in the executive branch and the establishment of a supervisory board; (b) review and approve the state agency portion of the states' annual comprehensive criminal justice plan; (c) include Safe Streets-supported programs in the annual appropriations requests considered by legislative fiscal committees; and (d) encourage the public safety or other appropriate legislative committees to conduct periodic oversight hearings with respect to SPA activities.

Though the legislature appropriates matching and "buy-in" funds, makes decisions about assuming the costs of projects, and, in 20 of the states sets up the SPA, its awareness of and substantive participation in Safe Streets has been quite limited. This is due partly to the fact that the program is still viewed as the governor's, as well as to the relatively low funding level. 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 legislative involvement makes it difficult to mesh Safe Streets with other state criminal justice outlays, to exercise effective oversight, and to relate this program to any broader efforts to reform the criminal justice system.

This recommendation is geared to increasing legislative participation and to moderating the "governor's program" image. Providing a statutory basis for the SPA would enhance its stability and would particularly help reduce the confusion occurring when a new governor assumes office and/or a new SPA 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.

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 and its annual updates, would give them official status as a policy 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. If the latter, then the legislature would have an opportunity to scrutinize, and possibly modify, the policy decisions of the governor and SPA supervisory board.

Turning to finances, requests for Safe Streets matching and "buy-in" funds would be reviewed against the 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. At this point, 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 legislature 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, high turnover, fragmented committee structure, insufficient staff assistance and other factors. Particularly in states having biennial sessions, it would be necessary for the legislature to designate individual legislators or a committee to perform the functions called for in this recommendation during the interim period. 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 how necessary it is to shed 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.

The legislature, then, should not be precluded from participation if it so desires. This recommendation provides a channel for such involvement, with the net result being a pattern of shared authority between the executive and legislative branches and conceivably greater encouragement for the SPA's to focus more of their efforts on systemic problems in the criminal justice area that are of concern to the legislatures.

RECOMMENDATION 7

The Courts

The commission recommends that SPAs give greater attention to needs of the courts, while recognizing their unique constitutional position, by (a) providing for greater participation by representatives of the judiciary on the supervisory boards; (b) increasing the proportion of action grants awarded for the judiciary and for court-related purposes; and (c) establishing, where feasible, a planning group representing the courts to prepare plans for and make recommendations on funding to the SPA.

As indicated in Recommendation 1, the Commission agrees with those who argue that greater attention needs to be given to the courts in the Safe Streets program. At the same time, it believes that establishment of a separate category of assistance as in the corrections case would be undersirable, since it would unduly restrict the flexibility of state and local governments and be contrary to the spirit of the block grant. Instead, 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 the supervisory board is in order, and more encouragement to participate in SPA affairs needs to be given. In part, the funding pattern for courts reflects this inadequate representation and reluctant involvement, and efforts to reverse these tendencies ought to result in greater support for court activities. A 1975 study by the Special Study Team on LEAA Support of the State Courts, for example, found that in states having judicial participation in the SPA's planning process, generally a larger share of action funds was awarded to court programs.

Turning to separation of powers, some viable procedural options are available here. 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. This could be done 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 would be that more often than not they would be approved and funded. While the commission does not believe that a specific target funding level is appropriate, a minimal guide or SPAs to consider is 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. It seems to be a desirable way to ensuring the independence of the judiciary without undermining the comprehensive criminal justice planning efforts of the SPA.

RECOMMENDATION 8

Generalist Participation

The commission recommends that Congress amend the Safe Streets Act to (a) define "local elected officials" as elected chief executive and legislative officials of general units of local government, for purposes of meeting the majority representation requirements on regional planning unit supervisory boards, and (b) encourage SPAs which choose to establish regional planning units to make use of the umbrella multijurisdictional organization within each substate district.

A key feature of the block grant instrument is the enhancement of the power position of elected chief executives and legislators and top administrative generalists vis-a-vis functional specialists. For example, the Safe Streets Act calls for the creation of intergovernmental, multifunctional supervisory boards at the state and, where used, regional levels. In the 1973 amendments to the act, Congress affirmed this position by requiring that a majority of the members of regional planning unit boards be local elected officials. However, some confusion has arisen over who qualifies as a "local elected official." In some states, sheriffs are considered in this category. This imprecision leads to inconsistent representational policies and effectively thwarts the objective of Congress in mandating such representation. For example, approximately one-third of the regional and local officials responding to an ACIR survey indicated that the 1973 requirement had produced no effect on RPU supervisory board decision-making. Hence in the commission's judgment, the act should specify that "local elected official" refers to elected chief executives and legislators—not elected law enforcement or criminal justice functionaries.

Interstate diversity characterizes the designation and use of regional planning regions. About half still are freestanding multicounty or single-county entities, and are linked to generalist-oriented multifunctional planning bodies such as councils of governments (COGs) only by the A–95 review and comment process. With the exception of the few states that have used a "mini block grant" approach, most regions prepare plans, help constituent localities develop applications, provide a forum for communications, and furnish other technical assistance. Yet it appears that this plethora of single-function, limited-authority regional bodies is not an efficient or effective way to plan for criminal justice needs. After all, crime reduction is related to many other concerns—environment, health, economic development, transportation and the like—that also have regional significance. Moreover, in view of the relatively limited amount of Part B planning funds available under the act, many RPUs are inadequately staffed and too subject to shifts in the fiscal winds at the state and Federal levels. In the commission's view, integration of criminal justice planning with COGs and other federally supported planning efforts embodying some of the components an umbrella multijurisdictional organization framework—such as that recommended by the commission in its 1973 report, "Regional Decision-Making: New Strategies for Substate Districts"—would enhance functional coordination, bolster the credibility of the plan, improve the utilization of professional planning staff and increase monitoring and evaluation efforts.

In conclusion, 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 problem, 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. The commission urges the Congress 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.

PART III: A VIEW FROM THE FIELD

CHAPTER VIII

STATE ADMINISTRATION OF THE SAFE STREETS ACT: A COMPARATIVE ANALYSIS

As part of ACIR's examination of the seven-year record in administering Safe Streets block grants, field research was conducted in 10 states. This effort was considered necessary to illustrate in somewhat greater depth the varying approaches used in planning for the distribution of Safe Streets funds; to cross-check the findings from the national surveys of state, regional, and local experience under the program, and to gain first-hand impressions about the major issues surrounding the operation of the block grant.

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The following comparative analysis attempts to give an overview of the results of the field research. The findings presented and conclusions drawn here should not necessarily be viewed as applicable to all states. Rather, they should be reviewed in conjunction with the information contained in other chapters of this report.

SITE SELECTION AND METHODOLOGY

A variety of factors were considered in selecting the case study states. Chief among these were: population size, crime rate, geographic location, the division of state-local direct criminal justice expenditures and the degree of centralization or decentralization of the state's administration of the Safe Streets program. A cross-section of states was sought reflecting the above primary factors.

Other considerations in site selection were: whether or not the state planning agency (SPA) had assumed additional criminal justice responsibilities, whether the SPA was established by statute or by executive order whether there had been stability or high turnover among SPA executive directors and whether there were any unique political, structural or economic characteristics of the state that made it a particularly appropriate or inappropriate subject for a case study. In addition, the advice of both LEAA and the National Conference of State Criminal Justice Planning Administrators was sought to determine if there were any other factors that should be taken into account.

The 10 States chosen (California, Kentucky, Massachusetts, Minnesota, Missouri, New Mexico, North Carolina, North Dakota, Ohio and Pennsylvania) constituted a fairly representative group. California and Massachusetts were progressive urban states, both undergoing a change of governors and SPA directors. Minnesota, on the other hand, had enjoyed stable SPA leadership. Pennsylvania and Missouri had highly decentralized SPA operations with strong and vocal regions, while Ohio represented the best example of the "mini-block grant" concept. North Carolina was included as a southern state with a state-dominated criminal justice system and an SPA chaired by the governor. New Mexico and North Dakota were thought to be good examples of small rural states, with the legislature in the latter substantially involved in the program. In Kentucky, the SPA had been placed in an umbrella Department of Justice and performed criminal justice functions in addition to the distribution of Safe Streets funds.

This sample represents one-fifth of the states and approximately one-third of both the United States population and the total crime index. The 10 states collectively receive 29 percent of the Part B block grant funds and 32 percent of the Part C block grant funds (See Appendix VIII–1).

Depending upon the size and complexity of the state, teams of two to four people visited each state for a period of one to two weeks. Interviews were scheduled with the following officials or their aides:

State Level

Governor.
Attornry General.
SPA supervisory board chairman.
SPA executive director.
Principal SPA staff members.
Representatives from: state legislature, state budget office, major state criminal justice agencies, public interest groups.

Regional level

RPU supervisory board chairman.
RPU executive director.
Principal RPU staff.

Local Level

Chief executive official (mayors, city managers).
Legislative officials (county commissioners, city council members).
Representatives from:
Local criminal justice planning units.
Major local criminal justice agencies.

During the site visits, information also was gathered from SPA and RPU grant files, minutes of meetings, policy manuals, annual comprehensive plans, financial records, audit reports and other available sources.

In each state two regions, two cities and two counties were chosen for more intensive study. These were selected with some care to obtain urban and rural representation, to cover different types of governmental units and to assess varying experiences with the Safe Streets program ranging from strongly positive to unsatisfactory. In selecting regions and localities to visit within the states, ACIR relied heavily on the advice of the SPA and other officials knowledgeable about

substate conditions. A listing of all regions and localities visited is presented in Appendix 2.

A total of 483 state and local officials were interviewed, including:

208 state officials, as follows:

- 11 present or former SPA executive directors.
- 5 SPA supervisory board chairmen.
- 4 governors or their staff representatives.
- 10 attorneys general or their staff representatives.
- 79 members of the SPA staff.
- 13 representatives from state budget offices.
- 22 representatives of state legislatures.
- 64 representatives of state criminal justice agencies.

Local officials (72 elected and 116 appointed) as follows:

- 93 city representatives.
- 95 county representatives.

9 public interest group and miscellaneous representatives.

10 LEAA regional office representatives.

77 regional planning unit or criminal justice coordinating council representatives, as follows:

- 12 RPU board chairmen.
- 65 RPU staff members.

The field teams visited a total of 27 regional planning units, four criminal justice coordinating councils, 32 cities and 28 counties from May through August, 1975.

The interviews were structured around a series of central research questions concerning issues that have arisen with respect to the Safe Streets program and the block grant instrument. Departures from the general questions were made, however, depending upon the interviewee's knowledge and role in the program, as well as time limitations. During the interviews, the field team also focused specifically on issues relating to the particular factors for which the state was chosen, such as frequent changes in leadership or decentralized planning structure. Because of the small number of jurisdictions visited in each state and the varying knowledge of the interviewees about the program, a quantitative analysis of the interview responses was thought to be meaningless and was not attempted.

Neither the case studies nor the comparative analysis should be viewed as a rigorous assessment based on a highly sophisticated evaluative design. Time and staff contraints barred such an approach.

Although each SPA director and other key interviewees were invited to review the draft case study for their state, as well as the comparative analysis, and comment on its accuracy and completeness, caution should still be exercised in making generalizations, particularly from the analysis of the sample of grants examined in each state (see Appendix 3) and the opinions of interviewees. Yet, if used in conjunction with other data presented in this report, the case studies and comparative analysis can be helpful in understanding the operation of the block grant under varying conditions and the major issues affecting the Safe Streets program at the state and local levels.

STATE AND LOCAL CRIMINAL JUSTICE PLANNING

In the original Omnibus Crime Control and Safe Streets Act of 1968, Congress placed a strong emphasis upon planning by the states. Each state was required to develop a comprehensive plan, which had to be approved by LEAA. The development of a comprehensive plan by each State, and the approval of that plan by LEAA, was a requirement which had to be met before a state could receive block grant funds.

The statutory definition of an "approved comprehensive state plan" was quite specific about the areas to be addressed in the plan, but vague about the standards of completeness and specificity that must be met in order for a plan to be judged comprehensive. While statements that a plan shall "adequately take into account the needs and requests of units of general local government . . ." or "provide for the effective utilization of existing facilities" expressed the intent of Congress, they left much to the interpretation of the administering agency, LEAA.

The field studies confirmed findings from the national questionnaire surveys that very little criminal justice planning was taking place in the states prior to the implementation of the Safe Streets Act. Such planning as had been done before that time was neither comprehensive nor systematic. In seven of the 10 states studied, organizations had been established to undertake various criminal justice planning, research, and data gathering responsibilities. Several governors

had established a planning committee in anticipation of passage of the Safe Streets Act, and two states (North Dakota, Pennsylvania) had established a group to set statewide standards for police recruitment and training. Most of the initiative for these early efforts appears to have emanated from the national recognition given the crime problem by the Johnson administration and the President's Crime Commission, and the financial support of the Office of Law Enforcement Assistance (1965–1968). None of the 10 states had any comprehensive criminal justice planning efforts underway prior to 1965.

At the local level, only the larger cities and counties had established criminal justice planning capacity before 1968; this was usually quite limited and did not include all components of the criminal justice system. No evidence was found of any criminal justice planning at the regional level prior to the passage of the Safe Streets Act, with the exception of a few of the older, more well-established councils of governments.

In 1969, when the 10 states were faced with preparing a comprehensive plan in a short period in order to be eligible for block grants, time was quite limited, even where a planning group had previously been established. In almost all cases, there was a strong emphasis on "getting the money out in the field" during the early days of the program. With small staffs hastily assembled, a plan was barely produced and approved before it was necessary to establish grant review and award procedures to distribute the large amounts of black grant funds. There was little time to collect and analyze data to determine real needs and problems. Most interviewees thought that especially during these early years comprehensive planning was more a myth than a reality and that the annual plan was little more than a "compliance" document developed by the state to fulfill a requirement to receive funds and of little value to their state-local criminal justice systems.

Another opinion expressed by interviewees in the 10 states was that there was insufficient time or funds allotted to planning at the outset of the program relative to the amounts of action grants that had to be distributed. This, coupled with the lack of an adequate planning period prior to the receipt of the first block grants in 1969, put the SPAs in the position of having to use limited planning (Part B) funds to support a small staff, the majority of whom were involved in the grant review and award process. Little time and staff remained for planning and this, of necessity, restricted activity to the use of Safe Streets dollars alone. According to some officials interviewed, it also established the role of the SPA as a funding organization—an identity that has been difficult to change. An additional problem faced in the beginning of the program was the absence of professional criminal justice planners.

Organizationally, the early planning was carried out primarily by the state. Regions and local units of government were not yet well enough organized to engage in criminal justice planning.

Although the initial demands of the allocation process necessitated an emphasis on funding rather than on planning, this situation changed. According to interviewees in the 10 states, several factors led to greater attention to planning as the program matured: (1) as the SPA became more experienced, the processing and awarding of grants became more routinized, thus demanding less staff time; (2) increased planning funds made it possible for SPAs to have a larger planning staff with greater expertise; (3) many of the most immediate and visible needs of the criminal justice system were being met, and with growing competition for funds it became necessary to more systematically identify needs and to plan the distribution of scarce resources; (4) the fairly rapid development of regional and local planning capabilities took some of the burden off the SPAs, enabling them to address broader planning issues, rather than the mechanics of grant processing and (5) the large percentage of projects that were continued from previous years meant that planning efforts could be concentrated on the implementation of a smaller number of new activities each year.

For these and other reasons, officials in every state thought that the planning abilities of the SPAs had increased significantly between 1969 and 1975. Yet, as will be discussed in the following sections, the nature and scope of comprehensive criminal justice planning at the state and local levels remains limited despite this progress.

Nature and Scope of Planning Activities

While the particular kinds of planning activities varied from state to state, some characteristics of the planning process were common to all.

Identification of State Policies and Priorities

All 10 SPAs have established policies and priorities that exclude certain activities from funding and encourage others. Some do not review and refine these priorities on an annual basis as part of the planning process. The SPAs that set annual priorities to guide each year's funding (Ohio, Minnesota, California, Kentucky, Massachusetts, North Dakota) do so at the start of each year's planning cycle to give their RPUs guidance about which activities can and cannot be supported with Safe Streets funds. In most cases, these priorities and policies do not change significantly over time, partly because of the high percentage of projects that continue from one year to the next.

Certain kinds of SPA funding policies were particularly irksome to regional and local officials. Of these, the most frequently mentioned by local officials was the exclusion of jurisdictions or agencies under a certain population size from eligibility to receive funds for certain kinds of projects. These policies were based on assumptions that only larger jurisdictions needed such projects or that funding many small jurisdictions produced wasteful duplication. SPA prohibitions against the award of funds to very small police departments was the most common example of this differentiation. Kentucky and Massachusetts, more than other states, relied on such policies to target their Safe Streets monies, with Massachusetts excluding almost all jurisdictions from funding except its seven large urban areas and its state agencies.

In identifying priorities each year and in choosing particular activities to include in the annual plan, no SPA relied primarily on the analysis of crime rates or other criminal justice data to determine needs and problems. Although several SPAs examined such data in establishing their funding priorities, the chief method of planning used was a review of criminal justice needs as perceived and identified by state and local criminal justice agencies and the SPA staff.

Solicitation of Local Input in the Planning Process

All 10 states have developed some means for obtaining local ideas about Safe Streets funding. Most of them have relied on the RPUs to canvass their localities each year, either through mailouts or public hearings. In states with decentralized planning, the RPUs then assessed local needs and requests, and made decisions concerning regional funding which were submitted to the SPA in the form of regional plans. In the states with centralized planning, the RPUs submitted either a list of all identified projects for funding in priority order or a more general statement of regional needs. In many cases, large urban governments have submitted their own proposed activities either to their RPU or to the SPA. The SPAs usually have notified other state criminal justice agencies of the areas in which funding is available and have requested their proposed activities.

In no state studied did the SPA conduct an annual analysis of law enforcement and criminal justice needs of the state. The planning roles of most SPAs (with the possible exceptions of Massachusetts, Kentucky and Minnesota) was primarily reactive, responding to others' proposals. These activities were reviewed against SPA policies and priorities; decisions then were made as to which would receive funding.

There are some distinct advantages to the reactive role. It relies heavily on those closest to the problem to identify their own needs. It also insures implementation of the plan, since the activities planned are those for which there had already been a need expressed and, in many cases, applicants identified. Several instances were discovered where the SPA, acting without local input, had identified a need and allocated resources accordingly, only to have the funds lie unused because the need was not perceived by others. Yet, the reactive approach does not insure that the problems identified by others are the most serious ones. Although this very well may be the case, the SPAs have neither the manpower nor information to determine state-wide criminal justice needs.

In all 10 states studied, SPA planning activities focused almost exclusively on the distribution of Safe Streets funds. In none of the states did the SPA assume a broader planning role for all state criminal justice activities, even though some SPAs conducted studies of particular functional areas, problems or programs. Even in Kentucky, where a reorganization was implemented to give the SPA a central planning role within a Department of Justice containing the major state criminal justice agencies, the SPA has been unable to assume a coordinative planning and budgeting responsibility.

Many reasons were given for the limited scope of SPA planning: the political strength of the state criminal justice agencies that wish to retain their autonomy; the burdens placed on understaffed SPAs by the administration of the Safe Streets program; the SPAs' lack of expertise; the high turnover of the SPA professional staff; and the limited leverage provided by the small amount of funds available.

Yet many of the states studied have undertaken other responsibilities in addition to the administration of the Safe Streets program. Several SPAs (Ohio, Kentucky, Minnesota, North Carolina, North Dakota) are responsible for establishing statewide standards for criminal justice. Some oversee and operate statewide criminal justice information systems (Massachusetts, New Mexico, North Dakota, Pennsylvania). Although not a major responsibility of any of the 10 SPAs, several have become involved in drafting and proposing criminal justice legislation, either independently or for the governor (Pennsylvania, Massachusetts, North Carolina, North Dakota, Kentucky, Ohio). Almost all SPAs have testified before their legislatures on pending legislation and most have expressed a desire to become more deeply involved in legislative matters should staff resources permit. In no state studied, however, did the legislators interviewed view the SPA as their prime source of advice and counsel on criminal justice legislation.

Many of the SPAs visited have made studies, surveys, and reports on criminal-justice-related matters within their state (Pennsylvania, Kentucky, Massachusetts, North Carolina, North Dakota, Ohio, Minnesota, California). Usually these materials either stem from or are used in the SPA planning process. They are also used by other parties.

Despite these peripheral activities and responsibilities, it is clear that the primary role of the SPAs visited is the distribution of Safe Streets funds.

Decentralization versus Centralization of Planning Responsibility

The most important single difference in planning approaches was in the responsibilities of the 10 SPA's relative to those of regions and local units of government. A general trend was apparent indicating decentralization of authority and responsibility from the SPA to the regions and large urban, city and county planning units. This trend has been promoted, and in some cases required, by LEAA as a means of insuring greater local involvement in the Safe Streets program. Yet, it also has resulted from the increasing size and ability of the regional and local staffs. In earlier years, the regions served largely as information conduits between the SPAs and applicants. But, as the numbers of grants rose and the administrative burdens grew, RPUs and Criminal Justice Coordinating Councils (CJCCs) assumed greater responsibilities. SPAs have come to rely more heavily on the information supplied by the regions, because they are closer to the applicants and the projects and are usually more familiar with their problems and progress.

Decentralization of planning responsibility is not occurring without resistance. In most of the 10 states, relations between the SPAs and the regions were at the least strained and, in some cases, openly hostile. The regions are seeking more influence in the SPA decision-making process, resenting what they deem their earlier role as stepchildren of the program. Massachusetts, Kentucky, Missouri and California RPU directors or staff members are forming organizations to present their positions more forcefully before the SPA.

After observing the planning process in the 10 case study states, several general features can be identified that distinguish decentralized from centralized approaches. Centralized planning is characterized by:

(1) the presence of specific and firmly enforced SPA funding policies that determine the kinds of activities that may or may not be funded at the regional level;

(2) the limited amount of regional planning units' planning capacity, authority and responsibility relative to the SPA;

(3) the absence of a fixed percentage distribution of block grant funds among RPUs;

(4) the lack of well-defined and specific regional plans outlining proposed activities that form the basis for the SPA's annual plan and

(5) the SPA's retention of authority for approving the funding of individual projects;

Although none of the 10 states incorporate all of the above characteristics, several (Massachusetts, Kentucky, Minnesota, North Dakota and North Carolina) display enough of these aspects to warrant their classification as states with a centralized planning approach.

In contrast, four other states (Pennsylvania, California, Ohio and Missouri) tend to use a far more decentralized planning approach, characterized by:

(1) the delegation of substantial authority and responsibility for planning and funding decisions to regional planning units;

(2) the fixed allocation of block grant funds to RPUs on a percentage basis;

(3) the capacity and authority at the RPU level to develop specific regional plans, which form the basis for the annual state plan; and

(4) the absence of specific SPA policies that identify or restrict the activities to be funded with Safe Streets funds.

Again, it should be noted that the 10 SPAs display a mix of the two approaches. No SPA uses a totally centralized or a totally decentralized planning process.

Of the characteristics distinguishing centralized from decentralized planning approaches, the most important is the presence or absence of a regional allocation process. In the centralized states, regional planning units act as advisory bodies only, receiving (in most instances) all proposed projects, either in the planning or funding process, and forwarding them to the SPA with their recommendations. The RPUs almost always recommend the approval of all applications, however, (1) they want to bring as much federal money into the region as possible and the more applications they have, the better their chances are and (2) there is some reluctance on the part of RPU board members to vote to turn down the application of another member for fear that their own applications will be disapproved.

This situation results in applications being forwarded to the SPA totaling more than the available funds, giving the SPA staff and supervisory board the opportunity to apply their own priorities in choosing the regional projects that they wish to fund.

In the states with decentralized planning, the SPA, using an allocation formula that is usually based upon population and crime rates, makes an allocation of block grant funds to each region. The region uses this figure as a ceiling when considering activities to include in its plan or applications for funding. In these circumstances, the RPU makes the basic decision whether to approve or disapprove funding of an activity and, even though this decision is phrased as a recommendation, the SPA board almost always concurs.

Sometimes, as in the case of Ohio, a "mini-block grant" is made to the RPU after the SPA has given their approval of the overall regional plan. In other states, such as Pennsylvania and California, the SPA holds the RPU allocations at the state level and distributes the funds directly to the grantee as the RPU approves and forwards the applications to the SPA for its review and approval.

Under the decentralized planning structure, the state comprehensive plan represents primarily a compilation of RPU-proposed projects. In the centralized planning structure, the SPA has more flexibility in allocating funds in its plan and choosing activities to be funded.

This is not to say that SPAs with decentralized planning do not establish basic policies and priorities to guide planning and funding. Some most certainly do. Under decentralized planning, however, these broad policies and priorities guide RPU planning, whereas in a centralized system they guide the decisions of the SPA staff and supervisory board. Also, in centralized planning these policies and priorities usually outline the activities that may be supported with Safe Streets funds, whereas in decentralized planning they focus on excluding certain items or activities. In this way SPAs with centralized planning take a more active role in directing their funds to certain areas instead of considering applications for any activity.

In interviews with state and local officials, various criticisms were leveled at the two approaches. The most frequent critics of centralization were regions and local units of government; their views tended to focus on four general concerns: (1) that the SPA ignores local input in establishing its plan categories, programs and priorities; (2) that the more innovative programs the SPAs are promoting and are willing to fund are often not those that cities and counties need most, resulting in a reluctance on the part of localities to initiate new projects, less commitment to those that are ultimately funded, a higher rate of project failure and a greater reluctance to assume the costs when Safe Streets funding ends; (3) that local priorities are not followed when the SPA chooses activities for funding from among all regional inputs and (4) that the RPUs cannot do serious planning because they never know the amount of dollars they will receive or which projects will be funded from one year to the next.

The SPAs with centralized planning countered these arguments by pointing out that the state must control planning decisions in order to: (1) insure comprehensive funding of all areas, (2) focus resources on innovative rather than routine criminal justice activities, (3) target resources on particular problems, thus

offering a greater opportunity for impact and (4) use funds as an incentive to local governments to reform outdated criminal justice practices and programs. The state providing the best example of this approach was Massachusetts, where an historically strong, highly centralized SPA planning operation was and is encountering rising local resistance in a period of increased competition for scarce Safe Streets resources and matching funds.

Critics of the decentralized planning approach feared that local political influences would result in the funding of routine projects and generate duplication and overlapping services, thus preventing system coordination and comprehensive planning. They also questioned the competence of local planning staffs and the adequacy of their resources and note that most localities provided only police protection, with courts and corrections handled largely by the state. Under these conditions, "comprehensive" planning at the local level is difficult, if not impossible.

On the other hand, proponents of decentralized planning thought that regional units and local governments are far more aware of their real needs than is the SPA. They believed decentralized planning results in more responsible and realistic programming, because it more closely reflects the wishes of those who must ultimately assume the cost of the projects.

Some impressions regarding planning based on observations in the ten states are as follows:

Planning responsibilities seem to be most effectively decentralized to large urban regions or large city or county governments, rather than to smsll rural regions. Although small rural RPUs were highly praised by local officials for their assistance, particularly in developing applications and processing grants, they had neither the staff resources nor the expertise to carry out a major planning role. Further, neither the Part C grants received by these rural areas nor their crime problems appear to justify a greater planning role. On the other hand, several large urban RPUs had mounted quite sophisticated planning efforts and their staff resources were capable of administering a block grant from the state. This was found to be particularly true of large single-county RPUs serving one metropolitan area and having large and experienced planning staffs.

Under both decentralized and centralized planning approaches, there is a great need for the SPA to establish and communicate clearly defined policies and priorities to guide statewide Safe Street funding. A common complaint among regional and local officials, particularly in states with centralized planning, was that they did not know the policy basis upon which the SPAs made decisions concerning Safe Streets funding. Under a decentralized planning approach, the establishment of statewide policies and priorities is particularly important, because it is the primary way in which the SPA can direct funds to specific areas or needs.

Centralized planning seems most appropriate, and is accepted by local officials, in states where major responsibilities for criminal justice reside with the State, and in smaller, more rural states with limited planning funds. In the latter, the RPUs (with the exception of the large urban RPUs or CJCCs) most often consist of one- or two-person staffs; in many cases, one staff person would serve two regions. In these instances, the RPU staff were usually little more than administrative grantsmen, assisting applicants in writing grants and developing reports and data required by the SPA. Small towns and counties saw their RPU staff person as extremely beneficial in informing them of available SPA funds and in handling grant-related paperwork. Moreover, the rural RPU staffs also assisted small towns and counties in non-Safe Streets matters. Yet, these small RPUs could not be expected to perform a major planning role. An annual block grant allocation from the state to these regions would probably be so small that it would dilute the impact of the funds and produce more administrative burdens than it would be worth.

An additional finding gained from interviews with local officials was that larger cities and counties in multicounty regions preferred to deal with the SPA directly rather than to operate through an RPU (except when the jurisdiction controlled the RPU). Often, the larger cities resented having to go through what they considered to be an arbitrarily established administrative unit in order to receive funding for their activities. The authority of the RPU was particularly resented in those states with decentralized planning and in states where the RPUs had substantial authority over funding decisions within their regions. Smaller communities often resented the influence of the larger cities in a region.

In the sample states, most of the RPUs established for criminal justice planning purposes were not part of, or under the jurisdiction of, multi-purpose regional planning agencies set up to handle other regional programs in the health, trans-

portation, manpower or similar fields. Some shared facilities with such agencies, but only a small percentage were incorporated into multi-purpose RPUs. Officials in several states believed that it was inevitable that the free-standing criminal justice RPUs would eventually merge with the multipurpose regional bodies to save money, increase visibility and consolidate authority. Many local officials, however, were wary of any such move, viewing it a threat to their own influence and independence.

At present, the only contact between the free-standing criminal justice RPUs and the multipurpose regional organizations is the required A–95 clearance process, usually performed by the latter. This clearance appears to be a rather routine procedure with little substantive impact. No conclusion could be reached concerning the planning effectiveness of the free-standing vs. multipurpose RPUs included in the field work.

In summary, compared with their relatively minor role in 1969–70, regional planning units are achieving a growing influence in the Safe Streets program—an influence which can be most productive under the appropriate circumstances outlined above. This development, however, has been accompanied by considerable state-regional and intra-regional friction.

Comprehensive Planning or Comprehensive Funding?

The most difficult judgment to make about SPA planning relates to its comprehensiveness. Congress, in the original act and subsequent amendments, has set an ambitious standard of comprehensiveness for each state plan—which none of the SPAs visited fully met. On the one hand, the results of SPA planning, in terms of the distribution of Safe Streets funds, appear to be quite comprehensive, both functionally and geographically. All components of the criminal justice system receive a share of the funds. Moreover, the funds appear to be spread widely among jurisdictions of all types and sizes (except in Massachusetts).

On the other hand, both state and local officials agree that the planning process is far from comprehensive. None of the ten SPAs conducts an overall comparative analysis of the problems of the total criminal justice system and directs its resources accordingly. Rarely are the criminal justice activities of state and local agencies planned and coordinated with the activities supported by the SPAs. For the most part, SPA planning in the states visited is project-based and lacks a well-defined set of goals against which to measure individual projects. Although project-based planning can be a very effective means of allocating resources to achieve a successful rate of project implementation, without a broader frame of reference within which to judge the merits of individual programs, the risk of supporting lower-priority objectives or activities with conflicting purposes inevitably arises.

Given the constraints under which the SPA is operating, comprehensive planning, as defined by Congress, is difficult to achieve. The first, and by far the most significant obstacle here is the lack of authority, under the mandates by which the 10 SPAs were established, to require the cooperation from other state agencies needed to carry out comprehensive planning. Further, in establishing the SPAs in 1968, no governor gave the SPA authority to conduct comprehensive planning for all state criminal justice needs. This remains the case in all states with the exception of Kentucky. Thus, the annual plans developed by the SPAs have far less meaning for the state criminal justice system than the annual state budget document that indicates the allocation of all state criminal justice resources. Although some officials believed that, in theory, the state budgeting process and the SPA planning process should be linked, very few saw this as a realistic possibility.

Another strong limiting factor is the highly fragmented nature of the criminal justice system, which makes coordination and comprehensive planning extremely difficult. The lack of consensus about the most effective solutions to existing law enforcement and criminal justice problems also presents formidable intellectual and political problems. Thus, as several SPA officials noted, planning, even in the most ideal circumstances, is a very ambitious enterprise.

A third limiting factor is the lack of staff resources to manage an adequate grant program and to plan comprehensively for the state's criminal justice needs, even if SPAs were authorized to do so. Despite assurances from state and local officials that SPA planning capacity has increased greatly since 1969, it is still apparent that the primary focus of most SPA staff activity is on the award distribution and management of Safe Streets funds, with development of the plan viewed largely as a requirement to receive Federal aid.

An additional problem faced by the SPA directors is what they believe to be the inordinate and totally inappropriate amount of staff time devoted to matters of form rather than substance in developing annually a comprehensive plan. Most directors find several sections of the comprehensive plan required by LEAA to be only somewhat useful, particularly the past progress report, related plans, programs and systems, multi-year forecast of results and accomplishments and the multiyear budget and Federal plan. In fact, one SPA director indicated that the extraordinary effort and time involved in producing an annual plan to comply with LEAA's guidelines precluded any real planning. Another SPA planning director stated that only after the comprehensive plan has been completed and sent to LEAA does the SPA have time to any meaningful planning, because most activity prior to that time was geared to compliance with a plethora of fiscal and procedural requirements.

Most of the SPA directors lamented this fact, wishing to be able to devote more resources to planning rather than to grants management. Yet, because of limited Part B funds, they do not have staff resources to do both, and in order to maintain accountability, their first priority is to review, award and administer their grants effectively. Despite inadequate resources, the primary roadblock to comprehensive planning remains the lack of authority given the SPA by the governor or legislature to plan for all state criminal justice resources.

Representation and Influence in the Planning Process

During the site visits to the 10 States, the field team paid particular attention to identifying groups, if any, which exercised the most influence in the planning and funding decisions of the SPAs.

Board versus Staff.—Almost all SPA and RPU supervisory board members interviewed expressed less interest in planning activities than in the awarding of grants. According to these officials, the board members' participation reflected their interest in funding decisions rather than in planning decisions. This was particularly true during the early years of the Safe Streets program before applicants or board members realized the importance of having monies set aside in the appropriate program category during the planning process in order to receive funding at a later date.

Other reasons for the disinterest of board members in planning decisions were the complexity of the planning requirements and guidelines and the limited period of time over which planning activities are carried out. Moreover, when funds are allocated to particular program categories, the applicant is often unknown and the descriptions of programs to be funded are intentionally general to allow a wide variety of activities to be included under each category. For these and other reasons, the planning process in the past has been of less interest to most board members than the funding process.

In several states, this led to an abdication by the Boards of responsibility for most planning decisions to the SPA staff. According to state and local officials in those states, the influence wielded by the SPA staff has been particularly powerful in Massachusetts, Minnesota and Kentucky, leading to charges from RPUs and localities in those states that the SPA board acts as a rubber stamp for staff recommendations in the planning process. The threat of short time deadlines, the inundation with voluminous materials to be read prior to meetings, and the infrequent calling of board meetings were all tactics which SPA directors were charged with using to cause board members to reply on staff recommendations. Partially in response to this criticism, two SPA boards (Massachusetts and Kentucky) have recently reasserted their authority and become much more actively involved in the planning process.

Other factors also have prompted this change. As applicants have come to realize the importance of having their projects included in the annual plan and as competition for funds has increased, the boards have become aware of the need for greater involvement in issues and decisions during the planning stages. Several SPA directors feel that board participation in developing funding policies and priorities is a far more appropriate and important role than becoming involved in the minutia of grant awards, most of which were decided during the planning stage. Also, many board members are beginning to see the need to develop firm funding policies as competition for dollars heightens.

Criminal Justice Representatives.—In studying the representation on SPA and RPU boards in the 10 case study states, it was found that while law enforcement officials made up the largest criminal justice constituency, in only a few instances did their representation constitute a majority of the board and, in most cases, interviewees felt that their representation and influence was declining. The power of law enforcement agencies was greater in the early years of the program because:

(1) there was a narrower view of law enforcement, one that tended to equate both criminal justice and the Safe Streets Act with law enforcement activities; (2) the law enforcement agencies were better prepared for a Federal grant program and were able to use the funds quickly and (3) governors and local elected officials looked to law enforcement agencies for a quick response to rising crime rates.

In most states, the courts were deemed to be the component of the criminal justice system that was least represented on SPA boards, had relatively little influence on the program and had received the smallest percentage of funds. Many interviewees thought that this was a function of the judges' preference for autonomy and independence in light of the separation of powers doctrine, their unwillingness to compete for Federal funding and their conservative approach to criminal justice reform. Several of the SPAs visited were concerned about the role of the courts in the program and were making an effort to increase judicial representation on their supervisory boards.

State Agency versus Local Officials.—One of the most consistent complaints of regional and local officials in the 10 states was that state agencies not only were disproportionately represented on SPA boards relative to local officials, but their plans and applications were often given less rigorous review and more favorable treatment than local ones.

It does appear that state agency representatives frequently account for a larger percentage of SPA board membership than their percentage of funding would warrant. This usually was because governors automatically appointed the heads of the major state criminal justice agencies as ex-officio members of the SPA boards or they were designated members by statute. Several interviewees believed that state agencies' proposals were not given close scrutiny by other board members for fear of retaliation on their own grants. Because the overwhelming majority of both SPA and RPU board members, in one form or another, were either the direct or indirect recipients of Safe Streets grants, most interviewees accepted this form of political "log-rolling" as a fact of life.

Another possible reason why state agency grants may receive less scrutiny by SPA boards is that the SPA staff deals directly with state agency personnel in reviewing their plans and grants. Thus, the SPA boards and staffs may feel more confident in approving state agency applications than those that have been reviewed and recommended for approval by the regions without SPA staff contact with the applicant.

From our sample of states, it appears that local elected officials are not represented on the SPA board to any great extent—certainly, their representation does not come close to the 51 percent representation required on RPU boards. Although SPAs are not required to have a minimum number of local representatives on their supervisory boards, the lack of adequate representation was a common complaint among local chief executives and legislators.

Effects of Staff Turnover.—From the case studies, it is clear that the most influential factor in the operation of the SPA has been the SPA executive director. He sets the tone of the SPA's activity, largely determines the nature of the planning and funding processes and may exert influence on the SPA's funding policies and priorities, particularly in those states in which the SPA staff plays an influential role relative to the SPA board. Given the SPA director's influence, the frequent turnover in this post was bound to be a serious problem, especially when a new director changed operations and policies.

Moreover, the rapid turnover among key SPA personnel, such as chief planners, grants managers and evaluators was cited as a problem by several SPA officials. This turnover, caused by the newness of the criminal justice planning profession, and the scarcity of capable personnel, has dispurted the continuity of SPA planning and administration and made it difficult to formulate and implement meaningful long-range plans.

As a result of the emphasis on planning in the Safe Streets program, each SPA has developed a sizeable staff whose primary task is to prepare an annual comprehensive plan for the state. Through the years, each state has also developed a more or less stable planning process which does result in annual plans that are comprehensive in their coverage. Yet, for the reasons mentioned earlier, no state studied has conducted, or could have been expected to conduct, a planning process as comprehensive as that specified in the act.

RELATIONSHIPS BETWEEN THE STATES AND LEAA

Under a block grant, states are given relatively wide discretion and flexibility in identifying needs, formulating programs to deal with them and allocating resources. The role of the Federal agency is to see that the states carry out their

responsibilities in administering Federal funds according to general guidelines established by Congress and within the limitations and conditions prescribed by statute. This is accomplished by review and approval of state plans, financial reports and other documents, as well as monitoring and evaluation of state performance.

Due to the numerous conditions and requirements placed upon the states by Congress in the Safe Streets Act and its amendments, the role of LEAA is more complex and delicate than might be expected in a pure block grant. LEAA must insure that the intent of the act is carried out by the states by developing and enforcing guidelines and requirements of varying specificity. It also is charged with providing technical assistance and support to the states. And it must carry out this dual role of "enforcer" and "partner" with states who are fully aware of, and jealously guard, the prerogatives that they associate with their block grant. This relationship has been far from tranquil.

The primary occasion of contact and contention between LEAA and the SPAs, is LEAA's review and approval of the state annual comprehensive plans. This process begins with the development of official guidelines for the comprehensive plans and annual planning grant applications for Part B funds. In the 10 states visited, one of the strongest criticisms of LEAA was its inability to develop and distribute these guidelines prior to the start of the states' planning cycles, thus forcing the SPA s to begin planning without guidelines or a knowledge of the amount of their block grant.

LEAA officials cite several reasons for this problem: the lengthy guideline review process, congressional delays in appropriating LEAA funds and the low priority given the development of guidelines by LEAA. These delays have been somewhat reduced of late, in that LEAA has taken much more interest in the guidelines as a means of insuring SPA compliance with the act.

Yet, this recent interest has caused other difficulties. One of the most consistent and strident complaints of the SPAs relates to the sharp increase in the number and complexity of requirements and guidelines applied by LEAA since 1973. Several of the SPAs contend that the administrative burdens imposed by these requirements are becoming unbearable and are approaching those associated with categorical programs. Particularly vexing are those that seem to address matters of procedure and form rather than the substance of SPA operations. Examples cited by the SPAs include: the requirement that the annual plan be structured in a prescribed way, the rule for cross-referencing the annual plan with LEAA's program categories, the necessity to document all SPA practices and procedures and the need to follow and document detailed procurement procedures.

State officials are increasingly upset about requirements that appear to be applied more to protect LEAA from congressional criticism than to promote the effectiveness of the SPAs. The SPAs usually do not fault the LEAA regional offices for the proliferation of guidelines because, in most cases, they merely interpret and enforce guidelines established by the LEAA central office in Washington. Several SPA officials, however, did question whether the guidelines were interpreted uniformly among all LEAA regions.

LEAA officials admit that the guidelines have increased substantially in recent years, and LEAA's enforcement of them has been more rigorous. Yet, they contend that they are only enforcing requirements mandated by Congress and that to do less would mean not fulfilling their responsibilities. They also cite the many laws passed by Congress that, although not part of the Safe Streets Act, must be enforced by LEAA. Examples of some of those that increase the administrative burdens on states and localities are:

The National Environmental Protection Act,
The National Historic Preservation Act,
Uniform Relation Assistance and Real Property Acquisition Policy Act,
Freedom of Information Act,
Equal Opportunity Act,
Civil Rights Acts, and
Equal Employment Opportunity Regulations

In addition there are many standard financial guidelines governing procurement practices that must be adhered to by recipient states and localities.

Localities also complained loudly about increasing paperwork and bureaucracy. Although finding the block grant approach to be less cumbersome than Federal categorical grants, several local officials said they would no longer apply for smaller Safe Streets grants because the benefits did not justify the administrative costs involved.

Many SPA officials criticized the role of LEAA in establishing guidelines and enforcing requirements. Yet there was praise for the technical assistance LEAA provided to the states, especially through contracts with several organizations to make consultant assistance available to the states. The SPAs found this to be a particularly helpful service.

There was scattered criticism throughout the states that LEAA did not provide effective leadership to the SPAs in terms of demonstrating useful programs and projects, conducting research on new ideas, and evaluating existing activities. But this criticism was neither loud nor frequent. Most officials did not seem to expect this kind of leadership from LEAA. Moreover, although several states expressed the desire for a "leadership by example" approach from LEAA, they believed that it had neither sufficient manpower nor expertise to provide leadership to the states except through contractual assistance.

LEAA apparently has become increasingly aware of its responsibility to hold the SPAs accountable for implementing the provisions of the Safe Streets Act. It also realizes that it will be held accountable by Congress. Through the guideline development and plan review process, an attempt is being made to bring all SPAs into technical compliance with the provisions of the act. Yet, the difficulty of establishing realistic standards of compliance for states with widely varying levels of competence and degrees of accountability under their own laws, and the broad range of interpretation that the act's provisions allow have produced no common agreement as to what constitutes an acceptable level of compliance. This assessment usually falls to each regional office of LEAA. Lacking standards, this discretion rests uneasily with some regional office administrators, who are uneasy with this discretion and show extreme caution in allowing state latitude and a demand for formally documented decisions and actions. Much of the paperwork and reporting requirements of which the SPAs complain seem to stem from this need to document compliance. The lack of any established standards also has underscored the significance of negotiations between the regional office and the SPA as to what is an acceptable compliance level within the provisions of the act.

"Special conditions" on state plans have been used to hasten state compliance and document LEAA's oversight efforts Such conditions are a means of allowing a state to receive its block grant allocation, while correcting some deficiencies in its operations or its comprehensive plan within a certain time period. Most officials thought that LEAA is hesitant to withhold approval of an SPA's plan and face the wrath of state and local officials. Thus, the use of "special conditions" maintains some pressure on a state to correct deficiencies without raising the political problems caused by withholding funds. Several SPA officials resent the use of special conditions and see them as LEAA's means of protecting itself against criticism for not adequately enforcing guidelines and other requirements. These officials claim that many of the special conditions require little more than a written SPA certification of compliance and actual performance has not been rigorously monitored by LEAA. However, most SPA officials believe this is changing as LEAA places more emphasis on accountability.

An additional problem, mentioned earlier, is the high turnover of LEAA regional administrators and staff. Several states found this to be particularly troublesome since administrators tend to have different policies, procedures and guideline interpretations that must be learned anew by state officials. A similar problem exists when the LEAA regional administrator must adjust to new SPA directors. Still another arises from the particularly high turnover among the state representatives in each regional office. These people after all, are supposed to serve as a liaison between the state and the LEAA regional office and, to be effective, should know the state well. Some believe that the state representative should be an advocate for the SPA within the LEAA regional office.

Overall conclusions about the relationship between LEAA regional offices and their states are difficult to reach, also these vary from state to state, region to region, and time to time. Some of the states visited had few conflicts with their LEAA regional office, while others seemed to have strong continuing disagreements. At present, LEAA and most of the 10 SPAs visited appear to have formed of necessity, an uneasy alliance based upon a recognition of their mutual dependence.

Throughout the life of the Safe Streets program, there have been many complaints about the kinds of activities supported with Safe Streets funds and the types of jurisdictions receiving those funds. Although a more thorough analysis is presented in Chapter V, sufficient information was gathered from the 10 case studies to provide some impressions about the nature of Safe Streets funding.

Relationship Between Planning and Funding

The chief goal of the planning process in most SPAs and RPUs is to determine the jurisdictions, agencies and activities that will receive funds. Yet, in most states there are almost always some differences between the activities that are planned and those that are implemented. The extent of these differences is one measure of the meaningfulness of the planning process and the degree of plan implementation.

Particularly in the early years of the Safe Streets program (1969–1971), activities for which funds were allocated were sometimes not implemented, thus requiring states to develop amendments to their comprehensive plans to shift the unused funds to another program category. There were many reasons for this. Grant funds initially were plentiful relative to the numbers of applicants, because not all potential applicants were aware of the availability of funds and geared up to apply for them. Also, SPAs often set aside funds for activities that they wished to encourage, but that applicants did not consider to be among their high-priority needs. Such funds then were not always used. Moreover, the failure of applicants to obtain matching monies, start-up delays associated with staffing or other problems and overestimation of project costs also caused funds to move slowly out into the field and, in some cases, to remain unspent. Finally, the rapid growth in block grant allocations also put a great burden on the SPAs to distribute large amounts of additional funds in each of the early years.

All of the above factors led to Safe Streets funds having to be reallocated among categories or having to revert back to the Federal government in the early years. But this did not remain a problem for long. Increased competition for dollars, the leveling off of the total block grants, continuation funding commitments and the increased planning sophistication of both the SPA and their applicants led to greater consonance between the activities planned and those implemented. At present, the problem of unused funds does not appear to be significant among any of the SPAs visited. All still amend their plans to shift unused funds, but this process has been streamlined and the SPAs usually know which categories will suffer from lack of applicants. Today, this happens most frequently when the SPA sets aside funds for either innovative or controversial programs for which applicants are reluctant to apply. Conversely, states which identify specific projects to be funded during the planning process, are less apt to have unused funds remaining. At present, the competition for funds is so high, and the SPA awareness of funds so acute, that the use of all Safe Streets funds is no longer the problem it formerly was.

Funding Policies and Priorities

As was mentioned in the planning section, each SPA has developed policies and priorities relating to activities it will support with Safe Streets funds. Some of these policies represent long-standing decisions of the SPA Board. The most common (in Kentucky, Massachusetts, Minnesota, Missouri, Pennsylvania, North Dakota, Ohio) are those restricting or eliminating funding for routine police equipment (handguns, uniforms, etc.), construction of facilities or trainiug. Usually such policies were necessitated by repeated requests from applicants for these items, which, if filled, would have rapidly used up all available Safe Streets funds.

A second kind of funding policy relates to the size or type of jurisdiction or agency eligible to receive Safe Streets assistance. Examples here are the exclusion from funding of part-time police departments, (Kentucky, Pennsylvania), limitations on funding for juvenile investigation units to jurisdictions over 25,000 (Kentucky) and requirements for the joint cooperation or consolidation of agencies or jurisdictions in order to receive funding for police communications or information systems (Massachusetts, Kentucky, Pennsylvania). This last kind of policy is an attempt by some SPAs to further certain statewide objectives, using Safe Streets funds as an incentive to promote certain goals. Kentucky and Massachusetts, in particular, use Safe Streets funds as "leverage" in this manner.

The other major kind of SPA policies or priorities are those established annually in allocating funds to certain categories or activities. Although these may change from year to year, particularly within an area such as corrections or police, the balance of funding among the major categories usually shifts only slightly. Partially, this represents an attempt on the part of the SPA to achieve comprehensive funding. Yet, it also reflects the increasingly limiting effects which the high rates of continuation funding are having on the SPAs.

Continuation Funding and Assumption of Costs

In almost all of the 10 states visited, the most serious funding problem confronting the SPAs was the high percentage of their block grant allocation earmarked to support projects continuing from previous years. The rates of continuation funding vary from 45 percent in North Dakota to 90 percent in Kentucky, with most of the states using 60 to 80 percent of their funds for continuing projects. This severely limits the SPA's ability to initiate new activities and makes most planning for such activities largely unnecessary.

The causes of this difficulty are clear. When the block grant was growing rapidly during the early years of the program, continuation funding was not a problem. Both old and new activities could be supported. However, as the block grant began leveling off, the numbers of applicants for funds did not, as more and more groups became aware of the program and sought aid. At the same time, the revenues of State and local governments were declining due to the recession, and state and local officials were reluctant to assume the costs of Safe Streets-initiated activities. A major consideration here is that most of the states studied had not until very recently established or firmly enforced policies concerning the maximum number of years a project would be eligible for Safe Streets funding.

Site visits to the states revealed that new policies concerning continuation funding and the increased competition for funds were causing conflict. Most of the states have developed policies calling for declining Safe Streets support over a three- to five-year period, with full state or local government assumption of costs after that time. Among the 10, Federal support must end after five years in Ohio, four years in Massachusetts and North Dakota, and three years in the remaining seven. However, most states allow exceptions in emergency cases. Many applicants complained that the time period is too short or the rate of assumption is too fast. Some felt that activities should be funded indefinitely, while others were bitter because they believed they were never told that they would ultimately be asked to assume the costs of activities initiated with Safe Streets funds.

Of the ten, Massachusetts, Kentucky, and New Mexico are having the most difficulty with continuation funding. Tight budgetary situations, coupled with a high rate of continuation funding, have given their SPAs little flexibility in initiating new activities. Applicants in Massachusetts and other states predicted that many Safe Streets activities will terminate due to the inability of state and local governments to assume their costs.

This is a basic problem, because the assumption of the costs of Safe Streets activities by state and local governments has been viewed as one measure of the long-term impact of the program. If "institutionalization" does not occur, it implies that the activities initiated with Safe Streets funds are temporary and peripheral, with no lasting effect on criminal justice agencies or programs.

Some activities, it was found, had been continued with state and local support. Indeed, many state and local officials stated that they have assumed the cost of a high percentage of the activities initiated with Safe Streets funds. In North Dakota, the state with the least serious continuation funding problem, a firmly enforced assumption of cost policy and prior legislative review and approval of all state agency projects initiated with Safe Streets funds has produced encouraging results in assuming costs. Yet, relative to the large number of projects that will have to be either continued with state or local revenues or terminated in the near future, the number that to date have been continued without Safe Streets support appears small. Only Minnesota and North Dakota can boast of success in continuing a high percentage of their activities after Safe Streets funding terminates. More ominous in terms of its implications for innovative undertakings is the intention expressed by many state and local officials to use future Safe Streets funds for capital improvements, equipment purchases, training or other one-time purchases that do not require a long-term commitment of their resources after Safe Streets funding terminates.

The recent cutback in national block grant funds has forced SPAs to take a hard look at their continuing projects. Because only in the last year have continuation funding problems become severe, it will be another year or two before it is clear

whether the new SPA assumption of cost policies (or continuation funding policies) result in greater institutionalization of Safe Streets activities by state and local governments or their termination when LEAA funding ends. Some consider this to be the most important test of the long-term value and impact of Safe Street activities on state and local criminal justice operations although given present fiscal constraints, it may represent an unfair measure. These constraints already appear to be producing a more responsible attitude on the part of the legislative bodies and criminal justice agencies in deciding whether and what activities to initiate with Safe Streets funds.

Nature of the Funding Process

In only a few of the states visited were there problems with or complaints about the funding process. All states appear to have standardized their subgrant review and award procedures to insure that all applications are acted upon within the 90-day period imposed by Congress in the 1973 Crime Control Act. Only one state (Pennsylvania) had to fund an application because of failure to act on it within this period. Several officials expressed the opinion, however, that the 90-day requirement may have lengthened the review process rather than shortened it, as was originally intended. This is because some SPAs will now reject an application and return it for modifications rather than allow it to continue to be reviewed while necessary changes are made. When modifications have been made, the review process and the "90 day clock" begin all over again. Although this was mentioned as a problem by some officials, the majority believed that there were no significant delays in the award process.

In Minnesota, North Dakota, Pennsylvania, the SPA Director has been given the authority by the SPA board to approve grants under certain amounts, which range from $1,500 in North Dakota to $25,000 in Pennsylvania. This has been done to accelerate the grant award process, and usually involves formal approval by the SPA board at its next meeting. Also, provisions are made for an appeal before the SPA board in those cases where the director disapproves a grant.

The greatest difference among the states was the timing of their awards during the year. Three states (Minnesota, Massachusetts, and New Mexico) awarded almost all their grants only once during the year, one other (North Carolina) reviewed grants on a quarterly basis, while the remainder approved grants every month or bi-monthly. Reviewing grants once a year cuts down greatly on the administrative burdens associated with the grant review and approval process, whereas monthly grant review requires a great deal of staff time and effort. On the other hand, awarding grants only once a year limits the opportunity of applicants to apply for funds, requires prior planning and communication with all possible applicants to insure fairness and limits flexibility to meet changing needs.

Another problem mentioned by officials in the 10 states concerned limiting grants to one year. All states studied make grants for only one year, even when it is understood that funds will be available for subsequent years, assuming that the project is progressing satisfactorily. The SPAs believe that this enables them to review progress periodically and require modifications in subsequent applications if needed. Some applicants contend that single-year funding causes more problems than it solves. They say that normal start-up and staffing delays result in the project not being underway until three or four months after receiving funds, and that the time required to process an application for the next year of funding means that in the eighth month of the project the staff must begin developing next year's application or start looking for other means of support. A one-year commitment of funds also makes it difficult to attract qualified personnel.

A related issue raised by many state and local officials concerns the uncertainty about the future of the Safe Streets program and Federal funding in general. They are hesitant to initiate long-term projects with Safe Streets assistance for fear that Congress either will not extend the program or will cut back appropriations substantially, leaving them to assume all the costs prematurely rather than gradually over a period of time. For this reason they prefer to use federal funds to support equipment purchases and capital improvements rather than personnel additions, which are explicitly restricted by the Safe Streets Act.

Representation and Influence

Many of the conclusions about the representation and influence of various groups in the planning process also relate to the funding process, because, usually funding decisions largely reflect previously made planning decisions. It should be noted, however, that in most cases the SPA board still takes a much more active interest in the award of grants than in planning decisions. Five states (North Carolina, Minnesota, Kentucky, North Dakota, Massachusetts) rely

on committees to review applications and make recommendations to the full board. There is some criticism that these committees are dominated by the relevant professional groups and that the award process becomes incestuous with, for instance, police officers constituting the majority of the law enforcement committees and corrections officials dominating the corrections committees. Others contend that this is the best way to make use of available expertise; and it would be unrealistic not to have functional representatives on the committees most related to the experience.

Perhaps the most surprising finding in the field work concerned the question, asked of officials in all states, of whether their agency or jurisdiction has received their fair share of Safe Streets funds relative to others. With the exception of Missouri, where practically everyone complained about not receiving their fair share, most state and local officials believed that they had received a proportionate share of Safe Streets funds. Even those who objected strongly to the amount of their representation on the SPA Board or their lack of input in the planning process, generally thought that they had received an adequate share of Safe Streets funds. As mentioned earlier, there were some exceptions among court officials, many of whom felt that the judicial function had not received an appropriate share of funds. Several courts officials said, however, that they had not sought Safe Streets funds very aggressively in the past.

In some cases these state and local officials readily admitted that they did not really know what their fair share should be. Others felt that their success in receiving Safe Streets funds was due to their own "grantmanship" abilities. With few exceptions, however, almost all officials were satisfied with their share of Safe Streets funding.

Kinds of Activities and Jurisdictions Funded

During the site visits in the 10 states, particular emphasis was placed on determining the way in which funds have been used in each state. Through discussions with state and local officials and examination of a sample of grants funded in each state, information was procured about the types of activities and jurisdictions supported.

There are some clear differences in the kinds of activities supported in each state. For example, Massachusetts, Minnesota, Ohio and, to a lesser extent, Kentucky attempt to direct their funds to more innovative demonstration and pilot projects than do other states. More rural states such as Missouri, North Dakota, North Carolina and New Mexico, faced with meeting basic needs, have focused greater funding on upgrading their criminal justice and law enforcement operations through training, additional personnel and new equipment and facilities. As will be discussed later, however, even in these states, Safe Streets dollars have been overwhelmingly used to support activities that were new to the jurisdiction receiving the funds, rather than routine activities that had existed prior to their funding with such assistance.

Recipients of Safe Streets Funds.—Both in the sample of grants studied and in discussions with state and local officials, it was discovered that Safe Streets funds have been fairly widely distributed among applicants, with the amounts to cities, counties and states being roughly proportional to their responsibilities for criminal justice and law enforcement. Of particular importance is the fact that almost all states have recognized and supported the pressing needs of the urban areas in distributing funds. Pennsylvania, New Mexico, Massachusetts and Missouri have instituted small "impact programs" within their states to target resources on urban or high-crime areas.

There were complaints from rural officials in several states (North Carolina, Minnesota, Pennsylvania, Massachusetts, New Mexico) that the urban areas have received too much emphasis in funding. Conversely, in some states (Missouri, Kentucky, Pennsylvania, New Mexico), officials in urban areas complain about the rural dominance of SPA boards and the wide diffusion of funds among numerous small jurisdictions. Both groups of local officials in North Carolina, Kentucky, Missouri, North Dakota and New Mexico criticized what they viewed as the strong influence of state officials on the SPA Board.

Nature of Activities Funded.—During the interviews, many officials expressed the belief that in the early years of the program too much money had been used to purchase hardware. Officials explained this as being the result of (1) strong police representation and influence on SPA supervisory boards, (2) the need to upgrade outdated equipment and provide minimum equipment to impoverished criminal justice agencies (3) the need to spend funds quickly, with equipment purchases being the simplest and quickest way and (4) the belief that a reduction

in crime would result from better-equipped law enforcement agencies. Most officials throught that the emphasis on equipment had declined in recent years, because many of the basic equipment needs had been met, SPA officials had become less optimistic about the ability of better equipment to reduce crime and the SPAs had developed more sophisticated programming.

The sample of grants indicates that although a large percentage of the total number of grants represent equipment purchases, activities of this type account for a much smaller proportion of the total funds. Most equipment grants are fairly small and are awarded to rural areas. Failure to make this distinction may give the misleading impression that most of the dollars have been used for equipment purchases because applicants have received more grants for this purpose than any other.

The vast majority of funds appear to have been used for service activities, such as increases in probation services, rehabilitation efforts, juvenile programs, investigation units, court administration aid, public defender and district attorney services. Relatively small percentages of funds have been spent on the construction of facilities and the addition of routine personnel. Most applicants recognized that the intent of the Safe Streets program was to encourage and support new activities rather than to provide additional funding for routine operations which are the responsibility of state and local governments.

The other type of funding examined was training activities. Many SPA officials and applicants considered this to be one of the most effective uses of Safe Streets funds and all SPAs provided funds for training of one sort or another.

In general, it appears that Safe Streets funds now are used far more often to provide services than all other categories of funding combined. The criticism that Safe Streets funds are predominantly used for hardware funding is no longer true. Indeed, many local officials look forward to beginning new programs, now that they have the minimum equipment to operate their law enforcement agencies. Their enthusiasm is tempered, however, by the growing awareness of the fiscal implications of initiating long-term projects with Federal aid.

Funding of Criminal Justice Components.—Interviews in the 10 states tend to confirm the results of the grant sample analysis, and correspond with data presented in Chapter V, with respect to the funding of the various criminal justice functional areas. Police and law enforcement activities represent about 40 percent of all Safe Streets funding, remaining stable in most states after declining from higher levels of the earlier years.

Corrections has also remained fairly stable as a result of the Part E requirement that Part C corrections funding must remain at least as high as the preceding year's level in order to qualify for Part E funds. Some officials expressed resentment that Congress, through Part E funding, was dictating state and local priorities. They thought that many corrections projects, which were of lesser importance than others, were nevertheless supported in order to make use of available Part E funds, while more vitally needed activities were not undertaken for lack of monies. Part E categorization was believed by some to be a violation of the block grant concept. It was particularly resented by some local officials because the state had primary responsibility for corrections and thus received most of the Part E allocation. For the most part, however, Part E funding was not a major issue in most states. It was seen as just another source of funds, and corrections projects and programs were usually planned independently of the source of funding. No differences were discovered in the kinds of corrections activities supported with Part C or Part E.

Funding for the courts was much more of an issue in most states. Despite recent increases in the percentages of funds awarded to the judicial area, most SPA officials agreed that the courts have been under-funded relative to other criminal justice components. They believed, however, that this was primarily the fault of the courts themselves. They contended that the courts have been reluctant to apply for federal funds and have been more resistant than other components to joint planning with the SPA. Both LEAA and the SPAs in the states visited have encouraged funding for the courts in recent years. Some officials interviewed (with the exception of court officials) thought that a separate category or separate planning responsibilities for the courts would further fragment the criminal justice system, undermine cooperation between the various functional components and render the block grant concept meaningless. The courts contend, however, that the doctrine of the separation of powers is compromised when they are required to seek and compete for federal support from an agency of the executive branch of the state.

The funding of juvenile delinquency efforts was a major priority in several states, notably New Mexico, Massachusetts and Ohio. The impact of the 1974 juvenile justice amendments to the Safe Streets Act had not been felt by most states. Although some were making plans to administer the program, other SPA officials expressed serious reservations about whether the administrative and substantive requirements placed upon the state by the program outweighed the benefits from the relatively small amount of funds available under the act.

Extent of Innovation Supported with Safe Streets Funds.—Examination of a sample of grants in each state in conjunction with SPA and RPU staffs uncovered a surprisingly high percentage of new activities supported by Safe Streets assistance. In almost all states, between 70 percent and 95 percent of the activities sampled had not been attempted in the recipient jurisdiction prior to their initiation with Safe Streets dollars. In most states, less than 10 percent of the sampled funds were used for activities that had already been attempted. Moreover, using another classification, the majority of projects were totally new activities to the jurisdiction, rather than expansions of existing activities, upgrading of existing equipment or services or routine undertakings. Although comparisons between states using these factors are difficult (that which is innovative in a small rural state may be routine in a large urban community), it is clear that Safe Streets funds have supported activities that are new to the jurisdictions in which they were tried. (The reader is cautioned again, however, to refer to Appendix III for an explanation of the limitations of this data).

This finding tends to confirm the view of most state and local officials that Safe Streets funds have been used for activities that, because of limited local resources, "would never have been initiated without Safe Streets funds." Although this statement is usually meant as praise for the Safe Streets program for providing much-needed resources, it raises the question of why these activities had not been undertaken with state or local revenues: Where they less important or of lower priority than other activities? If so, does this imply that the funds were spent because they were available? Would they have been spent on other needs (health, education, manpower, etc.) if they were not restricted to law enforcement purposes? Also, if state and local governments would not have initiated these activities themselves, the question remains whether they will assume the costs of these activities once Safe Streets support ends. In many ways, the above oft-repeated statement by state and local officials effectively reveals the value of the Safe Streets program, as well as its possible limitations.

Comparison Between Safe Streets Funding and Revenue Sharing.—Of particular interest in discussions with state and local officials were their views of how general revenue sharing (GRS) and other federal aid have been and should be used in the criminal justice area compared to Safe Streets funds. Without exception, local elected officials recognized that the revenue-sharing approach gave them much more flexibility and discretion in using federal dollars with fewer administrative problems than either the block grant or categorical grant approaches. For this reason the overwhelming majority of local elected officials were in favor of replacing block grants with revenue-sharing funds. Some officials, however, particularly appointed criminal justice officials, cautioned that some form of *special* revenue sharing should be used to insure that funds are directed to law enforcement and criminal justice activities rather than general local government needs. On the other hand, a small number of local officials thought that to use the revenue-sharing approach would bring to an end most of the innovative activities started under the Safe Streets program. They contended that under revenue sharing most of the resources would be used to subsidize normal operations of the criminal justice system, rather than be directed toward new activities and ideas, thus diluting their impact.

From discussions with local officials, some of these fears seem to be borne out. As found in studies by the Brookings Institution and our survey of SPAs and localities, when GRS funds have been used for criminal justice purposes, most of the activities funded have been routine responsibilities of local government,[2] The most typical activities supported by GRS appear to be the addition of police personnel (several cities added large complements to their police forces), the purchase of equipment (the addition of police cars was mentioned quite often) and construction and renovation of court, police and correctional facilities. The construction of facilities was a particularly attractive use of GRS funds because it represented a one-time expenditure of funds with no long-term commitment required. It also did not require the 50 percent hard cash match as did the use of Safe Streets funds for such purposes, a requirement that has significantly reduced the amount of Safe Streets funding for construction.

Many local officials see the use of GRS for routine criminal justice operations as appropriate and desirable, and lament the fact that Safe Streets funds cannot be used for these purposes. As one local official stated in explaining the difference between Safe Streets and GRS dollars and his preference for the latter: "With GRS funds you can supplant local expendiutres, with Safe Streets funds you can't."

All state and most regional officials prefer the block grant approach rather than GRS, contending that an overview is needed to insure cooperation, coordination and the most effective distribution of funds throughout the state. They also felt that statewide policies are needed to insure that Safe Streets funds are not used to supplant local expenditures and support routine criminal justice and law enforcement operations.

It was reported by SPA and state and local officials that, unlike GRS, direct supplantation rarely occurs with Safe Streets funds. However, indirect supplantation, where a state or local jurisdiction will receive funding for activities which they probably would have eventually undertaken with their own resources, occurs more often. Examples of this indirect supplantation include: the purchase of routine police communications equipment which communities would probably have purchased at some time with their own resources; starting a new intensive probation program with Safe Streets funds, thus deferring the need to hire additional probation officers to cope with a rising caseload and starting a law student internship program with Federal funds rather than hiring additional assistant district attorneys. The SPA thought that this form of indirect supplantation was difficult to identify or burb because it called for a judgment of local government's intentions, which could easily be disputed.

Categorization of Block Grant Funds

Of particular concern to many local applicants was the increasing categorization of the block grant through congressional amendments, LEAA requirements, and state-established categories of funding. Part of the problem stems from LEAA's requirement that the SPA's establish categories of funding and allocate funds to each category in its annual plan. This allows LEAA to review the annual state plan for comprehensiveness and balance in funding. The categories also are necessary to enable adequate tracking of grants and accountability for them.

Yet both state and local officials criticize the use of categories and the limit of 15 percent of funds that may be shifted among them as unduly restricting the states' response to emerging needs and priorities. Applicants complain that their requests are sometimes met with the response that "there are no funds left in the category," thus requiring an approved plan amendment from LEAA to shift more than 15 percent of the funds from one category to another.

Much of the problem stems from the extent to which the planning process adequately identifies and allocates funds for specific projects or activities in each category. Where this occurs (usually in states with decentralized project-based planning), there is normally little discrepancy between the activities planned and those funded, thus avoiding the categorization problem. In those states that, during the planning process, do not identify specific activities to be funded, however, there is more often a discrepancy between the amount of funds allocated for particular activities and the number of applicants for those funds, thus resulting in some "bulging" categories and some "dry" categories. Although this problem was much more acute in the early years of the program when planning was less precise, it still irritates state and local officials who contend that a block grant should allow greater flexibility.

A more serious problem raised by some state and local officials is the increasing compartmentalizing of the Safe Streets Act by Congress. They view the 1971 Part E provisions, the 1974 Juvenile Delinquency amendments, and the recent proposals by the courts to be unwarranted and ill-advised categorizations of the block grant concept which, if continued, will result in the states administering a serious of mini-block grants that would lessen the need for comprehensive planning and greatly limit state and local discretion.

OTHER FINDINGS AND ISSUES

Several other important findings and issues in the case studies related directly to the success of the block grant approach.

Role of Elected Officials

One of the purposes of the block grant approach was to give more authority and responsibility for the administration of Federal grant funds to states and local elected executive officials—governors, mayors and county supervisors or commissioners—rather than to professional staff representing particular functional or agency interests. The intent was to give program control to those representing broader state and local interests.

The Governor.—With the exception of North Carolina and New Mexico, where the governor or his aide actively serves as chairman of the SPA supervisory board, and California, where the new governor is rethinking the program completely, the governors played a very limited role in the Safe Streets program. This is surprising, because crime is a major public concern and the act gives the governors wide discretion in establishing the program and appointing those responsible for its administration. In almost all states the governor exercised little influence on the program, other than appointing the members of the SPA supervisory boards and, in some cases, the RPU boards and the SPA director.

While most officials interviewed believed that the SPA did support gubernatorial policies in criminal justice (principally through the funding of state agency projects and initiatives), they could identify few instances where the governor had played a major role in setting new directions for the SPA or had become involved in establishing SPA policy. In most states, the SPA seemed to play a role within state government that was secondary to that of other criminal justice agencies (state police, department of corrections, crime commissions, etc.) and consequently exercised less influence on the governor. In those states where the SPA did influence the governor and vice versa, this was almost always the result of a close relationship between the governor and the SPA director or the supervisory board chairman.

Most officials thought that given the small amounts of the Safe Streets funds and the numerous other Federal grants-in-aid administered by the state, the governor could not afford to spend much time on the program. After all, most other state criminal justice agencies have substantially more resources and operational responsibilities than the SPA. The one circumstance in which several governors have become involved in the Safe Streets program has been when a major conflict has arisen between the SPA and LEAA.

The low profile of governors and their apparent lack of interest in the SPA has serious consequences for the program. It damages the credibility of the SPA relative to other state agencies, thus limiting the SPA's authority in the state criminal justice planning and budgeting process. It also makes comprehensive planning more difficult and less meaningful when completed, because the plans do not affect the activities or resources of other state agencies. Only in Kentucky does the SPA have the authority to plan for other criminal justice agencies, and even there limitations of staff time and competition with other state agencies have prevented this planning from actually taking place. In all other states, state agency officials tend to view the SPA as a small distinct agency, responsible only for the distribution of Safe Streets funds. According to these officials few governors have demonstrated an interest in having the SPA serve as the focal point of statewide comprehensive criminal justice planning and budgeting. Given the limited amount of funds involved and the long-standing autonomy of certain state criminal justice agencies, the chances of this happening are slim.

The Legislature.—State legislatures throughout the early years of the Safe Streets program were much less involved than the governors. Their role was usually limited to appropriating the match funds for state agency grants and the SPA's Part B allocation, as well as the state buy-in percentage of local grants. However, recently changes are occurring.

In several of the states visited, the legislature is now exercising a more active role in the program, partly because of the growing awareness that it will be asked to assume the costs of Safe Streets activities at the state level following termination of LEAA support. In some states, such as Massachusetts, this is causing severe budgetary problems, with the SPA fearing that the legislature will not only refuse to assume the costs of Safe Streets funded activities, but will reduce the match for the state's Part B allocation supporting the SPA. In Missouri, the legislature has in the past refused to appropriate full Part B match funds, in part as a means of limiting the state's authority and influence relative to the regional planning units.

Perhaps the tightest legislative control is evidenced in North Dakota, a fiscally conservative state where the legislature reviews all state agency projects individually and often refuses to appropriate matching funds for some. The SPA has a good relationship with the legislature and believes that the prior legislative review of Safe Streets activities initiated by state agencies results in the greater willingness to assume the costs of these projects later.

In Missouri and North Carolina, the legislatures resent and are wary of the governor's control of the program and are trying to exert greater influence, either by statutorily altering the membership of the SPA (North Carolina) or withholding match funds (Missouri). They also dislike the governor's ability to use Federal funds to initiate activities without prior legislative approval.

Most SPAs have not been highly visible to legislators. Some develop and propose legislation in the criminal justice field and many testify and comment on pending criminal justice legislation. In four states (Massachusetts, Pennsylvania, Kentucky and North Dakota), the SPA has proposed criminal justice legislation with some success. Many others have supported studies leading to the revision of state criminal codes. Yet despite some clear successes in the legislative field, the SPAs sampled did not appear to be a major force in influencing criminal justice legislation.

Clearly, the interest and influence of the state legislatures in the program is growing substantially and rapidly. But it is unclear what the ultimate effects of this new legislative role will be.

Local Elected Officials.—The role of local elected officials in the Safe Streets program was expanded significantly as the result of the 1973 Crime Control Act. In 1973, Congress amended the Act, which required that 51 percent of the membership of RPU boards consist of local elected officials. This change received mixed reactions from interviewees in the 10 states. Some thought such officials were more of a hindrance than a help, because they were not familiar with the problems of criminal justice and could not contribute substantively to board deliberations. Others praised their participation for producing more realistic funding with a broader view of priorities than criminal justice specialists. They also believed that the assumption of cost problem was eased if local officials were involved in the planning and funding decisions from the beginning. Yet, most interviewees could see no significant immediate effects of local participation.

Several practical problems arose in connection with obtaining the input of local elected officials. First, there was the difficulty in deciding who is an appropriate "local elected official." State legislators are locally-elected but hardly local officials. Sheriffs and judges are elected officials and local but do not represent the broader interest intended in the 1973 act. This definitional difficulty has been a source of continuing conflict at the state, regional and local levels.

Another significant problem faced by rual regions is finding enough local elected officials to make up 51 percent of the RPU Board. A third, and in many ways the most important challenge faced by most of the regions, is the lack of attendance of local elected officials. Participation of these officials is needed and/or required on so many regional and local boards that they cannot possibly attend all the meetings. Several interviewees indicated that the lack of authority of some regional boards makes their attendance less important. This attendance problem will increase as more Federal programs call for representation of local elected officials on areawide bodies and as these bodies proliferate. When local elected officials cannot attend, they usually send a representative from one of the criminal justice agencies, thereby defeating a major purpose of their participation. When asked about specific changes in funding that have resulted from the involvement of local elected officials, very few of the interviewees could identify any.

Planning and Funding

Earlier, the problems of continuation funding and the assumption of costs faced by the state and local government were assessed. Recapitulating briefly, it seems that only recently have states been confronted with high rates of continuation funding due to decreased block grant funds and continually increasing competition for funds. Although several SPAs have claimed and shown some success in getting state and local governments to assume project costs, the real test is being faced now, as recently developed SPA continuation policies begin to be enforced in the face of worsening state and local budgetary circumstances. As long as many projects are receiving their fourth and fifth years of Safe Streets funds, as many are, a smooth transition from Federal funding to more permanent state and local support has yet to become a reality.

Financing worries are even beginning to trouble some SPAs. Of the 10 SPAs visited, six (California, Kentucky, Massachusetts, Missouri, North Carolina and North Dakota) were established through legislation. The remaining four have no statutory base, having been created by executive orders of their governors. Some SPA directors were concerned that this lack of a statutory base made their standing and permanence very tenuous in the event that Safe Streets funds were withdrawn. When asked directly what would happen to the SPA if the Safe Streets program were terminated, officials of those created by statute thought that the SPA would continue to exist but would be greatly reduced in staff and limited to the non-Safe Streets activities mandated in their legislation. Several of the SPAs created by executive order believed that they would continue to exist only if their executive order outlined additional non-Safe Streets activities, and then only at a greatly reduced staff level and with the likely prospect of a merger with another state agency. This rather pessimistic view results primarily from their almost exclusive emphasis on the distribution of Safe Streets funds. If this role were taken away, few other responsibilities would remain. Thus, from all indications, it appears that the SPA has become a tentatively accepted institution of state government, but almost exclusively in relation to its role in administering Federal aid.

A similar situation exists with respect to RPUs and local planning units. Because they are primarily supported by Part B funds and their chief responsibility is the distribution of Safe Streets funds, most officials questioned whether they would continue to exist if the program ended. In some cases—usually when the RPU was a multipurpose unit—local officials thought that their functions might be continued by local governments.

For the most part, the plan development process for Safe Streets funds at the state and regional levels is both well-established and more or less smoothly operating. Yet, because it is employed almost exclusively to plan the distribution of Safe Streets dollars and because no state has successfully linked SPA planning with state criminal justice agency budgeting, it is unlikely that this process would continue if the program ended.

In summary, although these responses represented speculation on the part of the interviewees, they made it clear that the continued existence of the SPAs and RPUs was doubtful without the Safe Streets program. Interviewees also made it clear that this skepticism in no way reflected the effectiveness with which they carried out their responsibilities, but rather the limitation of those responsibilities to Safe Streets funds only.

Impact of Safe Streets Funding

One of the most discouraging but predictable findings of the case studies was the lack of evaluation of the results and impact of Safe Streets funding. Only three states (Minnesota, Pennsylvania and Massachusetts) had an identifiable evaluation strategy and program in operation. California had developed and was implementing an evaluation program; however, the program was halted by the new governor pending his review of its value. Of the three states, the Massachusetts evaluation effort was limited to a small number of large projects and was considered by state and local officials to be "too academic" and "theoretical" to be of practical use to the SPA. Its evaluations appeared to be the most ambitious and rigorous of any state, however, and were cited by some as being very helpful in gaining state and local support for a few of the major programs undertaken by the SPA. Both Minnesota and Pennsylvania had relatively large evaluation staffs

and regularly-developed information on selected projects and programs. Minnesota used its evaluation results in planning decisions, while Pennsylvania geared its efforts to influence project re-funding decisions. Both states have had some success in utilizing evaluation results for decision-making.

All the other states were just beginning to establish an evaluation capacity (Kentucky, North Dakota, New Mexico, North Carolina, Ohio, Missouri) or had no plans to do so and relied on monitoring information. State officials thought that this was one of their most serious failings and blamed it on (1) inadequate Part B funds to support an evaluation staff; (2) the absence of experienced evaluators or (3) the lack of adequate performance standards against which to measure project achievement.

Greater interest in evaluation at the state level may be expected to result from greater competition for reduced block grant funds. This competition has forced some SPA boards to make difficult choices about which projects to continue, leading to calls for evaluation information upon which to base decisions. LEAA, responding to the congressional mandate for evaluation in the 1973 act, has also begun urging the states to begin assessing the impact of their activities. Several SPAs expressed disappointment about the lack of leadership and resources provided by LEAA in the area of evaluation in the past.

Thus, after seven years, only a few states have attempted to assess the results of their Safe Streets-funded activities. Despite the evaluation mandate in the 1973 act, it is still necessary to rely largely on subjective judgments regarding the impact of the program.

Crime Rates.—Because the reported crime rate in every state visited had increased greatly since the Safe Streets program was initiated, it was obvious that the program had not reduced crime. Many officials, however, thought that the reported crime rate would have been somewhat higher if the program had not existed and hence believed that Safe Streets had some effect on crime control. Most officials indicated that the program should never have been expected to reduce crime and that it labored under unrealistic and unattainable expectations. They cited the small amount of Federal funds (six percent of all state and local law enforcement and criminal justice expenditures); the complex causes of crime, few of which can be affected by Safe Streets monies and the necessarily reactive posture of law enforcement agencies, as reasons why the program could not possibly have more than a minimal effect on crime rates. Several officials indicated that even if all Safe Streets funds were focused on crime prevention and deterrence, the effects would at best be minimal.

Many officials suggested that the program may even have led to an apparent growth in crime rates by increasing the level of crime reporting by the public and by supporting and encouraging improved recordkeeping and crime reporting by police agencies.

The Criminal Justice System.—Officials interviewed in all 10 states were much more enthusiastic about the effects of Safe Streets dollars on the operations of law enforcement and criminal justice agencies. They thought that improvements in these operations should be considered the appropriate goal of the Safe Streets program and believed that only through such changes could there be any effect on crime. At the same time, they remained cautious about the extent of this impact.

The amount of praise given the Safe Streets program for upgrading and expanding the training, equipment, facilities, practices and policies of almost all agencies came as something of a surprise to the field team. Support of law enforcement and criminal justice has traditionally been a lesser priority of state and local governments, resulting in relatively limited resources to carry on basic operations and only meager monies for new approaches and programs. For example, interviewees cited the corrections system as being particularly impoverished. With Safe Streets funds, it was asserted, it was possible to try new approaches and programs, upgrade practices to meet minimum standards and provide much-needed training equipment. Rural communities were particularly appreciative of Safe Streets funding as a supplement to their limited resources, although these areas were often the most wary of Federal involvement.

Another benefit of Safe Streets cited in the interviews was the cooperation fostered by the program among police, court and corrections agencies. Most officials said that joint membership on SPA and RPU boards and the interaction on joint projects had produced a better and broader understanding of the problems faced by the various components of the criminal justice system. Nevertheless, it was generally noted that, although this increased communication and understanding was very beneficial, most agencies still jealously guarded their autonomy and were reluctant to either view themselves or to act as part of an integrated system.

VIEWS ON PROGRAM CONTINUATION

Officials in the 10 states were asked if the Safe Streets program should continue and what changes, if any, should be made. Without exception, all thought the program should be renewed by Congress in some form. The overwhelming majority believed that the funding level should be increased to provide continued system improvements, although several officials welcomed the increased competition for funds, because of the leverage it gave the SPA in promoting change. Most local officials preferred that Congress adopt the revenue-sharing approach, while most state officials were understandably opposed to this. All interviewees called for the simplification of requirments and the elimination of administrative burdens.

For the most part, state and local officials appear to have become accustomed to the Safe Streets program as a useful and well-established component of their criminal justice and law enforcement activities. Despite protestations, most still are willing to tolerate the Federal and state paperwork and red tape necessary to enjoy the benefits of funding, although California was considering refusing Safe Streets funds at the time of the field research. The overall impact of the Safe Streets program is considered quite positive, and most state, regional and local officials enthusiastically advocate its extension in some form.

Appendix I: Characteristics of the Ten Case Study States

STATE POPULATION

5 in first quartile.
3 in second quartile.
1 in third quartile.
1 in fourth quartile.

CRIME RATE

2 in first quartile.
3 in second quartile.
1 in third quartile.
4 in fourth quartile.

SPA AUTHORITY BASE

5 created by executive order.
3 created by state legislation.
2 created by both executive order and state legislation.

DECENTRALIZATION

2 state oriented.
3 regional oriented.
1 local oriented.
4 unclear.

ADDITIONAL RESPONSIBILITIES

3 additional CJ responsibilities.
6 no additional CJ responsibilities.
1 unclear.

STATE CRIMINAL JUSTICE EXPENDITURES

3 in first quartile.
0 in second quartile.
2 in third quartile.
5 in fourth quartile.

STATE/LOCAL EXPENDITURES

2 state-dominated systems.
4 state-local balanced systems.
4 local-dominated systems.

FEDERAL REGIONS

1 in Region 1.
0 in Region 2.
1 in Region 3.
2 in Region 4.
2 in Region 5.
1 in Region 6.
1 in Region 7.
1 in Region 8.
1 in Region 9.
0 in Region 10.

PLANNING GRANTS (TOTAL)

1974: $14,586,000 (29.2 percent).
1975: $16,103,000 (29.3 percent).

PART C ACTION GRANTS (TOTAL)

1974: $154,966,000 (32.1 percent).
1975: $152,938,000 (31.8 percent).

MASSACHUSETTS

Eastern state (Federal Region 1).
10th in state population (1st quartile-populous state).
15th in crime rate (2nd quartile).
SPA created by state legislature with no decentralization (state dominated).
40th in state criminal justice expenditures (4th quartile-low in state CJ expenditures).
Local-dominated in financing and delivery of services.
1974 and 1975 Planning Grant: $12,277,000 and $1,407,000.
1974 and 1975 Part C Action Grant: $13,257,000 and $13,180,000.

MINNESOTA

Mid-West state (Federal Region 5).
19th in state population (2nd quartile).
23rd in crime rate (2nd quartile).
SPA created by executive order with no decentralization (state dominated).
No additional CJ responsibilities.
44th in state criminal justice expenditures (4th quartile-low in state CJ expenditures).
State-local balance system in financing and delivery of services.
1974 and 1975 Planning Grant: $920,000 and $1,008,000.
1974 and 1975 Part C Action Grant: $8,866,000 and $8,816,000.

NORTH DAKOTA

Central West state (Federal Region 8).
45th in state population (4th quartile-low population state).
48th in crime rate (4th quartile-low crime rate state).
SPA created by executive order with no decentralization (state-dominated).
39th in state criminal justice expenditures (4th quartile-low in state CJ expenditures).
No additional CJ responsibilities.
State-dominated in financing and delivery of services.
1974 and 1975 Planning Grant: $317,000 and $332,000.
1974 and 1975 Part C Action Grant: $1,439,000 and $1,442,000.

CALIFORNIA

Western state (Federal Region 9).
1st in state population (1st quartile-populous state).
3rd in crime rate (1st quartile-high crime rate state).
SPA created by state legislation with decentralization (region-dominated).
Additional CJ responsibilities.
49th in state criminal justice expenditures (4th quartile-low in state CJ expenditures).
Local-dominated in financing and delivery of services.
1974 and 1975 Planning Grant: $3,976,000 and $4,452,000.
1974 and 1975 Part C Action Grant: $46,495,000 and $46,414,000.

KENTUCKY

Central south state (Federal Region 4).
23rd in state population (2nd quartile).
46th in crime rate (4th quartile-low crime rate state).
SPA created by both executive order and state legislation with no decentralization (state-dominated).
Additional CJ responsibilities.
10th in state criminal justice expenditures (1st quartile-high in state CJ expenditures).
State-dominated in financing and delivery of services.
1974 and 1975 Planning Grant: $809,000 and $889,000.
1974 and 1975 Part C Action Grant: $7,500,000 and $7,518,000.

PENNSYLVANIA

Eastern state (Federal Region 3).
3rd in state population (1st quartile-populous state).
44th in crime rate (fourth quartile-low crime rate state).
SPA created by executive order with decentralization.
No additional CJ responsibilities.
33rd in state criminal justice expenditures (3rd quartile).
State-local balance system in financing and delivery of services.
1974 and 1975 Planning Grant: $2,432,000 and $2,680,000.
1974 and 1975 Part C Action Grant: $27,482,000 and $27,072,000.

OHIO

Mid-west state (Federal Region 5).
6th in state population (1st quartile-populous state).
26th in crime rate (3rd quartile).
SPA crated by state legislation with decentralization.
Additional CJ responsibilities.
34.5th in state criminal justice expenditures (3rd quartile).
Local-dominated system in financing and delivery of services.
1974 and 1975 Planning Grant: $2,216,000 and $2,434,000.
1974 and 1975 Part C Action Grant: $24,821,000 and $24,382,000.

NORTH CAROLINA

Southern state (Federal Region 4).
12th in state population (1st quartile-bottom).
38th in crime rate (top of 4th quartile).
SPA created by executive order with no decentralization.
No additional CJ responsibilities.
5th in state criminal justice expenditures (1st quartile-high in state criminal justice expenditures).
State-local balance system in financing and delivery of services.
1974 and 1975 Planning Grant: $1,162,000 and $1,288,000.
1974 and 1975 Part C Action Grant: $11,842,000 and $11,872,000.

MISSOURI

Central South state (Federal Region 7).
14th in state population (2nd quartile).
19th in crime rate (2nd quartile).
SPA created by both executive order and state legislation with decentralization.
No additional CJ responsibilities.
48th in state criminal justice expenditures (4th quartile-low in state criminal justice expenditures).
Local dominated system in financing and delivery of services.
1974 and 1975 Planning Grant: $1,085,000 and $1,189,000.
1974 and 1975 Part C Action Grant: $10,897,000 and $10,795,000.

NEW MEXICO

Southerwestern state (Federal Region 6).
37th in state population (3rd quartile).
12th in crime rate (bottom of 1st quartile).
SPA created by executive order with no decentralization.
No additional CJ responsibilities.
6th in state criminal justice expenditures (1st quartile-high in state CJ expenditures).
State local balance system in financing and delivery of services.
1974 and 1975 Planning Grant: $392,000 and $424,000.
1974 and 1975 Part C Action Grant: $2,367,000 and $2,447,000.

APPENDIX II

SITE VISITS TO REGIONS AND LOCALITIES

CALIFORNIA

Regions

Alameda Regional Criminal Justice Planning Board.
Sacramento Regional Area Planning Commission.
Ventura Regional Criminal Justice Planning Board.
Orange County Regional Criminal Justice Planning Board.
Los Angeles Regional Criminal Justice Planning Board.

Localities

City of Oakland.
City of San Leandro.
City of Los Angeles.
Yuba City.
Alameda County.
Yuba County.
Sutter County.
El Dorado County.
Ventura County.
Los Angeles County.

KENTUCKY

Regions

Louisville Regional Crime Council.
Jefferson Regional Crime Council.
Barren River Regional Crime Council.
Green River Regional Crime Council.
Lincoln Trails Regional Crime Council.

Localities

City of Louisville.
Jefferson County.
Warren County.
City of Owensboro.
City of Radcliff.
City of Vine Grove.
Hardin County.
Breckenridge County.

MASSACHUSETTS

Localities

City of Boston.
City of Worcester.
City of Cambridge.
City of New Bedford.

MINNESOTA

Regions

Hennepin County Criminal Justice Council.
St. Paul—Ramsey County Criminal Justice Advisory Committee.
Region C Crime Commission.
Region F Criminal Justice Advisory Council.
Region 9 Regional Development Commission.
Metro Council, St. Paul.

Localities

City of Minneapolis.
City of St. Paul.
City of Mankato.

MISSOURI

Regions

Region V Regional Crime Council.
Region III Mid-Missouri Regional Crime Council.
Region XIII Show-Me Regional Planning Commission.

Localities

City of St. Louis.
St. Louis County.
Jefferson County.
City of Columbia.
Cole County.
Boone County.
Pettis County.

NEW MEXICO

Regions

Region II (Santa Fe).
Region III (Sandoval, Valencia and Torrance Counties).
Albuquerque Metro Council.

Localities

Bernalillo County.
Taos County.
City of Santa Fe.
City of Albuquerque.

NORTH CAROLINA

Regions

Piedmont Triad Criminal Justice Planning Unit.
Lower Cape Fear Planning Unit.
Triangle Commission on Criminal Justice.

Localities

City of Charlotte.
City of Kinston.
County of Rockingham.

NORTH DAKOTA

Regions

Lake Agassiz Region (5).
Red River Region (3 and 4 consolidated).
South Central Dakota Region (6).

Localities

City of Fargo.
City of Grafton.
City of Grand Forks.
City of Dickinson.
City of Williston.
City of Jamestown.
Cass County.
Pembina County.
Walsh County.
Mercer County.
Williams County.
Stark County.

OHIO

Region

Criminal Justice Coordinating Council of Greater Cleveland.

Localities

City of Columbus.
City of Springfield.
City of Mansfield.
Franklin County.
Clark County.
Richland County.

PENNSYLVANIA

Regions

Philadelphia Regional Planning Council.
Allegheny Regional Planning Council.
Northwest Regional Planning Council.

Localities

Philadelphia (City/County).
City of Pittsburg.
Allegheny County.
Erie (City/County).
Jefferson County.

ANALYSIS OF SAFE STREETS GRANTS: METHODOLOGICAL NOTES

Purpose of the Grant Sample Analysis

Because a major activity of states with respect to the Safe Streets programs involves the granting of funds for the improvement of law enforcement and criminal justice, it was essential as part of the field research to examine the kinds of activities and recipients being supported with Safe Streets funds.

To accomplish this with limited resources, a sample of the grants awarded by each of the 10 states visited was selected. Each of the grants chosen was then classified into general categories representing various kinds of activities. The methodology used in identifying subgrants to be included in the sample and classifying these subgrants is outlined below. Because the methodology has several weaknesses and constraints, those using information developed from the grant samples should be fully aware of these limitations.

Award Period Studied

The period from which the grants were chosen was the 1974 calendar year. All subgrants which were awarded Part C funds from Jan. 1, 1974 to Dec. 31, 1974 comprised the universe of grants from which the samples were chosen. This period was chosen because it was recent enough for SPA personnel to have knowledge of the grants and to adequately represent recently funded activities, yet it was still possible to gain some indication of whether the costs of the activities would be assumed by state or local governments.[1]

It was decided not to select the sample from subgrants awarded from funds of one particular fiscal year since the activities supported with one fiscal year's funds could be awarded within a two year period and carried out over an even longer period. Therefore, although the sample includes only subgrants awarded during 1974, it contains funds from the FY 1972, FY 1973, FY 1974, and FY 1975 block grant allocations.

Selection of the Grant Sample

The sources used in selecting the grants to be included in the samples were the files of the SPAs or lists of subgrants awarded during 1974. The award date, representing the date of the meeting at which the subgrant was approved by the SPA supervisory board, was the factor used to determine the universe of funds awarded in 1974.

The samples were chosen randomly by selecting every subgrant awarded in the order in which they were awarded.

Size of the Grant Sample

Because of the great variation among the states in the numbers of subgrants awarded during 1974 and the limited staff time, it was impossible to select a certain percentage of subgrants from every state and still insure that the sample would be valid in the smaller states and manageable in the larger states. Therefore, it was decided that as many subgrants as possible, given time constraints, would be sampled in each state. Thus, the percentages of subgrants sampled ranged from 100 percent in North Dakota to 20 percent in California. This assured as broad a sample as possible in each state.

Categorization of Subgrants Sampled

After selecting the grant sample in each state, the SPA files were used to gather three items of factual information—the type of governmental unit receiving the funds (state, city, county, etc.), the amount of Federal funds awarded and a short title of the project.

At this point it was necessary to obtain the assistance of SPA and RPU staff members to further classify the grants. This was done in two ways. In those states where the SPA staff were knowledgeable about all grants awarded by the SPA, the field researcher consulted directly with the relevant staff member concerning the appropriate classification of each subgrant. In Pennsylvania, however, letters were sent to the RPUs asking them to classify the projects with which they were familiar according to instructions outlined in the letter.

This mail-out method, while necessary because of staff and time constraints, was less than ideal, because the field researcher was not available to explain the meaning of different categories. In those instances where a misunderstanding of the categories was obvious, a check was made to correct the classifications. The possibility still remains, however, that there were other misinterpretations.

The five sets of categories used to classify the grants are described below. Each provided additional information about the kinds of activities supported with Safe Streets funds. Each presented some difficulties in classifying complex or multi-purpose grants.

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[1] Later, in analyzing the grant sample, we found that the 1974 calendar year was too recent a funding period to give much of an indication of whether the costs of Safe Streets activities would be assumed by state and local governments, since most activities funded during this period were still being supported by Safe Streets funds. However, manpower constraints prevented the Committee from examining an additional sample of grants from an earlier period.

Primary Activity of the Grant

The objective of this set of categories was to determine the primary purpose of the activities funded with Safe Streets funds. Five categories were exstablished:

(a) Purchase of equipment—This includes large subgrants for communications systems, automated records systems, and computerized information systems, as well as small subgrants for sirens, portable radios, tape recorders, etc. Many subgrants included funds for equipment, but only if the primary purpose of the subgrant was the purchase of equipment was it included in this category.

(b) Construction—Any activity whose primary purpose was the construction or renovation of facilities.

(c) Provision of Services—Any activity that provided a new service or resulted in a significant qualitative increase in existing services was classified in this category.

(d) Provision of Training—All subgrants that directly provided education or training activities were included in this category.

(e) Addition of Personnel—All subgrants whose primary purpose was the routine addition of personnel that did not result in a significant qualitative increase in services.

In attempting to classify projects in these categories, several minor problems arose. The most significant was the distinction between "services" and "personnel" when classifying grants that consisted primarily of personnel who also provided services. In classifying these grants the following general rule was applied: if the addition of personnel resulted in a significant qualitative increase in the services provided, the grant was classified as a "services" grant. If the grant did not significantly increase the quality of services provided, but was more of a routine addition of personnel, it was classified as a "personnel" grant. Although this classification was based upon the subjective judgment of the staff person and the field researcher, as were all of these classifications, ACIR is confident that these judgments were made with a good measure of consistency.

Another source of confusion in using these categories resulted from grants to provide training for support personnel. If the grant was to cover training costs or directly provide training, it was classified as a "training" grant. If the grant supported a person to furnish training, it was classified as a "service" grant because the grant was providing services in the form of training.

It should be noted that these categories did not reflect the amount of funds allocated to equipment, personnel, etc., in the grant budget. Often grants which were clearly of a "service" type would include substantial funds for equipment and personnel. It was the primary purpose and activity funded which was important in classifying the grant, not the amount spent on particular items in the budget.

Functional Area of the Grant

To determine which functional areas of the criminal justice system received Safe Streets funds and in what proportions, each grant was classified according to the following categories:

(a) Police.
(b) Courts.
(c) Corrections.
(d) Juvenile delinquency.
(e) Drugs and alcohol.
(f) Communications and information systems.
(g) Combinations.

These categories presented few classification problems, with some minor exceptions. In several cases it was difficult to categorize a program which involved more than one area, such as police and courts, courts and juvenile delinquency or police and communications systems. If it was at all possible, grants were classified in one of the six major categories. Only in those cases where grants clearly involved more than one area (such as criminal justice education courses) was the activity classified under the "combinations" category.

Continuation of Safe Streets Activities

The third categorization involved a determination of whether the activities supported by grants in our sample were continuing, and if so, the source of the support. The knowledge of the SPA and RPU staff members was relied on heavily to classify these projects. The following categories were used:

(a) Continuing:
1. With SPA support.
2. With state government support.
3. With local government support.
4. With other support.

(b) Not continuing.

Because most of the grants in the sample—with the exception of ones for short-term equipment, construction and training—were continuing with SPA support, this classification presented few problems. Because so few projects had stopped receiving Safe Streets funds, however, the Commission did not get a true indication of the extent to which state and local governments are continuing activities formerly supported with Safe Streets funds.

Degree of Innovation

The last two sets of categories were the most problematic, partially because of the vague nature of the factor we, the Commission, were trying to assess—innovation—and partially because of the complexity of the categories used.

The first set of categories attempted to assess the degree of innovativeness of grants by determining the extent to which the activities had been attempted before. To form a scale of innovativeness, ACIR staff made the assumption that those grants that had never before been attempted anywhere would be more innovative than those that had been attempted before, bu' not in the state; and likewise that those projects which had never.been attempted before in the locality would be more innovative than those which had been attempted before in the locality. Therefore, the categories used were:

(a) Never attempted before anywhere.
(b) Never attempted in the state (but it has been attempted elsewhere).
(c) Never attempted in the locality (but it has been attempted in other areas of the state).
(d) Has been attempted before in the jurisdiction.

There were several problems with this classification scheme. First, it depended heavily upon the SPA or RPU staff member's knowledge of the field in determining the extent to which the activity had been tried in other places. Second, many activities represented substantial expansions of previous activities or greatly improved modernization of previous equipment and facilities.

In these instances, ACIR was forced to make a judgment as to the scale of expansion or modernization. If the scale was such as to bring about a qualitative change in the activity, these were classified in one of the "never attempted" categories, depending on the jurisdiction. A routine replacement of equipment or extension of existing services would be classified in the "has been attempted" category.

The final problem involved the complexity of the categories, particularly for those in the Pennsylvania RPUs who were asked to classify their grants without the benefit of a field researcher present to explain the meanings of the categories more fully. While an attempt was made to explain these meanings clearly in the letter, the Commission has less confidence in these responses than in those that were solicited directly by the field researcher.

The final set of categories also dealt with the "innovativeness of activities supported with Safe Streets funds. ACIR used the following four categories in an attempt to further characterize Safe Streets supported activities:

(a) a new activity (never tried in this jurisdiction before being initiated with Safe Streets funds)
(b) an expansion of an existing activity
(c) an up-date or modernization of existing activities, facilities, equipment or services
(d) a routine activity

The primary problem with this categorization involved those grants which could fall into one of several categories. For example, a grant to increase the number of local police officers attending an up-dated training session could be classified in either b, c or d above because it could represent an expansion of activity, and up-dated training session or routine local police training. In these instances, the judgment of the field researcher and the SPA or RPU staff member determined the most appropriate category. Because of the diversity of grants, no simple rule of thumb could be applied.

APPENDIX E

ENFORCEMENT OF CIVIL RIGHTS LEGISLATION

APPENDIX E–1

THE FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT–1974

THE FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT—1974

Volume VI

To Extend Federal Financial Assistance

A Report of
the United States
Commission on
Civil Rights

November 1975

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U.S. Commission on Civil Rights

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 to:

Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, or national origin, or by reason of fraudulent practices;

Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;

Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;

Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin; and

Submit reports, findings, and recommendations to the President and the Congress.

Members of the Commission:

Arthur S. Flemming, Chairman
Stephen Horn, Vice Chairman
Frankie M. Freeman
Robert S. Rankin
Manuel Ruiz, Jr.
Murray Saltzman

John A. Buggs, Staff Director

Chapter 5

DEPARTMENT OF JUSTICE (DOJ)

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA)

I. Program and Civil Rights Responsibilities

A. Program Responsibilities

The Law Enforcement Assistance Administration was established by the Omnibus Crime Control and Safe Streets Act of 1968.[713] Its purpose is to provide funds[714] and technical assistance to State and local governments for reducing crime and juvenile delinquency and for improving criminal justice.[715]

The bulk of LEAA funds are awarded in two stages. First, it provides funds, which it refers to as "block planning grants," for the establishment and maintenance of State Planning Agencies (SPAs)[716] which are

713. Omnibus Crime Control and Safe Streets Act of 1968. 42 U.S.C. § 3701, et. seq. (Supp. III, 1973). The 1968 act defines law enforcement as encompassing all activities pertaining to crime prevention or reduction and the enforcement of criminal laws. 42 U.S.C. § 3781 (Supp. III, 1973).

714. In fiscal year 1973, LEAA allocated $841 million to States and local governments, bringing the total aid LEAA had allocated since its creation to $2.4 billion. Annual Report of the Attorney General of the United States, 1973 at 179.

715. LEAA priorities are set forth in LEAA, Department of Justice, "Fact Sheet 1974," and Statements by Richard W. Velde, Administrator, Law Enforcement Assistance Administration, Department of Justice, Sept. 9, 1974, and Dec. 9, 1974, (LEAA, DOJ, reprints). LEAA's long term priorities include implementation of nationwide criminal justice standards, establishment of prompt adjudication procedures in all State and local courts, and combating the causes of juvenile delinquency. Id.

716. A State planning agency may be an agency created expressely for the purpose of participation in the LEAA program or it may be a component of an existing State crime commission, planning agency, or other unit of State government. LEAA, Department of Justice, Guideline Manual: State Planning Agency Grants 5, 6 (1974). A SPA must be a "definable agency" charged with carrying out responsibilities imposed by the Omnibus Crime Control and Safe Streets Act, as amended; have a supervisory board which reviews the State plan for approval and oversees its implementation; and have administration and staff who devote full time to SPA work.

to develop comprehensive annual statewide law enforcement plans.[717] The plans must be approved by LEAA, but the States have broad discretion[718] in drafting them. The plans, which are supposed to establish priorities for the improvement of law enforcement and criminal justice throughout each State, contain an analysis of law enforcement problems and describe anticipated activities. The plans cover such areas as the development and evaluation of methods to increase public protection; the purchase of devices, facilities, and equipment designed to improve law enforcement and criminal justice; the recruitment and training of law enforcement and criminal justice personnel;

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717. In fiscal year 1973, LEAA awarded $48.5 million to States for planning. Planning grants are awarded to States by a formula which allocates a share of $200,000 for each State with the remainder distributed on the basis of population. The population counts used are provided by the Bureau of the Census based on the latest census data available. For a schedule of State allocations see Id. at Appendix 2-6. The States in turn provide 40 percent of the funds they receive to local agencies which assist in the development of the State plan.

718. LEAA sees the act as shifting authority to State and local governments and decentralizing Federal Government operations. It states that the principal responsibility for law enforcement resides with State and local government and views its own role in strengthening law enforcement as that of a "partner" with the States and localities. LEAA, Department of Justice, LEAA 1973: LEAA Activities July 1, 1972, to June 30, 1973 /hereinafter referred to as LEAA 1973/.

the improvement of police-community relations; the education of the public relating to crime prevention; and the construction of law enforcement facilities, including local correctional institutions, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.[719]

Second, after the plans are approved, the States are awarded funds, termed by LEAA as "block action grants."[720] The funds are used by State and local governments to carry out their law enforcement programs without further approval from LEAA. The State and local institutions which ultimately receive LEAA block action funds include State, county, and municipal police departments, State highway patrols, sheriffs' offices, juvenile and adult correctional institutions, probation and parole facilities, and State and local court systems.[721]

In addition to block grants, LEAA also provides what it terms "discretionary grants" to State and local governments for law enforcement programs which are not included in State plans but are of national priority.[722] It also awards funds to colleges and universities

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719. 42 U.S.C. § 3701, et seq. (Supp. III, 1973). The plans must be organized by areas such as legislation; planning and evaluation; crime prevention and detection; adjudication; and institutional rehabilitation. See Guideline Manual: State Planning Agency Grants, supra note 716 at 93.

720. In fiscal year 1973, LEAA awarded $480.2 million in block action grants. LEAA 1973, supra note 718 at 17. The Federal Government's share for most action grants is 75 percent. The State must pay the remaining amount.

721. In fiscal year 1973, there were 12,374 recipients of LEAA assistance. Among the major categories of recipients were: (a) 2248 law enforcement agencies such as police departments, sheriffs' offices, and State highway patrols, which together received $72 million in LEAA funds that year; (b) 750 court systems, which received $20.9 million in LEAA funds; and (c) 429 correctional facilities, which received $44.7 million.

722. In 1973 LEAA awarded $86.9 million in discretionary grants for programs of national priority. LEAA 1973, supra note 718 at 17.

for training[723] and research[724] in the area of law enforcement.

B. Civil Rights Responsibilities[725]

Both Title VI of the Civil Rights Act of 1964[726] and the Omnibus Crime Control and Safe Streets Act of 1968 as amended [hereinafter referred to as the Crime Control Act][727] prohibit discrimination on the grounds of race, color, and national origin in services provided by LEAA-

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723. LEAA estimates that approximately 10 percent of the Nation's uniformed police have attended college courses with LEAA education grants. In 1973 LEAA provided $44 million for education and training programs.

724. In 1973, LEAA provided $31.6 million for research and development to study criminal behavior and devise innovative techniques for crime research.

725. LEAA stated:

> We in LEAA view the orderly development and implementation of its civil rights compliance program as an important national priority. To the end that problems relating to its compliance program might be fully considered, a Policy Development Seminar on Civil Rights Compliance at Meadowbrook Hall was convened at Rochester, Michigan, in February of this year. On the basis of these proceedings, LEAA's Office of Civil Rights Compliance prepared a Master Plan for Civil Rights Compliance and a Statement of Priorities (hereinafter referred to as the Master Plan). The Master Plan has been completed, and a second draft of the document will shortly be distributed for external review. Letter from Richard W. Velde, Administrator, LEAA, Department of Justice to John A. Buggs, Staff Director, U.S. Commission on Civil Rights, June 27, 1975.

726. 42 U.S.C. § 2000d, et seq. (1970).

727. The Omnibus Crime Control and Safe Streets Act as amended by the Crime Control Act of 1973. 42 U.S.C. § 3701, et seq. (Supp. III, 1973). LEAA commented:

> The discussion in the...report of the United States Commission on Civil Rights...of new Section 518(c), the nondiscrimination provisions of the Crime Control Act of 1973, is parochial. June 1975 Velde letter, supra note 725.

funded programs.[728] The Crime Control Act also prohibits discrimination on the ground of sex in services provided by LEAA-funded programs.

Both nondiscrimination provisions prohibit a wide variety of discriminatory activities. For example, police departments receiving LEAA funds cannot discriminate against minorities by providing minority neighborhoods less than their equitable share of police protection, or by the differential enforcement of laws in minority and nonminority neighborhoods. Similarly, LEAA-funded correctional institutions cannot segregate residents on the basis of race or ethnic origin; nor may they differentially provide services on the basis of race, ethnic origin, or sex. Proceedings in courts receiving LEAA funds must not be discriminatory on the basis of race, ethnic origin, or sex.

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728. In addition, the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. § 5601, et seq. (Supp., 1975)), which was enacted to provide Federal assistance to reduce and prevent delinquency, prohibits discrimination on the basis of race, creed, color, sex, or national origin in programs receiving assistance under the Juvenile Justice Act. As of January 1975, however, no appropriations had been made for programs under the Juvenile Justice Act. Interview with Herbert C. Rice, Director; Winifred Dunton, Attorney Advisor; Andrew Strojny, Chief, Compliance Review Division; and Henry C. Tribble, Chief, Complaint Resolution Division, Office of Civil Rights Compliance, LEAA, DOJ, Feb. 3, 1975.

Title VI prohibits employment discrimination on the basis of race or ethnic origin only when a primary object of Federal assistance is to provide employment[729] or when equal employment opportunity is necessary to assure equal opportunity for beneficiaries.[730] Although providing employment is not frequently a primary object of LEAA assistance,[731] there is a clear relationship between equal employment opportunity and equal

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729. Title VI states:

> Nothing contained in this /title/ shall be construed to authorize action under this /title/ by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment. 42 U.S.C. § 2000d-3 (1970).

730. 28 C.F.R. § 42.104(c)(2) (1974). See also 45 C.F.R. § 80.3(c)(3) (1974) (Department of Health, Education, and Welfare) and 24 C.F.R. § 1.4(c)(2) (1974) (Department of Housing and Urban Development).

Beneficiaries are those persons to whom assistance is ultimately provided. Among the beneficiaries of LEAA-funded programs are the general public, which benefits from police protection; residents of correctional institutions; and persons appearing before criminal courts.

731. Not more than one-third of any block action grant may be used for salaries of police or other law enforcement personnel. 42 U.S.C. § 3701.

opportunity in the LEAA-funded program benefits;[732] and, therefore, Title VI

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732. For example, the Commission has observed that where minorities are inadequately represented in police departments, frequently there are complaints of police misconduct by the minority community, and police department relations with the minority community are often poor. U.S. Commission on Civil Rights, Mexican Americans and the Administration of Justice in the Southwest 78 (1970) and Hearing Before the United States Commission on Civil Rights, Cairo, Illinois 41 (1972) /hereinafter referred to as Cairo Hearing/. Testimony has indicated that where minorities were employed by the police department, police-community relations were better. Mexican Americans and the Administration of Justice in the Southwest, supra this note. Similarly, the New York Advisory Committee to this Commission wrote:

> The gulf between correction officer and inmate based on race, language, culture, and life style, where combined with the lack of adequate human relations training for correction officers, is a serious obstacle to the development at the institutional level of the kind of environment in which rehabilitation can take place. New York Advisory Committee to the U.S. Commission on Civil Rights, Warehousing Human Beings 29 (December 1974).

The New York Committee also wrote:

> The total absence of black correction officers /at the Clinton, New York, correctional facility/ indicates many weaknesses in the institution's employment systems. This factor, combined with numerous written and verbal comments by inmates, suggests that inmate-guard relations were poor. Id. at 39.

See also Indiana State Advisory Committee to the U.S. Commission on Civil Rights, Racial Conditions in Indiana Rehabilitation Institutions 17 (July 1971), and speech by a former Attorney General of the United States who urged:

> ...large corrections institutions at all levels to make an extraordinary effort to find and recruit minority personnel - not only because it is the law; not only because it is fair, but because it can genuinely benefit the corrections process. John N. Mitchell, Attorney General, Speech at the National Conference on Corrections, Dec. 6, 1971.

would prohibit most[733] racial and ethnic employment discrimination. Moreover, unlike Title VI, the Crime Control Act's prohibition against discrimination contains no limitations in the area of employment.[734] The Crime Control Act, thus, prohibits all employment discrimination based on sex, race, and ethnic origin in LEAA-funded programs, including that racial and ethnic discrimination which might not be proscribed by Title VI.

LEAA, however, has expressed different opinions. The Administrator has stated, in effect, that the application of the Crime Control Act to employment is the same as that of Title VI.[735] LEAA civil rights

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733. Title VI may not prohibit employment discrimination in custodial or clerical positions where there is little or no contact with beneficiaries and the relationship between equal opportunity in employment and in delivery of service is not obvious.

734. See note 729 supra.

735. Letter from Richard W. Velde, Administrator, LEAA, DOJ, to Congressman Charles B. Rangel, Jan. 10, 1975. In that letter, the Administrator stated:

> LEAA's view of Section 518(c)(1) of the Act is that it applies to employment matters where the primary purpose of a program or activity, funded under the Omnibus Crime Control and Safe Streets Act, is employment related or where discrimination in the employment practices of a recipient of LEAA funds could cause a beneficiary to be excluded from a LEAA-funded activity on the ground of race, color, national origin, or sex. Id.

In June 1975, LEAA noted:

> In order to settle the question, regulations implementing Section 518(c) of the Act will issue in the fall as proposed rule-making, inviting public comment on the inclusion or exclusion of employment discrimination as a prohibited act under Section 518(c). Until comments on the proposed rules implementing 518(c) are fully considered and final rules issued, the Commission errs in assuming any attitude by the Administrator or the LEAA staff has been articulated. June 1975 Velde letter, supra note 725 .

officials have taken a position which is not quite as strong as the Administrator's: They have indicated that their review of the legislative histories of the Crime Control Act and Title VI lead them to question whether the Crime Control Act's coverage of employment discrimination is any broader than Title VI.[736] They have not, however, definitively stated that the act's coverage of employment discrimination is limited to Title VI-type coverage.

We believe that LEAA's argument is unsound. First, if LEAA were correct, a similar point would have likely been raised with regard to the State and Local Fiscal Assistance Act of 1972.[737] The nondiscrimination provision of that act,[738] like the nondiscrimination provision in the Crime Control Act, is similar to Title VI but does not contain the Title VI restriction on the coverage of employment discrimination.

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736. LEAA civil rights officials state that they have reviewed the legislative history of the Crime Control Act and that because they have found nothing relating to employment discrimination, they assume that the coverage of the Crime Control Act is intended to be similar to that of Title VI. These officials concluded that the legislative history of Title VI indicates that Title VI would not cover employment discrimination even if it did not contain specific restrictions on the issue. They further said that during the past year they have asked the Office of Legal Counsel of the Department of Justice to provide them with a legal opinion as to whether the Crime Control Act has an outright prohibition of employment discrimination in programs or activities receiving LEAA funds. LEAA officials anticipate that the Office of Legal Counsel will not respond directly to the issue, but rather will suggest that when LEAA issues its proposed rulemaking to implement the Crime Control Act, it also seek public opinion as to the coverage of that act over employment discrimination. The proposed rulemaking is discussed on p. 296 infra. 1975 Rice et al. interview, supra note 728 .

737. 31 U.S.C. §§ 1221-1263 (Supp. III, 1973) and 26 U.S.C. §§ 6017A and 6687 (Supp. III, 1973).

738. 31 U.S.C. § 1242(a) (Supp. III, 1973).

Actions by the Office of Revenue Sharing (ORS) of the Department of the Treasury, the agency responsible for administering the State and Local Fiscal Assistance Act of 1972, indicate that ORS officials interpret that act as broadly prohibiting employment discrimination.[739]

Second, there is evidence within the Crime Control Act of 1973 that the nondiscrimination provision is meant to include recipient employment practices. Proximate to the nondiscrimination provision in the Crime Control Act of 1973, there is a prohibition on the use of quota systems.[740] It would appear that this prohibition applies to the employment practices of law enforcement agencies, as it proscribes quotas "to achieve racial balance...in any law enforcement agency." It seems reasonable to assume that the prohibition against quotas was included to limit the scope of the nondiscrimination provision. Thus, it is inferred that the nondiscrimination provision must also extend to recipient employment practices.

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739. For example, ORS has entered into an agreement with the Equal Employment Opportunity Commission (EEOC) which provides, in part, that when EEOC has found probable cause to believe that employment discrimination exists in a revenue sharing-funded activity, the Director of ORS will proceed to seek to secure compliance. Memorandum of Agreement between the Office of Revenue Sharing and the Equal Employment Opportunity Commission, signed by John H. Powell, Jr., Chairman, EEOC, and Graham W. Watt, Director, Office of Revenue Sharing, Department of the Treasury, Oct. 11, 1974.

In June 1975 LEAA commented:

> One Federal Circuit Court of Appeals has found that employment is covered under a nondiscrimination provision of the revenue sharing legislation, but the question is still arguable. U.S. v. City of Chicago, 9 EPD 10,085 at P. 7438. June 1975 Velde letter, supra note 725 .

740. This prohibition is discussed on p. 301 infra.

The issue of whether or not the Crime Control Act's prohibition against discrimination broadly prohibits employment discrimination in LEAA-funded programs is an important one.[741] As LEAA stated:

> Coverage of employment considerations by Section 518(c)(1) of the Act is important principally in clarifying LEAA's rights to use 518(c) as an enforcement tool in cases where a recipient is believed by LEAA not to meet Equal Employment Opportunity Standards.[742]

While LEAA also has separate regulations which prohibit such discrimination[743] and it might be assumed that the existence of these regulations might obviate the need to assess definitively the act's coverage of employment discrimination, the fact that the regulations' provisions for sanctions are not

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741. LEAA remarked:

> Of far more consequence to the compliance program of LEAA are the procedural problems under Section 518(c)(2) of the Act, touched upon but not fully considered in the Commissions's draft report (See p. /382/, termination of funding). July 1975 Velde letter, supra note 725.

742. Id.

743. These regulations were issued pursuant to the rulemaking authority of the LEAA Administrator. 5 U.S.C. § 301 et seq. (1970) and 42 U.S.C. § 3751 (Supp. III, 1973). Their purpose is:

> to enforce the provisions of the 14th amendment to the Constitution by eliminating discrimination on the grounds of race, color, creed, sex, or national origin in the employment practices of State agencies or offices receiving financial assistance extended by /the Department of Justice/. 28 C.F.R. § 42.201 (1974).

They are discussed further on pp. 295 infra.

adequate makes the question a pertinent one.[744] The act's provision for sanctions when employment discrimination cannot be voluntarily corrected is stronger than that provided by the regulations.[745]

Despite these civil rights requirements, there is abundant evidence that racial and ethnic discrimination continues in many law enforcement activities, including those of police departments, courts, and correctional institutions. Police departments often appear to provide inadequate police protection in minority neighborhoods in comparison to that in other neighborhoods,[746] and yet certain laws are

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744. LEAA stated:

> The draft report at pages [274-280 supra] deals exclusively with whether the provisions of 518(c)(1) apply to employment matters. The Commission's concern that Section 518(c) be found to extend to employment matters apparently stems from a concern that LEAA move administratively to terminate funding in cases of noncompliance, a concern which seems curious given LEAA's recent action to defer or suspend funding to a number of recipients or applicants pending resolution of compliance problems. Indeed, the entire pre-award review program of LEAA is predicated on the idea that funding of a particular grant will be deferred until any compliance problems presented by the application are adequately addressed. June 1975 Velde letter, supra note 725.

The issues of preaward reviews and fund termination are discussed in detail on pp. 348 and 382 respectively.

745. See p. 376 infra for a discussion of the sanctions available to LEAA under its regulations and under the Crime Control Act.

746. Mexican Americans and the Administration of Justice in the Southwest, supra note 732, at 12-13.

frequently more strongly enforced in minority neighborhoods[747] or against minorities, for example, laws against gambling, prostitution, and night parking.[748] Police sometimes harrass or are discourteous to minority men and women.[749] Minorities are seriously underrepresented on grand and petit juries in some States.[750] Minorities are sentenced to prison more frequently and receive longer sentences than nonminorities who have been convicted of the same offenses.[751] Minorities are sometimes assigned to prisons lacking educational, vocational, and work release programs more frequently than nonminorities.[752] The better prison work assignments are often reserved for

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747. Wisconsin State Advisory Committee to the U.S. Commission on Civil Rights, Police Isolation and Community Needs 124 (December 1974).

748. Mexican Americans and the Administration of Justice in the Southwest, supra note 732. See also Minnesota State Advisory Committee to the United States Commission on Civil Rights, Bridging the Gap: The Twin Cities Native American Community (1975), and Police Isolation and Community Needs, supra note 747. Various reports on arrest procedures have produced evidence that there is a disproportionate number of minority arrests for certain crimes in relation to the minority percentage of the population. E.g., although blacks comprise approximately 7 percent of the population of the State of California, they account for 45 percent of all suspicion arrests, which are arrests made without specific charges. Lawyers Committee for Civil Rights Under Law, Law and Disorder III 32 (1972).

749. Cairo Hearing, supra note 732; Mexican Americans and the Administration of Justice in the Southwest, supra note 732; and Pennsylvania State Advisory Committee to the U.S. Commission on Civil Rights, Police-Community Relations in Philadelphia (June 1972).

750. Mexican Americans and the Administration of Justice in the Southwest, supra note 732; at 36-46. The Commission found that judges and jury commissions frequently do not make affirmative efforts to obtain a representative cross-section of the community for jury service and that the underrepresentation of Mexican Americans on juries resulted in distrust by Mexican Americans of the impartiality of verdicts. Id.

751. See Debro, "The Black Offender and Victim," Paper Prepared for 1973 Conference on Minorities and Correction (Chicago State University, Oct. 24-26, 1973).

752. Alabama State Advisory Committee to the U.S. Commission on Civil Rights, Alabama Prisons (1975).

nonminorities,[753] and housing within prisons and halfway houses is sometimes segregated by race.[754]

Similarly, laws may be differentially enforced depending on the sex of the alleged offender. For example, laws against prostitution have sometimes been enforced against the female prostitute but not against the male customer who solicits or accepts solicitation of prostitutes, although prostitution is defined by law as a crime for both prostitute and customer.[755] Further, police have mistreated women who are rape victims by intimidating them and questioning them excessively.[756] The female victims of marital violence are singled out for special treatment, usually in an attempt to discourage prosecution.[757] Women are denied the opportunity to

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753. Warehousing Human Beings, supra note 732. For a general discussion of racial discrimination in the criminal justice system see D.S. Skoler, "The Black Experience and the Criminal Justice System," Paper Presented at the Fourth Alabama Symposium on Justice and the Behavorial Sciences (February 1974), reprinted by the Commission on Correctional Facilities and Services, American Bar Association.

754. Arizona State Advisory Committee to U.S. Commission on Civil Rights, Adult Corrections in Arizona (1974).

755. In March 1974, District of Columbia Superior Court Judge David L. Norman ruled as unconstitutional as applied, a District of Columbia statute prohibiting prostitution because of the police practice of arresting only female prostitutes and not male customers. United States v. Wilson, Criminal No. 69760-73 (Super. Ct. D.C., Mar. 14, 1974.) Subsequently, the Metropolitan Police Department of the District of Columbia made a good faith effort to enforce the statute against both males and females and, thus, in a later case the court did not find the statute to be unconstitutional as applied. United States v. Dinkins, Criminal No. 52179-74, (Super. Ct. D.C., Oct. 4, 1974).

756. Report of The Prince George's County Task Force to Study the Treatment of the Victims of Sexual Assault, March 1973.

757. Truninger, Marital Violence: The Legal Solutions, 23 Hastings L. J. 259 (1971).

serve on juries.[758] Communities frequently fail to provide halfway houses and detoxification centers for women even where such facilities are provided for men. Women who are incarcerated are offered fewer opportunities for training and education than are men, and those programs which are provided frequently offer training only in sex-stereotyped, menial occupations.[759]

Employment discrimination on the basis of race, ethnic origin, and sex by police departments[760] also appears to be widespread.[761] For example, fewer than 10 percent of all employees of police departments are minorities.[762] In contrast, minorities account for at least 17 percent of the population in

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758. Taylor v. Louisiana, 43 U.S.L.W. 4167 (1975).

759. Women's Prison Association, A Study in Neglect: Report on Women Prisoners (1972).

760. Police departments are not the only law enforcement institutions which fail to provide equal employment opportunity. Correctional facilities also have poor employment records. See, for example, Alabama Prisons, supra note 752; Adult Corrections in Arizona, supra note 754; Commission on Correctional Facilities and Services, American Bar Association, "A Correctional Must... Increased Staff Recruitment from Minority Groups" (Monograph, 1972) and IMAGE (Incorporated Mexican American Government Employees) Position Paper on the Administration of Justice and the Spanish Speaking presented before the LEAA Policy Development Seminar on Civil Rights Compliance, Feb. 10-11, 1975.

761. See J. Egerton, "A National Survey, Minority Policemen; How many are there?" Race Rel. Rep., Vol. 5, No. 21, 19 (November 1974).

762. In 1973, according to data maintained by the Equal Employment Opportunity Commission, 6.3 percent of all fulltime police department employees were black; 2.3 percent were of Spanish speaking background; 0.2 percent were Asian American; 0.2 percent were Native American; and 0.3 percent were other minority, including Aleuts, Eskimos, Malayans, and Thais. Equal Employment Opportunity Commission, Minorities and Women in State and Local Government: United States Summary, Vol. 1 49 (1973).

this country[763] and comprise more than 18 percent of all State and local government employment.[764] Lack of participation by minorities as employees in law enforcement agencies is even more striking when the practices of some individual agencies are examined.[765] Frequently, the low proportion of minorities in police departments is directly attributable to discriminatory selection procedures, such as height requirements,[766] unvalidated

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763. The U.S. Bureau of the Census has determined that in 1970, of the 203.2 million Americans it counted, 11.1 percent were black, 1.4 percent were of other races, and 4.5 percent were of Spanish origin. U.S. Bureau of the Census, Department of Commerce, PC (1)-B1, 1970 Census of Population: Current Population Characteristics - United States Summary 22 (January 1972) and PC(2)-1(c), 1970 Census of Population: Subject Reports--Persons of Spanish Origin at IX (June 1973).

764. In 1973, according to data maintained by the Equal Employment Opportunity Commission, 13.7 percent of all fulltime State and local employees were black; 3.3 percent were of Spanish speaking background; 0.6 percent were other minority. Minorities and Women in State and Local Government, supra note 762 at 9.

765. For example, at the time of the Commission's hearing in Cairo, Illinois, 38 percent of the Cairo community was black. The Cairo police force employed 17 men including the chief, but only 1 was black. See Cairo Hearing, supra note 732, and U.S. Commission on Civil Rights, Cairo Illinois: A Symbol of Racial Polarization 13 (February 1973). Similarly, in 1972 the Wisconsin State Advisory Committee to the United States Commission on Civil Rights estimated that only 3 percent of Milwaukee's police force was minority while minorities constituted 17 percent of the city's population. Police Isolation and Community Needs, supra note 747.

766. Discriminatory height requirements and LEAA's position with regard to these requirements are discussed on p. 308 infra.

testing,[767] and preemployment residency requirements.[768]

Exclusion of women from employment in police departments on the same basis as men has been more blatant. Only 12.0 percent of all police

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767. The Supreme Court has held that if a selection procedure which results in a disproportionate rejection of minorities cannot be shown to be related to job performance, that practice is prohibited. Griggs v. Duke Power Co., 401 U.S. 424 (1971). Equal Employment Opportunity Commission guidelines prohibit the use of employment tests which disproportionately exclude minorities or women, unless those tests have scientifically been demonstrated to be related to job performance and no less discriminatory tests are available. 29 C.F.R. §1607. Yet selection procedures used by police departments have often not been proved to be related to job performance. A background paper on a research project conducted at the Industrial Relations Center of the University of Chicago notes:

> The majority of the tests used presently to screen applicants for police service deal with an applicant's ability to understand language and apply reason in the solution of verbal problems. While these skills are undeniably related to success in police training schools, scores on tests of this type have not been shown to be related to the on-the-job performance of police officers. Since officers with high general reasoning ability, or "I.Q.," do not necessarily perform better than officers with less of this ability, the general "I.Q." type of test has not been proved valid for the selection of police officers. John Furcon, Occasional Paper 35: Some Questions and Answers About Police Officer Selection Testing (1972).

Selection procedures are also discussed in Police Foundation, Police Personnel Administration 69-100 (1974).

768. For example, in 1972 the Milwaukee Police Department required a one year Wisconsin residency in order to accept an applicant for employment, excluding from police department employment the large number of minorities in Milwaukee who were recent arrivals from other States. Police Isolation and Community Needs, supra note 747, at 16 and 117. Residency requirements, however, may be protective of minorities in cities with large minority populations. In New York City for example, the Guardians, a black police officer's association, have charged that the elimination of New York City Police Department's residency requirement has permitted the police department to hire white suburbanites for jobs which could be held by black residents of New York City. Telephone interview with Sergeant Howard L. Sheffy, Equal Opportunity Unit, New York Police Department, Apr. 1, 1975.

department employees are women and most of these are in clerical positions. Only about 2 percent of all police officers are women,[769] as compared with 34.7 of all State and local government employees.[770] Height, weight, and agility requirements exclude many women,[771] and many police departments have refused to accept female applicants, either outright[772] or for certain positions.[773] In 1972, as noted by the Assistant Director of the Police Foundation,[774] there were

> approximately 1,000 policewomen in the United States. The vast majority of these women have been hired to do jobs that women are thought to perform better than men, such as working with juveniles, female prisoners and typewriters. 775

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769. Minorities and Women in State and Local Government, supra note 762 at 49.

770. Id. at 9.

771. International Association of Chiefs of Police and the Police Foundation, Deployment of Female Police Officers in the United States (1974).

772. Catherine Milton, Assistant Director, Police Foundation, Women in Policing (1972).

773. For a review of information gathered in recent years about women in policing, see Police Foundation, Women in Policing: A Manual (1974).

774. The Police Foundation is a nonprofit funding agency established in 1970 by the Ford Foundation "to help American police agencies realize their fullest potential by developing and funding promising programs of innovation and improvement." Id.

775. Id. at 3.

Although the number of policewomen appears to be increasing, progress is slight. For example, a 1974 survey of approximately 400 State and local police departments showed that about 270 of them employed no women on patrol.[776] With the exception of the Washington, D.C., Police Department, in 1972 the Police Foundation had found no police department which had made all entrance requirements the same for men and women.[777]

II. Organization and Staffing

Responsibility for ensuring compliance with civil rights laws and regulations by LEAA recipients lies with the Office of Civil Rights Compliance (OCRC).[778] The staff of OCRC are located in Washington but spend about 30 percent of their time in the field.[779] There are no plans, however, to locate civil rights compliance staff in LEAA's regional offices.[780]

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776. Deployment of Female Police Officers in the United States, supra note 771. Also included in the survey of the respondents was the National Park Service of the Department of the Interior headquarters office and the Department of Army Military Police headquarters office.

777. Women in Policing, supra note 773 at 17.

778. OCRC was established in May 1971. By October 1971 it had three staff members. Prior to May 1971 LEAA civil rights responsibilities were handled on a part-time basis in LEAA's Office of General Counsel. LEAA's organizational structure is discussed in detail in LEAA, Department of Justice, Handbook: Organizations and Functions (February 1975).

779. This varies from as little as 25 percent for some staff members to as much as 50 percent for others. 1975 Rice et al. interview, supra note 728.

780. LEAA's regional offices are located in the 10 standard Federal regions. See map (Exhibit 3) on p.127 infra. None of the regional offices were visited by Commission staff, since no civil rights functions are conducted in the regional offices. The OCRC Director does not believe that even with a staff increase, regionalization of the civil rights program would be workable. In order to provide the needed depth for civil rights monitoring, the Director maintains that more than one person is needed in each regional office. The Director describes the civil rights operation of LEAA as somewhat regionalized at present in that program staff in the field offices are kept abreast of civil rights activities in their region and frequently provide input, information, and coordination assistance to the OCRC staff in compliance reviews and complaint investigations. However, information provided to the OCRC by regional offices is usually generated by complaints received within the region.

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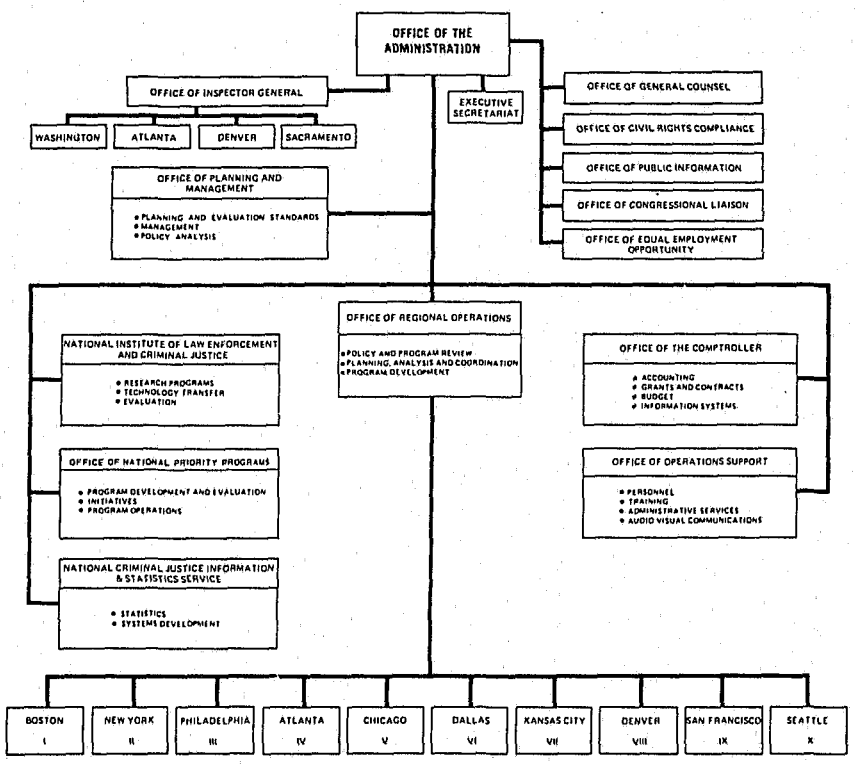
Exhibit 8

LEAA ORGANIZATION CHART



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The Director of OCRC[781] reports to the LEAA Administrator.[782]

As of February 1975, the OCRC Director was assisted by a fulltime professional staff of 16.[783] This is an increase of 8 persons (100 percent)

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781. The Director is at the GS-15 level. The LEAA organizational structure is shown in Exhibit 7 on p. 289 supra.

782. During fiscal year 1975, the LEAA Administrator, Richard W. Velde, has shown a personal interest in the LEAA civil rights program. This is exemplified by the fact that he arranged for and participated in a two-day conference in February 1975 of 32 experts in the field of civil rights and law enforcement to discuss LEAA's compliance program. In February 1975 the Administrator also spoke at a conference of black law enforcement officials sponsored by the Center of Correctional Psychology at the University of Alabama. The text of this speech was not available from the LEAA Office of Information at the time this report was written.

783. 1975 Rice et al. interview, supra note 728. This number does not reflect student assistants employed by OCRC or other part-time employees and private contractors and consultants who contribute to LEAA's civil rights operation.

since mid-1972.[784] This increase is not as much as the OCRC Director would have liked.[785] Even though LEAA program personnel assist OCRC in its compliance program,[786] OCRC is understaffed--in fact, the staff resources available are almost inconsequential in comparison to the civil rights problems facing LEAA.[787]

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784. See U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--A Reassessment 352 (1973).

785. OCRC requested a seven-person increase for fiscal year 1974. It received only four additional positions.

786. Interview with Herbert C. Rice, Director, OCRC, LEAA, DOJ, Mar. 20, 1974. Mr. Rice indicated that, for example, personnel from LEAA's Systems Division assist the OCRC by retrieving material from law enforcement agencies or by taking such information off data tapes from police departments with a processing system. OCRC uses this information in preparation for compliance reviews to make preliminary determinations on which areas will require more indepth scrutiny. The assistance of this Division to OCRC accounts for less than one person year. LEAA's audit staff conduct routine checks to ensure that affirmative action programs have been drafted (see section pp. 306-07 infra), and whether they contain the required components, but they do not assess the adequacy of the plans. Also, LEAA's program staff function as advisors to the OCRC in structuring compliance review and investigative materials.

787. In June 1975 LEAA wrote to this Commission:

> Adequate staffing of the various offices within LEAA remains a major concern for the LEAA Administration...While OCRC's professional staff is admittedly small, it compares favorably with other staff and line components of LEAA, both as to number and grade of employees.
>
> The salient fact is that no new positions are provided to LEAA under its FY 1976 budget. June 1975 Velde letter, supra note 725.

Understaffing has long been a problem of OCRC, and was noted by the Civil Rights Division of the Department of Justice in its review of LEAA in 1972. DOJ, "The Civil Rights Compliance Program of the Law Enforcement Assistance Administration" (September 1972). This review is discussed in chapter 9, Coordination and Direction, infra.

Moreover, not all OCRC staff members work on Title VI. Within the Office there are four divisions: [788] Compliance Review, Complaints Resolution, Reports, and Contracts Compliance. [789] The Compliance Review, Complaints Resolution, and Reports Divisions have Title VI responsibilities. The Compliance Review Division with a staff of four professionals is responsible for preaward reviews, postaward reviews, and evaluation of recipients' equal employment opportunity programs. [790] The Complaints Resolution Division, with a staff of six professionals, investigates complaints. The Reports Division, staffed with one professional, develops and implements reporting systems for law enforcement and correction agencies. Three other professional persons are on the immediate staff of OCRC's Director and are responsible for myriad functions including legal, personnel, and administrative matters. [791]

Although most staff members are given areas of specific responsibility, there is a great deal of flexibility in assignments so that the entire staff can assist on whatever projects are

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788. See Exhibit 8 on p. 293, infra.

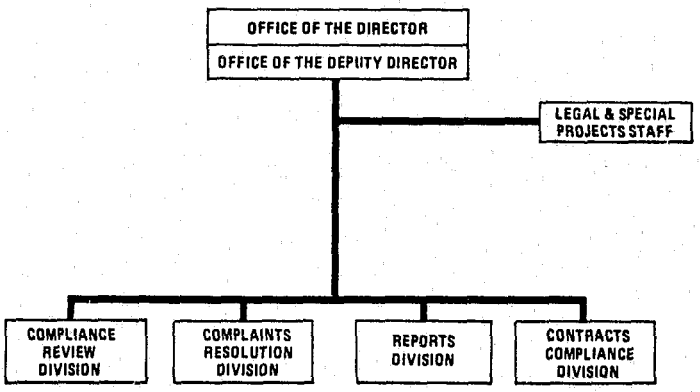
789. The Contracts Compliance Division is responsibile for monitoring the employment practices of contractors awarded contracts for construction or renovation of criminal justice facilities with LEAA financial assistance to ensure that these LEAA-assisted contractors are in compliance with Executive Order 11246 as amended, which prohibits discrimination on the basis of race, national origin, or sex in Federal and federally-assisted contracts. This division has two fulltime professional staff members.

790. These duties are discussed on pp. 348, 353, and 306, infra. respectively.

791. 1975 Rice et al. interview, supra note 728.

Exhibit 9

OFFICE OF CIVIL RIGHTS COMPLIANCE ORGANIZATION CHART



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necessary, and it is difficult to pinpoint which professional works on any specific area of responsibility.[792] As a result, OCRC staff say that they cannot tell with any accuracy how much time they spend on Title VI.[793]

It is clear, however, that as a result of its small size, OCRC has not been able to review systematically and thoroughly LEAA recipients to ensure that they are in compliance with LEAA's civil rights requirements. Instead, it appears that LEAA's approach has been to focus primarily on large recipients and on particular issues--most notably, employment discrimination by police departments.

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792. March 1974 Rice interview, supra note 786.

793. 1975 Rice et al. interview, supra note 728.

III. Regulations and Guidelines

There are a number of regulations and guidelines detailing how nondiscrimination is to be implemented in LEAA-funded programs. The Department of Justice has issued a Title VI regulation covering LEAA-funded programs.[794] The regulation is similar to those issued by other Federal agencies with Title VI responsibilities.[795] In addition, LEAA's employment regulation requires applicants for LEAA assistance to submit assurances that they will comply with the prohibition.[796] LEAA has also issued equal employment opportunity guidelines, which require certain recipients to write equal employment opportunity plans;[797] guidelines on minimum height requirements;[798] and instructions on site selection for community-based correctional facilities.[799] It is to LEAA's credit that it has issued these requirements.

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794. 28 C.F.R. § 42.101.

795. See, for example, Department of Health, Education, and Welfare Title VI regulations 45 C.F.R. § 80.3, and Department of Housing and Urban Development regulations 24 C.F.R. § 1.4.

796. 28 C.F.R. § 42.201. This regulation requires nondiscrimination on the basis of race, color, creed, sex, or national origin in LEAA-funded programs.

797. 28 C.F.R. § 42.301. These guidelines are discussed on pp. 297 infra.

798. These guidelines are discussed on p. 308 infra.

799. These instructions are discussed on p. 314 infra.

Nonetheless, these regulations do not fully describe LEAA and LEAA recipient responsibilities for ensuring nondiscrimination in LEAA-funded programs. For example, as of February 1975, more than a year and a half had elapsed since the passage of the Crime Control Act of 1973. Nonetheless, LEAA had not issued a regulation to implement that act, but was in the process of drafting one which it hoped to issue for public comment in mid-1975.[800]

Recipients of LEAA assistance will have some understanding of their civil rights responsibilities under the Crime Control Act because they are in many instances outlined in the Title VI and equal employment opportunity regulations. If these were adequate, they might, to some extent, obviate the need for other detailed regulations. But they are not.[801] There is, moreover, one major area, covered by the Crime Control Act but not covered by any LEAA regulation: sex discrimination in the delivery of services, which continues to be a major problem in law enforcement programs.[802] In April 1975, LEAA announced that it had issued a contract for the development of a sex discrimination regulation and that LEAA aimed to publish it for comment in fall 1975.[803]

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800. 1975 Rice et al. interview, supra note 728.

801. Deficiencies of the uniform Federal agency Title VI regulations are discussed in chapter 9 infra, The Department of Justice.

802. Examples of these problems are discussed on p. 283 supra.

803. Telephone interview with Herbert C. Rice, Director, Office of Civil Rights, LEAA, DOJ, Apr. 27, 1975.

A. Employment

1. Affirmative Action

LEAA's equal employment opportunity guidelines[804] are the core of its equal opportunity activities.[805] These guidelines require that each recipient with 50 or more employees and with a service population which is 3 percent or more minority establish an equal employment opportunity program (EEOP) in order to ensure that minorities and women are not discriminated against in employment within the criminal justice system. Where a recipient with 50 or more employees has a service population of which is less than 3 percent minority, an affirmative action plan relating to employment practices affecting women must be developed.[806]

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804. 28 C.F.R. § 42.301, et seq. (1974).

805. These guidelines form the basis for most of LEAA's desk and onsite review activity.

806. 28 C.F.R. § 42.302(d) (1974). Commission staff have recommended that any recipient with 25 or more employees which receives assistance in excess of $10,000, or which has been found to have discriminatory employment practices, be required to implement an EEOP. Letter from Jeffrey M. Miller, Director, Office of Federal Civil Rights Evaluation, U.S. Commission on Civil Rights to Herbert C. Rice, Director, Office of Civil Rights Compliance, Law Enforcement Assistance Administration, DOJ, Nov. 27, 1972.

Many of LEAA's requirements for an EEOP are similiar to those contained in Revised Order No. 4,[807] the Office of Federal Contract Compliance instructions for an affirmative action plan. The EEOP must contain data classified by race, ethnic origin, and sex on employees by job category, disciplinary actions, applications, promotions, transfers, and terminations. It also requires racial, ethnic, and sex data on the population of the community, the work force, and the unemployed population. It also requires information on the employers' selection policies and practices, including testing procedures.

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807. 41 C.F.R. § 60.2.1, et seq. (1974). Revised Order No. 4 outlines requirements by the Office of Federal Contract Compliance of the Department of Labor for being in compliance with Executive Order 11246, as amended (3 C.F.R. 339 (Comp. 1964-65), 42 U.S.C. § 200e (1970)). While the authority of this order itself extends only to companies which held procurement or service contracts with the Federal Government, the order describes the steps an employer should take to ensure nondiscrimination in employment practices and to eliminate affirmatively underutilization of minorities and women. Revised Order No. 4 is discussed further in Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Vol. V, To Eliminate Employment Discrimination ch. 3 (July 1975).

As part of an affirmative action plan, the employer should be required to conduct a thorough analysis of his or her utilization of minorities and women in every job category. Where the analysis reveals underutilization of women or minorities, numerical goals with timetables for their achievement should be set. To ensure against further discrimination by the employer, the employer must also assess his or her employment practices and make appropriate changes in any instance in which the employer's practices disproportionately exclude minorities or women. For example, if the employer's selection criteria disproportionately exclude minorities or women and are not job related, these selection criteria must be replaced by criteria which are job related.[808]

There is a fundamental disagreement between the Law Enforcement Assistance Administration and the Commission on Civil Rights on the question of goals and timetables for affirmative action. LEAA does not believe that goals and timetables should be required in its recipients' affirmative

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808. For further details concerning the requirements of an affirmative action plan, see Equal Employment Opportunity Commission, Affirmative Action and Equal Employment: A Guidebook for Employers (1974); Revised Order No. 4, supra note 808; U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Vol. V, To Eliminate Employment Discrimination (July 1975) and Statement on Affirmative Action for Equal Employment Opportunities (1974); and ch. 2 supra, p. 65. Selection criteria are discussed in note 767 supra.

action plans, but rather should be required only when it has been determined that a recipient has engaged in discriminatory employment practices.[809] It is the position of the Commission on Civil Rights that goals and timetables must be employed wherever there is an underutilization of minorities and women, regardless of whether the recipient currently is found to be discriminating against minorities or women.[810]

Thus, the Commission believes that the greatest deficiency of the LEAA guidelines is that although LEAA had the authority to do so, it did not require an EEOP to include written goals and timetables[811] to

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809. LEAA stated:

> LEAA does not believe that the Commission and it differ appreciably in the belief that goals and timetables are required to overcome the effects of past unlawful discrimination. The difference lies in the point at which goals and timetables are required. LEAA's present approach of not requiring goals and timetables until it has been determined that a recipient has engaged in unlawful discriminatory practices is well supported by the case law, and is philosophically sound. See for example, NAACP v. Allen, 493 F.2d 614 (5 C.A., 1974); federal policy, see for example the federal four agency agreement of March 23, 1973. June 1975 Velde letter, supra note 725.

810. As the Commission has previously noted, serious underutilization of minorities and women has long been held under Title VII of the Civil Rights Act of 1964 to constitute a prima facie violation of the act, requiring the imposition of broad relief by the court if the employer fails to come forward with sufficient justification. Similarly, under Executive Order 11246, as amended, unjustified underutilization requires the establishment of goals and timetables for eliminating underutilization. Statement on Affirmative Action for Equal Employment Opportunities, supra note 808.

811. LEAA staff indicated that the required plans are called "equal employment opportunity plans" rather than affirmative action plans because they are not required to include goals and timetables. 1975 Rice et al. interview, supra note 728.

overcome underutilization of women or minorities.[812] For some time LEAA staff stated that they had not required goals and timetables because the Crime Control Act prohibits quota systems or percentage ratios to eliminate

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812. LEAA stated:

> /The Commission's approach/ will encourage recipients to treat goals and timetables as a permanent cure rather than encourage them to deal with the basic inequities which created the need for goals and timetables, i.e., there will be little incentive to deal with these inequities because it is easier to meet the goals than undertake the expensive task of validating selection procedures. This, in turn, leads to an impression that racial, sexual, and ethnic groups are entitled to certain proportions of the available jobs based upon their proportions in the hiring area as a matter of right. This is quite different from the idea that in a non-discriminatory world racial, sexual, and ethnic groups will hold a proportion of jobs roughly representative of their proportions in the hiring area. The /Commission's approach/ carries the implicit assumption that racial, sexual, and ethnic groups cannot equally compete for jobs. /LEAA's approach/ has the implicit assumption that given fair and equitable employment procedures all groups can compete equally. We feel LEAA's approach is more sound. June 1975 Velde letter, supra note 725.

LEAA representation of this Commission's position is not accurate. This Commission agrees with LEAA that affirmative action plans must contain action items to ensure that the employer's practices, including selection and recruitment practices, are nondiscriminatory. We concur that it is necessary to change procedures which are not job-related but which have a disparate impact upon minorities and women in order to avoid discrimination in future hiring and promotion. Goals and timetables to remedy existing underutilization of minorities and women are also necessary, however, because action items alone would not be sufficient to remedy the effects of past discrimination.

racial imbalance or achieve racial balance in a law enforcement agency,[813] but in July 1974 LEAA issued an instruction which stated that it is permitted to seek the imposition of goals and timetables "to overcome the effects of past discrimination believed to exist in the employment practices of a recipient agency."[814]

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813. Interview with Herbert C. Rice, Director, OCRC, LEAA, DOJ, July 5, 1973. Section 518(b) of the Crime Control Act of 1973 (now codified, 42 U.S.C. § 3766 (b)(1) and (2) (Supp. III, 1973)) states:

> ...nothing contained in this title shall be construed to authorize the /Law Enforcement Assistance/ Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

In January 1974, however, LEAA's Office of General Counsel issued a legal opinion stating that the imposition of goals and timetables was not violative of the Crime Control Act. Rather, in some instances, the adoption of such procedures would be required by it. LEAA Legal Opinion No. 74-54 "Goals and Timetables Relationship to Section 518(b)," Jan. 21, 1974.

814. LEAA, DOJ, Instruction I 7330.1, "Equal Employment Opportunity Goals and Timetables Under Section 518(b) of the Crime Control Act of 1973," July 19, 1974. LEAA cautioned, however, that:

> In fact, both LEAA Legal Opinion No. 74-54 and LEAA Instruction I 7330.1, cited in the draft report /supra note 813 and this note, respectively/, authorize the requiring of goals and timetables only after a recipient agency has been determined to have engaged in unlawfully discriminatory employment practices. June 1975 Velde letter, supra note 725. /Emphasis added/.

LEAA staff state that in accordance with this instruction, they have required goals and timetables in individual instances.[815] As of February 1975, however, LEAA had not issued a broad requirement that its recipients develop goals and timetables where underutilization of minorities and women exists.[816] LEAA stated:

> ...this office, upon discovering an underutilization of minorities in a recipient agency, puts the burden on the recipient of either providing a legally sufficient explanation for such underutilization or, failing that, instituting goals and timetables as well as taking action to correct the systemic problems which led to underutilization.[817]

Before requiring any recipient to adopt goals and timetables, LEAA officials analyze the causes and then attempt to get recipients to resolve "the basic problems, which led to employment inequities

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815. 1975 Rice et al. interview, supra note 728.

816. This Commission's endorsement of goals and timetables is outlined in its Statement on Affirmative Action for Equal Employment Opportunities, supra note 808. The Commission stated:

> To the extent...that a problem exists with regard to the utilization of minority groups and women by the employer, then the matter must be treated in the same manner as other management questions. Goals, which are reasonably attainable by applying good faith efforts, should be established to overcome the underutilization. Id. at 16.

817. Letter from Herbert C. Rice, Director, Office of Civil Rights Compliance, LEAA, DOJ, to Cynthia N. Graae, Associate Director, Office of Federal Civil Rights Evaluation, U.S. Commission on Civil Rights, Feb. 19, 1975.

in the first place."[818] While it is important that basic problems are resolved, goals and timetables are also essential to remedy the effects of past discrimination.[819]

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818. For example, if "LEAA discovers an underutilization of minorities that has resulted from a selection device with an adverse impact," ORCR first requires the recipient to demonstrate the validity of the selection device altogether. Id.

819. Under Revised Order No. 4, employers underutilizing minorities or women are required both to correct underlying causes of discrimination and to adopt goals and timetables. Revised Order No. 4, supra note 807. LEAA stated, however:

> It has been our experience that the whole concept of goals and timetables is misunderstood outside the bureaucratic circles of Washington and, in many instances, is looked upon as a permanent cure rather than a temporary measure to overcome the effects of past unlawfully discriminatory practices. June 1975 Velde letter, supra note 725.

The Commission notes that OFCC's Order No. 4 has required goals and timetables from nonconstruction Government contractors since 1970 and that such contractors employ more than 30 percent of the Nation's total civilian work force.

LEAA stated, however:

> ...it is our view that the underutilization of females or minorities shifts the burden to the employer to explain that underutilization.... i.e., it creates a rebuttable presumption of discrimination. 820 ...The question thus becomes, do we treat that presumption 821 as practically conclusive and require goals and timetables unless challenged or do we provide the recipient the opportunity to rebut the presumption, if he can, or provide information about current practices before requiring goals and timetables....This agency, as a policy matter has opted for the second alternative. 822

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820. LEAA referred this Commission to "...Parham v. Southwestern Bell Telephone Co., 433 F.2d 421 (8 C.A., 1970) at 426 /and/ Rowe v. General Motor, 457 F.2d 348 (5 C.A., 1972) at 358...." and stated, "Even the Parham court gives support to the second approach when it states "an employer's more recent practices may bear upon the remedy sought" (emphasis added)." June 1975 Velde letter, supra note 725.

821. LEAA stated:

> This is not to say that some presumption cannot be built into our regulations. For example, it may be advisable to amend our regulations to require goals and timetables where a recipient uses selection devices with an adverse impact which have not been validated in accordance with EEOC Guidelines. They would administratively recognize that goals and timetables are required by this unlawful practice. Id.

Such an amendment would be insufficient. As discussed at note 810 supra, a statistical showing of underutilization of minorities or women should mandate the setting of goals and timetables. Recipients with nondiscriminatory selection devises may have an underutilization of minorities or women because of past discrimination which has never been remedied.

822. Id.

For LEAA to require goals and timetables only after reviewing individual recipients' evidence that there is underutilization of minorities and women is inadequate because LEAA does not review the plans of most recipients.[823] Thus, despite the underutilization of minorities and women by a large number of LEAA recipients, under present LEAA practices, in only a few instances could LEAA require goals and timetables.

Once an EEOP is drafted, it generally remains only in the files of the recipient. There is no requirement that the EEOPs be sent by the recipients of the SPAs or to LEAA for review.[824] LEAA's audit staff,[825]

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823. LEAA commented:

> LEAA does not review the plans of most recipients. However, to take the report's approach and equate underutilization with a simplistic requirement of goals and timetables will in our view have undesirable effects. June 1975 Velde letter, supra note 725.

This Commission believes that there is no reason that a requirement for goals and timetables should be simplistic. As discussed on p. 300 supra, employers should set goals and timetables in every instance in which their own analyses of their work force reveals unjustified underutilization.

824 LEAA stated:

> The discussion relating to enforcement of the requirement that principal recipients of LEAA funds develop and implement equal employment opportunity programs, does not fully consider the fact that the basic enforcement falls on the SPA or LEAA regional office, which offices must require certification that the applicant has developed and is implementing an EEOP as a prerequisite to further funding. June 1975 Velde letter, supra note 725.

This Commission notes, however, that a requirement for certification that EEOPs have been developed is a poor substitute for review of those plans.

825. The audit staff are located in the Office of Audit.

as part of a financial audit of SPAs, check to see if plans have been developed and if the required components are included, but they do not review the plans for adequacy.[826] SPAs are beginning to review plans of agencies to which they pass on money, and in some instances have not passed on money until plans have been completed; but this is not done by all SPAs,[827] and uniformly high standards are not applied by all SPAs.

LEAA staff began indepth reviews of a sample of the plans in October 1974. Between that time and February 1975 it had requested eight recipients to submit plans for review. EEOPs are also examined in conjunction with complaint investigations,[828] but in that case generally the review is only partial. For example, if a complaint concerns discrimination in employee selection, the review of the plan may be largely limited to that portion of the plan on employee selection procedures.[829]

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826. 1975 Rice et al. interview, supra note 728.

827. Id. The role of SPAs in LEAA's civil rights compliance program is discussed on pp. 325 infra.

828. The Chief of the Complaints Resolution Division requests a copy of the EEOP in conjunction with every employment discrimination complaint investigation. 1975 Rice et al. interview, supra note 728.

829. Id. The Complaints Resolution Division also checks each plan it reviews to ensure that it contains the required components.

2. Guidelines on Minimum Height Requirements

Many police departments have placed a minimum limit on the height of persons that they will employ.[830] The limit varies from department to department and may be as high as 5'9".[831] But because the minimum height acceptable to many police departments is above the average female height,[832] such limits exclude a large proportion of all women from police department employment. LEAA states that they also tend disproportionately to exclude minorities.[833]

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830. In response to a survey taken by the International Association of Chiefs of Police and the Police Foundation of 386 law enforcement agencies, 205 agencies answered a question on height requirements. Of the 205 respondents, 123 (60 percent) had height requirements and 82 (40 percent) did not. Deployment of Female Police Officers in the United States, supra note 771. Height requirements differ from State to State. For example, the height requirement for police officers in Daytona Beach, Florida, as of 1974, was 5'7", with a minimum weight requirement of 136 lbs. At the same time the Des Moines, Iowa, Police Department had a minimum height requirement of 5'9" and minimum weight requirement of 150 lbs, and the Ames, Iowa, Police Department had a minimum height requirement of 5'9" with a minimum weight requirement of 160 lbs. That height requirements are more capricious than job-related is evidenced by the fact that a person who is 5'8 1/2" tall, and thus too short for employment in the Des Moines or Ames, Iowa, police departments, might herself or himself have been too tall for the Cincinnati Police Department which in 1974 had a maximum height limit on its police officers of 5'8". Id. There is no evidence of superior performance by law enforcement officials in States with higher minimum limits.

831. Id.

832. The average height of women is 5'3" as compared with 5'8" for men. National Center for Health Statistics, Department of Health, Education, and Welfare, Weight, Height, and Selective Body Dimensions of Adults, United States, 1960-62, Series 11, No. 8 (June 1965).

833. LEAA, DOJ, Guideline G 7400.2A, June 18, 1974.

In order to ensure equal employment opportunity in the programs it funds, LEAA has issued a guideline on minimum height requirements.[834] It states that height requirements are prohibited as criteria for employee selection or assignment where they tend to discriminate against women and minorities, unless the recipient can adequately demonstrate the relationship between the requirement and job performance.[835]

When LEAA was asked how many law enforcement agencies have complied with the minimum height guideline, LEAA responded:

> We have no specific knowledge as to the scope of compliance with the height guideline. Following complaint investigations or compliance reviews, a number of recipient law enforcement agencies have lowered significantly, or dropped entirely minimum height requirements. 836

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834. Id.

835. The guideline states that minimum height requirement will not be considered discriminatory where the recipient of Federal assistance is able to:

> demonstrate convincingly through the use of supportive factual data such as professionally validated studies that such minimum height requirements...is /sic/ an operational necessity for designated job categories....Id.

836. Letter from Donald E. Santarelli, Administrator, Law Enforcement Assistance Administration, DOJ, to Congressman Charles B. Rangel, May 28, 1974. In July 1975, LEAA stated:

> There is no question that the adoption of the LEAA minimum height guidelines has led to the reduction or elimination of minimum height standards in many police agencies in the United States. June 1975 Velde letter, supra note 725.

Thus, it appears that mere promulgation of the guideline has been insufficient impetus for most police departments to change their height requirements. LEAA has had to rely upon compliance reviews and complaint investigations to enforce the guideline. This practice seems inefficient, for very few LEAA recipients come under scrutiny through these mechanisms. It would have been far more effective if LEAA had determined the extent of compliance with this guideline through a questionnaire, and then relied upon SPAs to effect change where noncompliance was found.[837]

LEAA has permitted police agencies to lower significantly, rather than eliminate their height requirements. LEAA stated:

> Substantial equity to the rights of classes affected adversely by the imposition of a minimum height standard may be reached significantly lowering, not eliminating, a height standard in a specific agency, particularly when considered in the context of the overall resolution of matters. 838

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837. LEAA stated:

> The Commission's consideration of the impact of a minimum height standard seems narrow. The effect of a minimum height in a specific police agency is only one of many factors to be considered in approaching a voluntary resolution of matters in a particular employment discrimination case. July 1975 Velde letter, supra note 725.

838. Id. LEAA also stated:

> Beyond this, LEAA takes administrative notice of the fact that individuals above a certain height will have difficulty in gaining access to, or egress from, the standard production line vehicles used as patrol cars in most municipal and state police departments. Similarly, there would seem to be a need that a patrol officer be tall enough for the foot of the officer to reach the accelerator pedal in such a police vehicle, and that the officer be able to see over the dashboard. Id.

3. Equal Employment Opportunity Commission Standards

The sum total of LEAA's employment regulation and guidelines is insufficient. A comprehensive set of standards concerning equal opportunity in employment are those reflected in the guidelines and decisions of the Equal Employment Opportunity Commission.[839] LEAA has included these guidelines in its Equal Employment Opportunity Program Manual,[840] which was issued in 1974 to assist its recipients in complying with its equal employment opportunity requirements. The Manual is a comprehensive compilation of relevant laws and regulations in the area of equal employment opportunity. Including EEOC guidelines in this Manual, and thus transmitting them to recipients, is a good first step, but LEAA has not gone far enough. It has not adopted EEOC standards as its own by incorporation into its own regulations. Until it does so, its recipients will not be on formal notification that to be in compliance with the LEAA nondiscrimination requirements, they must be in compliance with EEOC standards.[841]

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839. EEOC's sex discrimination guidelines are published at 29 C.F.R. § 1604.1, et seq. (1974). Its guidelines for employment selection procedures are published at 29 C.F.R. § 1607.1, et seq. (1974). Its guidelines on discrimination because of national origin are published at 29 C.F.R. § 1606.1, et seq. (1974).

840. LEAA, DOJ, Equal Employment Opportunity Program Manual 116 (1974).

841. In June 1975, LEAA stated that it places priority on its plans to issue "regulations, as proposed rules, in the fall of 1975, adopting the EEOC regulations relating to sex discrimination, employee selection procedures and national origin." June 1975 Velde letter, supra note 725.

B. Bilingual Assistance

There are many instances in which persons whose primary language is not English have received inadequate assistance from the law enforcement process. For example, police departments have hired too few bilingual officers and other staff and, thus, Spanish speaking citizens often cannot communicate with police officers if they need assistance or are arrested. Interpreters are not available in many Southwestern courts even though in this area Spanish speaking persons are often involved in court proceedings. As a result, defendants, plaintiffs, and witnesses may not understand fully the proceedings of the court. Courts have provided inadequate counsel for Spanish speaking defendants, who may not even comprehend the charges against them.[842] Similarly, Spanish speaking inmates in correctional institutions have been denied the educational opportunities available to their English speaking peers because of lack of bilingual assistance.[843]

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842. Mexican Americans and the Administration of Justice, supra note 732. The need for bilingual court services for Native Americans is discussed in New Mexico State Advisory Committee to the U.S. Commission on Civil Rights, The Farmington Report: A Conflict of Cultures (in preparation).

843. Warehousing Human Beings, supra note 732 at 30, 45, 51.

Under Title VI, recipients of Federal assistance are required to provide adequate second-language assistance to ensure that persons who do not speak English are not denied meaningful participation in the federally assisted programs.[844] LEAA has advised its regional offices

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844. In the case of Lau v. Nichols, the United States Supreme Court held that, in school districts with large non-English-speaking student populations, inadequate English-language instruction, which thus denies such students meaningful participation in the public education program, violates Title VI of the Civil Rights Act of 1964. 414 U.S. 563 (1974). In this class action suit, Chinese parents argued that the San Francisco school system should be compelled to provide all non-English-speaking Chinese students with bilingual compensatory education. The Supreme Court concluded that the failure of the San Francisco public school system to provide bilingual compensatory education violates the rights of Chinese children by "effectively...excluding them from participation in the educational program offered by a school district" and that the absence of bilingual textbooks and other instructional material in all probability would make a classroom situation "wholly incomprehensible and in no way meaningful." Id. at 566. Similarly, the Lau rationale would appear to require agencies and facilities receiving funds for law enforcement and the administration of justice to provide adequate guidance in languages other than English to non-English speaking client groups.

In a letter to all Federal departments and agencies concerning this decision, the Justice Department stated:

> This case has significance for federal grant agencies in two respects. First, it imposes a responsibility on federal agencies to review the federal assistance programs they administer to determine if the beneficiaries of such programs may be denied equal participation due to language barriers created by their inability to communicate effectively in English. As a corollary matter, it may be appropriate for federal agencies to review their direct assistance programs (not covered by Title VI) to determine if beneficiaries are inhibited from full participation because of language barriers. Letter from Robert Dempsey, Chief, Federal Programs Section, Civil Rights Division, Department of Justice, to 25 Federal agencies, June 13, 1974.

and the SPA's that:

> As a civil rights compliance matter, care should be exercised by Central LEAA, LEAA Regional Offices, and the SPA's, in funding programs, that linguistic barriers do not operate to exclude non-English speaking persons, in the enjoyment of the benefits of these programs. [845]

C. Site Selection

Written into each LEAA contract are guidelines for site selection of physical facilities which might be built with Federal assistance.[846] The guidelines direct that such facilities may not be constructed with the effect or purpose of excluding individuals on the basis of race, color, or national origin from use of the facility. They provide illustrative examples of unlawful site locations[847] and instruct recipients to submit a statement setting forth the factors used to

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845. LEAA memorandum to SPA's and LEAA regional offices, July 8, 1974, cited in June 1975 Velde letter, supra note 725. The memorandum also stated:

> Attached is a copy of Lau v. Nichols, 414 U.S. 563 (1974), a recent decision of the U.S. Supreme Court relating to the constitutional responsibility of the San Francisco school system to provide English language training to Chinese-American students who do not speak English.
>
> Linguistic difficulties have many times had the effect of denying citizens whose original tongue is not English equal access to the American criminal justice system. Id.

846. LEAA, DOJ, Standard Form 26 (sample copy of a completed form).

847. These include placing a halfway house or drug treatment center so that minorities are excluded from activities of that facility and locating a correctional facility so that minority employment at the facility would be precluded. Id.

determine if any site locations would be discriminatory.[848] It is commendable that LEAA has included this site selection requirement in its contracts. Indeed few, if any, other Federal agencies have provided such instruction to their recipients.[849] It would, however, be desirable if this requirement were also made a part of the body of LEAA regulations and guidelines published in the Code of Federal Regulations. As a mere provision in individual contracts, without incorporation into LEAA regulation, it can be dropped from individual contracts with no public explanation. OCRC has not, however, taken steps to ensure that it is made a permanent requirement.

D. Minority Representation on State Planning Agency (SPA) Supervisory Boards and Regional Planning Units

The Department of Justice Title VI regulation, like those of other Federal agencies, prohibits recipients on the ground of race, color, or national origin from denying a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the federally-assisted program. The regulation does not explain how this provision will be enforced.[850]

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848. The recipient must consider such factors as the demographic population characteristics of the service area, the racial and ethnic characteristics of the population to be served by the proposed program, the alternative locations under consideration, the impact of the alternative locations on minorities and nonminorities, the availability and type of public transportation, and the availability of low- and moderate-income housing. Id.

849. Although a civil rights impact statement which includes a provision requiring that sites selected for Government offices must be accessible to minorities has been drafted within the Department of Agriculture, it has not been finalized or adopted. The Department of Health, Education, and Welfare has a provision covering the accessibility of minorities to HEW-funded facilities which is contained in HEW's Title VI regulations, 45 C.F.R. § 80.3(3) as amended through July 5, 1973.

850. 28 C.F.R. § 42.104(b)(vii)(1974).

In 1972 LEAA proposed a guideline relating to minority representation on SPA supervisory boards.[851] The proposed guideline stated that:

> Where the proportion of members of a particular minority group on any such supervisory board is substantially less than the proportion of members of that group in the general population of the State or region, a violation of Title VI...shall be presumed. 852

This guideline was deficient in that although it provided for minority representation on the supervisory boards no provision was made to cover female participation. Another deficiency of the proposed guideline was its failure to make clear what constitutes illegal minority underrepresentation. More specifically, although the guideline indicated that a violation of the civil rights act is presumed if the proportion of minorities on the board is "substantially less" than the proportion of minorities in the State, it did not define the term "substantially less."

This proposed guideline was revised and issued in final form in September 1974. This issuance of this guideline was a positive step,

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851. Proposed Guideline Relating to Title VI Implications of Minority Representation on SPA Supervisory Boards and Regional Planning Units, attached to letter from Herbert C. Rice, Director, Office of Civil Rights Compliance, LEAA, to Jeffrey M. Miller, Director, Office of Federal Civil Rights Evaluation, U.S. Commission on Civil Rights, Aug. 9, 1972. This guideline was suggested to LEAA by the Center for National Policy Review on behalf of the Leadership Conference on Civil Rights: Attachment to letter from Arthur M. Jefferson, Attorney, Center for National Policy Review, to Cynthia N. Graae, Associate Director, Office of Federal Civil Rights Evaluation, U.S. Commission on Civil Rights, Mar. 24, 1975.

852. Id.

which has been taken by few other agencies with Title VI responsibilities.[853]

In its final form the guideline clearly states that failure to appoint "otherwise qualified"[854] minorities or women to supervisory boards

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853. The Department of Labor (DOL) has a comparable provision for the inclusion of women, persons of limited English-speaking ability, and other minority groups on its Manpower Planning Councils under the Concentrated Employment and Training Act of 1973 (Pub. L. 93-203, 87 Stat. 839 as codified in various sections of 18, 29, and 42 U.S.C. (Supp. III, 1973)). It has issued no similar guidelines with regard to any other DOL-funded programs. Similarly, the Departments of Agriculture and Health, Education, and Welfare have issued no guidelines concerning the presence of minorities or women on advisory councils beyond that contained in their Title VI regulations.

LEAA stated:

> Possibly no part of the LEAA Program has been the subject of more discussion than composition of state planning agency (SPA) and regional planning units (RPU) supervisory boards. It would not necessarily be helpful to fully track the legislative history and other materials historically relevant to this matter. June 1975 Velde letter, supra note 725.

854. LEAA stated:

> ...legislative history of the Crime Control Act of 1973 clearly indicates the will of the Congress to restrict mandatory membership on SPA and RPU supervisory boards to "law enforcement agencies, units of local government, and public agencies maintaining programs to control crime. . ." SPA and RPU supervisory boards may permissably, "include representatives of citizen, professional, and community organizations." See Section 203(a) of the Crime Control Act of 1973.
>
> "Otherwise qualified," as used in the guideline refers to the classes of persons mandatorily entitled to serve on...supervisory boards. Hence, a discriminatory denial of membership on an SPA or RPU supervisory board of, say, a black or female criminal court judge would be violative of the Guideline. June 1975 Velde letter, supra note 725.

would constitute a violation of Title VI.[855] The fact that concern for female representation has been added is an improvement over the proposed measure. However, LEAA has weakened the guideline by removing the proposed provision which would have required a comparison of the proportion of minorities on the board with the proportion of minorities in the State population.[856] LEAA has, thus, eliminated the mechanism which would trigger a presumption of a violation on the guidelines.

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855. The guideline provides that:

> No individuals on the basis of race, color, sex, or national origin shall be denied appointment or selection to serve on supervisory boards of SPAs or regional planning units....The failure of the chief executive of a State to select...otherwise qualified minority or female members of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime, may constitute a violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and 518(c) of the Crime Control Act of 1973. LEAA guideline G 7400.4 "Supervisory Boards of Criminal Justice State Planning Agencies and Regional Planning Units, Guidelines Regarding Representation of Minorities and Women," Aug. 19, 1974.

856. LEAA stated:

> After the proposed rule relating to minority representation on SPA and RPU supervisory boards was issued, regulations amending Department of Justice regulations implementing Title VI of the Civil Rights Act of 1964 (see 28 C.F.R. 42.104(b)) were issued, making denial to, "a person the opportunity to participate as a member of a planning or advisory board which is an integral part of the program," a prohibited action. This amendment to the Title VI regulations is applicable to SPA and RPU supervisory boards participating in the LEAA Program. Conspicuously lacking from the Title VI regulations is any discussion of proportionality of representation of minorities or women on planning or advisory bodies. It may be questioned whether LEAA has the authority, as an agency, to adopt guidelines which would amend the departmental regulations in this regard. June 1975 Velde letter, supra note 725.

OCRC staff indicated that due to staff limitations, they had no plans to monitor the selection of minorities and females for advisory boards.[857] LEAA has not reviewed female participation on advisory boards and only surveyed the racial and ethnic composition of SPA boards and regional planning units on one occasion, more than two years ago. In October 1972, LEAA issued the results of this survey.[858] Included were tables for each State indicating the minority representation on LEAA State and regional[859] boards. In order to compare each board's minority composition with the State's overall minority population, a compliance ratio was developed. This figure was calculated by dividing the percentage of each board which was minority by the percentage of the State population which was minority.

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857. 1975 Rice et al. interview, supra note 728. In June 1975, LEAA stated:

> It seems a vain act to monitor minority or female representation on SPA and RPU supervisory boards, since the appointing authority must mandatorily select for membership only those persons drawn from the criminal justice community mentioned in the statute. Presumably, an argument could be made that a marked underrepresentation of minorities or females among those permissibly selected for membership on SPA and RPU boards might infer discrimination by the appointing authority. In LEAA's experience, however, exercise of the permissive authority to choose, "citizen, professional, and community organization," representatives is used to include minority and female members, rather than to exclude them, since the numbers of such people appointed or elected to positions of responsibility within agencies required to be represented under Section 203(a) is limited in many communities. July 1975 Velde letter, supra note 727.

858. Memorandum from George E. Hall, Director, Statistics Division, LEAA, to Herbert C. Rice, Director, Office of Civil Rights Compliance, LEAA, DOJ, "Minority Representation on State Supervisory Boards and Regional Supervisory and Advisory Boards," Oct. 16, 1972.

859. State boards are advisory boards to the State planning agencies. Regional boards advise local planning agencies.

A compliance ratio of 100.00 reflected that the percentage of minorities on the board was identical with the percentage of minorities in the population. A compliance ratio of 0.00 indicated that there were no minorities on the advisory board. A compliance ratio of more than 100.00 indicated that the percentage of minorities on the board was greater than the percentage of minorities in the population. While some States had favorable compliance ratios, the vast majority did not. As Exhibit 10 indicates, at the time of this survey, 7 States had compliance ratios of 0.00 for their State boards[860] and 4 States had compliance ratios of 0.00 for the regional boards.[861] Twenty-one States had compliance ratios of 60.00 or less for the State boards; thirty-eight States had compliance ratios of less than 60.00 for the regional boards.

The overall compliance ratio for State boards in all States was 69.27, compared to a 31.46 overall ratio for regional boards. There are no plans to update the survey or to determine the female composition on the boards.[862]

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860. They were Alabama, Arkansas, Idaho, Iowa, Nebraska, New Hampshire, and Utah.

861. They were Idaho, New Hampshire, Maine, and Vermont.

862. 1975 Rice et al. interview, supra note 728.

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Exhibit 10

DISTRIBUTION OF COMPLIANCE RATIO[A]

COMPLIANCE RATIO	Number of States[B]	
	State boards	Regional boards
100.00+	20	9
90.00-99.99	2	1
80.00-89.99	3	0
70.00-79.99	4	1
60.00-69.99	1	2
50.00-59.99	5	2
40.00-49.99	4	4
30.00-39.99	0	6
20.00-29.99	3	7
10.00-19.99	1	6
0.01-9.99	1	1
0.00	7	4
No board	0	8
Total	51	51

A
Compliance ratios are calculated by dividing the percent of each board which was minority by the percent of the State population which was minority. See text on p. 320 supra for a more detailed explanation.

B
Includes the District of Columbia.

E. Courts

Although LEAA funds go to State and local courts, LEAA has not attempted to assess the extent to which court activity may be discriminatory.[863] Nevertheless, an abundance of evidence suggests frequent exclusion of minorities and women from juries or as judges and that treatment of minority and female defendants can be discriminatory and is sometimes reflected in sentencing.[864]

LEAA has issued no regulations or guidelines which pertain specifically to courts. To some extent, guidelines issued pursuant to Title VII of the Civil Rights Act of 1964 may be applicable to employment discrimination which arises in the courts, but Title VII coverage has not been

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863. In June 1975, LEAA informed this Commission that "LEAA will undertake a compliance review of a major criminal court system during /fiscal year/ 1976." June 1975 Velde letter, supra note 725.

864. See Babcock, "Women and the Criminal Law," Amer. Crim. Law Rev., Vol. II, No. 2 (Winter 1973); Virginia State Advisory Committee to the U.S. Commission on Civil Rights Judicial Selection in Virginia: The Absence of Black Judges (January 1974); Mexican Americans and the Administration of Justice, supra note 732, at 36-46; Debro paper, supra note 751, Joint Center for Political Studies, National Roster of Black Elected Officials Table III (April 1974) and Taylor v. Louisiana, supra note 758.

clearly established with respect to all forms of courtroom employment.[865] Moreover, there are no Federal agency regulations or guidelines covering nondiscrimination in the services provided by State or local courts. The Crime Control Act clearly could be used to terminate discrimination in the court systems if LEAA would issue appropriate regulations and monitor them.

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865. The Equal Employment Opportunity Commission (EEOC) has not considered whether the selection of juries comes within the coverage of Title VII. One EEOC official indicated that whether jurors are covered by Title VII would depend upon whether it could be shown that jury selection procedures are a form of employment selection procedures. This official also indicated that discrimination in the appointment of judges is covered by Title VII although EEOC has issued no formal opinion in this issue. Telephone interview with Roberta Romberg, Chief, Litigation Services Branch, Office of General Counsel, Equal Employment Opportunity Commission, Feb. 14, 1975.

The coverage of appointed judges is inferred because appointed judges do not appear to be listed in the following exceptions from Title VII:

> ...any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personnel staff, or an appointee on the policymaking level or an immediate advisor with respect to the exercise of the constitutional or legal powers of the office. 42 U.S.C. § 2000e.

There have been no court cases which alleged a Title VII violation in the appointment of a judge. Romberg interview, supra this note. Elected judges are not covered by Title VII, although requirements which must be met by a person in order to be placed on the ballot may be discriminatory. Selection criteria of judges is discussed in LEAA, DOJ, National Survey of Court Organizations (1971).

OCRC officials express trepidation about attempting to assure non-discrimination in the courtroom, indicating that under the Constitution they may not have adequate authority.[866] OCR has not, however, requested legal opinions from LEAA's General Counsel or DOJ's Civil Rights Division as to its authority in this area.[867]

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866. 1975 Rice et al. interview, supra note 728. In June 1975 LEAA pointed out that with respect to one aspect of court systems LEAA would be taking action. LEAA stated:

> Provision of services, by race and sex, in juvenile detention facilities under control of juvenile courts will be monitored by the corrections compliance report forms soon to be issued by LEAA, discussed by the Commission at pages /338 infra/. June 1975 Velde letter, supra note 725 .

867. 1975 Rice et al. interview, supra note 728.

IV. Compliance Program

A. The Role of the State Planning Agencies

Each State Planning Agency which accepts an LEAA grant must sign an assurance to LEAA that it will comply and ensure compliance by its subgrantees and contractors with Title VI of the Civil Rights Act of 1964 and with LEAA's equal employment opportunity guidelines. One weakness of these assurances is that they do not include a promise of compliance with the Crime Control Act of 1973 and, thus, recipients apparently are not required to promise that law enforcement programs funded with LEAA assistance will not discriminate in the delivery of services on the basis of sex. Especially in absence of any LEAA regulations concerning sex discrimination in LEAA-funded programs, this is a serious omission. Indeed, it appears that LEAA recipients have not been informed by LEAA of any responsibility to make certain that their delivery of program benefits is not discriminatory on the basis of sex.

Unlike assurances used by some other Federal agencies, LEAA's assurances are not mere paper promises of compliance.[868] In signing the assurance, each SPA agrees to designate at least one staff member to

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868. Experience with Federal programs has shown that paper assurances are a poor basis for a civil rights compliance program. Most Federal recipients are willing to sign assurances, but this has little impact on ending discriminatory practices. Paper assurances are used by the Office of Revenue Sharing at the Department of the Treasury. See U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Vol. IV, To Provide Fiscal Assistance (February 1975). They are also used by the Veterans Administration in its fair housing program. See U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Vol. II, To Provide...For Fair Housing (December 1974).

be known as a Civil Rights Compliance Officer, to review the compliance of the SPA and its subgrantees and contractors.[869] The SPA must also provide its entire staff with appropriate training and information concerning the SPAs civil rights obligations. It must submit to LEAA, as part of its application for LEAA funds, a timetable for this training. The SPA must instruct all applicants for and recipients of financial aid of their obligations to comply with the nondiscrimination requirements and obtain assurances from them. It must inform the public of its rights to nondiscrimination under LEAA-funded programs. SPAs must also establish complaint procedures and participate with LEAA in compliance reviews of criminal justice agencies.[870]

While these requirements are important, LEAA could provide SPAs with an even more meaningful role in the enforcement of LEAA civil rights requirements. It could require the SPAs to review for approval all subgrantees' EEOPs.[871] It could require the SPAs

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869. LEAA has described the civil rights responsibilities of SPAs in Guideline Manual: State Planning Agency Grants, supra note 716 at 42-46.

870. Id.

871. EEOPs are discussed on pp. 297 supra.

to undertake complaint investigations,[872] conduct pre- and post-award compliance reviews of subgrantees, and to collect and review data on the subgrantees' activities.[873] If such requirements were adequately implemented, LEAA could restrict its own activities largely to a review of SPA compliance programs, greatly increasing the efficiency with which LEAA's small compliance staff could be used.

Although LEAA has not yet effected such a shift in responsibility, it is leaning in that direction. In June 1975 LEAA informed this Commission:

> In order to make better use of its limited staff, LEAA in its Master Plan for civil rights compliance[874] now proposes to limit its complaint investigations to those involving significant systemic problems of discrimination, establish a mechanism under which

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872. One of the recommendations made by participants at LEAA's February 1975 civil rights conference was that State agencies should be notified of complaints in their States, advised of their contents, and given an opportunity to achieve compliance. LEAA Policy Development Seminar on Civil Rights Compliance, Rochester, Mich., Feb. 10-11, 1975.

873. Other Federal agencies expect that the State agencies receiving Federal funds will engage in some of these activities although in all cases these requirements as implemented are insufficient. See chapter 3, supra, Department of Health, Education, and Welfare; and chapter 6, infra, Department of Labor.

874. The Master Plan is discussed in note 875 infra.

> SPAs may more broadly participate in the compliance program, and, finally, expand the pre-award and post-award compliance review program. 875

One of the SPA's major concerns has been the failure of LEAA to define the responsibilities of the SPAs.[876] In September 1972,

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875. June 1975 Velde letter, supra note 725. LEAA also stated:

> LEAA is pleased that the Commission has seen fit to commend LEAA in its desire to involve the SPAs directly in the implementation of the compliance program. This program, which will involve the SPAs directly in enforcement of compliance programs, would, under the LEAA Master Plan, be expanded to allow SPAs that qualify to assume "Priority Status" in civil rights compliance. LEAA is planning to give SPAs, who designate civil rights compliance as a priority in their state plans, increased responsibility for carrying out those compliance functions they indicate a desire and have a capacity to undertake. An SPA interested in conducting the initial investigation and voluntary resolution of allegations of unlawful discrimination, or undertaking civil rights compliance reviews of recipients, or both, would qualify the SPA for "Priority Status." LEAA envisions a limited number of pilot programs will be approved, and these in those jurisdictions that submit plans for "Priority Status." Strong LEAA oversight will be exercised to assure full implementation of compliance programs at the state level. Id.

LEAA also stated:

> The LEAA /has drafted a/ Master Plan /which/ requires that SPAs establishing "Priority Programs" to enforce compliance obligations at the state level must indicate, as part of their plan, the method by which they intend to audit compliance by their recipients with /LEAA's equal employment opportunity guidelines/ 28 C.F.R. 42.301, et seq., Subpart E. Id.

876. Statements of Saul Arrington, Executive Director, State of Washington SPA (Office of Community Development, Law and Justice Planning Office) and Lee Thomas, Executive Director, South Carolina SPA (Law Enforcement Assistance Programs) at LEAA Policy Development Seminar on Civil Rights Compliance, supra note 872.

LEAA noted that, "The most significant shift in OCRC's emphasis during the next six months will be to give technical assistance to the State Planning Agencies (SPAs)...."[877] By January 1974, technical assistance had been provided to the SPAs in the form of training sessions to assist them in their respective equal employment opportunity programs. In conjunction with this, LEAA entered into a $99,500 contract with the International Association of Official Human Rights Agencies to train staffs of SPAs and local criminal justice planning councils in the various civil rights laws and regulations covering their respective programs and activities.[878] LEAA also provided funds to the Marquette Center for Criminal Justice Agency Organization and Minority Employment Opportunities to supply technical assistance on minority employment to criminal justice agencies which request such assistance.[879] Although failure of criminal justice agencies to employ women on the same basis as men is a widespread, serious problem, the technical assistance provided by Marquette is directed only at providing equal opportunity

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877. LEAA response to U.S. Commission on Civil Rights questionnaire, Sept. 15, 1972 /hereinafter referred to as 1972 LEAA response/.

878. Id.

879. See Marquette University Law School, Center for Criminal Justice Agency Organization and Minority Employment Opportunities, Report on Preliminary Technical Assistance Visit to the Evansville, Indiana Police Department (1974).

for minority men and women, but not for women as a class.[880]

Requests for the type of assistance that this center can offer are not plentiful, due to the fact that such a request may be considered to involve some admission of deficiencies within the agencies.[881] From July 1972 to June 1973, the center afforded assistance and consultative services to only 18 law enforcement agencies.[882]

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880. LEAA recently informed this Commission:

> The Center recently has undertaken an ambitious program to examine the expanding opportunities for women in policing, with a view toward possible development of draft guidelines relative to sex discrimination in police work, which LEAA could then consider adopting for the guidance of its police constituency in this area. June 1975 Velde letter, supra note 725.

881. July 1973 Rice interview, supra note 813.

882. LEAA 1973, supra note 718. Most of the agencies assisted by the center were metropolitan police departments. The remaining agencies were either State highway patrols, municipal police departments, State police departments, county sheriffs departments, and State civil service and personnel departments.

Despite the lack of adequate training of all relevant SPA officials, currently OCRC does little monitoring of the few civil rights requirements placed on SPAs. The State Planning Agency, in its application must describe how it has carried out the requirements[883] LEAA has placed on it. OCRC, however, does not review this description. Responsibility for its review lies entirely with LEAA field staff, who review all sections of LEAA applications.[884]

While this arrangement relieves some of the duties which could be placed on OCRC and, thus, may serve somewhat to extend LEAA's resources for civil rights, it may not be satisfactory. The LEAA field staff who review the plans[885] are program staff responsible for most contact with the SPAs. Generally, they have not been provided with civil rights training, and, moreover, they do not operate under the tutelage of OCRC, even on civil rights matters.

OCRC staff have expressed satisfication with the review process and have indicated that they believe it is functioning well.[886] They may not have adequate information to make this judgment, however, since they do

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883. Guideline Manual: State Planning Agency Grants, supra note 716.

884. 1975 Rice et al. interview, supra note 728.

885. These staff are referred to by LEAA as State representatives.

886. 1975 Rice et al. interview, supra note 728.

not even review a random sample of the civil rights sections in the SPA applications.

The most significant criticism of LEAA's assurances, however, is that although they require SPAs to demonstrate active commitment to Title VI compliance, once the SPA procedures for a Title VI program have been established,[887] there is no regular monitoring of the program to ensure that it is fully carried out and that it is effective in achieving its goals. OCRC staff have frequent contact with the SPA Civil Rights Compliance Officers, and indicate that many SPA Compliance Officers are becoming knowledgeable and effective in the area of civil rights,[888] but OCRC maintains no records to corroborate this conclusion.

B. Reporting Systems

Concerning the use of compliance report forms, LEAA informed this Commission:

> LEAA's position is that such forms can provide data useful in its compliance program, but such forms should be utilized only where it can be projected that the data generated by the form will be reasonably reliable and productive of information from which significant statistical disparities, by race and sex, may be gleaned.[889]

The Biennial Civil Rights Compliance Report Form[890] was a civil rights reporting form to be completed every two years by State and city police departments and highway patrols. If focused almost entirely on

887. Id.

888. Id.

889. June 1975 Velde letter, supra note 725. LEAA also stated: "Questions relating to the use of report forms as a tool in the enforcement of compliance obligations can be argued interminably." Id.

890. LEAA Form 2000.1(11-71).

employment matters. The principal question on the form concerned the race and ethnic origin, cross-tabulated by sex and rank, of the employees of the police department. It also asked about the sources for recruiting new employees and the number of minority group promotions and terminations. These data were not broken out by race or ethnic origin or cross-tabulated by sex. In addition to the employment questions, the form inquired about the methods used by police agencies to publicize the requirements of Title VI, the existence of nondiscrimination policies in serving the public, and the number of lawsuits and complaints alleging discriminatory practices by the recipient agency.[891]

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891. Data on services provided by recipient agencies were not solicited on this form. LEAA staff stated that the quantification of services on a form of this type would be difficult. July 1973 Rice interview, supra note 813.

In June 1972, a total of 7,817 police agencies were directed by LEAA[892] to complete this questionnaire. Police departments in towns and villages with populations of less than 1,000 were not required to fill out the form.[893]

LEAA staff had optimistically anticipated that 75 to 80 percent of those departments required to submit the form would have filed by October 1972.[894] However, as of March 1974, only about 4,000 of the total police agencies required to file had complied,[895] and LEAA had not

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892. Completed copies of this form were not made available to this Commission. This Commission specifically requested copies of the forms completed by the Alabama, Arizona, California, Connecticut, Colorado, Georgia, Illinois, Louisiana, Massachusetts, Mississippi, New York, South Carolina, and Texas State police or highway patrol departments. Copies of this report were also requested from LEAA for the following city police departments: Albuquerque, Atlanta, Boston, Bridgeport, Chicago, Dallas, Los Angeles, New Orleans, New York City, San Antonio, and Tucson. The request for these forms was denied due to LEAA's view that this was necessary to preserve the confidentiality of responding law enforcement agencies. LEAA response, supra note 877.

893. LEAA response to U.S. Commission on Civil Rights April 1973 questionnaire contained in a letter from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, DOJ, to Stephen Horn, Vice Chairman, U.S. Commission on Civil Rights, June 8, 1973. Towns of this size would have very small, if any, police departments. LEAA officials report that the rule of thumb of estimating the size of a police department is that there will be one police officer for every 1,000 population. Moreover, many small towns do not have police departments but may, for example, contract with a larger nearby jurisdiction to provide police services. 1975 Rice et al. interview, supra note 728.

894. March 1974 Rice interview, supra note 786.

895. Id.

taken action against any nonrespondents. LEAA officials stated that none of the agencies not responding had refused to file.[896] LEAA ultimately obtained forms from all police departments serving populations of 100,000 or more.[897]

Most frequently it was the small agencies which did not respond. Gathering compliance data from small agencies was a low priority for LEAA, which observed that frequently small departments have only one constable and the effort to collect the data was too costly vis-a-vis the usefulness and reliability of the data generated.[898]

The fact that many nonrespondents were small police departments is a poor excuse for failing to compel recipients to complete the reporting form, especially since many of the worst cases of

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896. Id. OCRC assumed that those not filing were tardy rather than reluctant to file.

897. 1975 Rice et al. interview, supra note 728.

898. LEAA officials stated that even those small departments which did file correctly provided negligible compliance data for the purpose of the collection. Id. Moreover, LEAA commented:

> To remind the Commission, LEAA undertook monitoring of smaller agencies only because of the insistance of the Commission that it do so. As LEAA feared, much of data generated was unreliable and much of the data produced was of limited utility from a compliance point of view. From a "cost-effectiveness" point of view, expenditure of further funds in the collection of delinquent forms of such marginal utility, seemed unwise. June 1975 Velde letter, supra note 727.

discriminatory treatment of minorities takes place in small departments.[899] First, because smaller recipients have fewer employees, they should find the task of completing the form easier than would larger agencies. Thus, it is not unreasonable to ask them to comply. Second, and more significantly, no matter what the size of the nonrespondent departments, for OCRC to fail to require them to carry out an LEAA instruction without informing them that the instruction was rescinded is tantamount to informing them that LEAA is not serious about requiring civil rights compliance.

Overall, the use of the questionnaire did not prove to be highly successful. It was supposed to assist OCRC as a factor in ascertaining possible noncompliance. OCRC had anticipated that the questionnaire would assist it in setting priorities for conducting compliance reviews,[900] but it never completed a full review of the questionnaires which were

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899. Attachment to Jefferson letter, supra note 851. An example of a small police agency with severe minority underutilization was the police department in North Augusta, S.C. North Augusta is in Aiken County, which according to the 1970 census was 23 percent black. The North Augusta police department had never employed a black. From fiscal year 1970 through 1973 it had received over $150,000 in LEAA grants but no one from LEAA had discussed with the department its employment practices. Id.

900. In 1972 LEAA wrote to this Commission:

> Employment data from the law enforcement agencies will be tabulated and matched with data indicating the racial and ethnic makeup for the states, counties and cities they serve, so as to indicate those recipient agencies with the greatest statistical disparities or exceptions between their law enforcement staff and population statistics. These tabulations are meant to provide initial indication of the places where noncompliance is most likely to exist, and will be used with other relevant information as can be obtained to make final judgments as to noncompliance. 1972 LEAA response, supra note 877.

returned. OCRC did examine completed forms from the 50 largest cities to uncover any statistical disparities between minority representation on the police force and in the population at large. It found disparities in 38 cities.[901] Although LEAA originally planned to repeat the administration of this questionnaire in 1974, it has been discontinued. LEAA intends, instead, to rely on data gathered by the Equal Employment Opportunity Commission (EEOC).[902] Currently, LEAA is obtaining any information it needs on an individual, city-by-city basis.[903] The employment categories used by EEOC, however, are of limited use in

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901. Of the 38 cities, LEAA eliminated 26 as possibilities for review because there was Federal or private litigation alleging discrimination in those cities' police forces. Of the remaining 12, LEAA selected 5 for review. 1975 Rice et al. interview, supra note 728.

902. EEOC requires employers, including State and local governments, to compile data on the race, ethnicity, and sex of all employees and new hires. Employers having 100 or more employees must report this information to EEOC annually; employers with between 15 and 99 employees must compile such information and have it available for a period of three years. In addition, a rotating sample of employers having between 15 and 99 employees are required each year to submit the employment data to the EEOC. See, for example, Equal Employment Opportunity Commission, EEOC Form 164, State and Local Government Information (EEO-4), Instruction Booklet (1974).

903. LEAA coordination with EEOC is discussed on pp. 390 infra.

analyzing the adequacy of minority and female utilization in police departments.[904]

LEAA has drafted a similar compliance report form to monitor community-based and other correctional facilities.[905] Originally, OCRC anticipated that this form would be completed and distributed by mid-1972.[906] In March 1974 the form was being reviewed by the Office of Management and Budget (OMB).[907] As of February 1975, a revised form was being circulated to the SPAs for comment,[908] and LEAA expected that the form would be distributed by May 1, 1975, with return requested within a month of that date.[909]

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904. EEOC gathers data by the following job categories: office/clerical, para-professionals, protective service, technicians, professionals, officials/administrators, skilled craft, and service/maintenance. The Biennial Civil Rights Compliance Report Form contained categories which were much more useful for an analysis of police department employment. They were: chief inspector/chief of police/colonel, assistant inspector/assistant chief of police, deputy inspector/deputy chief/or lieutenant colonel, inspector/major, captain, lieutenant, sergeant, patrolman private, police auxiliary, meter maid, non-uniformed professional, and office clerical.

905. Community-based facilities include halfway houses, probation and parole service institutions, and juvenile detention centers.

906. LEAA response, supra note 877.

907. March 1974 Rice interview, supra note 786.

908. Interview with Roberta Dorn, Corrections Specialist, OCRC, LEAA, DOJ, Feb. 11, 1975. As of that date, the SPAs had posed no objection to the substance of the form. They had, however, suggested that only those recipients required to file an Equal Employment Opportunity Program should complete this questionnaire.

909. Commission staff comments were sent to LEAA in a letter from Jeffrey M. Miller, Director, Office of Federal Civil Rights Evaluation, U. S. Commission on Civil Rights, to Herbert C. Rice, Director, Office of Civil Rights Compliance, LEAA, DOJ, Nov. 6, 1973.

One area of prime importance which is not covered[910] by this draft is that of services provided by contractors and subcontractors.[911] A second major omission is that the form does not solicit information on whether or not there is a pattern in certain localities of courts assigning minorities to a particular institution with an already high minority population, or sentencing nonminorities to correctional

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910. LEAA stated:

> For LEAA to expand its data collection base, until it has broader experience based on the analysis of forms presently in use or considered, would similarly be unwise.
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> Suggestions by the Commission that other questions might be posed by LEAA in its corrections report form are interesting, and themselves spawn further questions which might be asked, from which usuable compliance data might be gleaned. At some point though, the length and complexity or a form interferes with a need that data generated by the form be collected with relative ease and at a reasonable cost.
>
> Without expanding it, the corrections report form is long and will be somewhat difficult for some agencies to complete, particularly those correctional agencies having primitive record-keeping systems. June 1975 Velde letter, supra note 725.

911. The Commission has been informed that frequently where a juvenile institution has insufficient space in its own correctional institutions, it will contract to "buy" a private institution's facilities, especially for juvenile cases, making such an institution an indirect recipient of LEAA funds. LEAA does not make clear, however, that such contractors and subcontractors must file this form. Contractors and subcontractors may also provide services within a correctional facility, such as training programs and legal assistance. As the form is now worded, respondents are not asked to list all such services they purchase and indicate for each the race, ethnic origin, and sex of participants.

centers that are predominately white.[912] To make this determination, respondents could be asked to identify all similar institutions, e.g., juvenile treatment centers, within the same jurisdiction and to describe the methods of assignment of inmates to each correctional facility. In localities with jurisdiction over more than one facility of the same type, LEAA could then compare the racial and ethnic

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912. OCRC staff admit difficulty in handling the matter of court referrals. Rather than examine court assignments to institutions for discriminatory impact, OCRC staff anticipate that if a form discloses that a particular correctional facility has a disproportionately large minority population, referral patterns relative to this institution would be subsequently examined if a compliance review were undertaken of the recipient. Dorn interview, supra note 908. Data have been used successfully to measure referral patterns in other fields. For example, referral patterns (to foster care facilities) were the subject of a Department of Justice suit on behalf of the Department of Health, Education, and Welfare, Player v. State of Alabama Department of Pensions and Security, Civil No. 3835-N (M.D. Ala. filed Nov. 17, 1972). The Department of Justice devised detailed methods of using data to study these referral patterns which they believe might be usable to measure foster care referrals in a number of States. The Commission believes, therefore, that a question of referral patterns to correctional institutions is probably best studied with data and that a questionnaire would likely be the best instrument for obtaining at least preliminary data to study the question.

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composition of all like facilities.

The area of disciplinary actions and special privileges is a third area in which the form is lacking. Limited inquiries concerning disciplinary actions are made: Specifically, the form solicits data on the amount of "loss of good time" and the number of disciplinary actions imposed for minorities and nonminorities of both sexes. This information, however, is not sufficient to determine if disciplinary

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913. It is possible that where there is a tendency to sentence minorities disproportionately to one institution rather than to another, the minority institution will have inferior facilities. Similarly, there may be inequities between separate institutions for men and women within the same jurisdiction. However, the form does not solicit adequate information to make determinations concerning, for example, the adequacy of staffing and equipment for vocational and academic training; the sufficiency of beds, attendants, and medication in infirmaries; the presence of a well-stocked and current library; and the availability of adequate recreational facilities. The form should also cover all significant services provided within a correctional facility, for example, whether legal, psychiatric, or psychological counseling is available and provided to residents on a nondiscriminatory basis. Clearly, if such services are provided, it would be valuable to LEAA to know the number of inmates by race, ethnicity, and sex who avail themselves of these services. If a disproportionate number of minorities do not take advantage of these benefits, there might be cause to determine whether these services are distributed on a discriminatory basis.

actions and privileges are inequitably administered.[914] A fourth area in which the questionnaire is noticeably deficient is that of parole procedures.[915] A fifth area of importance which was insufficiently treated in the questionnaire is that of special services for particular groups, such as persons of Spanish speaking background and Native Americans.[916]

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914. LEAA should inquire concerning the type of punishment given. There should be a delineation, by race, ethnicity, and sex, of physical disciplinary actions such as solitary confinement and of actions involving loss of privileges, such as restrictions on the number of visitors allowed.

In order to determine whether privileges are granted on an equitable basis, LEAA should request information on what rewards are offered for "good behavior" and whether they are standarized or implemented on an ad hoc basis. If such standards exist, a question should be included on the form as who formulates and implements them. If no such guidelines are available, a determination should be made as to why not. A breakdown by race, ethnicity, and sex should be requested on the number of inmates who have been granted special privileges, such as home visits or special freedom of movement within the institution. Additionally, discipline which is administered by guards on an ad hoc basis may be more discriminatory than that meted out by a committee which impartially reviews the gravity of any reported infraction of institution rules. Therefore, a question should be included concerning the existence of standards governing such disciplinary actions.

915. Clearly, questions are needed in order to ascertain whether hearings and paroles are granted on an equitable basis by parole board members who adequately reflect a balanced composition of race and sex. Specifically, data should be requested by race, ethnicity, and sex on those persons making application for parole and those who are awarded parole. Further, because allegations are often made that the decision to grant parole hearings is discriminatory, inquiry should be made on the process of granting parole hearings: Are they held monthly, annually, or are the dates irregularly set? Are residents given adequate notice of those hearings and informed of the necessary qualifications? In addition, the form should solicit information on the race, ethnicity, and sex of parole board members as well as the method for choosing these panelists.

916. The form attempts to determine the availability of interpreter services and translated materials for persons of Spanish speaking background in the areas of institution regulations, training, and medical treatment. It should also inquire as to such assistance in all phases of institution life including legal and psychiatric counseling, recreation, and entertainment. LEAA should ascertain, by language spoken, the ratio of non-English speaking guards and professional staff to non-English speaking inmates. Similarly, the form neglects to determine if Black Muslims are free to practice their religion during incarceration and whether they are given a selection of food so that religious dietary restrictions are not violated. The importance of such considerations has been made apparent in the aftermath of Attica and other correctional tragedies.

Finally, the form uses the broad categories of minority and nonminority cross classified by sex for data collection. All data should be collected on each minority group separately, for example, on blacks, persons of Spanish speaking background, Native Americans, and Asian Americans.[917]

LEAA at one time had planned to issue a similar form to cover court systems[918] but in March 1974 indicated that such a form would no longer be possible.[919] According to OCRC staff, it is difficult to determine who

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917. These data should continue to be cross-classified by sex.

918. In addition to police departments, correctional institutions, and court systems, there are other LEAA recipients. For example, in fiscal year 1973 LEAA provided $19.5 million to 415 institutions of higher education in the form of grants for research in the area of law enforcement and scholarships for the study of criminal justice. LEAA also provides assistance which reaches hospitals with drug or alcohol rehabilitation programs. LEAA has delegated responsibility for determining the compliance status of institutions of higher education receiving LEAA funds to the Department of Health, Education, and Welfare (HEW) in accordance with a Plan for Coordinated Enforcement Procedure for Higher Education developed by the Department of Justice in 1966. LEAA delegated similar responsibilities with regard to hospitals to HEW, as well. LEAA retains the responsibility for administrative action or referral to the Civil Rights Division of the Department of Justice (see p. 376 infra) in the event that HEW cannot achieve compliance voluntarily with those LEAA recipients. Letters from John N. Mitchell, Attorney General, to Elliot L. Richardson, Secretary of Health, Education, and Welfare, Aug. 19, 1970.

919. March 1974 Rice interview, supra note 786.

is the beneficiary within a court system.[920] Given this confusion, various sets of forms would have to be devised in order to cover the myriad possible beneficiaries. OCRC staff believe that such an assignment is beyond its present capabilities.[921]

C. Compliance Review Manual

In June 1973, OCRC issued a draft Manual[922] for its own staff to aid them in conducting reviews of compliance[923] by police departments with Titles VI and VII of the Civil Rights Act of 1964 and the Crime Control Act of 1973. As of January 1975, this Manual was still in draft form.[924]

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920. March 1974 Rice interview, supra note 786.

921. Id.

922. OCRC, LEAA, DOJ, Civil Rights Compliance Review Manual for Police Agencies (1973) [hereinafter referred to as Compliance Review Manual].

923. OCRC describes a compliance review as:

> a detailed and systematic investigation of the activities of a law enforcement agency receiving LEAA funds. Its purpose is to:
>
> (1) Determine the agency's degree of compliance with existing statutes regarding civil rights, with court decisions interpreting those statutes and with rules and regulations implementing those statutes.
>
> (a) Recommend ways by which an agency may achieve compliance in problem areas.
>
> Id. at 2.

924. 1975 Rice et al. interview, supra note 728. According to OCRC staff, there are no plans to devise a final form of this Manual. Rather, it is their intention to keep it in draft form and update sections as necessary. March 1974 Rice interview, supra note 786. As of early 1975, the latest revision of this Manual had been in October 1973.

The Manual was designed as an information gathering tool to be used to outline areas of inquiry to be covered in compliance reviews of police departments by OCRC staff. It was intended to simplify and expedite the data collection process as well as to expand the scope of concerns of compliance reviews.

One of the biggest deficiencies of the Manual is that although it is the principal guide for conducting police department compliance reviews, it is focused primarily on employment, and frequently on employment of minorities as a class to the exclusion of employment of females as a class. It gives little attention to equal opportunity in the delivery of services. For example, the recipients to be reviewed are selected on the basis of their minority employment patterns.[925] Of the nine areas for inquiry listed in Manual, only one category, that of response times,[926] related to service to the community. The other

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925. LEAA guidelines instruct:

> Postaward compliance reviews of recipient agencies will be scheduled by LEAA giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the service population and the percentage of minority employees in the agency....A significant disparity...may be deemed to exist if the percentage of minority group in the employment of the agency is not at least seventy (70) percent of the percentage of that minority in the service population. 28 C.F.R. § 42.306(b)(1974).

926. To determine the equitability of services to the minority community, LEAA measures the response times of the police department to calls from minority communities and compares them with response times to calls from nonminority communities. LEAA staff have indicated that many factors, such as reason for calls to the police, are involved in determining response times, and that even when response times are compared for specific types of calls, this measure has not been very successful.. Interview with Winifred Dunton, Attorney Advisor, and Andrew Strojny, Chief, Compliance Review Division, OCRC, LEAA, DOJ, Feb. 5, 1975. In many cases this has been because police departments do not maintain adequate data for measuring response times. See Santarelli letter, supra note 836.

categories, which included entrance standards and selection procedures, recruitment, promotion, training and education, and employment and utilization of women, all related to employment.

LEAA staff indicated that one reason for the almost exclusive attention to employment is that apart from the measurement of response times, no other tools have been developed for measuring nondiscrimination in the delivery of services by police departments.[927] It would be absurd to believe that such tools cannot be developed.[928] For example, LEAA could look at the quality of police investigations of crimes in minority and nonminority neighborhoods, numbers of patrol officers and patrol cars per 10,000 population in minority neighborhoods,[929] police officer workloads, and frequency of patrols. It could compare the quality of facilities available to police stationed in precincts in minority neighborhoods with facilities in nonminority neighborhoods.[930]

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927. 1975 Rice et al. interview, supra note 728.

928. Measures to determine whether police services are being distributed equally have been studied by the Urban Institute, a nonprofit research corporation in Washington, D.C. The measures examined included assignment of police proportionate to demand for services and effectiveness of police against crime. P. Bloch, Equality of Distribution of Police Services - A Case Study of Washington, D.C. (February 1974).

929. Undoubtedly there are many factors, such as prior incidence of crime, and density of population that bear on allocation of police resources. It might be necessary to take such factors into account in calculating equitability of distribution of officers and cars. Nevertheless, assignment patterns which have a discriminatory effect could be certainly made evident if a comprehensive analysis were made. If, in a city with 30 percent minority population concentrated in three of the city's ten precincts, only 5 percent of its patrol force were assigned to the three precincts, this would clearly establish a prima facie case of discrimination.

930. It is presumed that there is some correlation between the proficiency with which police officers can carry out their duties and the facilities provided to assist them in these duties.

Although not included in the Manual, LEAA staff have stated that their compliance reviews now include measures of service to non-English speaking populations. The principal factor examined is whether the communications branch of the police department has a capability for communicating with such populations when they are located within the service area of the recipient police department.[931]

The Manual could serve a useful purpose. However, as it stood in early 1975, the Manual's language was vague and its queries could not elicit the type of responses necessary to produce comprehensive compliance information,[932] even in the area of employment. Throughout the Manual there is unspecific and undefined use of adjectives and adverbial phrases such as "Do female officers have an equitable opportunity for promotion...." or "Are females assigned to operational units of the department in reasonable proportion to their number in department...." or "Are examinations held frequently enough[933] so as not to be discouraging...." [Emphases added].[934] Such terms are ambiguous and lend themselves to convenient interpretations. LEAA has not provided unequivocal standards or definitions so that

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931. For example, in communities with significant Spanish speaking populations which have an emergency police telephone number, LEAA determines if there are Spanish speaking operators to answer that number.

932. A copy of this Manual was submitted to the Commission in July of 1973 for comment and the Commission responded in August of 1973. Letter from Jeffrey M. Miller, Director, Office of Federal Civil Rights Evaluation, U.S. Commission on Civil Rights, to Herbert C. Rice, Director, OCRC, LEAA, Aug. 8, 1973. LEAA attempted to reflect several of the Commission's comments in its revised draft. For example, the Commission noted that in the first draft, the Manual failed to make as many inquiries regarding ethnic and sex discrimination as it did with regard to race. The October 1973 revision (see note 922 supra) rectified this problem.

933. For example, the LEAA Manual query concerning whether or not examinations are held frequently enough does not indicate whether frequently means every six weeks, every two months, or any specific interval.

934. Compliance Review Manual, supra note 922.

subjective interpretations can be avoided.

Although OCRC has responsibility for ensuring compliance by all LEAA recipients, not merely police departments, it has not developed manuals for conducting reviews of other recipients. LEAA has plans to expand the Manual so that it can be used for reviewing correctional institutions and expects that in this area it will be able to make measurements of delivery of services.[935] It has no plans for expanding the Manual to include juvenile or community-based facilities, nor does it anticipate that the Manual will be broadened to cover court systems.[936]

D. Preapproval Reviews

Until mid-1973, LEAA officials doubted that it would conduct any preaward reviews. In October 1973, LEAA took a significant step forward by initiating a program of onsite preaward compliance reviews.[937] Nonetheless, the program is restricted in scope. It is limited to a review of potential recipients of discretionary grants of $750,000 or more.[938] There is no similar mechanism for preaward

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935. 1975 Rice et al. interview, supra note 728.

936. Id.

937. OCRC's Compliance Review Manual, as well as principles from relevant court decisions, are used to a limited extent as staff instruction for conducting these reviews. Dunton and Strojny interview, supra note 926.

938. OCRC participates in LEAA's computerized grants tracking system so that it will be immediately apprised of the number and location of grants of $750,000 or more to be reviewed. Moreover, as a double check, the procedure for processing discretionary grants has been amended to require that OCRC be advised of all discretionary grants over the amount of $750,000 by the regional offices. Applications for these grants are generally submitted to the regional offices.

reviews of LEAA's principal type of funding--block grants.[939]

Although at one point LEAA officials informed Commission staff that preaward reviews were not conducted of block grant recipients because they believed that such reviews might interfere with the "delicate balance between Federal/State relations,"[940] the LEAA position appears to be changing. As of February 1975, the reasons given for failure to conduct such reviews were "lack of staff," and LEAA's inability to determine in advance of funding the SPAs to which State or local law enforcement agencies funds will be distributed and how they will be spent.[941] Moreover, LEAA staff stated that they hope that at some point in the future preaward reviews of block grants may be conducted, and they indicate that there is authority to defer funding if such reviews indicated noncompliance.[942]

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939. This deficiency was noted by attendees at LEAA's 1975 civil rights conference, who recommended that LEAA increase its emphasis on preaward compliance. LEAA Policy Development Seminar on Civil Rights Compliance, supra note 872.

940. July 1973 Rice interview, supra note 813.

941. Because all LEAA block funds pass through the SPAs and because the SPAs have considerable leeway in how the funds are channeled (see p. 270 supra) LEAA reports that it is difficult to tell how the block grants will be used. Dunton and Strojny interview, supra note 926.

942. 1975 Rice et al. interview, supra note 728. Deferral of funds is discussed further on pp. 376 infra.

In June 1975, LEAA indicated that it was attempting to to assign this responsibility to the SPAs.[943] This Commission notes that this assignment could solve the problem of inadequate staff for reviews. Moreover, the SPAs should know to whom LEAA funds will go, since they distribute the LEAA funds; and, thus, this assignment could also solve LEAA's problem of not knowing whom to review on a preaward basis.

From October 1973 through the end of fiscal year 1974, LEAA conducted about 70 preaward compliance reviews of discretionary grant programs.[944] As of February 1975, LEAA did not have any data on the number of preaward reviews which had been conducted in fiscal year 1975,[945] but OCRC staff

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943. LEAA stated:

> LEAA conducts a pre-award review function with respect to block grants to the states. As noted by the Commission, at pages /325-329 infra/ the SPAs establish and maintain a civil rights compliance coordinative mechanism at the state level.
>
> In accordance with the Master Plan [see note 825 supra], SPAs wishing to assume "Priority Status" in civil rights compliance matters as they are affecting administration of block grant funds in their respective states, will assume responsibility to conduct pre-award reviews at the state level. June 1975 Velde letter, supra note 725.

944. 1975 Rice et al. interview and Dunton and Strojny interview, supra note 728.

945. LEAA stated:

> This is true since statistical summaries are prepared at the conclusion of the fiscal year. During fiscal year 1975, as of June 27, 1975 we have received 39 grant applications for review. Review of some of those applications are pending. Six of these grants have been funded and had special conditions attached as a result of pre-award reviews. Drawdowns on four of these grants were held up by special conditioning the drawdown to insure compliance with relevant court orders. June 1975 Velde letter, supra note 725.

"Special conditions" are defined on p. 352 infra.

stated that preaward reviews have been conducted on all grants of $750,000 or more made since the initiation of the preaward review program.[946]

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946. 1975 Rice et al. interview, supra note 728.

Of the 70 reviews conducted in fiscal year 1974, 21 resulted in OCRC's placing "special conditions" on the grant contract.[947] These special conditions are placed on the contract when there is a civil rights problem; they specify the steps to be taken to ensure that LEAA does not fund a discriminatory program. For example, special conditions may include requiring a recipient to report to LEAA concerning new hires and promotions by race, ethnic origin, and sex.

LEAA may specify that funding of the grant be deferred until the required actions have been taken.[948] As of February 1975 LEAA officials stated that LEAA does not maintain data on the number of instances in which the special condition required deferral,[949] although on request, LEAA sometimes compiles it.[950]

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947. 1975 Rice et al. interview, supra note 728.

948. In February 1975, LEAA did not have data available on the nature of the special conditions which were placed on these 21 grant contracts. Id. Nonetheless, in January 1974, after OCRC staff had conducted 15 preliminary preaward reviews in the States of Oregon, Iowa, Oklahoma, and Pennsylvania, OCRC staff indicated that the recommendations made in these preliminary reviews fell into two major categories. First, OCRC staff recommended that recruiting methods be improved in those programs requesting LEAA grants which require employment. For example, OCRC staff suggested that the race and sex of correctional personnel be proportionate to the resident population of the institution and not to the total population of the locale in which the facility is situated. Second, OCRC recommended that special projects such as drug detoxification programs increase their service to minorities and females. Interview with John Burns, Compliance Review Coordinator, OCRC, LEAA, DOJ, Jan. 29, 1974.

949. 1975 Rice et al. interview, supra note 728.

950. In June 1975 LEAA informed this Commission concerning the number of preaward reviews resulting in funds being withheld. See note 945 supra.

E. Compliance Reviews

In 1973, OCRC purported to examine the following factors in selecting recipient agencies for a compliance review:

a. Bureau of Census data relative to the minority population to be served by the law enforcement agency and in terms of the number of minorities in the available work force.

b. The presence of LEAA block or discretionary funds.

c. The amount of funds received by the agency from other Federal sources.

d. The presence or absence of equal employment opportunity complaints regarding the employment practices of the agency as well as the presence or absence of litigation which would address similar civil rights compliance issues.

e. Departmental staffing patterns as reported by the International Association of Chiefs of Police in 1971.

f. The number and nature of complaints referred to the Criminal Division of the Department of Justice.

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g. The Biennial Civil Rights Compliance Report Form in order to assess the number of minorities employed by the law enforcement agency. 952

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951. This form is discussed on p. 332 supra.

952. LEAA response, supra note 877. In addition, LEAA has given priority for review to the eight impact cities which have received large grants from LEAA. These cities are Newark, N.J.; Baltimore, Md.; Cleveland, Ohio; Atlanta, Ga.; St. Louis, Mo.; Dallas, Tex.; Denver, Colo.; and Portland, Ore.

This selection procedure places overemphasis on employment of minorities, but makes no mention of equal opportunity in the delivery of services; nor is mention made either of delivery of services to or employment of women.[953] Nonetheless, it appears to provide LEAA with some semblance of a system for selecting recipients for review, which is preferable to conducting compliance reviews only in response to complaints.[954]

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953. LEAA responded to this criticism:

> The Commission should note, in faulting LEAA for putting overemphasis on the employment of minorities in the process of selecting sites for compliance reviews, that generating information indicating statistically significant data indicating underutilization of women is almost impossible, since broad utilization of women in police and other criminal justice work is a practice of recent origin. Hence, establishing a reasonably reliable statistical rationale for the selection of sites for compliance reviews based on utilization of female labor is practically not feasible. June 1975 Velde letter, supra note 725.

954. The majority of the Title VI compliance reviews conducted by the Department of Housing and Urban Development are conducted in response to complaints. To Provide...For Fair Housing, supra note 868 at 56.

However, the existence of this procedure has become irrelevant as LEAA rarely conducts compliance reviews. Although LEAA has thousands of recipients,[955] from the time of its creation through January 1975, OCRC had conducted only 18 postaward compliance reviews.[956] Moreover, at least 14 of these were completed before July 1973 and only one was completed since May 1974.[957] LEAA stated that postaward compliance review activities have been drastically reduced in recent years because of its emphasis on preaward reviews.[958] This explanation is not fully accurate,

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955. Statistics on LEAA recipients are provided in note 721 supra.

956. 1975 Rice et al. interview, supra note 728. See also Velde letter, supra note 725. LEAA has executed a Memorandum of Understanding with the Federal Programs Section of the Civil Rights Division of the Department of Justice. The memorandum obligates the Federal Programs Section "to undertake a number of major compliance reviews on behalf of LEAA each year." LEAA response, supra note 877..

957. These 14 reviews included 11 municipal police departments, one State department of corrections, one State highway patrol and one sheriffs' department. LEAA response, supra note 877. As of May 28, 1974, LEAA had conducted a total of 17 compliance reviews. These included police departments in Dallas, Tex.; St. Louis, Mo.; Cleveland, Ohio; Portland, Ore.; Baltimore, Md.; Phoenix, Ariz.; New Orleans, La.; Atlanta, Ga.; Berkeley, San Francisco and San Diego, Cal.; Newark, N.J.; and Denver, Colo.; the South Carolina State Highway Patrol; the Clark County, Nevada, Sheriffs' Department; the Rhode Island Department of Corrections; and the Union Correctional Institution in Raiford, Florida. An 18th review of the Norfolk, Virginia, Police Department was in process as of May 1974. Santarelli letter, supra note 836. The Norfolk review was completed prior to February 1975.

958. Velde letter, supra note 725. OCRC reports that conducting a postaward compliance review is a lengthy procedure. The LEAA review process requires weeks of staff preparation prior to the actual visit and the review itself generally takes at least one work week at the review location and weeks subsequent to the onsite visit to draft an evaluation and any necessary recommendations. The entire OCRC staff participated in most reviews. This involvement of the total staff was necessary due to the large volume of material and information to be gathered and evaluated, which included general population statistics; number of employees by race, ethnicity, and sex; types of assignments; and response times to calls for police assistance. OCRC staff estimated that a compliance review takes approximately 100 person days on the average for a large recipient agency. It was estimated that 25 percent of this time was spent in preparation prior to the visit; 50 percent was devoted to onsite work; and the remaining 25 percent was used in the subsequent evaluation and recommendation process. Rice interview, supra note 728.

since the emphasis on preaward reviews has been limited to the Compliance Review Division, which is far too small. It is clear from LEAA's allocation of staff between the Compliance Review and Complaint Investigation Divisions, that LEAA places little emphasis on preaward or postaward compliance reviews. Rather, its greatest emphasis is on complaint processing.[959]

This current review of LEAA marked the first time that OCRC staff has shared with this Commission any tangible information concerning their civil rights operation. Previous Commission reviews of LEAA's compliance program were severely limited by LEAA's refusal to make copies of its complaint investigations and compliance reviews available to Commission staff.[960] In the course of the current review, LEAA made available sections from two compliance reviews of municipal police departments.[961] Nonetheless, LEAA continued to impose unnecessary restrictions on Commission use of OCRC files.

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959. Four persons are assigned to the Compliance Review Division, which conducts preaward and postaward compliance reviews and reviews equal employment opportunity plans. Six persons are assigned to the Complaint Resolution Division. See p. 292 supra.

960. This Commission evaluated LEAA in 1970, 1971, and 1973. See U.S. Commission in Civil Rights, The Federal Civil Rights Enforcement Effort (1970); The Federal Civil Rights Enforcement Effort: One Year Later (1971); and The Federal Civil Rights Enforcement Effort--A Reassessment (1973).

961. Review Nos. 73-R-03 and 73-R-07.

Unlike other Federal agencies reviewed in The Federal Civil Rights Enforcement Effort--1974, LEAA did not permit Commission staff to examine freely its compliance review and complaint investigation files. Moreover, those files OCRC did share with Commission staff were provided only after LEAA obliterated all reference to locations.

LEAA stated that it was obligated to protect the confidentiality of the recipients it investigates.[962] LEAA's interpretation of its obligation to

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962. Letter from Herbert C. Rice, Director, Office of Civil Rights Compliance, LEAA, DOJ, to Jeffrey M. Miller, Director, Office of Federal Civil Rights Evaluation, U.S. Commission on Civil Rights, July 16, 1973.

LEAA also stated:

> ...disclosure of the contents of investigative files relating to law enforcement is wisely excepted from the provisions of the Freedom of Information Act. As a final matter, premature release of information relating to a compliance review or complaint investigation makes more difficult the discussions leading to the voluntary resolution of matters, in accordance with relevant civil rights laws and regulations. June 1975 Velde letter, supra note 725.

This Commission finds several weaknesses in LEAA's argument. The Commission notes that the Freedom of Information Act does not apply to Federal agencies and that, in any case, the act does not restrict the information which LEAA is permitted to make available outside the agency. The purpose of the act is to ensure public access to certain information held by the Federal Government.

Moreover, this Commission does not believe that if LEAA revealed the names of jurisdictions reviewed by LEAA this would impede the voluntary resolution of any matter. Other Federal agencies which have wished to keep information requested by the Commission confidential have provided the information with the request that the Commission not publicly release it.

Finally, this Commission notes that the Civil Rights Act of 1957, which created the Commission, requires all Federal agencies to "cooperate fully with the Commission to the end that it may effectively carry out its functions and duties." As mentioned in note 963 infra, LEAA's failure to provide certain information has created obstacles to the Commission's evaluation of LEAA.

ensure confidentiality poses a major stumbling block for this Commission in its attempt to evaluate LEAA's compliance mechanisms.[963] Moreover, OCRC's insistence on confidentiality is unwarranted. There is no law that authorizes this nor is such confidentiality authorized by Title VI. No

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963. For example, in the reviews examined there were no categories for ethnicity determinations in the review reports. The category of race was only divided into the categories of black or white with no provision for Spanish speaking applicants. LEAA staff stated that data on persons of Spanish speaking background were collected where it was appropriate. Dunton and Strojny interview, supra note 926. Nonetheless, without knowing the cities for which reviews were supplied, this Commission cannot evaluate whether the omission of ethnic origin categories from those reviews was justifiable.

Furthermore, since this Commission was only provided with those portions of the reports that could easily be reproduced without divulging the identity of the department reviewed, it cannot be ascertained whether or not the entire review was conducted with the same degree of thoroughness as the sections provided. Even more serious was the fact that without the names of the cities reviewed, this Commission was unable to compare LEAA's findings and recommendations resulting from the reviews with allegations and court holdings in any lawsuits which may have been filed in these cities. This Commission could thus not determine the extent to which all civil rights problems were found in the review.

other Title VI agency espouses this position.[964]

The principal matters evaluated by the OCRC staff included employee selection and recruitment, testing, community services, complaint resolution, assignment of both sworn and civilian personnel, codification of policies and procedures, and general personnel information. A serious

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964. LEAA stated:

> LEAA's principal concern with allowing access to its records is to protect the legitimate privacy rights of persons filing complaints with these agencies, and the rights of those persons whose personnel or investigative files might be examined by OCRC in the course of a review.
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> Further, much more subtle information relating to individuals is secured during a compliance review. For instance, we might track the employment history of a particular police officer through the disposition of various disciplinary charges, which history, if disclosed, could be to that officer's personal embarrassment, if not financial loss.
>
> Beyond this, the great national concern for the rights of the individual, as against the Federal government, has found its most recent manifestation in the Privacy Act (P.L. No. 93-579). This Act imposes severe penalties on Federal employees who would release information maintained by the government relating to an individual without that individual's permission....
>
> That LEAA should by the draft report be placed in the position of having to again summarize its position on this issue is, euphemistically, curious. It is after all, the Commission's statutory duty to protect the human and civil rights of the persons whose records it would now have us disclose. June 1975 Velde letter, supra note 725.

This Commission again notes that it is not recommending the public release of confidential information, but merely recommending sufficient access to LEAA investigative records to determine if LEAA investigations and reviews are adequate to ensure that minorities and women are not the object of discrimination in LEAA-funded programs.

deficiency of OCRC's operation is that emphasis in reviews was primarily placed on issues relating to employment discrimination with lesser importance given to services. Yet the principal purpose of Title VI is to eliminate discrimination in services provided by federally assisted programs.

Moreover, the sections of the reviews relating to employment were entirely inadequate.[965] Considerable amounts of information were collected, but it did not appear that all of what was gathered was useful to LEAA, that LEAA gathered everything it needed, or that LEAA conducted sufficient analysis of the useful information it did collect.

An example of LEAA's inadequate treatment of an issue is found in its apparent failure to use data contained in one review which showed assignment of police officers, by race, to division and districts[966] within the police department. These data revealed that within one police department, the proportion of minority patrol officers ranged from 7.6 percent in one district office to 21.9 percent in another. If assignments had been made without regard to race or ethnic origin, it is not likely that such variation

965. This included application blanks, medical forms, policy statements and data on testing of applicants, assignments of officers, and complaints received.

966. As used herein, divisions are major organizational units of the headquarters, including such areas as traffic, communications, and criminal investigation. Districts are geographic units of the police department.

would have occurred. It was also clear from the data that black captains, the top ranking officers in district offices, were assigned to districts with the greatest proportion of black patrol officers. In addition, some divisions, such as planning and research and public information, contained almost no black police officers. LEAA appeared to make inadequate use of these possibly discriminatory assignment patterns in its evaluation of the police departments in question. With respect to officer assignments LEAA's findings only noted, "while aware of the necessity to place black officers in 'visible' assignments, it was noted that some units contained substantially higher numbers of blacks." Although segregation of black officers to certain units is a serious civil rights violation, LEAA avoided making this clear to the police department. Instead, in an apparent attempt to soften the impact of its finding, LEAA added: "We did note a generally high morale and good rapport...in units with high numbers of minorities."[967]

F. Attempts to Secure Compliance

LEAA has generally submitted a number of recommendations to the recipients reviewed. In some cases, the recommendations have been procedural, as for the increased collection of data, but in many cases LEAA has recommended that discriminatory practices be eliminated.[968]

967. LEAA Review No. 73-R-03.

968. LEAA staff have stated that the majority of LEAA recipients it has reviewed were found to engage in some form of discriminatory practice. July 1973 Rice interview, supra note 813.

LEAA's recommendations, like the reviews themselves, tended to focus on employment. In one review, for example, LEAA made eight recommendations, seven of which dealt with employment matters. Only one cited a need for an improvement by a municipal police department in its delivery of services to its population.[969]

LEAA's recommendations have not been sufficiently detailed.[970] For example, one recommendation stated:

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969. Sample recommendations concerning services are listed in Santarelli letter, supra note 836. These recommendations were largely for the collection and analysis of data on delivery of services.

970. LEAA responded to this criticism:

> ...lengthy and detailed recommendations to a recipient agency may not be useful, and even be counterproductive. To draw a useful analogy, the Civil Rights Commission repeatedly expresses the need that OCRC more closely examine the services of criminal justice agencies, but suggests few areas which might be examined to establish disparate treatment of minorities or females. Similarly, LEAA considers the manner in which a particular agency overcomes specific compliance problems as the responsibility of the agency under review, once LEAA has outlined for that agency general areas of concern. June 1975 Velde letter, supra note 725.

This Commission disagrees. Unless Federal agencies provide recipients a clear statement of the remedies to be taken, the process of trying to seek a voluntary resolution of noncompliance can be greatly extended while the recipient and the agency negotiate over what remedies are necessary.

Parenthetically, this Commission refers LEAA to pp. 281 and 362 supra for a suggestion of areas which might be examined to determine if a recipient provides discriminatory treatment of minorities and females.

> The process whereby a candidate is requested to recall in accurate detail for a previous period of ten years, all civil and criminal transgressions, credit status and employment, however temporary, or be charged with falsifying information, should be altered, 971

Undeniably, this is too vague to generate the type of alteration necessary. LEAA should have offered specific guidance as to how the recipient's application process should be modified.

Other recommendations were stated in such a fashion that the reviewed department was given a specified number of days to rectify the problems or deficiencies revealed.[972] Then they were to report their solutions to LEAA for approval or rejection. This process of trying to achieve mutually agreeable resolutions to deficiencies could be decreased considerably if LEAA would outline suggestions for correcting shortcomings in the initial correspondence.

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971. LEAA Review No. 73-R-07.

972. The time period ranged from 30 to 60 days.

Despite the apparent frequency, diversity, and severity of civil rights problems uncovered by LEAA in its compliance reviews, none of these reviews resulted in LEAA's finding recipients to be in noncompliance. This may well be because of OCRC's failure to define what constitutes noncompliance. OCRC staff remarked that various combinations of deficiencies could constitute noncompliance; yet, there is no definite formula which specifically delineates those factors which constitute noncompliance.[973] This is a serious deficiency in OCRC's compliance mechanism which, if uncorrected, invites subjective interpretations of what constitutes noncompliance of recipients of LEAA funds. The only explanation offered by the OCRC for this posture is that noncompliance is regarded as a legal determination and would only be used if the reviewed departments did not respond voluntarily to the recommendations made by the OCRC staff. Generally, according to the OCRC staff, the recipients reviewed have been responsive to the recommendations put forth by the review team, yet this trend does not obviate the need for guidelines detailing noncompliance.[974]

973. July 1973 Rice interview, supra note 813..

974. Id. LEAA stated:

> LEAA has under advisement...the Commission urging that LEAA adopt "Guidelines detailing non-compliance." Not only would action by LEAA in this regard make its regulatory scheme more "myriad", we, frankly, wonder if the Commission is seriously suggesting that LEAA set about to comprehensively detail in its guidelines the infinite and, "various combinations of deficiencies (which) could constitute(s) non-compliance," by LEAA's vast and diverse criminal justice constitutency. June 1975 Velde letter, supra note 725.

This Commission believes that in order for full compliance to be achieved with LEAA's civil rights requirements, it is essential that clear and unambiguous guidelines be issued. Such guidelines should not only provide detailed instructions on how to come into compliance, but should set the tone for the enforcement program. If they indicate unqualified agency support for the goal to be attained, then voluntary conformity with the law is more likely.

In at least one instance, moreover, LEAA has permitted its negotiations for compliance to continue indefinitely.[975] According to OCRC staff recollections, in late 1973 a letter was sent to an LEAA-funded police department[976] informing the recipient to take actions, including increased recruitment of minorities and women, the validation of the procedures for selecting employees, the elimination of discriminatory height requirements, and the assignment of women to patrol.[977] LEAA staff report that the recipient immediately indicated willingness to take action on the first three recommendations, but continued to make assignments of police officers on the basis of sex, refusing to place women on patrol. In late spring 1974, members of OCRC along with members from the Civil Rights Division of the Department of Justice visited the recalcitrant recipient, and informed it that a suit would be brought by the Department of Justice if action were not taken on the fourth recommendation.[978]

The recipient did not take action. OCRC did not follow through with its threat, however. Instead, the following sequence of events ensued: An official representative of the recipient expressed personal doubts about the wisdom of assigning women to patrol and received a sympathetic response from LEAA.[979] To assuage the official's doubts, LEAA collected information for

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975. It would appear that protracted negotiations are frequent. One of the recommendations of attendees at LEAA's 1975 civil rights conference was that LEAA develop a more orderly procedure for conducting compliance reviews which would include goals for carrying out a fixed number of reviews and set time limits for correcting deficiencies. LEAA Policy Development Seminar on Civil Rights Compliance, supra note 872.

976. The letter was sent as the result of an August 1973 compliance review.

977. The recipient had assigned no women to patrol duty.

978. Dunton and Strojny interview, supra note 926.

979. One LEAA official stated about the police department representative, "his doubts about women are real." Id.

the recipient on the deployment of women on patrol when given the opportunity. LEAA even conducted an impromptu telephone survey of a sample of police departments to assure the recipient that women had patrol assignments elsewhere.[980] While it is commendable for OCRC officials to be cooperative in assisting LEAA recipients, it would appear that this type of support is counterproductive to civil rights enforcement.

LEAA has indicated that its reason for not enforcing equal employment opportunity of women is that it believes sex may be a valid criterion for selecting persons for police work.[981] This position ignores the fact that

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980. Id.

981. LEAA stated:

> The novelty of the question of utilization of women in police service was and still is in need of resolution in a court of law. Reed v. Reed, 401 U.S. 71 (1971) extended coverage of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution to women. This coverage was broadened to include discrimination in employment Frontiero v. Laird, 411 U.S. 677 (1973), but no Federal Court above the District Court level has yet considered comprehensively the critical issue as to whether sex is a valid criterion for selecting persons for police work from a Fourteenth Amendment - equal protection - point of view, or from the point of view of statutory provisions such as Section 518(c)(1), which are derived from the Fourteenth Amendment. LEAA thought it desirable to obtain a more authoritative ruling of the Federal courts on this issue before attempting to enforce compliance....Velde letter, supra note 725.

policewomen perform effectively on patrol[982] and civil rights law requires equal employment opportunity for women. To give credence to the personal doubts of those who do not support the full implementation of the law is to abet its nonenforcement.

By late 1974, LEAA's efforts to assist the recipient did not move the recipient to take corrective action, and LEAA finally sent a letter to the recipient stating that if compliance were not forthcoming, further action would be taken.[983] As of February 1975, the recipient had not informed LEAA that it would come into compliance.[984]

G. Followup Reviews

In order to determine whether mutally agreed upon solutions are in fact implemented, regular monitoring and followup reviews must be conducted. Although civil rights problems requiring correction were uncovered in the majority of LEAA's compliance reviews, the LEAA program for conducting followup reviews has been inadequate. Prior to March 1974, only one such review had been completed.[985] At that time the OCRC Director

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982. P. Bloch and D. Anderson, Policewomen on Patrol, Final Report (1970). This report is an evaluation of policewomen in Washington, D.C., conducted for the Police Foundation by the Urban Institute.

983. Dunton and Strojny interview, supra note 926.

984. OCRC had not determined what action it would take if futher action is necessary, although it expects that judicial enforcement would be most effective. The recipient has received only $75,000 in LEAA funds, two years ago. It has refused further funding and so LEAA staff expect that an affirmative order terminating further funding would have a negligible effect on the practices of the recipient. Id.

985. March 1974 Rice interview, supra note 786.

stated that six were planned for the summer when added assistance could be provided by summer student employees. These reviews were conducted.[986]

Similarly, LEAA has conducted very little followup to ensure compliance with the special conditions[987] it has attached to grant contracts as a result of its preaward reviews. Of 13 discretionary grants[988] which were awarded with special conditions after preaward reviews in fiscal year 1974, LEAA has conducted followup investigations to ensure that the recipient had complied with those special conditions in only 2 cases.[989] Thus, it appears that where LEAA has worked hard to obtain a recipient's commitment to achieve civil rights compliance, it often neglects to be certain that the required actions are properly taken.

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986. 1975 Rice et al. interview, supra note 728.

987. Special conditions are discussed on pp. 352 supra.

988. Only 13 of the 21 grants upon which civil rights special conditions were placed (see p. 352 supra) were subsequently awarded. Civil rights played no role in the failure to award the other 8 grants, however. They were not awarded for programmatic reasons. Dunton and Strojny interview, supra note 926.

989. Data on special conditions was provided by Andrew Strojny, Chief, Compliance Review Division, OCRC, LEAA, DOJ, Feb. 7, 1975.

H. Complaint Handling

The principal means employed by LEAA to apprise citizens of how to register a complaint against a recipient of LEAA funds is the use of a standard poster.[990] This poster is distributed through the State Planning Agencies to all recipients, which are required to display them. The poster cites the provisions of Title VI of the Civil Rights Act of 1964 as well as the equal employment opportunity requirements imposed by LEAA. It advises potential complainants to contact either OCRC or the appropriate State Planning Agency. This poster was printed only in English until March 1974 when copies were printed in Spanish. There are no immediate plans to translate it into other languages, such as Chinese. Possibly because the poster is an inadequate mechanism to inform citizens of their rights to nondiscrimination,[991] many complaints against police departments have apparently not been brought to the attention of SPAs or OCRC and were, thus, not given sufficient opportunity for resolution.[992]

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990. OCRC estimated that approximately 80,000 of these posters have been distributed. It indicated that requests from the SPAs for these posters are received regularly. LEAA has also issued a manual for SPAs which focuses solely on employment matters. LEAA, DOJ, Equal Employment Opportunity Program Development Manual (July 1974). It has also issued a pamphlet for general distribution which describes LEAA's compliance program, including Title VI. LEAA, LEAA and Civil Rights (Undated).

991. In 1973 private civil rights groups sensed a void in LEAA's methods of apprising citizens of its equal opportunity requirements and issued a pamphlet concerning LEAA's equal employment opportunity requirements. Leadership Conference on Civil Rights and the Center for National Policy Review, Equal Job Opportunity in Law Enforcement (June 1973).

992. Pennsylvania State Advisory Committee to the U.S. Commission on Civil Rights, Police-Community Relations in Philadelphia (1972) and Cairo Hearing, supra note 732.

From the time that OCRC was established in May 1971 until February 1975, LEAA had received more than 275 complaints of discrimination.[993] Forty-three of these were received in fiscal year 1972 (July 1, 1971 through June 30, 1972)[994] and 64 were received in fiscal year 1973.[995] The great bulk of the complaints, however, were received in fiscal years 1974 and 1975; 101 were received in 1974 and 71 in the first 7 months of fiscal year 1975.[996]

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993. LEAA, DOJ, "A Summary of LEAA's Compliance Program," Xerox circulated at LEAA Policy Development Seminar on Civil Rights Compliance, Feb. 10, 11, 1975. This conference is discussed at note 872 supra.

994. LEAA response, supra note 877.

995. Letter from Henry C. Tribble, Chief, Complaints Resolution Division, Office of Civil Rights Compliance, LEAA, DOJ, to Dreda K. Ford, Writer-Editor, U.S. Commission on Civil Rights, Feb. 26, 1975.

996. Id.

Over 90 percent of these complaints concerned employment,[997] and a sizable number concerned sex discrimination in employment. To illustrate, the OCRC staff indicated that approximately 33 percent of the complaints received in fiscal year 1973 involved employment-related sex discrimination grievances.[998] In fiscal year 1974, the number of complaints alleging sex discrimination increased to more than 50 percent of the complaints LEAA received.[999] This trend continued in fiscal year 1975.[1000]

Although one LEAA staff member indicated that an optimistic estimation of the LEAA resolution time for complaints would be two or three months,[1001] it is difficult to determine independently whether LEAA's complaint processing is that expeditious. Of the 43 complaints received in fiscal year 1972, only 23 were closed as of June 1973 and by February 1974, 7 remained open.[1002] Six still remained open as of February 1975.[1003] Of 64 complaints received in fiscal year 1973,

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997. Employment complaints constituted 90.4 percent of OCRS's complaints in fiscal year 1972; 93.8 percent in fiscal year 1973; 91.0 percent in fiscal year 1974; and 91.5 percent in fiscal year 1975. Id.

998. Interview with Henry Tribble, Civil Rights Specialist, OCRC, LEAA, DOJ, July 5, 1973.

999. Attachment to Santarelli letter, supra note 836. In fiscal year 1972 only 4.7 percent of OCRC's complaints alleged sex discrimination. In fiscal year 1973, 32.7 percent alleged sex discrimination. Tribble letter, supra note 995. These figures include complaints alleging discrimination on more than one ground, for example, race and sex discrimination.

1000. Tribble interview, supra note 998.

1001. LEAA response, supra note 877.

1002. Tribble letter, supra note 995.

1003. Id.

at least 39 were still open in June 1973,[1004] and 37 remained open in February 1975. In June 1973, of 94 complaints received between July 1, 1971 and April 30, 1973, only 35 complaints (37 percent) were closed.[1005] In February 1975, a total of only 51 had been closed--only 16 more than in June 1973.[1006] LEAA has indicated that "A particular case may be carried as open when it is in fact resolved, subject to monitoring," but it is has not informed this Commission how many of its cases fall into the category of "resolved, subject to monitoring." To the extent that LEAA does not close a case until followup monitoring reveals that the

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1004. OFRC, LEAA, DOJ, "Status of Complaints for FY 1972 and 1973," supplied by Henry Tribble, Chief, Complaint Resolution Division, Office of Civil Rights Compliance, LEAA, DOJ, Feb. 25, 1975. /Hereinafter referred to as "Status of Complaints."/

1005. LEAA response, supra note 877.

1006. "Status of Complaints," supra note 1004.

required actions have been implemented, LEAA is to be commended.[1007]

Some of these cases, too, may have been closed prematurely. For example, one complaint file reviewed by Commission staff was closed after OCRC had found that "the reports of the grants are not sufficiently detailed to provide information as to specific subgrantees or users of the funds." LEAA concluded that "...the nexus of the grant is not close enough to the nexus of the complaint to enable us to proceed on the basis of Title VI."[1008] The appropriate course of action would have been for OCRC

1007. LEAA stated:

> OCRC has maintained a posture of not designating its cases as "closed" as soon as apparent resolution of the identified problems have been reached. Rather, there is a system of periodic monitoring following resolution. This period of monitoring, generally over the course of the subsequent eighteen months, permits an adequate period of time to determine whether or not all systemic problems have been adequately identified and appropriately addressed. During this monitoring period, subsequent to apparent resolution, the case file is still designated as "open", and not yet "closed"....They are not. A large portion of those cases within OCRC that are designated as "open" have already been resolved. June 1975 Velde letter, supra note 725.

1008. LEAA Complaint No. 73-C-007.

to require the recipient to maintain records sufficiently comprehensive to document where LEAA funds are being used. LEAA's complaint files contained no indication that LEAA imposed such a requirement. Thus, it is difficult to determine whether this complaint was closed out of convenience or if, in fact, the complaint alleged discrimination over which LEAA had no jurisdiction.

When more substantial LEAA involvement was required, LEAA was slow to investigate its complaints. Of the 43 complaints received in fiscal year 1972, LEAA determined that investigation was necessary in about 26 cases.[1009] Five of these cases were investigated as of June 1973. Of the 51 cases filed in the first three-quarters of fiscal year 1973, LEAA determined that 42 needed investigation. It appeared that only 11 of these had been investigated as of June 1973.[1010]

LEAA's complaint investigations were not always thorough. In one complaint file reviewed by Commission staff, letters from the complainants alleged discrimination against blacks in the employment practices of a correctional institution.[1011] Some of the specific allegations appeared

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1009. In some cases it was inferred that investigation had been necessary because LEAA stated that it was negotiating with the respondent for compliance or monitoring the recipient's action. LEAA response, supra note 877.

1010. While it might be unreasonable to expect that all complaints received in April 1973 be resolved two months later, it is clear that this low rate of closure was not entirely due to the fact that the complaints had been received too recently to be resolved. Many of the complaints unresolved in June 1973 had been in LEAA's files long enough to be resolved. For example, as of June 1973, 15 of 19 complaints received between July 1, 1972, and September 30, 1972, were unresolved.

1011. LEAA Complaint No. 73-C-002.

to have been at least partially investigated, for example, that there were too few blacks in supervisory positions and that blacks were passed over for promotion. The complainants also alleged that the work schedules of black employees were improperly set, but there is no indication in the file that this allegation was investigated. In addition, the complainants alleged a number of programmatic problems, such as failure of corrections employees to be paid their full salaries and the placing of inmates in solitary confinement on trumped up charges. These latter charges did not allege racial or ethnic discrimination and, thus, were considered outside OCRC's jurisdiction. There is, however, no indication in the file that OCRC attempted to determine if they had racial implications or referred them to LEAA program officials who have authority to handle such matters.[1012]

The explanation offered by OCRC staff for the slow pace in processing complaints[1013] is the lack of staff assigned to this operation, but it is clear that the delays are also due to LEAA's reluctance to take enforcement action when the recipients are resistant to coming into compliance voluntarily. Indeed, when LEAA determined that corrective action by a

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1012. This complaint, received early in fiscal year 1973, was not resolved as of February 1975. "Status of Complaints," supra note 1004.

1013. Attendees at LEAA's 1975 civil rights conference noted undue delays in LEAA complaint processing and recommended that LEAA determine the merit of complaints more expeditiously. LEAA Policy Development Seminar on Civil Rights Compliance, supra note 872.

recipient was necessary,[1014] LEAA had very little success in resolving complaints. Although at least one-third of the complaints filed with LEAA between July 1972 and April 1973 fell into this category, as of May 1973, LEAA reported only 3 of these cases as closed.

I. Enforcement Action

1. Deferral of Funding

Like all Title VI agencies, LEAA has a number of tools at its disposal when it finds noncompliance by its recipients or potential recipients. Under Title VI, if a grant has not been made or funding has not been awarded, LEAA can defer making the grant or awarding funds until it has had the opportunity to verify full compliance. Such deferral would be appropriate, for example, whenever a lawsuit against an LEAA recipient or applicant or an LEAA compliance review indicates a prima facie case of discrimination prohibited by one of LEAA's civil rights requirements.[1015] The purpose of this tool is to protect Federal agencies

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1014. In counting the number of cases in which LEAA required corrective action, Commission staff included both those cases in which LEAA stated that it was negotiating with the recipient and those in which monitoring was taking place. LEAA response, supra note 877.

1015. The Department of Justice's Title VI regulation provides:

> If an applicant or recipient fails or refuses to furnish an assurance...or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with [Title VI or the regulations implementing that title].... The Department shall not be required....to provide assistance in such a case during the pendency of administrative proceedings...except that the Department [of Justice] will continue assistance during the pendency of such proceedings whenever such assistance is due and payable to a final commitment made or an application finally approved prior to the effective date of this subpart. 28 C.F.R. § 42.108(b) (1974).

See also Department of Justice, Guidelines for the Enforcement of Title VI, 28 C.F.R. § 50.3 (1974).

from funding discriminatory programs and it has been confirmed both by the Congress[1016] and the courts.[1017]

OCRC staff state that LEAA has deferred funding of discretionary grants in some instances in which a preaward review showed possible noncompliance because EEOPs had not been written or were incomplete.[1018] LEAA staff did not indicate in how many cases such deferral has occurred because, they note, LEAA does not maintain data on the number of fund deferrals it has made. LEAA has not itself deferred any block grant funding, but in "two or three cases" LEAA has asked SPAs, through which all block grant funding passes, to defer funding when recipients or potential recipients do not have complete affirmative action plans, and SPAs have complied.[1019]

Except when potential recipients have inadequate equal employment opportunity programs, LEAA has demonstrated great reluctance to defer funding. As a result of its resistance to the use of this enforcement

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1016. In the 1960's, the Commissioner of Education of the Department of Health, Education, and Welfare developed the practice of deferring funds to school districts which appeared not to be in compliance with the dictates of Brown v. Board of Education, 347 U.S. 483 (1954), and its progeny. As passed in 1964, Title VI contained no explicit provisions concerning deferral of funds. In 1966, however, Congress passed an amendment to Title VI which places a limit on the length of time funds could be deferred in educational programs. 42 U.S.C. § 2000d-5 (1970).

1017. Adams v. Richardson, 480 F.2d 1159 (D.C. Cir. 1973); Board of Public Instruction of Palm Beach v. Cohen, 413 F.2d 1201 (5th Cir. 1969); Taylor v. Cohen, 405 F.2d 277, 28 (4th Cir. 1968).

1018. Dunton and Strojny interview, supra note 926.

1019. Id.

tool,[1020] LEAA continues to fund jurisdictions in which there is prima facie evidence of civil rights violations. For example, LEAA provides funds to the Philadelphia Police Department although LEAA has referred the matter to the Civil Rights Division of the Department of Justice for action because the police department blatantly discriminates against women[1021] and has refused to take adequate corrective action.[1022]

1020. Of nineteen job classifications of sworn officers in the Philadelphia Police Department, only four classifications are open to females. These classifications authorize the employment of 86 females. The remaining classifications authorize the employment of 8,276 males. Thus, only 1.03 percent of the sworn officers may be women. No female sworn officer is permitted to supervise any male sworn officer on a permanent basis.

1021. On July 18, 1973, a policewoman with the Philadelphia Police Department filed a charge of employment discrimination based upon sex with the Equal Employment Opportunity Commission. Two days later, she mailed a similar complaint of employment discrimination based upon sex to LEAA. In that complaint she requested LEAA to "consider holding up funding for the Police Department of Philadelphia until such time as my complaint is resolved." Letter from Penelope Brace to the Law Enforcement Assistance Administration, July 30, 1973. In February 1974, LEAA informed her that the City of Philadelphia had failed to undertake "voluntary compliance with the civil rights laws and regulations affecting the Philadelphia Police Department as a recipient of funds from the Law Enforcement Assistance Administration." Letter from Herbert C. Rice, Director, OCRC, LEAA, DOJ, to Penelope Brace, Feb. 4, 1974.

1022. The only corrective action the Philadelphia Police Department has taken has been insufficient. During the fall of 1974, the Philadelphia Police Department established a "pilot project" whereby it temporarily employed twenty-two women as police officers with the same duties and responsibilities of the more than 6,000 current "patrolmen."

The fact that the Philadelphia Police Department continues to receive funds means that not only is LEAA funding a discriminatory program, in violation of both LEAA's equal employment opportunity regulation and the Crime Control Act,[1023] but that LEAA's credibility as a law enforcement agency is diminished.[1024] Other police departments with discriminatory practices similar to those followed in Philadelphia can observe that no Federal action has required their immediate correction.

1023. LEAA stated:

> LEAA has moved swiftly in civil rights matters, consonant with careful investigation and development of the facts, to protect the rights of individuals concerned, and to effect broad systemic changes in the practices of criminal justice agencies receiving LEAA funds. In so doing, LEAA believes that it has fully complied with all applicable laws, regulations, and guidelines. June 1975 Velde letter, supra note 725.

1024. LEAA stated:

> LEAA's position with respect to enforcement of compliance responsibilities of the Philadelphia Police Department and relative to discrimination because of sex has been fully articulated elsewhere (See letter of Richard W. Velde, Administrator of LEAA, to Congressman Charles B. Rangel, January 10, 1975, referred to at page 277 of /this report/.

In that letter, Mr. Velde stated:

> With the complainant...reinstated to her position with the Philadelphia Police Department, and the difficult issues of discrimination because of sex being considered in an orderly manner by the court, institution of proceedings to defer, suspend, or terminate funding seems inappropriate in this case.
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> The impact upon all citizens of Philadelphia of withdrawing the additional police protection being provided was deemed to be on balance of more immediate consequence. These grants were specifically oriented to provision of better police protection in the high crime areas of the city and the effect of withdrawal of this protection would impact harshly on the citizens least able to protect themselves. January 1975 Velde letter, supra note 725.

Many LEAA recipients are parties to lawsuits alleging discriminatory practices. For example, of the 50 largest police departments receiving LEAA funds, 26 were parties to such suits.[1025] Yet as of February 1975, LEAA had not examined these cases to ascertain if they show prima facie civil rights violations, and to defer funds on that basis. LEAA officials contend that LEAA cannot defer funding to a recipient who is in violation of an LEAA civil rights requirement if the matter is to be referred to the Civil Rights Division for civil action, or if the matter is already before a court of law.[1026]

LEAA's position is not supported by regulation.[1027] There are no

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1025. 1975 Rice et al. interview, supra note 728.

1026. Id.

1027. In June 1975, LEAA stated:

> Because of the procedural and substantial problems relating to enforcement of compliance responsibilities of LEAA recipients, pursuant to the terms of Section 518(c) of the Crime Control Act of 1973, LEAA will issue, as proposed rules, in the fall of 1975, regulations implementing Section 518(c), and consider, at an informal conference, other modifications in the regulations and guidelines affecting LEAA's operations relating to civil rights compliance....
>
> LEAA will, in the fall of this year, propose strong regulations implementing Section 518(c) of the Crime Control Act of 1973, including procedures to defer, suspend, or terminate funding, as appropriate, but the methods by which compliance may be reached, by voluntary means or otherwise, are as varied as the number of matters needing resolution themselves. June 1975 Velde letter, supra note 725..

regulations which limit LEAA's actions in the event of private litigation. There is a regulation concerning LEAA action once the Civil Rights Division has filed suit against a noncomplying recipient, but this regulation is aimed at coordination. It merely requires that LEAA consult with the Civil Rights Division before taking further action with respect to the noncomplying party.[1028] It does not prohibit any LEAA action.

In at least one case, a court has ordered a Federal agency to defer funding where, in the face of an apparent civil rights violation, the agency has failed on its own initiative to defer funding.[1029] LEAA itself has deferred funding to the Chicago Police Department which is involved in litigation as a result of a referral by LEAA to the Civil Rights Division, and the Illinois State Planning Agency has deferred funding to the Chicago Police Department pending its adoption of an

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1028. 28 C.F.R. § 50.3 (1974). This is the Department of Justice Guidelines for the Enforcement of Title VI.

1029. This was the Office of Revenue Sharing of the Department of the Treasury which was ordered to defer funds to the city of Chicago. Robinson v. Shultz, Civ. No. 74-248 (D.D.C. Dec. 18, 1974) (Interim Order). The Department of Justice had filed suit against the city of Chicago after LEAA had referred the case to the Civil Rights Division on the basis of its findings of discriminatory employment practices in the Chicago Police Department. See The Chicago Police Department: An Evaluation of Personnel Practices, prepared for LEAA by consultants P. Whisehand, R. Hoffman, L. Sealy, and J. Boyer (1972). The Federal district court in Chicago had entered findings of fact showing discrimination in certain employment practices of the Chicago Police Department. United States v. City of Chicago, Civ. No. 73 C 2080, 8 EPD Para. 9783 (N.D. Ill. Nov. 7, 1974) (Interim Order).

acceptable equal employment opportunity program.[1030]

LEAA officials also contend that to engage in deferral activity at the same time the Government is engaged in a court action would be confusing to the recipient.[1031] With proper coordination between the Civil Rights Division and LEAA, however, this need not be the case. Indeed, if LEAA's investigation and accompanying findings and recommendations are thorough, both should be seeking the same remedies.[1032]

2. Termination of Funding

If funding has been awarded and the recipient is in noncompliance, Title VI specifically provides that the granting agency can initiate administrative proceedings for the termination of funding.[1033] Although not explicitly stated in Title VI, the granting agency may alternatively refer

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1030. Dunton and Strojny interview, supra note 926.

1031. 1975 Rice et al. interview, supra note 728.

1032. There would be serious deficiencies in the Federal Government's Title VI program: (a) to the extent that the Civil Rights Division of the Department of Justice conducts its own investigations of the cases referred to it and discovers that its findings differ from those of the referring agency and (b) to the extent that the Civil Rights Division asks the court for remedies which differ from the corrective action sought by the referring agency, in its attempt to secure voluntary compliance. Such deficiencies would need to be corrected by increased guidance to Federal agencies from the Federal Programs Section of the Civil Rights Division. See chapter 9 infra.

1033. LEAA informed this Commission, "Problems relating to deferral, suspension, or termination of funding, and the application of judicial sanctions, are considered in some detail in the Master Plan [described in note 825 supra]...." June 1975 Velde letter, supra note 725.

the matter to the Civil Rights Division of the Department of Justice.[1034] LEAA has made little use of these sanctions, especially the sanction of fund termination. LEAA staff states that the agency has never terminated funding because of a civil rights violation. It has referred four cases to the Civil Rights Division of the Department of Justice.[1035] Two of these cases have been in the public eye and LEAA admits to their identity:

1034. Title VI of the Civil Rights Act of 1964 states:

> Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirements, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so formal, or (2) by any other means authorized by law. [Emphasis added.] 42 U.S.C. § 2000d-1 (1974).

The Department of Justice's Title VI regulation defines other means authorized by law:

> Such other means include, but are not limited to, (1) appropriate proceedings brought by the Department of Justice to enforce any rights of the United States under any law of the United States, or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law. 28 C.F.R. § 42.108(d)(1974).

1035. Dunton and Strojny interview, supra note 926.

the Chicago and Philadelphia Police Departments.[1036] LEAA would not provide Commission staff with the names of the other two departments.[1037]

One argument set forth by the Department of Justice against fund termination is that it risks "potential injury" to the intended beneficiaries of Federal assistance.[1038] And the Director of OCRC has argued that fund termination would only serve to hurt those programs that LEAA funding was designed to help.[1039] This Commission believes that, on the contrary, fund termination can be extremely effective, with minimal injury to intended beneficiaries. For example, between the passage of the Civil Rights Act in 1964 and March 1970, HEW initiated approximately 600 administrative proceedings against noncomplying school districts.[1040] In 400 of these cases, HEW found that the school districts came into compliance following the threat of termination, with no need for termination. In only 200 cases were funds

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1036. Id. The Philadelphia and Chicago cases are discussed on p. 378 and p. 381 supra, respectively.

1037. 1975 Rice et al. interview, supra note 728.

1038. Brief for United States of America as Amicus Curiae at 88, Player v. State of Alabama Department of Pensions and Security, Civil No. 3835-N (M.D. Ala., filed Nov. 17, 1972.)

1039. July 1973 Rice interview, supra note 813.

1040. These districts received notices for hearings. Brief for Plaintiffs-Appellees at 7 Adams v. Richardson, 480 F.2d 1159 (D.C. Cir. 1973).

terminated. HEW subsequently determined that compliance was achieved and Federal assistance was restored in all but four of these districts.[1041]

The principle reason for LEAA's failure to use the sanction of fund termination has been that LEAA has a strong preference for judicial rather than administrative remedies for Title VI violations.[1042] This preference is reflected in LEAA's equal employment opportunity regulations, which provide that:

> Where the responsible Department official determines that judicial proceedings...are as likely or more likely to result in compliance than administrative proceedings..., he shall invoke the judicial remedy rather than the administrative remedy.[1043]

Moreover, the Department of Justice in an amicus brief in Player v. State of Alabama Department of Pensions and Security argued that "the legislative history of Title VI supports use of the injunctive remedy in preference to

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1041. HEW restored funding upon receipt of a satisfactory desegregation plan or assurances that the district would comply with a pending court order.

1042. See U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--A Reassessment 346 (1973).

1043. 28 C.F.R. § 42.206 (1974). This section permits LEAA to use the procedures provided for in the Department of Justice Title VI regulation to effect compliance with the equal employment opportunity regulation.

'termination' of assistance."[1044] This Commission believes, however, that no such preference was intended in Title VI,[1045] which lists fund termination as the first remedy when compliance cannot be achieved voluntarily and does not specifically mention judicial remedies. Further, the LEAA Administrator recently expressed dissatisfaction

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1044. To support their argument, Department of Justice attorneys quoted Senator Hubert Humphrey:

> ...[T]he purpose of Title VI is not to cut off funds, but to end racial discrimination....In general, cut off of funds would not be consistent with the objectives of the Federal assistance statute if there are available other effective means of ending discrimination. (Sen. Hubert Humphrey, Mar. 30, 1964), 110 Cong. Rec. 6544. Cited in Brief For United States of America as Amicus Curiae at 87, Player v. State of Alabama Department of Pensions and Security, Civil No. 3835-N (M.D. Ala., filed Nov. 17, 1972).

1045. It is noted, too, that using essentially the same body of facts, other civil rights scholars have argued that Congress intended to make fund cut offs mandatory when compliance could not be achieved voluntarily. Brief for Kenneth Adams, supra note 1040. The appellees noted that Title VI originated in the 1963 proposals of President Kennedy which permitted, but did not require, the withholding of funds. (See House Document 124, 88th Cong., 1st Sess. Message from the President of the United States Relative to Civil Rights (June 19, 1963)). They noted that Roy Wilkins, representing the Leadership Conference on Civil Rights, testified to the need for mandatory withholding funds from recipients which discriminate on the basis of race or ethnic origin (Hearings on Civil Rights Before Subcomm. No. 5 of the House Comm. on Judiciary, 88th Cong. 1st Sess., pt. III, at 2161.) They argued that this view ultimately prevailed, and cite statements by Senator Hubert Humphrey as testimony to the rejection of the discretionary approach. They quote Senator Humphrey as having stated that Title VI:

> ...requires Federal agencies to take action to effectuate the nondiscrimination policies. This is necessary. If, as I deeply feel, it is contrary to our basic political and moral principles to allow Federal funds to be used to support and perpetuate racial discrimination, then it is right for Congress to require every Federal department and agency, without exception to act to eliminate any such discrimination. Statement of Senator Humphrey, supra note 1044.

See also speech by Howard A. Glickstein at LEAA Policy Development Seminar on Civil Rights Compliance, supra note 872. at 94.

with LEAA's reliance on judicial remedies. He stated:

> I think it is a very accurate observation that we perhaps have excessively relied on judicial remedies where in fact we could have been more successful in pursuing an administrative course of action too. 1046

It is clear that one of Congress' principal purposes in enacting Title VI was to provide an administrative means for desegregation.[1047]

Two years after the passage of Title VI, the report of the White House Conference, "To Fulfill These Rights," spoke of this matter:

> It was the Congressional purpose, in Title VI of the Civil Rights Act of 1964, to remove school desegregation efforts from the courts, where they had been bogged down for more than a decade. Unless the power of the Federal purse is more effectively utilized, resistance to national policy will continue and, in fact, will be reinforced....Judicial proceedings by the Attorney General can play an important role in enforcement, but litigation cannot be made a substitute for the administrative proceedings prescribed by Congress as the primary device of enforcing Title VI. Those school districts which remain in outright defiance of national policy should be subjected immediately to administrative action, lest the credibility of the national policy remain any longer in doubt. 1048

1046. Statement by Richard W. Velde, Administrator, LEAA, at LEAA Policy Development Seminar on Civil Rights Compliance, supra note 872. At that seminar, attendees recommended that LEAA amend Section 42.206 of its regulations which gives preference to judicial remedies and provide a preference for administrative proceedings instead.

1047. This Commission has earlier noted that, to an extent, the mere fact of the passage of Title VI indicates some dissatisfaction with the pace set by the courts. U.S. Commission on Civil Rights, Federal Enforcement of School Desegregation 33 (1969).

1048. Report of the White House Conference, "To Fulfill These Rights," at 63. The Conference was held June 1-2, 1966.

It also appears that the courts share this view. Indeed, they have viewed the passage of Title VI as placing the burden of desegregation on Federal agencies.[1049]

Moreover, no such preference is contained in the Omnibus Crime Control Act which has the broadest prohibition against racial, ethnic origin, or sex discrimination in LEAA-funded programs and contains the strongest sanctions: mandatory fund-cut off, with the additional option of referral to the Civil Rights Division.[1050]

1049. The Supreme Court, for instance, stated:

> Congress, concerned with the lack of progress in school desegregation, included provisions in the Civil Rights Act of 1964 to deal with the problem through various agencies of the Federal Government. Green v. County School Board of New Kent County, 391 U.S. 430, 433 n. 2 (1968).

The Fifth Circuit went into greater detail:

> We read Title VI as a congressional mandate for change - change in pace and method of enforcing desegregation. The 1964 Act does not disavow court-supervised desegregation. On the contrary, Congress recognized that to the courts belongs the last word in any case or controversy. But Congress was dissatisfied with the slow progress inherent in the judicial adversary process. Congress therefore fashioned a new method of enforcement to be administered not on a case by case basis as in the courts but generally, by federal agencies operating on a national scale and having a special competence in their respective fields. Congress looked to these agencies to shoulder the additional enforcement burdens resulting from the shift to high gear in school desegregation.

U.S. v. Jefferson County Board of Education, 372 F.2d. 836, 852-53 (5th Cir. 1966)

1050. LEAA informed this Commission:

> No consensus on...problems [relating to Section 518(c)(2) of the Crime Control Act] was reached at the Meadowbrook Hall Seminar [note 872 supra]. LEAA's Master Plan [see note 825 supra] does consider these problems, resolution of them being a part of the regulations being issued by LEAA as proposed rules in the fall of this year. June 1975 Velde letter, supra note 725.

Section 509 of the act states that whenever LEAA "after reasonable notice and opportunity of a hearing to an applicant or a grantee" finds that "there is a substantial failure to comply" with the act, its implementing regulations, or plans or applications submitted in accordance with the act,[1051] LEAA

> "shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is a failure), until there is no longer such a failure."[1052]

However, for civil rights violations by States or units of local governments,[1053] the act also authorizes LEAA to institute an appropriate civil action,[1054] concurrent with the exercise of section 509. This would be carried out by referring the case to the Civil Rights Division of the Department of Justice. LEAA, however, has not yet taken the enforcement action required under this act.

1051. 42 U.S.C. § 3757 (Supp. III, 1973). This sanction is required for failure to comply with all provisions of the act, not merely its civil rights provisions. Not only does section 509 contain language making fund termination mandatory, in the event of failure to comply with the act, section 518 of the act makes clear that the exercise of section 509 is mandatory for civil rights violations.

1052. Id.

1053. The act does not appear to provide specific remedies for civil rights violations for nonpublic LEAA recipients, such as hospitals or universities. It appears that of such recipients, only the provisions of section 509 would apply.

1054. 42 U.S.C. § 3766(c)(3) (Supp. III, 1973). LEAA is also authorized concurrently with the exercise of section 509 to exercise the powers and functions pursuant to Title VI of the Civil Rights Act of 1964 or take such action as may be provided by law.

J. Interagency Coordination

Since the passage of the Equal Employment Opportunity Act of 1972, amending Title VII of the Civil Rights Act of 1964,[1055] State and local governments have been prohibited from discriminating in their employment practices, and the Equal Employment Opportunity Commission (EEOC) has been responsible for enforcing this provision through the processing of complaints.[1056]

Thus, EEOC and LEAA have an overlapping responsibility for equal employment opportunity in State and local government law enforcement programs. Another Federal agency which also shares with LEAA the responsibility for ensuring equal opportunity in some law enforcement programs is the Office of Revenue Sharing (ORS) of the Department of the Treasury. ORS provides Federal assistance to State and local governments which may be used for a broad range of programs, including police and correctional activities.[1057]

1055. 42 U.S.C. § 2000e et seq. (Supp. II, 1972).

1056. While EEOC may sue noncomplying private employers, EEOC does not have the power to sue noncomplying State and local governments. EEOC can refer State and local government cases to the Department of Justice for action. 42 U.S.C. § 2000e-5 (Supp. II, 1972). The responsibilities of EEOC are discussed further in U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Vol. V, To Eliminate Employment Discrimination ch. 5 (July 1975).

1057. The responsibilities of the Office of Revenue Sharing are discussed further in U.S Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Vol. IV, To Provide Fiscal Assistance (February 1975).

ORS and EEOC have entered into an agreement which should ensure partial coordination between the two agencies.[1058] For example, among the terms of the agreement are that EEOC will routinely furnish copies of Letters of Determination[1059] and Decisions[1060] involving employers in revenue sharing-funded activities to ORS.[1061] Upon receipt of a Letter of Determination or a Decision indicating that EEOC has found probable cause to believe that discrimination exists in a GRS-funded activity, the Director of ORS will proceed to seek to secure compliance in accordance with ORS' regulations.[1062] LEAA has no such arrangement with either ORS or EEOC.

1058. Memorandum of Agreement Between the Office of Revenue Sharing and the Equal Employment Opportunity Commission, signed by John H. Powell, Jr., Chairman, EEOC, and Graham W. Watt, Director, ORS, Oct. 11, 1974. This agreement is discussed further in U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Vol. IV, To Provide Fiscal Assistance 120 (February 1975).

1059. Where an EEOC investigation finds facts analogous to those in a case previously decided by EEOC, a Letter of Determination is sent from an EEOC district director to the respondent and the charging party, citing the relevant facts and issues in the case and stating EEOC's determination as to whether there is reasonable cause to believe the charge is true.

1060. In cases in which there is no EEOC precedent concerning the facts found by an EEOC district office investigation, the Commissioners render a decision as to whether there is reasonable cause to believe the charge is true.

1061. Memorandum of Agreement, supra note 1058.

1062. If the Director of ORS finds that information furnished is insufficient to enable him or her to make a determination, the Director must then send a letter to the chief executive officer of the jurisdiction in question, requesting a response to the Commission's findings within 15 days. Memorandum of Agreement, supra note 1058.

Clearly there is a need for coordination among these agencies. For example, it is confusing to State and local governments to be confronted with different standards or investigators from different agencies reviewing the same matter. Lack of uniformity in either policy or enforcement can only reduce the credibility of Federal agencies and adversely affect the protection of the rights of minorities and women.[1063] Yet LEAA has not agreed with the other two agencies upon a uniform standard of compliance for law enforcement agencies. Moreover, there have been inadequate efforts between LEAA and ORS and between LEAA and EEOC to share information concerning complaints received, investigations conducted, the results of investigations, and the contents of any compliance agreements.

Although LEAA has no such arrangement with either ORS or EEOC, in fact, the extent of coordination between LEAA and EEOC has been dependent upon the extent to which the LEAA regional offices have established a working relationship with EEOC regional and district offices.[1064] The

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1063. Differing standards have been a problem for EEOC and LEAA. For example, LEAA reports that if it is called in to investigate a complaint and learns that the complaint has already been investigated and decided by EEOC, it would like to be able to accept EEOC's decision and begin immediately with the conciliation process. Sometimes, however, LEAA has not been satisfied with EEOC's work and has had to do investigations of its own. 1975 Rice et al. interview, supra note 728.

1064. Id.

extent of coordination between LEAA and ORS is only a little more comprehensive. When OCRC receives a complaint, it inquires of that government if it has received general revenue sharing funds. If the answer is affirmative, LEAA will contact ORS. Whether such a complaint will be investigated by ORS or LEAA is determined by the two agencies and whether the findings of that agency will be accepted by the other is on an ad hoc basis.

APPENDIX E-2

TESTIMONY OF JOHN A. BUGGS, STAFF DIRECTOR, U.S. COMMISSION ON CIVIL RIGHTS, SUBCOMMITTEE ON CRIME, HOUSE COMMITTEE ON THE JUDICIARY

Mr. Chairman, members of the Subcommittee on Crime, I am John A. Buggs, Staff Director of the U.S. Commission on Civil Rights. With me today are Lawrence B. Glick, Acting General Counsel of the Commission and Cynthia N. Graae, Acting Assistant Staff Director for Federal Civil Rights Evaluation. The Commission is an independent, bi-partisan, fact-finding agency created by the Congress in 1957 to make recommendations to the Congress and to the President regarding the status and implementation of civil rights laws, executive orders, regulations, etc. Since 1970, the Commission has undertaken a series of evaluations of the Executive Branch's implementation of its responsibility under applicable laws and executive orders protecting the civil rights of minority group persons and women (since 1972).

In November 1974, the Commission issued the first volume of its current series, "The Federal Civil Rights Enforcement Effort—1974." Volume VI of that series, "To Extend Federal Financial Assistance" was released in November 1975. This report evaluates the civil rights activities of several federal agencies with responsibilities for ensuring non-discrimination in federally assisted programs under Title VI of the Civil Rights Act of 1964,[1] including the Law Enforcement Assistance Administration (LEAA) of the Department of Justice. The Commission's investigations analyze the structure, mechanisms and procedures utilized by Federal departments and agencies and agencies in discharging their responsibilities to eliminate discrimination in the various programs and activities against minority and female persons.

These reports are not intended to isolate specific instances of discriminatory behavior, nor do these reports primarily seek to show the substantive impact of civil rights laws or to measure the gains made by minorities and women as a result of actions taken by the Federal government. Rather, we have attempted to determine how well the Federal Government has done its civil rights enforcement job—to evaluate the activities of a number of Federal agencies with important civil rights responsibilities.

The Commission on Civil Rights is pleased to provide the Subcommittee with its views on the civil rights compliance activities of the Law Enforcement Assistance Administration as the Congress considers the reauthorization of LEAA. Since the bills before the Subcommittee do not directly address the issues of principal concern to the Commission, I shall highlight some of the findings in our report which I believe are of concern to the Subcommittee and the Congress.

CIVIL RIGHTS RESPONSIBILITIES

The Law Enforcement Assistance Administration's civil rights responsibilities are found principally in two laws passed by the Congress. Both Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 as amended (hereinafter referred to as the Crime Control Act) prohibit discrimination on the grounds of race, color, and national origin in services provided by LEAA-funded programs.[1] The Crime Control Act also prohibits discrimination on the ground of sex in services provided by LEAA-funded programs.

Both nondiscrimination provisions prohibit a wide variety of discriminatory activities. For example, police departments receiving LEAA funds cannot discriminate against minorities by providing minority neighborhoods less than their equitable share of police protection, or by the differential enforcement of laws in minority and nonminority neighborhoods. Similarly, LEAA-funded correctional institutions cannot segregate residents on the basis of race or ethnic origin; nor may they differentially provide services on the basis of race, ethnic origin, or sex. Proceedings in courts receiving LEAA funds must not be discriminatory on the basis of race, ethnic orgin, or sex. Title VI prohibits employment discrimination on the basis of race or ethnic origin only when a primary object of Federal assistance is to provide employment or when equal employment opportunity is necessary

[1] In addition, the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. § 5601, *et seq.* (Supp., 1975)), which was enacted to provide Federal assistance to reduce and prevent delinquency, prohibits discrimination on the basis of race, creed, color, sex, or national origin in programs receiving assistance under the Juvenile Justice Act. At the time "To Extend Federal Financial Assistance" was published, however, the appropriations (June 29, 1975) made for programs under the Juvenile Justice Act, had just recently become law and were not taken under consideration.

to assure equal opportunity for beneficiaries. Although providing employment is not frequently a primary object of LEAA assistance, there is a clear relationship between equal employment opportunity and equal opportunity in LEAA-funded program benefits; therefore, Title VI would prohibit most racial and ethnic employment discrimination. Moreover, unlike Title VI, the Crime Control Act's prohibition against discrimination contains no limitations in the areas of employment.[2] The Crime Control Act, thus, prohibits all employment discrimination based on sex, race, and ethnic origin in LEAA-funded programs, including racial and ethnic discrimination which might not be proscribed by Title VI.

It is important to emphasize, however, that one of the most serious deficiencies in the LEAA's compliance review program is its emphasis on discriminatory employment issues to the detriment of monitoring discrimination in the provision of services. As the members of this Committee know, the principal purpose of Title VI is to eliminate discrimination in services receiving federal financial assistance.

The Commission made several findings in its review of the LEAA and came to several conclusions in "To Extend Federal Financial Assistance". Some of these issues were addressed in regulations proposed by LEAA on December 3, 1975. The remainder of my testimony this morning will be devoted to the problems cited by the Commission in its report and what response, if any, the Law Enforcement Assistance Administration has made.

ENFORCING NONDISCRIMINATION PROVISIONS

I

In October 1973 LEAA commenced a program of onsite pre-award compliance reviews of all discretionary grants of $750,000 or more, but this pre-award compliance program does not cover general purpose grants to State Planning agencies—which comprise the overwhelming number of grants by LEAA. For example, during the last three fiscal years, the percentage of discretionary grants has amounted to no more than 10–25% of all grants made to State and local governments.[3]

Pre-award compliance reviews offer the best way of ensuring that the Federal government is not funding state or local entities which discriminate in the provision of services (and would be likely to use federal funds in the same way), or who discriminate in employment against minorities and women. Since the current LEAA pre-award program has such a limited scope, i.e. it is applicable to "discretionary" grants only, the agency has no way of knowing, in advance of block grant awards to the State Planning Agencies, whether or not federal funds may be used in a discriminatory way. A number of reasons for LEAA's restricted review policy have been offered by the agency: (1) Pre-award reviews might interfere with the "delicate balance between Federal/State relations"; (2) "lack of staff"; and (3) LEAA's inability to determine in advance of funding, which State or local law enforcement agencies will receive Federal dollars from the State Planning Agency and how those dollars will be spent. In June 1975 LEAA indicated that the pre-award compliance responsibility might be assigned to State Planning Agencies. This proposed resolution of the problem of pre-award reviews would eliminate the reasons offered by LEAA for not conducting them on all block grant awards. Such a delegation of compliance responsibility, however, would not relieve LEAA of its duty to secure compliance and ensure nondiscrimination in funded programs and activities.

II

LEAA is one of a number of Federal agencies with responsibility for enforcing civil rights statutes, which has permitted negotiations for compliance to continue indefinitely. The Commission has recommended, with respect to each of these agencies, that "sixty days after the recipient has received notification of noncompliance, but has failed to provide a report on its implementation of the required

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[2] Title VI states: Nothing contained in this (title) shall be construed to authorize action under this (title) by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment. 42 U.S.C. § 2000d–3 (1970).

Section 3766(c)(1) of the Crime Control Act states: No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this chapter. 42 U.S.C. § 3766(c)(1) (Supp. III, 1973).

[3] See FY 1974 report of the Department of Justice (LEAA) at 202 and Sixth Annual Report of LEAA pp. 208–215. See also Budget of the United States for FY 1976 (Appendix) at 610 and for FY 1977 (Appendix) at 510.

activities 30 days after the recipient has provided an inadequate report, the grant-making agency should be required to commence enforcement proceedings." LEAA has proposed in its December 3, 1975 regulations that "(O)rdinarily a reasonable time (for permitting a state's chief executive to secure the compliance of a recipient) should not exceed 60 days from the date of the Administration's request (that the chief executive secure compliance)" (40 Fed. Reg. 56454). The Commission believes that the term "ordinarily" leaves too much discretion to LEAA. Such discretion may lead to protracted negotiations and continuing non-compliance by the offending recipient. It also tends to encourage noncompliance by other recipients.[4] Because LEAA has been reluctant to defer funding to jurisdictions when there is evidence of *prima facie* civil rights violations and has avoided use of administrative proceedings to terminate financial assistance when violations are found, the Commission believes that enforcement action, following a reasonable time period for securing compliance should be made *mandatory*. To the extent that the proposed regulations continue the LEAA policy of permitting continuing negotiations for compliance and do not *require* enforcement action at the conclusion of a reasonable time period—they will be ineffective in securing compliance with the law.

III

LEAA believes that goals and timetables should be required only when it has determined that a recipient has engaged in discriminatory employment practices. The Commission contends that goals and timetables should be required in recipients' affirmative action plans (Equal Employment Opportunity Programs) which demonstrate an underutilization of minorities or women. LEAA's procedures are especially inadequate since LEAA does not review all Equal Employment Opportunity Plans and thus will not be aware of all instances of underutilization.

This fundamental disagreement regarding the appropriateness of requiring all recipients to include goals and timetables in their Equal Employment Opportunity Programs is reflected in LEAA's proposed guidelines. The Commission believes that its view on the question is adequately supported by the case law in this area and by administrative practice pursuant to Revised Order No. 4, which requires employers, that are government contractors, and are underutilizing minorities or women to correct underlying causes of discrimination and to adopt goals and timetables. With respect to requiring goals and timetables LEAA has stated:

> It has been our experience that the whole concept of goals and timetables is misunderstood outside the bureaucratic circles of Washington and, in many instances, is looked upon as a permanent cure rather than a temporary measure to overcome the effects of past unlawfully discriminatory practices. June 27, 1975 letter from Richard W. Velde.

The Commission has noted that Revised Order No. 4 has required goals and timetables from nonconstruction Government contractors since 1970 and that such contractors employ more than 30 percent of the Nation's total civilian work force. The goals and timetables requirement is not unusual.

LEAA's basic position—that the agency may require goals and timetables only when a recipient has engaged in unlawful discriminatory practices is far too narrow, particularly since the agency does not review the plans of most recipients and, therefore, is not in a position to determine whether or not underutilization exists or persists in the workforce of many of its recipients. LEAA does not even require recipients to submit their Equal Employment Opportunity Plans to State Planning Agencies or LEAA for review. Further, although plans that are submitted are checked to ensure that they contain the required components, they are not reviewed for adequacy. The Commission did note in its report that State Planning Agencies are beginning to review the plans of agencies to which they pass on money, and in some instances have not passed on money until plans have been completed; but this is not done by all State Planning Agencies and uniformly high standards are not applied by all of them.

In conclusion, the Commission does wish to note several positive steps taken by the Law Enforcement Assistance Administration in issuing the proposed regulations implementing the Crime Control Act of 1973 and the Juvenile Justice Act of 1974 which prohibit LEAA recipients from discriminating in employment or denying program benefits to any person based on race, color, national origin or sex.

The Commission, is supportive of LEAA's proposal to give State Planning Agencies a more significant role—particularly, in conducting pre-award and post-award civil rights compliance reviews of recipients and the audit of recipient

[4] The Federal Civil Rights Enforcement Effort—1974 Vol. VI, To Extend Federal Financial Assistance (Nov., 1975) at 364–367, 382–389.

Equal Employment Opportunity Programs (see LEAA's Proposed Regulations 40 Fed. Reg. 56454). LEAA should, however, monitor State Planning Agency compliance mechanisms to ensure that State agencies secure compliance and ensure nondiscrimination from all grantees.

LEAA has also sought to incorporate the Guidelines on Discrimination because of Sex, Guidelines on Discrimination Because of National Origin, Guidelines on Religious Discrimination and Guidelines on Employee Selection Procedures of the Equal Employment Opportunity Commission (EEOC). These EEOC guidelines would become applicable to all recipients upon final adoption of the LEAA's proposed rules. The Commission has written to the Administrator of LEAA commending LEAA's proposed adoption of these EEOC Guidelines. The adoption of these guidelines by all grant-making agencies, we feel, would establish a consistent standard for equal employment in the Federal government.

APPENDIX E–3

EXCERPTS FROM REPORT OF THE SENATE JUDICIARY COMMITTEE ON S. 2278

[COMMITTEE PRINT]

Calendar No. ____

94TH CONGRESS 2d Session	SENATE	REPORT No. 94——

CIVIL RIGHTS ATTORNEYS' FEES AWARDS ACT

MARCH —, 1976.—Ordered to be printed

Mr. TUNNEY, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2278]

The Committee on the Judiciary, to which was referred the bill (S. 2278) to amend Revised Statutes section 722 (42 U.S.C. § 1988) to allow a court, in its discretion, to award attorneys' fees to a prevailing party in suits brought to enforce certain civil rights acts, having considered the same, reports favorably thereon and recommends that the bill do pass.

The text of S. 2278 is as follows:

S. 2278

Revised Statutes section 722 (42 U.S.C. Sec. 1988) is amended by adding the following: "In any action or proceeding to enforce a provision of sections 1977, 1978, 1979, 1980 and 1981 of the Revised Statutes, or Title VI of the Civil Rights Act of 1964, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.".

PURPOSE

This amendment to the Civil Rights Act of 1866, Revised Statutes Section 722, gives the Federal courts discretion to award attorneys' fees to prevailing parties in suits brought to enforce the civil rights acts which Congress has passed since 1866. The purpose of this amendment is to remedy anomalous gaps in our civil rights laws created by the United States Supreme Court's recent decision in *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240 (1975), and to achieve consistency in our civil rights laws.

HISTORY OF THE LEGISLATION

The bill grows out of six days of hearings on legal fees held before the Subcommittee on the Representation of Citizen Interests of this Committee in 1973. There were more than thirty witnesses, including Federal and State public officials, scholars, practicing attorneys from many areas of expertise, and private citizens. Those who did not appear were given the opportunity to submit material for the record, and many did so, including the representatives of the American Bar Association and the Bar Associations of 22 States and the District of Columbia. The hearings, when published, included not only the testimony and exhibits, but numerous statutory provisions, proposed legislation, case reports and scholarly articles.

In 1975, the provisions of S. 2278 were incorporated in a proposed amendment to S. 1279, extending the Voting Rights Act of 1965.

The Subcommittee on Constitutional Rights specifically approved the amendment on June 11, 1975, by a vote of 8–2, and the full Committee favorably reported it on July 18, 1975, as part of S. 1279. Because of time pressure to pass the Voting Rights Amendments, the Senate took action on the House-passed version of the legislation. S. 1279 was not taken up on the Senate floor; hence, the attorneys' fees amendment was never considered.

On July 31, 1975, Senator Tunney introduced S. 2278, which is identical to the amendment to S. 1279 which was reported favorably by this Committee last summer.

Shortly thereafter, similar legislation was introduced in the House of Representatives, including H.R. 9552, which is identical to S. 2278 except for one minor technical difference. The Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Judiciary Committee has conducted three days of hearings at which the witnesses have generally confirmed the record presented to this Committee in 1973. H.R. 9552, the counterpart of S. 2278, has received widespread support by the witnesses appearing before the House Subcommittee.

STATEMENT

The purpose and effect of S. 2278 are simple—it is designed to allow courts to provide the familiar remedy of reasonable counsel fees to prevailing parties in suits to enforce the civil rights acts which Congress has passed since 1866. S. 2278 follows the language of Titles II and VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a–3(b) and 2000e–5(k), and section 402 of the Voting Rights Act Amendments of 1975, 42 U.S.C. § 1973*l*(e). All of these civil rights laws depend heavily upon private enforcement, and fee awards have proved an essential remedy if private citizens are to have a meaningful opportunity to vindicate the important Congressional policies which these laws contain.

In many cases arising under our civil rights laws, the citizen who must sue to enforce the law has little or no money with which to hire a lawyer. If private citizens are to be able to assert their civil rights, and if those who violate the Nation's fundamental laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights in court.

Congress recognized this need when it made specific provision for such fee shifting in Titles II and VII of the Civil Rights Act of 1964:

> When a plaintiff brings an action under [Title II] he cannot recover damages. If he obtains an injunction, he does so not for himself alone but also as a "private attorney general," vindicating a policy that Congress considered of the highest priority. If successful plaintiffs were routinely forced to bear their own attorneys' fees, few aggrieved parties would be in a position to advance the public interest by invoking the injunctive powers of the Federal courts. Congress therefore enacted the provision for counsel fees—* * * to encourage individuals injured by racial discrimination to seek judicial relief under Title II." *Newman* v. *Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402 (1968).

The idea of the "private attorney general" is not a new one, nor are attorneys' fees a new remedy. Congress has commonly authorized attorneys' fees in laws under which "private attorneys general" play a significant role in enforcing our policies. We have, since 1870, authorized fee shifting under more than 50 laws, including, among others, the Securities Exchange Act of 1934, 15 U.S.C. §§ 78i(e) and 78r(a), the Servicemen's Readjustment Act of 1958, 38 U.S.C. § 1822(b), the Communications Act of 1934, 42 U.S.C. § 206, and the Organized Crime Control Act of 1970, 18 U.S.C. § 1964(c). In cases under these laws, fees are an integral part of the remedy necessary to achieve compliance with our statutory policies. As former Justice Tom Clark found, in a union democracy suit under the Labor-Management Reporting and Disclosure Act (Landrum-Griffin),

> Not to award counsel fees in cases such as this would be tantamount to repealing the Act itself by frustrating its basic purpose. * * * Without counsel fees the grant of Federal jurisdiction is but an empty gesture * * *. *Hall* v. *Cole*, 412 U.S. 1 (1973), quoting 462 F. 2d 777, 780–81 (2d Cir. 1972).

The remedy of attorneys' fees has always been recognized as particularly appropriate in the civil rights area, and civil rights and attorneys' fees have always been closely interwoven. In the civil rights area, Congress has instructed the courts to use the broadest and most effective remedies available to achieve the goals of our civil rights laws.[1] The very first attorneys' fee statute was a civil rights law, the Enforcement Act of 1870, 16 Stat. 140, which provided for attorneys' fees in three separate provisions protecting voting rights.[2]

Modern civil rights legislation reflects a heavy reliance on attorneys' fees as well. In 1964, seeking to assure full compliance with the Civil Rights Act of that year, we authorized fee shifting for private suits establishing violations of the public accommodations and equal employment provisions. 42 U.S.C. §§ 2000a–3(b) and 2000e–5(k). Since 1964, every major civil rights law passed by the Congress has included, or has been amended to include, one or more fee provisions.

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[1] For example, the Civil Rights Act of 1866 directed Federal courts to "use that combination of Federal law, common law and State law as will be best adapted to the object of the civil rights laws." *Brown* v. *City of Meridian, Mississippi*, 356 F. 2d 602, 605 (5th Cir. 1966). See 42 U.S.C. § 1988; *Lefton* v. *City of Hattiesburg, Mississippi*, 333 F. 2d 280 (5th Cir. 1964).

[2] The causes of action established by these provisions were eliminated in 1894. 28 Stat. 36.

E.g., Title VIII of the Civil Rights Act of 1968, 42 U.S.C. § 3612(c); the Emergency School Aid Act of 1972, 20 U.S.C. § 1617; the Equal Employment Amendments of 1972, 42 U.S.C. § 2000e-16(b); and the Voting Rights Act Extension of 1975, 42 U.S.C. § 1973*l*(e).

These fee shifting provisions have been successful in enabling vigorous enforcement of modern civil rights legislation, while at the same time limiting the growth of the enforcement bureaucracy. Before May 12, 1975, when the Supreme Court handed down its decision in *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240 (1975), many lower Federal courts throughout the Nation had drawn the obvious analogy between the Reconstruction Civil Rights Acts and these modern civil rights acts, and, following Congressional recognition in the newer statutes of the "private attorney general" concept, were exercising their traditional equity powers to award attorneys' fees under early civil rights laws as well.[3]

These pre-*Alyeska* decisions remedied a gap in the specific statutory provisions and restored an important historic remedy for civil rights violations. However, in *Alyeska*, the United States Supreme Court, while referring to the desirability of fees in a variety of circumstances, ruled that only Congress, and not the courts, could specify which laws were important enough to merit fee shifting under the "private attorney general" theory. The Court expressed the view, in dictum, that the Reconstruction Acts did not contain the necessary congressional authorization. This decision and dictum created anomalous gaps in our civil rights laws whereby awards of fees are, according to *Alyeska*, suddenly unavailable in the most fundamental civil rights cases. For instance, fees are now authorized in an employment discrimination suit under Title VII of the 1964 Civil Rights Act, but not in the same suit brought under 42 U.S.C. § 1981, which protects similar rights but involves fewer technical prerequisites to the filing of an action. Fees are allowed in a housing discrimination suit brought under Title VIII of the Civil Rights Act of 1968, but not in the same suit brought under 42 U.S.C. § 1982, a Reconstruction Act protecting the same rights. Likewise, fees are allowed in a suit under Title II of the 1964 Civil Rights Act challenging discrimination in a private restaurant, but not in suits under 42 U.S.C. § 1983 redressing violations of the Federal Constitution or laws by officials sworn to uphold the laws.

This bill, S. 2278, is an appropriate response to the *Alyeska* decision: it remedies these gaps in the statutory language by providing the specific authorization required by the Court in *Alyeska*, and makes our civil rights laws consistent.

It is intended that the standards for awarding fees be generally the same as under the fee provisions of the 1964 Civil Rights Act. A party seeking to enforce the rights protected by the statutes covered by S. 2278, if successful, "should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." *Newman* v. *Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402 (1968).[4]

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[3] These civil rights cases are too numerous to cite here. See, e.g., *Sims* v. *Amos* 340 F. Supp. 691 (M.D. Ala. 1972), aff'd. 409 U.S. 942 (1972); *Stanford Daily* v. *Zurcher*, 366 F. Supp. 18 (N.D. Cal. 1973); and cases cited in *Alyeska Pipeline*, *supra*, at n. 46. Many of the relevant cases are collected in "Hearings on the Effect of Legal Fees on the Adequacy of Representation Before the Subcom. on Representation of Citizen Interests of the Senate Comm. on the Judiciary," 93d Cong., 1st sess., pt. III, at pp. 888–1021, and 1060–62.

[4] In the large majority of cases the party or parties seeking to enforce such rights will be the plaintiffs and/or plaintiff-intervenors. However, in the procedural posture of some cases, the parties seeking to enforce such rights may be the defendants and/or defendant-intervenors. See, e.g., *Shelley* v. *Kraemer*, 334 U.S. 1 (1948).

Such "private attorneys general" should not be deterred from bringing meritorious actions to vindicate the fundamental rights here involved by the prospect of having to pay their opponent's counsel fees should they lose. *Richardson* v. *Hotel Corporation of America*, 332 F. Supp. 519 (E.D. La. 1971), aff'd, 468 F. 2d 951 (5th Cir. 1972). However, such a party, if unsuccessful, could be assessed his opponent's fee where it is shown that his suit was frivolous, vexatious, or brought for harassment purposes. *United States Steel Corp.* v. *United States*, 385 F. Supp. 346 (W.D. Pa. 1974), aff'd, 9 E.P.D. ¶ 10,225 (3d Cir. 1975). This bill thus deters frivolous suits by authorizing an award of attorneys' fees against a party shown to have litigated in "bad faith" under the guise of attempting to enforce the Federal rights created by the statutes listed in S. 2278. Similar standards have been followed not only in the Civil Rights Act of 1964, but in other statutes providing for attorneys' fees. E.g., the Water Pollution Control Act, 1972 U.S. Code Cong. & Adm. News 3747; the Marine Protection Act, Id. at 4249–50; and the Clean Air Act, Senate Report No. 91–1196, 91st Cong., 2d Sess., p. 483 (1970). See also *Hutchinson* v. *William Barry, Inc.*, 50 F. Supp. 292, 298 (D. Mass. 1943) (Fair Labor Standards Act).

In appropriate circumstances, counsel fees under S. 2278 may be awarded pendente lite. See *Bradley* v. *School Board of the City of Richmond*, 416 U.S. 696 (1974). Such awards are especially appropriate where a party has prevailed on an important matter in the course of litigation, even when he ultimately does not prevail on all issues. See *Bradley, supra; Mills* v. *Electric Auto-Lite Co.*, 396 U.S. 375 (1970). Moreover, for purposes of the award of counsel fees, parties may be considered to have prevailed when they vindicate rights through a consent judgment or without formally obtaining relief. *Kopet* v. *Esquire Realty Co.*, 523 F. 2d 1005 (2d Cir. 1975), and cases cited therein; *Parham* v. *Southwestern Bell Telephone Co.*, 433 F. 2d 421 (8th Cir. 1970); *Richards* v. *Griffith Rubber Mills*, 300 F. Supp. 338 (D. Ore. 1969); *Thomas* v. *Honeybrook Mines, Inc.*, 428 F. 2d 981 (3d Cir. 1970); *Aspira of New York, Inc.* v. *Board of Education of the City of New York*, 65 F.R.D. 541 (S.D.N.Y. 1975).

In several hearings held over a period of years, the Committee has found that fee awards are essential if the Federal statutes to which S. 2278 applies are to be fully enforced.[5] We find that the effects of such fee awards are ancillary and incident to securing compliance with these laws, and that fee awards are an integral part of the remedies necessary to obtain such compliance. Fee awards are therefore provided in cases covered by S. 2278 in accordance with Congress' powers under, inter alia, the Fourteenth Amendment, Section 5. As with cases brought under 20 U.S.C. § 1617, the Emergency School Aid Act of 1972, defendants in these cases are sometimes State or local bodies or State or local officials. In such cases it is intended that the attorneys' fees, like other items of costs,[6] will be collected either directly from the official, in his official capacity,[7] from funds of his agency or under his control, or from the State or local government (whether or not the agency or government is a named party).

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[5] See, e.g., "Hearings on the Effect of Legal Fees," supra.

[6] *Fairmont Creamery Co.* v. *Minnesota*, 275 U.S. 168 (1927).

[7] Proof that an official had acted in bad faith could also render him liable for fees in his individual capacity, under the traditional bad faith standard recognized by the Supreme Court in *Alyeska*. See *Class* v. *Norton*, 505 F. 2d 123 (2d Cir. 1974); *Doe* v. *Poelker*, 515 F. 2d 541 (8th Cir. 1975).

It is intended that the amount of fees awarded under S. 2278 be governed by the same standards which prevail in other types of equally complex Federal litigation, such as antitrust cases and not be reduced because the rights involved may be nonpecuniary in nature. The appropriate standards, see *Johnson* v. *Georgia Highway Express*, 488 F. 2d 714 (5th Cir. 1974), are correctly applied in such cases as *Stanford Daily* v. *Zurcher*, 64 F.R.D. 680 (N.D. Cal. 1974); *Davis* v. *County of Los Angeles*, 8 E.P.D. ¶ 9444 (C.D. Cal. 1974); and *Swann* v. *Charlotte-Mecklenburg Board of Education*, 66 F.R.D. 483 (W.D.N.C. 1975). In computing the fee, counsel for prevailing parties should be paid, as is traditional with attorneys compensated by a fee-paying client, "for all time reasonably expended on a matter." *Davis, supra*; *Stanford Daily, supra*, at 684.

This bill creates no startling new remedy—it only meets the technical requirements that the Supreme Court has laid down if the Federal courts are to continue the practice of awarding attorneys' fees which had been going on for years prior to the Court's May decision. It does not change the statutory provisions regarding the protection of civil rights except as it provides the fee awards which are necessary if citizens are to be able to effectively secure compliance with these existing statutes. There are very few provisions in our Federal laws which are self-executing. Enforcement of the laws depends on governmental action and, in some cases, on private action through the courts. If the cost of private enforcement actions becomes too great, there will be no private enforcement. If our civil rights laws are not to become mere hollow pronouncements which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases.

Changes in Existing Law Made by the Bill Are Italicized

REVISED STATUTES § 722, 42 U.S.C. § 1988

"The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty." *In any action or proceeding to enforce a provision of sections 1977, 1978, 1979, 1980 and 1981 of the Revised Statutes, or Title VI of the Civil Rights Act of 1964, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.*

7

Cost of Legislation

The Congressional Budget Office, in a letter dated March 1, 1976, has advised the Judiciary Committee that: "Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 2278, a bill to award attorneys' fees to prevailing parties in civil rights suits.

"Based on this review, it appears that no additional costs to the government would be incurred as a result of the enactment of this bill."

APPENDIX E–4

HOW FEDERAL LARGESSE SUSTAINS DISCRIMINATION, HON. ROBERT F. DRINAN

Police [610]
Drinan, Robert F.
How Federal largesse sustains discrimination.
Civil liberties review, v. 2, fall 1975: 82-85.
Outlines the situation in the Chicago police department where LEAA had determined that the department was guilty of discrimination and therefore not eligible for Federal funds but that they continued to receive revenue sharing funds.
Federal aid to law enforcement agencies--[Chicago] / Negro policemen--[Chicago] / Revenue sharing--[Chicago] / Discrimination in employment--[Chicago] / U.S. Office of Revenue Sharing.

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NAD/UHJ/3/16/76
LRS75-21162

How Federal Largesse Sustains Discrimination

Robert F. Drinan

When Renault Robinson joined the Chicago Police Department in 1964, he quickly discovered that he could not expect to advance simply on the basis of his merit as a police officer. In the eyes of the department, the way he conducted himself in uniform did not matter as much as the fact that he was black.

In 1970 he became executive director of the Afro-American Patrolmen's League, an organization of black Chicago police officers seeking to improve police services to the city—and their own treatment within the force. In September 1973 Robinson, the league, and the NAACP filed an administrative complaint with the Office of Revenue Sharing. The complaint asked that the ORS defer or terminate revenue sharing funds to the Chicago Police Department because of its discrimination in employment against blacks, women, and Spanish-surnamed persons.

The Office of Revenue Sharing is an arm of the U.S. Department of Treasury that administers a program under which federally collected tax funds are returned to units of state and local governments. Since its inception in late 1972, the ORS has returned $18 billion to 39,000 units—such as police departments, for example. One of the few requirements imposed by Congress for revenue sharing is that no person may be excluded from the benefits of the program receiving funds on the basis of race, color, national origin, or sex.

The Chicago Police Department did not meet this condition. Even before Robinson's complaint, the Law Enforcement Assistance Administration, an agency of the Justice Department that is hardly known as a civil rights watchdog, had already decided that the Chicago Police Department was guilty of discrimination in its employment practices. For its part, the police

Robert F. Drinan, a Congressman from Massachusetts, is a member of the House Judiciary Subcommittee on Civil and Constitutional Rights. He is an ordained priest in the Society of Jesus, a former dean of the Boston College Law School, and a member of the *CLR* editorial committee. His most recent book is the eloquent call for peace, *Vietnam and Armageddon* (1970).

department had solved its problem of bad rating with the LEAA by not applying for additional ORS grants. Instead, it received funds from the city of Chicago—which obligingly channeled 75% of its revenue sharing funds to the police department. What was the ORS going to do about this blatant attempt at sidestepping the law?

At the same time that Robinson filed his complaint with the ORS, the House Judiciary Subcommittee on Civil and Constitutional Rights, of which I am a member, was holding a hearing on the civil rights aspects of general revenue sharing. Graham Watt, then director of the ORS, testified that his agency did not have the authority to defer payment of revenue sharing funds because of civil rights violations. The ORS could hold up payments if a government failed to submit its necessary reports—but not if it failed to comply with the equal opportunity proscriptions. In letters to Robinson, the ORS explained that governments are entitled to revenue sharing money until a court finds they have indeed practical discrimination.

So Robinson took his case to the courts. In separate lawsuits, he sued the ORS and the Chicago Police Department. In April 1974 a federal judge in Washington held that the ORS had the authority to defer payments for civil rights violations. The following November the district judge in Chicago enjoined the discriminatory practices of the city's police department. The following month the district court in Washington ordered the ORS to postpone sending money to Chicago until the police department corrected its exclusionary practices based on race, color, or sex. Revenue sharing money finally stopped flowing to Chicago.

The Robinson case graphically illustrates the fundamental inadequacy of the ORS civil rights compliance program. The ORS has not acted effectively against discriminatory practices in any of the state and local government programs which it funds. It has refused to require minority statistics and other data that would indicate whether or not there was compliance. It has refused to defer or terminate payments even where there was evidence of discrimination.

The ORS says that it has the legal authority to recoup any money that is spent in violation of the revenue sharing law. However, the fact is that the ORS has not recommended any recoupment actions, nor has it invoked any remedies against anybody for a civil rights violation. The recoupment approach, in my judgment, is not nearly as good a remedy as preaward reviews combined with deferral of funds until compliance is achieved. Getting the money back (if, indeed, it can be obtained) does not guarantee an end to the discriminatory practices. Furthermore, the money goes back into the general treasury, not to the revenue sharing trust fund. Thus, recouped money is lost forever to the program.

The ORS maintains that primary reliance for enforcement has been delegated to other federal agencies and to state and local human rights organizations. In the Robinson case, for example, the ORS says it was relying on the Justice Department to correct the discrimination through legal action. This is simply passing the buck. Other agencies cannot be counted on to do the job. The U.S. Civil Rights Commission has repeatedly exposed the lack of vigorous enforcement of antidiscrimination laws among federal agencies. The ACLU currently is suing the LEAA to force it to stop funding police

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Here, in part, is a statement by Penelope Brace, one of the plaintiffs in a national class action suit the ACLU filed in September against the U.S. Department of Justice and its Law Enforcement Assistance Administration, charging employment discrimination against women and blacks:

I am a police officer with the Philadelphia Police Department, where only four out of the nineteen job classifications for sworn officers are open to women. There are 8,362 sworn-officer jobs in the Philadelphia Police Department. Of these, only 86 (or 1.03%) are authorized for female employees. No female sworn officer, regardless of rank, is permitted to supervise any male sworn officers on a permanent basis, even if the males are beneath her in rank. . . .

Philadelphia Police Commissioner Joseph O'Neill has made public statements saying that "there are, in fact, certain times of the month when a woman is emotionally and physically incapable of doing her work." Inspector Thomas Roselli, who commands all Philadelphia policewomen, has publicly said he is convinced that "opening all the police department jobs to women would be an open invitation to rampant lesbianism within the department." I wonder if Inspector Roselli is likewise implying that there are 8,276 homosexuals among the male police officers in Philadelphia.

I have been classified "policewoman" in rank since 1965. But I cannot get promoted, because I am a woman. When I applied for "corporal" and "detective" classification, the department turned me down, saying that I did not meet the requirements for those positions. I asked them which requirements I didn't meet. Their answer: "You are not a policeman."

I have, over the years, received "superior" and "outstanding" performance evaluations. Until I filed a charge of discrimination with LEAA, I never received a reprimand. Feeling that other women officers and I are being discriminated against, I filed charges with both LEAA and the EEOC in 1973. Since that time I have been continually harassed by the Philadelphia Police Department. . . .

In response to the charge I filed, the LEAA began to investigate my case. Though they have found discrimination, they continue to give the Philadelphia Police Department money: over $8 million to date, with another $1 million pending.

In 1974 I filed a complaint in District Court under Title VII of the Civil Rights Act of 1964 against the city of Philadelphia and its officials, charging sex discrimination in the police department. Three days later I was fired. I appealed to the city Civil Service Commission and was reinstated. . . . After I filed my Title VII suit, the Justice Department also filed a complaint against the city police department. Trying to stave off court action, the police department announced a "pilot program" to test women's ability in all facets of police work. They never implemented it. . . .

. . . . . .

departments that practice discrimination. (See the accompanying statement by a woman police officer from Philadelphia.)

State and local human rights organizations have an even poorer record than federal agencies. The ORS, in its report of October 1973, stated that local officials who administer revenue sharing funds are not even clear as to what constitutes a civil rights enforcement agency. Most local agencies, often underfunded and understaffed, are notoriously ineffectual in investigating and taking remedial action against other agencies of government.

Considering the millions of lives that are affected by the billions of dollars disposed by the ORS each year, the potential for advancing equal opportunity is enormous. But those advances will never be made if the present policies and practices of the ORS continue. I suggest that, at a minimum, the following steps be taken administratively or, where necessary, by an act of Congress:

- The number of persons employed in ORS compliance activities must be substantially increased. The 200 figure suggested by the Civil Rights Commission would be a good beginning.
- The ORS must abandon its present practice of relying exclusively on complaints to identify problem areas. Recently it began to change that practice by initiating 26 compliance reviews; that approach must be continued and expanded.
- The ORS must require recipients to furnish sufficient data, in addition to an assurance form, so that civil rights compliance may be adequately reviewed in advance of payment.
- The ORS must adopt the practice, uniformly followed by other federal agencies, of deferring payment of funds where it has reasonable cause to believe the civil rights proscriptions are not being followed.
- The ORS must enter into cooperative agreements with other federal agencies to increase its effectiveness and to reduce duplication in civil rights enforcement activities.

Until these changes and others are made and the results evaluated, revenue sharing—at least from a civil rights perspective—must be considered an abject failure. ø

APPENDIX F

COMMUNITY ANTI-CRIME PROGRAMS

APPENDIX F–1

COMMUNITY CRIME PREVENTION, AARON LOWERY

COMMUNITY CRIME PREVENTION

PROBLEM

At the end of 1975, the United States prison population had increased 11%. More than a quarter of a million people are incarcerated. This is more people in prison than ever before in the history of this country. And yet in 1974 reported crime increased by 18% nationally and 20% in both the suburbs and rural areas. (Official crime statistics for 1975 have not been released.)

It is no wonder that crime and the fear of crime is a major and growing concern of all Americans: urban, suburban, and rural dwellers; blacks, whites, browns, reds and yellows; low, middle, and poor income. Americans from all walks of life, because of personal or closely related crime experiences, or their perceptions of crime conditions, are fleeing their homes in search of safety. Many who are staying are arming themselves for so-called protection or are afraid to travel in their localities other than to and from their place of employment. Private guards and burglar alarms are becoming the order of the day. For the first time in our history, Americans are locking themselves in, instead of out. Crime has become a part of life.

Although this problem affects all people, a national Law Enforcement Assistance Administration survey showed that poor people, young people and especially young black males, are most likely to become victims of violent crime than are others. The 1973 survey revealed that 85 out of every 1,000 black males and 58 out of every 1,000 black females are victims of personal crimes. For whites, 74 out of every 1,000 males and 54 out of every 1,000 females are victims of personal crimes.

In addition, a national LEAA survey of local jails revealed that the inmates are predominately male, typically young, and generally poor and under educated. Blacks comprised 41% of the jail population in comparison to their 12% representation in the U.S. population. Forty-seven percent of those blacks in jail had been charged with violent crimes. This means that crime affects blacks in disproportion to their percentage of the population and therefore blacks have a special interest in crime reduction.

The major approach to the reduction of crime to date has been through the criminal justice system. Approximately $4 billion in federal (LEAA) funds have been channeled to the criminal justice system in an attempt to apprehend, try, convict and incarcerate criminals. Most of the funds have gone to law enforcement agencies to increase their capability to make an arrest. Other funds have gone to the judicial system (courts and prosecutors offices) to streamline those institutions to achieve speedy trials and better prepared cases. Limited funds have gone to the correctional system for pre-trial diversion and community based programs. In other words, the major thrust to reduce crime has been, and still is, one of apprehension and conviction—not prevention or rehabilitation.

The so-called war on crime has been a miserable failure for two reasons.

First, the law enforcement agencies are oriented to apprehending criminals, not preventing crime. In spite of their orientation, they are only apprehending approximately 20% of the reported perpetrators of crime. This means that if all of those apprehended were convicted and sentenced to confinement, 80% of the perpetrators would still be at large to commit crimes. In other words, there is an 80% probability that a person committing a crime in America today will not be caught by law enforcement agencies.

Citizens would like most not to become victims of crimes, but that if they are victimized, that the perpetrator be apprehended, given a fair and speedy trial, and an appropriate penalty if convicted.

In order to apprehend criminals, law enforcement agencies need the confidence and support of the community. Apprehensions normally result from community information and cooperation, not good law enforcement work.

Second, the criminal justice system has failed to use the special knowledge and points of view of those outside of it. The criminal justice system, in its development and implementation of its plans to reduce crime, has closed its doors and ears to total community involvement and participation. This means that many of those who historically have been denied a voice in problems that affect them the most, and those who have a relation to or an interest in the problems of crime, have been left out of the efforts to reduce crime. This is especially true of minorities who are absent from leadership positions in the planning and implementation of crime reduction efforts.

Business, industry, social agencies and private organizations have resources that are essential to the prevention of crime and the rehabilitation of offenders. The churches, schools, ex-offenders and grass roots organizations have great insights and personal experiences in terms of the historical habits and needs of potential offenders and what is required to make their streets, homes and other institutions safe. They can tell you what is needed and workable in their respective communities, thus eliminating many pilot programs that are not feasible.

The miserable failure of the criminal justice system, despite substantial federal assistance, to reduce crime through apprehension and the unwillingness to involve the community suggests that a new strategy is needed.

The new strategy should be one of prevention first and apprehension second. To be successful the strategy requires the formation of a partnership betwe_n the community and the criminal justice system. This is especially true between the first line of contact, the police and the community.

In order to form a partnership the police must gain the necessary trust, respect, and confidence of the community. This can be accomplished by the police providing equal and professional services to the total community and being accountable for their actions to the community they serve.

To become a member of the police-community team, the community must be willing to report crimes or potential crimes, come forward with information on criminal activities, testify as witnesses in court cases and serve on juries.

Need for community involvement

There is a need for the total community to become directly involved in crime prevention: first, by promoting and participating in specific joint community crime prevention programs; second, by identifying weaknesses in the criminal justice system and assisting in the elimination of such weaknesses; third, by identifying public policy issues that contribute to the increase in crime and assisting in bringing about public policy change.

Solutions

To insure that the total community becomes directly involved in crime prevention efforts, the following steps should be taken at the various levels of government.

A. Nationally

1. Strong leadership from the President and Congress must be asserted.
2. Community crime prevention should be made a national priority.
3. A National Community Crime Prevention Advisory Council should be established to advise the President and Congress on community crime prevention efforts. The council would recommend two nationa. community crime prevention goals. The membership of such a council must include broad citizen representation such as community organizations, business, labor as well as representatives from the criminal justice system. The majority of the membership should be other than elected or appointed officials.
4. A National Community Crime Prevention Information Center should be established to provide local communities with information on community programs in which citizens and the criminal justice system have worked successfully together.
5. The necessary funds should be made available directly to cities, public agencies, non-profit organizations, private organizations, and other local groups to implement joint community crime prevention programs and activities to reduce crime.
6. A national conference should be hosted annually to bring together community groups and criminal justice agencies that are involved in community crime prevention efforts to exchange dialogue and collectively seek solutions to crime prevention.
7. Blacks and other minorities must be insured membership on the council and employed at all leadership levels created for the purpose of fostering the community crime prevention efforts.

B. State Level

1. Strong leadership from the governor and legislature must be asserted. Community crime prevention should be declared a state priority.
2. State Community Crime Prevention Advisory Councils should be established to advise the governors and state legislators on community crime prevention efforts. The membership of such councils should include broad citizen representation such as community organizations, business, labor as well as representation from the criminal justice system.
3. State Community Crime Prevention Information Centers should be established in each state as a resource center for communities desiring information on crime prevention efforts that have proven successful in other areas.

C. Local Areas

1. Strong leadership from the mayor and legislative branches of local municipalities must be asserted.
2. Local Community Crime Prevention Advisory Councils should be established to advise the mayors and legislative branches of the municipalities on community crime prevention efforts. The membership of such councils should include broad citizen representation such as community organizations, business, labor as well as representation from the criminal justice system. The majority of the membership should be other than elected or appointed officials.
3. Local Community Crime Prevention Resource Centers should be established where requested. The purposes of the centers would be to provide local citizens with information on crime prevention efforts and to assist them in developing, implementing and evaluating local crime prevention programs and activities to reduce crime.

History has proven that apprehension is not the key to the prevention of crime. It has also proven that government alone cannot make our streets and homes safe.

Therefore, it is suggested that we seek an alternative approach to the reduction of crime: one that seeks the cooperation and commitment of all of a community's resources, both public and private, one that includes crime prevention as well as apprehension of criminals.

APPENDIX F–2

STATEMENT BY NETWORK CONCERNING COMMUNITY PARTICIPATION IN PLANNING FOR CRIME REDUCTION

NETWORK,
Washington, D.C., March 24, 1976.

Representative JOHN CONYERS Jr.,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN CONYERS: I am writing in regard to Network's testimony concerning citizen participation in the state planning process of LEAA. As you know from speaking at our 1975 Seminar, Network has been concerned with the operation and evaluation of LEAA for the past several years. In preparing for the House hearings on LEAA, we put together a "Citizens' Questionnaire on LEAA" and invited citizens to investigate citizen participation on the SPA and RPU Supervisory Boards. The results of that questionnaire make up the core of our testimony.

We regret not having our data completed in time for the actual hearings, but are grateful for the opportunity to submit written testimony into the official record. From following both the Senate and House hearings, we feel our testimony is unique.

If you would have any questions about the testimony or would like to talk further about our views on citizen participation, we would be happy to meet with you. Thank you for your consideration.

Sincerely,

Sister SALLY THOMAS, S.P.

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TESTIMONY OF THE NETWORK, BEFORE THE HOUSE JUDICIARY SUBCOMMITTEE ON CRIME ON REAUTHORIZATION OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

(Presented by Sister Sally Thomas, SP)

NETWORK is grateful to the House Judiciary Subcommittee on Crime for the opportunity to submit testimony concerning citizen participation on the Supervisory Boards of the State Planning Agencies and the Regional Planning Units as defined by the Law Enforcement Assistance Administration. From its inception in 1971, NETWORK has worked for social justice through legislation. Our concern for legislative issues which affect the powerless—the poor, the imprisoned, the sick, the hungry has made us gravely aware of the importance in achieving and the difficulty in attaining systems' change.

The passage of the Omnibus Crime Control and Safe Streets Act of 1968 and the initiation of LEAA was such an attempt to strengthen and improve the criminal justice system in our country. At the same time, in the years since its passage, Americans in general have experienced a deepening concern over the presence and nature of crime. NETWORK shares this concern. As the American Catholic Bishops' Statement of 1973 on the Reform of Correctional Institutions stated: "Fully adequate law enforcement and protection of law-abiding citizens are clear but unmet needs." Our desire is for a criminal justice system that is both reflective of and responsible to the people that it serves.

For the above reasons NETWORK has conducted a random survey of citizen participation on various State Planning Agencies' Supervisory Boards and Regional Planning Units' Supervisory Boards. NETWORK's "Citizens' Questionnaire on LEAA" was never intended to be a formal scientific tool, but rather a guide to investigate the role of citizens in defining, planning and evaluating the criminal justice system established to serve them.

Before citing the actual results of NETWORK's Citizens' Questionnaire, it is important to state the sources used that determined the tone and spirit of the questions asked about citizen participation. As background for our questionnaire we relied on pertinent sections of "A National Strategy to Reduce Crime," published by the National Advisory Commission on Criminal Justice Standards and Goals, January 23, 1973; PL 93–83 as amended by PL 93–415, September 7, 1974; and the *Guideline Manual for State Planning Agency Grants*, March 21, 1975. The following quotations in regard to citizen participation are cited as points of reference:

From a National Strategy to Reduce Crime.—"Criminal justice planning must reach beyond traditional police, courts, and corrections processes. Crime control requires participation by persons who are not criminal justice practitioners. It is important to have the involvement of locally elected officials, non-criminal justice public agencies, labor unions, business associations, and citizen groups.

The participation of minority members on planning agency supervisory boards and councils is also critical. Boards that wish to concentrate efforts on urban street crime cannot afford noninvolvement or mere token involvement of minority populations, since these groups contribute disproportionately to both offender and victim statistics.

The Commission recommends that at least one-third of the membership of State and local planning agency supervisory boards and councils be from officials of non-criminal justice agencies aud from private citizens." (p. 35)

From Public Law 93–83 as amended by Public Law 93–415, Part B Section 203 (a).—"The State Planning Agency and any Regional Planning Units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations directly related to delinquency prevention."

The *Guideline Manual for State Planning Agency Grants* restates verbatim Part B section 203(a) concerning the representative character of the supervisory boards. The *Manual,* however, further illustrates what "citizens, professional, and community organizations including organizations directly related to delinquency prevention" may include:

(1) Organizations concerned with neglected children;

(2) Organizations whose members are primarily concerned with the welfare of children;

(3) Youth organizations; and
(4) Organizations utilizing volunteers to work with delinquents or potential delinquents.

These examples are by no means exhaustive.

Presentation of data.—Citizens of ten states responded to questions concerning the representation of public servants as opposed to private sector representation on the SPA Supervisory Boards. In addition, citizens of four states responded to the same questions about their Regional Planning Unit Supervisory Boards. From the following results it is clear that the above guidelines and recommendations are not being met. The private sector is grossly unrepresented, and coming nowhere near the one-third recommendation in most cases. Representative from community organizations—where minorities, who are often the main victims of crime, have the most amount of influence—were extremely lacking. Of the fourteen states in our sample, only California and West Virginia showed any representation of community organizations. All other states could report nothing.

CALIFORNIA SPA—27 MEMBER BOARD

81 percent (22) public servants—18.5 percent (5) private sector (of these—1 "general citizen", 3 professional organizations, and 1 community organization).

COLORADO SPA—23 MEMBER BOARD

87 percent (20) public servants—13 percent (3) private sector (of these—3 "general citizens," no professional organizations, and no community organizations).

ILLINOIS SPA—23 MEMBER BOARD

52.1 percent (12) public servants—47.8 percent (11) private sector (of these—3 "general citizens," 8 professional organizations, and no community organizations).

KANSAS SPA—17 MEMBER BOARD

88 percent (15) public servants—12 percent (2) private sector (of these—no "general citizens, 2 professional organizations, and no community organizations).

MASSACHUSETTS SPA—41 MEMBER BOARD

80 percent (33) public servants—17 percent (7) private sector (of these—7 "general citizens," no professional organizations, and no community organizations).

MISSOURI SPA—20 MEMBER BOARD

65 percent (13) public servants—35 percent (7) private sector (of these—1 "general citzen", 6 professional organizations, and no community organizations).

MONTANA SPA—16 MEMBER BOARD

87.5 percent (14) public servants—12.5 percent (2) private sector (of these—2 "general citizens", no professional organizations, and no community organizations).

NEW YORK SPA—29 MEMBER BOARD

86 percent (25) public servants—13.8 percent (4) private sector (of these—no breakdown given by public information person).

VERMONT SPA—20 MEMBER BOARD

70 percent (14) public servants—25 percent (5) private sector (of these—5 "general citizens", no professional citizens, and no community organizations).

WEST VIRGINIA SPA—31 MEMBER BOARD

80.6 percent (25) public servants—19.3 percent (6) private sector (of these—no "general citizens", 4 professional organizations, and 2 community organizations).

CALIFORNIA RPU—27 MEMBER BOARD (CONTRA COSTA COUNTY)

85.2 percent (23) public servants—14.8 percent (4) private sector (of these—1 "general citizen," 3 professional organizations, and no community organizations).

MISSOURI RPU—19 MEMBER BOARD (BUCHANAN, DE KALB, ANDREW AND CLINTON COUNTIES)

63 percent (12) public servants—37 percent (7) private sector (of these—5 "general citizens," 2 professional organizations, and no community organizations).

MISSOURI RPU—15 MEMBER BOARD (ST. LOUIS AND FOUR ADJACENT COUNTIES)

87 percent (13) public servants—13 percent (2) private sector (of these—2 "general citizens," no professional organizations, and no community organizations).

PENNSYLVANIA RPU—50 MEMBER BOARD (BEAVER COUNTY/ROCHESTER, PA)

48 percent (24) public servants—46 percent (23) private sector (of these—no breakdown recorded by person filling out the questionnaire).

NEW YORK (REGIONAL ADVISORY BOARD)—51 MEMBER BOARD (GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SENECA, WAYNE, YATES CO.)

61 percent (31) public servants—39 percent (20) private sector of these—2 "general citizens," 14 professional organizations, and 4 community organizations.

Citizens were also asked to give the percent of women and minority group members of the SPA and RPU Supervisory Boards. Where possible, the percent of minority groups existing in the general population was also requested as well as the percent of these same minorities actually adjudicated in a single year. The results of these questions show that women are consistently underrepresented and minority representation is pitifully inadequate. Thirteen citizens of nine states were able to supply the following information:

CALIFORNIA SPA—27 MEMBER BOARD

Women, 7.4 percent. Blacks, 7.4 percent. Oriental, 7.4 percent. Chicano, 7.4 percent. Of the total population—Blacks, 7 percent. American Indian, 5 percent. Spanish-speaking, 15.5 percent. Asian, 2.9 percent.

For 1972 the California criminal justice system, according to the population actually adjudicated, was broken down according to women and the above minorities: Blacks, 27.3 percent. Spanish-speaking, 14 percent. Women (all ethnic origins) 11.4 percent.

COLORADO SPA—23 MEMBER BOARD

Women, 8.7 percent. Spanish-speaking, 4.3 percent. Of the total population—Spanish-speaking, 13 percent. Blacks, 3 percent. American Indian, .4 percent.

For 1974, the State Correctional Institutions intake: Spanish-speaking, 24.9 percent. Blacks, 18.8 percent. Women, 5.8 percent.

ILLINOIS SPA—23 MEMBER BOARD

Women, 41.3 percent. Blacks, 17.3 percent. Spanish-speaking, 4.3 percent. Of the total population—Blacks, 13 percent (Chicago 40 percent). Spanish-speaking, 4.3 percent (Chicago 12 percent).

MASSACHUSETTS SPA—41 MEMBER BOARD

Women, 12 percent. Blacks, 12 percent. Spanish-speaking, 5 percent.

MONTANA SPA—16 MEMBER BOARD

Women, 12 percent. No other breakdown available.

NEW YORK SPA—29 MEMBER BOARD

Women, 13 percent. The public information person felt the question of minorities on the boards was out of line. No other information was available.

MISSOURI SPA—20 MEMBER BOARD

Women, 5 percent. Blacks, 5 percent. Of the total population—Blacks, 10.7 percent. Others negligible.

VERMONT SPA—20 MEMBER BOARD

Women, 25 percent. Other minorities, none. Of the total population all minorities are less than .5 percent.

CALIFORNIA RPU—27 MEMBER BOARD

Women, 18.5 percent. Chicano, 11.1 percent. Blacks, 7.4 percent.

MISSOURI RPU—19 MEMBER BOARD

Women, 5 percent. Other minorities, none. Minorities actually adjudicated in a single year—women 6 percent. Blacks, 14.6 percent.

MISSOURI (ST. LOUIS) RPU—15 MEMBER BOARD

Women, 7 percent. Blacks, 7 percent. Of the total population—Blacks, 16.5 percent. The estimate of minorities actually adjudicated in a single year—Blacks, 80 percent. Women, 3 percent.

PENNSYLVANIA RPU—50 MEMBER BOARD

Women, 18 percent. Blacks, 12 percent.

NEW YORK RPU ADVISORY BOARD—51 MEMBERS

Women, 10 percent. Blacks, 2 percent. Spanish-speaking, 2 percent. American Indian, 2 percent. Of the total population—Blacks, 6 percent. Spanish-speaking, 2 percent. American Indian, less than 1 percent.

Questions testing open meetings, public notification, and meeting frequency revealed that citizens of eleven states' SPA's publicly advertised the meetings in the newspaper. Open meetings varied in frequency from state to state. Georgia, Missouri and Colorado hold monthly meetings. Kansas and West Virginia hold public meetings every six weeks. Vermont, Montana, Massachusetts, Illinois and California hold their public meetings six to ten times a year. Once again, the citizen researching the New York SPA could not get this information from the public information person. Those citizens researching the open meetings, public notification and meeting frequency of the RPU Supervisory Boards also found that most public meetings are held monthly with newspaper notices alerting the public prior to the meetings.

Recommendations.—It is obvious, even from such a scattered sampling of the State Planning Agencies' and Regional Planning Units' Supervisory Boards, that general citizen participation in the planning process is extremely weak. In addition, minority representation on the boards—especially, representation of the minorities most involved in the criminal justice process—is at best token representation. It is also disappointing to realize how few women are board participants.

In 1973, testimony on citizen participation before this same committee urged that the planning process be opened up beyond those with a vested interest in the criminal justice system. It was recommended that representatives from such groups as civil rights groups, welfare rights organizations, religious organizations, poverty groups and private citizens belong to the Supervisory Boards. This still does not seem to be the case in the representative character of the Supervisory Boards we tested.

Three years later, in 1976, NETWORK maintains that nonprofessional involvement on the Supervisory Boards in defining, planning and evaluating criminal justice priorities and programs is essential for a truly representative and accountable criminal justice system. The fact that the stream of witnesses before the Senate and House Committees representing police, corrections and courts have urged the continuation of LEAA with almost no substantial structural changes (except to request more funds and fewer strings attached) gives further weight to our position. The fact that LEAA has failed in accounting for its $4 billion in expenditures, failed in evaluating most of its 80,000 programs and failed in impacting the serious rise in crime, received mostly lame and defensive explanations from the professional criminal justice community.

If it is the intent of Congress to reauthorize LEAA, NETWORK recommends that reauthorization be extended for one year with a strong provision in the law mandating the states to follow the National Advisory Commission on Criminal

Justice Standards and Goals' recommendation to have one-third of the membership on Supervisory Boards be from officials on non-criminal justice agencies and from private citizens. NETWORK also recommends that minority representation be more equitable.

APPENDIX F–3

CORRESPONDENCE AND PAMPHLET FROM MS. STEPHANIE L. MANN CONCERNING GUIDELINES FOR SAFER NEIGHBORHOODS AND CRIME PREVENTION THROUGH NEIGHBORHOOD INVOLVEMENT

3 DARNBY CT., ORINDA, CALIF., *March 19, 1976.*

Congressman JOHN CONYERS, JR.,
Subcommittee on Crime, Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: In March of 1975, the booklet Alternative to Fear was sent to several informed and responsible people. We had hoped to learn how we could reach citizens with the book and help them to get started in their own areas on crime prevention programs. The consensus of opinion was, that we should contact LEAA Washington and specifically, Citizens Initiative. Here is the response we encountered.

April 7—Letter to us from Mrs. Gerald Ford suggesting we contact LEAA.

April 11—Letter from Attorney General Levi—Sent your material over to LEAA.

April 25—Ms. Henke and I sent letter and book to LEAA (no response).

July 17—Congressman Ron Dellums set up appointment for me with LEAA—Talked to Jean Neidermeyer and Ellen Jasper—Left booklet and information with secretaries of: Mr. Richard Velde, Mr. Charles Work, and Mr. Michael Dana.

August 4—Letter from Mr. Dana stating he would contact us, "within a week or two."

September 15—Letter to Jean Neidermeyer (no response).

October 22—Letter to Mr. Dana (no response).

November 15—Letter to Mr. Velde.

November 24—Telephone call from Mr. Dana stating, "I will get back to you in a couple of days.

January 10—Letter to Mr. Dana asking for a reply before Jan. 26th.

January 27—Letter from Mr. Dana stating, Alternative to Fear is under review—"decision in this regard within a couple of weeks."

March 3—Drove to Burlingame, CA to see Ms. Gwen Monroe of LEAA—asked her to check with LEAA, Washington.

March 12—Letter enclosed.

Their decision about the book does not bother me but the cavalier attitude, lack of responsiveness and unwillingness to share information bothers me a great deal.

How many other citizens have been ignored?

Why didn't I get an honest letter from LEAA, before I flew to Washington? (my own expense).

Has LEAA forgotten who they are supposed to serve?

What does the title "Citizen Initiative" mean?

I cannot think of a better way to destroy citizen initiative than this type of treatment. Government should be a helping hand not a major stumbling block.

We wrote the book for citizens, as they need encouragement, ideas and a plan. They are not apathetic, but how do we reach them without some backing or support?

Part of the crime problem are the police They are self-serving, out of touch with community needs and they too have forgotten that they work for the people (see enclosed articles). The police approach is narrow and one dimensional, short range. Crime will never be reduced unless the responsibility goes back to the community. (Please read pages 6 through 17 of Alternative to Fear.)

It's distressing to see that the sheriff can run to Washington and pick up $98,000 and it takes us a year to get a letter.

I know for a fact, that other areas are having the same problems.

Sincerely,

STEPHANIE L. MANN.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Washington, D.C., March 9, 1976.

Mrs. STEPHAINE L. MANN,
Orinda, Calif.

DEAR MRS. MANN: Your crime prevention booklet, "Alternative to Fear," has been reviewed by several persons here at LEAA. Although the booklet is seen as a very useful tool for citizens interested in developing a neighborhood crime prevention program, it would be inappropriate for LEAA to buy the booklet for wide distribution. This would show preference for your publication over the publications of other similar groups and organizations.

However, because the book would obviously be of interest to many citizen groups, and units of local government, we are sending a copy of the booklet to the Acquisitions Department of the National Criminal Justice Reference Service. In addition, I am enclosing the names and addresses of the following groups who you may want to contact directly regarding your publication:

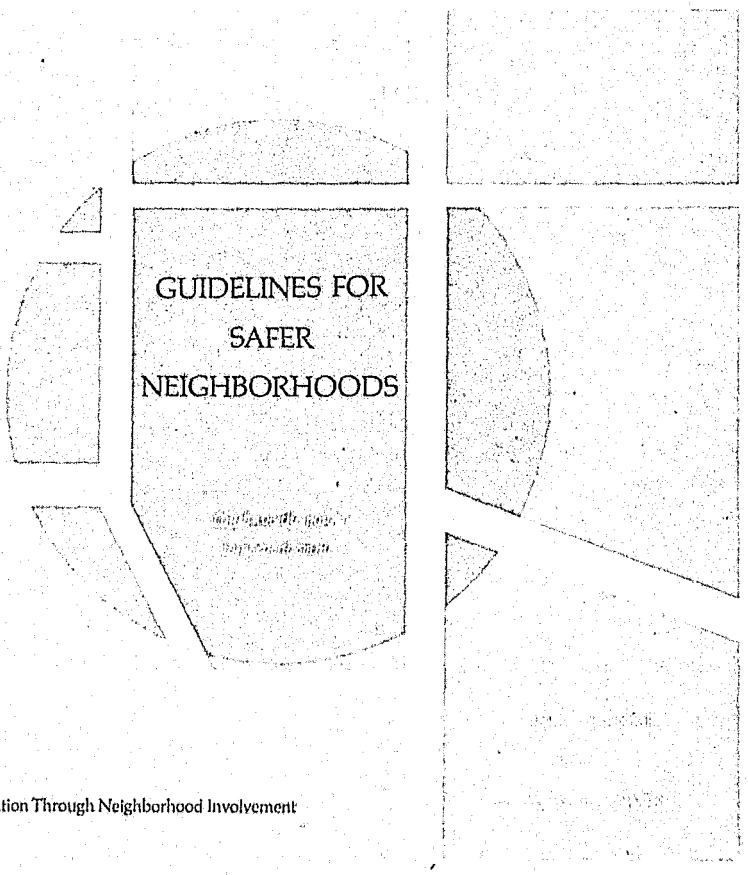
1. All LEAA Regional Offices and State Planning Agencies;
2. LEAA Citizens' Initiative grantees involved in crime prevention;
3. Other national organizations involved in crime prevention activities.

I wish you much success, and hope that the enclosed mailing list will be of value to you in your efforts to promote more citizen involvement and responsibility in crime prevention.

Best wishes,

MICHAEL G. DANA,
Director, Citizens' Initiative.

Alternative to Fear



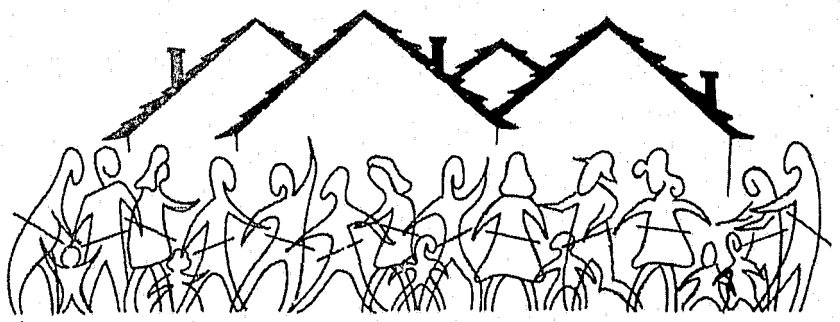
Crime Prevention Through Neighborhood Involvement

1667

Alternative to Fear

A Citizens' Manual for Crime Prevention
Through Neighborhood Involvement

SHIRLEY HENKE
and
STEPHANIE MANN

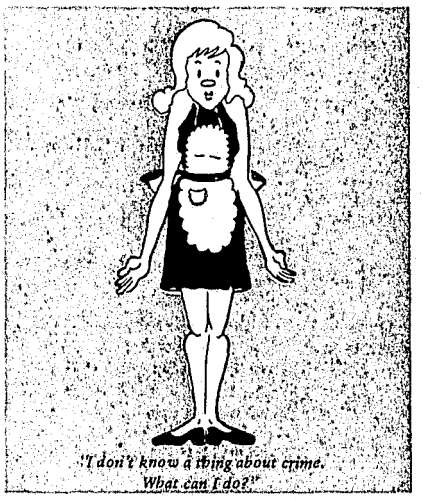


LODESTAR PRESS Berkeley, California

Contents

Popular Attitudes About Crime

"It's up to the cops to protect me."



"I don't know a thing about crime. What can I do?"

"The world is a beautiful place. I don't want to know about crime."

"We ought to line them up and shoot 'em . . ."

Preface

This is a handbook for citizens who want to do something constructive about crime and don't know where to begin. It is not a scholarly treatise on crime, its control, or the causes of criminality.

The book grows out of a successful citizens' crime prevention effort that reduced burglary by 48% in one community, and has since served as a pilot program in other areas.

We found that both crime and the fear of crime have become elements of our everyday lives. (In some places there is more fear than actual crime.) More and more people seem to be turning to these "solutions" to their situations:

—a gun under the pillow
—a vicious dog at the gate
—a television monitor at the street corner
—a beefed-up police force, at considerable cost to the taxpayer

The vision of a return to the early Middle Ages is repugnant, and yet we see desperate citizens turning their homes into fortified castles, with the modern equivalents of moat and draw bridge. Alienation and isolation become the undesired consequence of mutual suspicion and hostility. Freedom and privacy become restricted as a result of technological attempts to re-establish security.

This book offers an alternative to fear-borne solutions—an alternative that strengthens and protects cherished social values as it works to prevent crime. The program presented here is based on cooperative work to implement immediate and long-lasting solutions to social problems. It holds the promise that American citizens are not powerless. The individual has the power to change his neighborhood, but it requires making a decision—the decision to begin. As we will show, initiative at the neighborhood level can deal successfully with neighborhood problems.

This, then, is a manual for neighborhood action, divided into three sections:

Part One explains the concepts which provide the framework and context for the program;

Part Two is a brief history of the program as it was adapted to the needs of a suburban community;

Part Three and the Appendices are a detailed manual for application anywhere.

For many of the ideas expressed here we are indebted to the fellow-citizens of the Orinda Association Crime Prevention Committee who, since its foundation in 1970, have conceived and conducted this program. We want to express gratitude on behalf of the Committee to the Contra Costa County Sheriff and sergeant-investigators for their interested cooperation; to the Directors and members of the Orinda Association for their continued encouragement; to the local Bay Area news media for their timely, accurate, and generous coverage; to the Rotary Club, Miramonte High School Classes of '72 and '74, and individual citizens who participated in various ways; and to the residents of Orinda who joined us in the experiment. Finally, we are personally indebted to certain individuals whose help and advice bore directly on the publication of the book: California State Senator John Nejedly; Mrs. Nancy Reagan; Mrs. Nancy Reynolds, Special Advisor to Governor Reagan; and Harold Keenan, Charter member of our Committee and cherished friend. Special thanks to Allen F. Breed, Director, California Department of Youth Authority.

Stephanie Mann

Shirley Henke

Orinda, California
February 1975

6

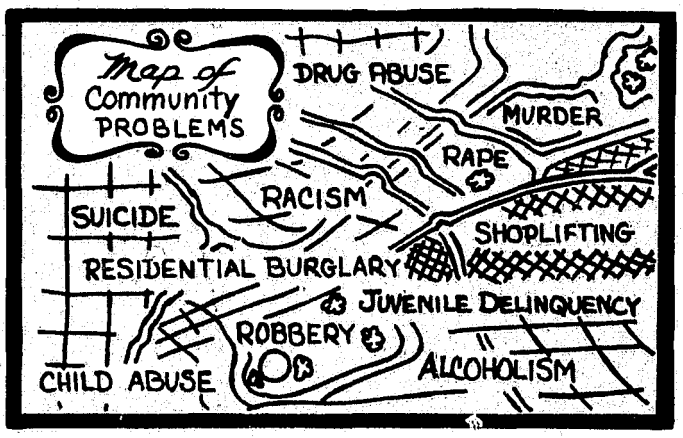
Part One

Reviving the Neighborhood

The chosen site for this program is the geographical area you conceive of as your neighborhood—the space you identify as your community living space, whether it is a block of houses, an apartment building, or an entire subdivision.

In no sector of community life are alienation and isolation more apparent than in the neighborhood. Most of us don't know our neighbors and don't know how to make contact with them. We cling to our shrinking privacy. Automobiles and air travel allow us to pursue our friendships, our work, and our recreation in an ever-growing community-at-large. Often we wouldn't know a stranger from a neighbor even if we were at home to see him enter the neighborhood.

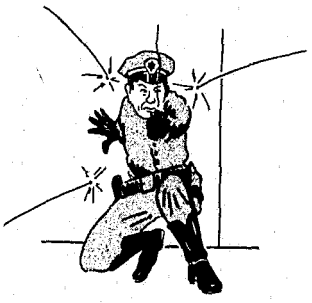
This is partly the result of accelerating changes in social forms. We make frequent moves and avoid putting down roots. Family life is often strained, with families breaking at an increasing rate. Youth have their own sub-culture that adults either deny or distrust. Many of us have lost the sense of responsibility we once felt for children growing up in our neighborhoods.



People are not powerless if they can be persuaded to refocus on the problems they have the power to solve.

Given the negative aspects of contemporary events, the security of neighborhoods has, of course, changed. Police, patrolling in cars, are personally unknown to the people they serve; they are seen as television super-heroes or as an everpresent threat. It is sometimes evident in the way crimes are handled that the police are out of touch with the community.

Most of us would not want to return to the neighborhood of the past where everyone knew everyone else and what they were doing. Modern transportation has freed us from such social constraint on our behavior. But this change has cost us the traditional sanction against criminal behavior once provided by neighborhoods.



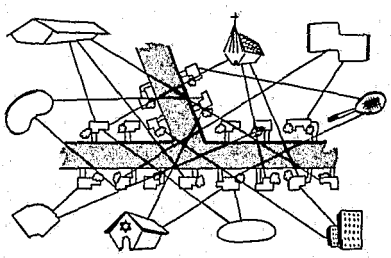
'Super Cop' doesn't exist.

Modern concepts of planning, whether for city or suburb, have weakened the neighborhood by dividing communities into functional segments: residences in one area, parks in another, and commercial establishments in another. Often neighborhoods are no longer places where people who live together interact while working, shopping, and playing. Jane Jacobs, in her book *Death and Life of Great American Cities,* deplores the loss of the casual, almost unconscious, policing that ordinary citizens can perform for themselves in neighborhoods where residences, stores, and sidewalk activity coexist.

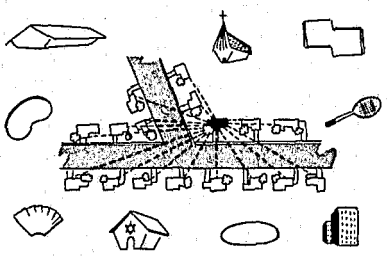
All of these conditions have made our neighborhoods both vulnerable to crime and productive of it. A burglar, who may well be a local resident, can enter a home today fairly confident that the neighbors, even if they see him, will do nothing.

We cannot restructure our neighborhoods overnight any more easily than we can dispense with the automobile or jet aircraft. We cannot change the facts of our transiency and the pressures created by global mass information and rapidly accelerating social change. But this book will not dwell on what we are unable to do;

In addition to other activities . . .



. . . get to know your neighbors better.



rather, it will concentrate on what individuals *can* do to make a difference, no matter where they live or for how long.

The program presented here focuses on one problem that affects neighborhoods nationwide: residential burglary. This crime was selected for several reasons. Most people have had some experience with burglary, either as a victim or as a neighbor or friend of a victim. California continues to lead the nation in burglaries, and the rate is still rising, especially in residential areas. In 1973, California had a rate of 1979.6 incidents per 100,000 population. Only 17.6 per cent were being cleared.[1]

Because burglary is a crime of stealth, and there are few if any clues, the police, even more police, can do little more than they are already doing. But the neighborhood can dramatically reduce the incidence of burglary and, by working for its prevention, can strengthen its sense of community.

We should emphasize here, however, that the program should be focused on whatever is the chief crime concern of the majority of the people. Practically speaking, it is easiest to begin a program with few, accessible goals that are of importance to the community, then allow the program to take its own direction toward more

comprehensive goals. For example, one of the myths that will be shattered during the course of a burglary prevention program is the one that claims the burglar is most often a hard-core criminal from out of town. In most communities roughly half the burglaries are committed by local juveniles. As the program for burglary prevention matures and actively involves more of the community, one can expect offshoots to develop that deal directly and basically with the local juveniles and their problems. Some examples of these are peer councils, drug-abuse bureaus, employment bureaus, career education programs, and recreational programs.[2]

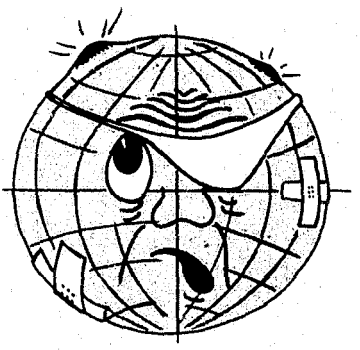
What begins as a community neighborhood program for reducing a specific crime can well be an enlightening first step toward community recognition of its total grass-roots responsibility and opportunity. Participation in problem-oriented programs such as the one described in the following pages can be an avenue to learning, with important tangible and intangible benefits to the individual and the community: how opportunities and temptations for crime are created; how we share our living space; how to assist troubled families and children living in our midst; how to perform our role in the criminal justice system more effectively.

A change in attitudes specifically related to crime can carry over to individual attitudes on the whole spectrum of human and personal problems. This may lead ultimately to a healthier, more positive view of oneself as an individual capable of translating concern into constructive activity. The important move is to take that first step, and don't make it too large.

Robbie was a trouble-maker and a bully. At age eight he already had a reputation as an undesirable. Neighbors warned their children to stay away from him. Adults, knowing what kind of boy he was supposed to be, were hostile and abrupt. Robbie was alone. Now at age 13 he is still alone and lives at Juvenile Hall.

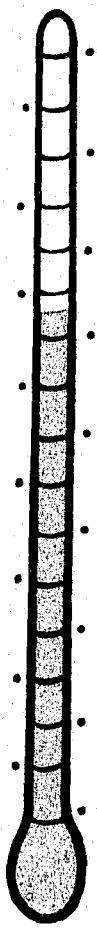
1 Reference: *Crime in the United States 1973*, Uniform Crime Reports. Issued by: Clarence M. Kelley, Director FBI.

2 For examples of the many varieties of crime prevention programs already initiated by citizens, the reader can consult the National Advisory Commission on Criminal Justice Standards and Goals, volume entitled *Community Crime Prevention*, January 1973. For sale by Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Price $3.75. Stock Number 2700-00181.



You can't change the world but you can change your community.

Attitude Barometer



"My actions make the difference."

"I make time for my community."

"I care."

"Help is available."

"Responsibility starts with me."

"POSITIVE ACTION STARTS WITH ME"

"I can't expect others to solve my problems."

"I just hope for the best."

"We don't have that problem."

"I'm too busy."

"That doesn't affect me."

"We'll always have these problems."

"That's the way the system is."

"This problem is just too complicated."

"They should do something."

"I just don't care."

"I'm helpless."

Part Two

One Community's Positive Response to Crime

The two women settled down over coffee to relax and pass a little time. They looked out on the peaceful neighborhood where nothing ever seemed to happen. People went quietly about their own business, bending over backward not to mind anyone else's.

While they chatted, the two women noticed the man across the street leaving and locking his house. Shortly after, two men strode up to the front door and knocked. They found no answer and walked around to the back.

"Do you suppose that home is being burglarized?" wondered one of the women to her companion.

"No. I don't think so. Let's watch," replied the other.

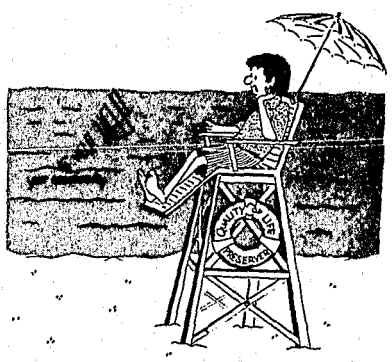
Soon the two men emerged from the house, one with a leather coat over his arm, and walked down the street out of sight. The two women didn't stir from their comfortable chairs.

A burglary had in fact occurred. When questioned later by the detective assigned to investigate, the two women said that they hadn't reported the suspicious behavior because they didn't want to be nosy!

The purpose of our Neighborhood Responsibility Program was to persuade residents that 5200 households watching out for each other was far more effective than any amount of police patrol.

Residents were very unhappy about their burglary problem in 1969. On a community-wide questionnaire they put additional police protection at the top of their list of priorities. Yet it was clear that local government was unable to deliver the extra services they wanted. It was also clear to a handful of citizens talking with our Sheriff's Department that additional patrolmen would not alleviate our problem.

We were well aware that burglary was becoming an all too frequent occurrence in our own neighborhoods and community. What really bothered us was that while fear and anxiety about crime were being expressed on all sides by ordinary citizens, they seemed unable or unwilling to translate their concern into constructive activity. "Why don't 'they' do something about it?" people would ask. 'They' meant the government—especially the police.

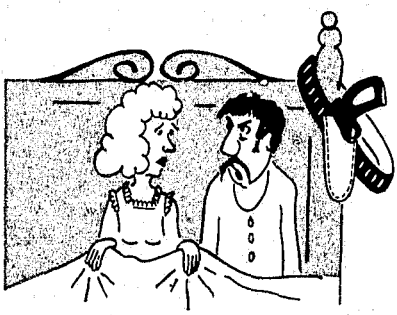


"I know I should do something, but what?"

We decided to find out why citizens were inactive. These were the attitudes we encountered:

"Why don't you try to do something about crime?"

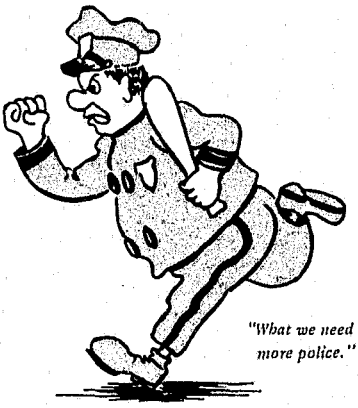
—*"What can be done about it? I wouldn't know what to do."*
—*"It wouldn't make any difference anyway."*
—*"We need more police."*
—*"Nobody else does anything."*
—*"We tried to get a program going, but nobody was interested."*
—*"I've never been robbed; I don't think it will happen now."*
—*"I don't want to become involved in it; I might become a target."*
—*"I keep a gun for protection."*
—*"The courts are too lax. There's nothing I can do about it."*



"You'll always be safe with me."

"Why didn't you report the suspicious activity to the police?"

—*"I didn't want to be nosy."*
—*"I thought it would turn out to be nothing and I'd look stupid."*
—*"The police couldn't do anything about it anyway."*
—*"I didn't want to bother the police."*



"What we need is more police."

—*"I didn't want to have to give my name and get involved."*
—*"I didn't think the activity was suspicious."*

We could see that popular attitudes would have to be a major target in our citizens' program against crime. In addition, we were going to have to show people that neither the police nor government could do the job alone and that they were heavily dependent on the public to carry their share of the responsibility. We were also going to have to show citizens *exactly* what and how much they could do.

Timmy, age five, was playing with his sister when his big red and blue striped ball bounced down the street and into his neighbor's flower garden. The neighbor was weeding when Timmy scrambled through her flowers, snapping off several blossoms. "You stupid dumb kid," screamed the neighbor, "look what you've done! Get off my property and stay off!"

A small, ad-hoc committee envisioned a two-fold program of grass-roots action to deal with the situation:

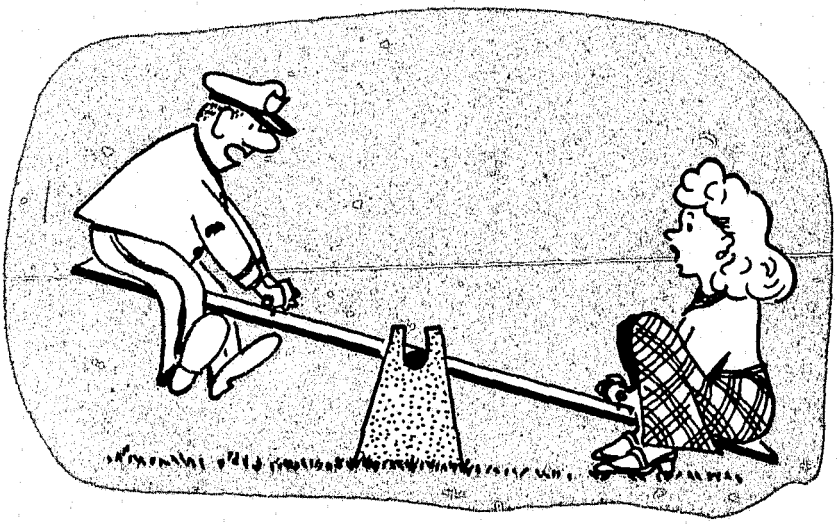
- An education program based in the neighborhoods and depending on citizen initiative.
- A program to develop more intensive police response.

At this early stage, the committee presented its innovative concepts to the sheriff, who responded with encouragement and professional assistance. A small portion of police time was committed to one or two meetings in each neighborhood of the community. Two burglary specialists were assigned to participate in these neighborhood meetings.

The earliest work of the committee was to convince the police that creating a neighborhood base was a worthwhile experiment. Establishing relationships to small neighborhood groups would reach a level of effectiveness historically not possible through attempts at mass-education. But more than that, citizen involvement in planning and organization was needed to move neighborhoods to action. It was this new perspective on the meaning of citizen participation that became the heart of the program.

Trust and confidence had to be developed between the committee and the police. The commitment and reliability of the citizens convinced the police that they were dealing with a responsible volunteer organization that was both demanding and effective.

To encourage mass involvement, neighborhood meetings were scheduled all over the community. This gave neighbors the opportunity to meet each other and get better acquainted in order to catalyze neighborly concern for each other. These meetings also provided an informal



Keep the relationship in balance.

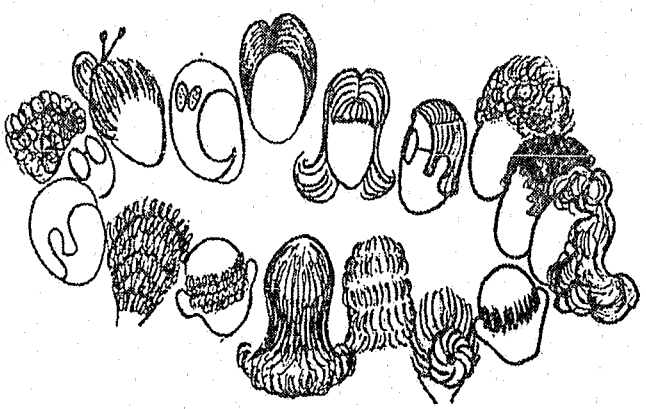
give-and-take session between the police officers and the residents on the subject of home security and the specific ways in which neighbors could help protect each other against burglary.

We deliberately chose the small group meeting in a private home over larger meetings in less personal places such as churches and schools. In the first place, the gesture of hospitality on the part of a neighborhood hostess was the first step toward building the neighborliness we were after. It was also rewarding to find that about 50% of the people invited would accept their neighbor's invitation, if she invited them in person and explained the purpose of the program. Larger community meetings often result in a much poorer turnout. Finally, a private home was the appropriate setting for learning exactly and graphically what could be done to secure a residence. Most of our meetings were at night so that working people and teenagers could be present.

The people who attended the meetings were always asked to take the materials and information gathered to their absent neighbors. In this way we reached everyone in a neighborhood, which is necessary for an effective Neighborhood Responsibility Program.

The meetings served as a distribution center for materials such as reverse directories of the neighborhood to help residents report suspicious activity, a list of local agencies concerned with crime-related problems such as alcoholism, drug abuse, and parent education. One of the most popular demonstrations was the use of etching pens to mark valuables with a driver's license number to deter burglary or to aid in the recovery of stolen property.

Some of the less obvious results were fostering an understanding between citizens (especially teenagers) and the police in a non-crisis situation; stimulating communication and interaction in the neighborhood as a foundation for future cooperation in dealing with common problems; a new look at our responsibility to teach our children and our neighbor's children the social necessity of a system of law; an opportunity for citizens to air their views and make suggestions in an intimate group. Some of our best ideas have been born at these grass-roots meetings.



An opportunity to know your neighbors and community better.

We had hurdles to overcome. In the first place, people didn't volunteer--they had to be invited, in fact *personally* recruited. We've had over 100 host families as of this writing, and we've really had to do a sales job on some of them! We also had to provide help and encouragement to the hosts all through the planning of their meetings. We often heard, "Well, that's a good idea, but it'll never work here in my neighborhood. People don't even know each other." We *knew* it would work anywhere. We had learned that certain steps would guarantee a successful meeting. We had committed ourselves to making our part of the program work, just as our police officers had committed themselves. We provided a committee member to work with each host/or hostess. This member helped to define the neighborhood, provide information on the purposes and accomplishments of the program, and suggest ways to sell the program on an individual basis. (We had long since learned that reliance on a printed invitation resulted in about 5% response!)

Personal contact has been the keynote to the success of this program in all phases of its development. Many times it would have been easy to say, "The people here are just too apathetic," and quit. Instead, we tried a little harder, tried another way to reach them. We had to repeatedly explain that we were *not* encouraging a neighborhood intelligence network or asking them to help the police. Rather, we wanted them to do for each other what they would want done for themselves.

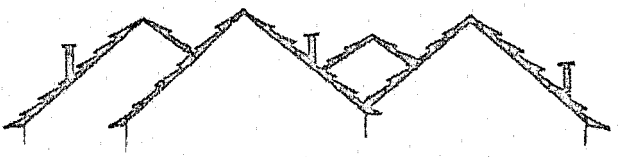
These extra efforts were always rewarding. Dubious neighbors were gratified at the interest and participation at meetings and were invariably glad they had come. Neighbors expressed their appreciation for the opportunity to get together and talk out their shared worries and grievances with the officers. Our Crime Prevention Committee has sometimes been requested to schedule a second meeting in a neighborhood when there

Personal contact is the foundation of the program.

have been more burglaries or a high turnover in residents. Interestingly, people who attended before came again.

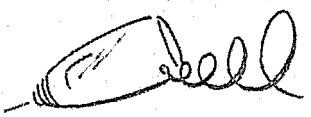
The program has been amazingly successful in reducing burglaries. Between 1966 and 1969, burglaries in our community jumped more than 100%, for a total of nearly 400 per year. At the end of 1972, after the program had been established for two and a half years, burglaries had been reduced by nearly 50% and stayed down throughout 1974. Moreover, we are enjoying our lowest statistics in the last seven years. It's not just a coincidence that we developed a permanent community structure for conduct of the program, nor is it a coincidence that well over half the population have been involved in neighborhood meetings. Information furnished by residents as a sequel to these meetings has resulted in some dramatic chases and arrests. When you understand that often one burglar is responsible for a number of burglaries, you can comprehend how effective just one tip can be in preventing future crimes.

In the last two years new ideas for community-based alternatives have been born as

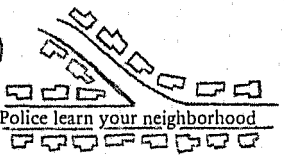


Benefits of a Neighborhood Responsibility Meeting

Information on home security



Marking personal property



Police learn your neighborhood

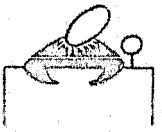
When and how to phone police

Meet your local police

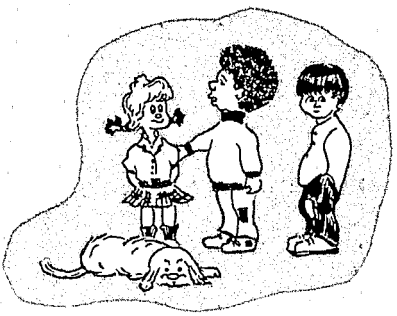
Exchange community information

Information on local service organizations

Local help available.



Clearing-house for forming new action groups



Encourage neighbors to know and talk with the children around them.

a result of the initial burglary prevention program. A pilot project in law and criminal justice education, presented by local non-uniformed police, probation and judicial professionals, in cooperation with faculty, was conducted in the school district.

A youth council is now being developed which will require a juvenile offender to make appropriate restitution to the victim. The council will be composed of a rotating group of peers, and will provide big sisters and brothers to assist and supervise these transactions.

Dozens of inquiries have been received about the program. They came from community groups and individuals in nearby counties, as well as from residents of neighboring towns. All the requests were for help and advice on how to start similar programs. Several other successful programs are underway using the rough guidelines we have provided. These inquiries hinted at a much larger, unexpressed need. This handbook is our attempt to meet that need.

FROM FEAR TO ACTION

Ever since the woman next door had been held up by armed robbers, Marie's life at home was filled with dread.

"Buy a gun and learn how to use it," her husband and friends advised.

In a desperate search for peace of mind, Marie drove to the nearest gun shop. On the way she remembered the appalling newspaper stories about accidents involving handguns. "I have two small children," she admonished herself, and turned back toward home. "What we really need is more police in our neighborhood."

Marie and a neighbor visited the Crime Prevention Committee to press for more police patrol. The committee listened as the women expressed their fear at being alone in their homes. The committee was able to furnish cost figures for the extra police Marie wanted. They were able to show that one extra patrol car, going 24 hours a day, 7 days a week, required more men and money than she imagined. Marie and her friend listened to the committee's point of view—that a neighborhood of alert citizens is far more effective than extra police—and decided to try it.

Marie agreed to host a meeting for her street, and to contact her neighbors personally. The first meeting was held, and the neighborhood has started to help itself.

Part Three

Neighborhood Responsibility—

How to Build Your Program

Citizens need to build mutual concern in their neighborhoods and new habits of working together to solve their common problems before they will *want* to watch their neighborhoods and report suspicious activity. This sense of community cannot be imposed by police, but will evolve internally within the neighborhood when stimulated by neighborhood leaders.

Active and aggressive participation by citizens in crime prevention planning is necessary. Police agencies initiating projects are tempted to take full responsibility for planning, organizing, and motivating the community, in the interests of efficiency and control. The public is cast in a passive role. Without a citizen base, cooperation is spotty, sporadic, and tends to die out. Crime may or may not be reduced, but at best, results are temporary and costly. What is missing from most police programs is citizen-staffed structures to promote and conduct the program during and beyond the life of the police project.

The manual that follows is a guide to accomplishing the two necessary phases in creating a citizen-based program:

—The first set is for a citizens' planning group, whether a few citizens or an existing organization.

—The second set is addressed to the community organizers who will structure and implement the plan.

The program is based on scheduled, but informal, social contacts and can be implemented by one person in a limited area or in larger community-wide projects. Take the parts of the program that match your own specific situations. It can be shaped to the community's unique requirements by the people who best know the full range of its concerns, and how to appeal to its diverse elements. Cost can be minimal, with the added benefit of freeing expensive police time.

A. Planning the Program

I. MENTAL PREPARATION OF THE COMMUNITY

Motivation for general participation and for community leadership should begin at the outset and continue for the duration of the program. Be prepared to present ideas many times, and in various ways, in order to impress the people and to move them to action. This is such an important step that neglect of it could undermine the whole program. If the people aren't ready to act, there is little chance of success.

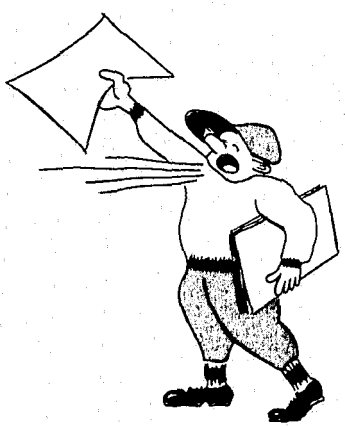
A. The first step is to make an appointment with the Chief of Police. Discuss your concerns with him and solicit his support and advice for the community crime prevention program you want to plan. Convince him that you are a responsible citizen and that a cooperative police-citizen partnership for crime prevention is your goal. Your first specific need is for statistical data on crime and its ramifications for educating and motivating the community.

B. With the police as your partner and resource, educate the community on their burglary problem. Provide statistics showing crime trends, comparisons with other areas, dollar losses; describe what the police are already doing; present your interest in forming a community-based program. *Don't* resort to scare tactics. Emphasize the need for a citizen-police partnership for planning and implementing an attack on burglary. Ways to do this include:

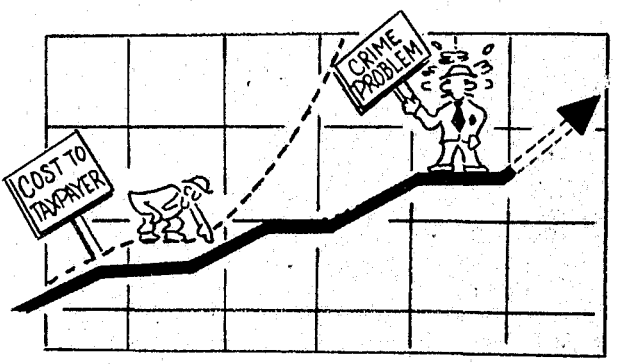
1. Meetings with community leaders (local government officials, ministers, civic and recreation club officers, prominent citizens, high school student leaders, etc.)

2. Information released through the news media. Include all media—newspapers, radio, and television. Use media with a broad reach as well as those more locally oriented. A sure tip for good publicity is to take material to key media people *in person*, and in writing. Discuss it with them, impress upon them your need to get information to all the people as an essential foundation for your program.

C. Shortly after your information has been published, request community leaders to conduct a simple *survey* of the community's attitude toward the burglary problem to ascertain the level of concern. Don't take one person's word; often



Your program must sound important if you want participation.



Collect facts on local crime problems.

the leader who says he "speaks for the community" has been talking to the same small circle of citizens for years.

The survey could be accomplished through a random or total distribution of questionnaires (mail, local stores, club meetings) or through interviews with community organization presidents, high school and college leaders, and residents influential in their neighborhoods. The survey could be planned as a basis for comparison after the project has been in operation for a year or two. The questions could be as few as these:

Have you been burglarized within the last five years?
Do you think you might be burglarized in the next five years?
What problem in your community concerns you the most?
What crime problem in your community concerns you the most?

II. WHAT TO DO IF THE COMMUNITY IS SPLIT IN ITS CONCERN ABOUT BURGLARY

You will need universal interest and support to succeed. If your community divides heterogeneously, this need not extend to the entire community, but may be confined to one geographical area.

A. Examine the results of the survey by geographical sub-divisions, if you suspect marked differences. A high incidence of burglary concentrated in one sector might suggest a correspondingly high level of concern.

B. If your examination shows that one or more sectors (but not the entire community) considers burglary a top problem, start a pilot program restricted to that area. This will assure you of some measurable success which will sell the program to the rest of the community.

Even if the community is united, don't bite off more than you can chew. Start a pilot program in an area you can handle.

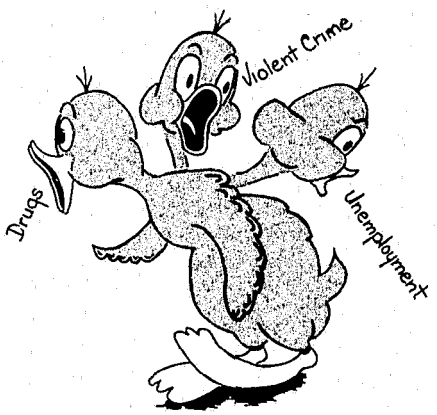
III. WHAT TO DO IF THE COMMUNITY SHOWS MORE CONCERN FOR OTHER PROBLEMS

This program precludes the imposition of your ideas upon the general public. It does give the opportunity of developing a working relationship with people around their particular needs as perceived by them.

A. What if the survey reveals a greater public concern for a crime problem other than burglary; e.g., juvenile delinquency, narcotics, or another police problem such as traffic safety?

1. Consider yourself lucky and plan the community involvement program around the top-priority problem. Established relationships built on respect, trust, and success will open avenues of communication through which you can reintroduce your burglary prevention objective at a later, more propitious time.

2. If feasible, deal with the burglary problem simultaneously; i.e., juvenile delinquency or drug abuse might be linked to burglary in a combined program.



Build on local concerns.

B. Suppose the community, or a sector of the community, places a higher priority on a problem outside the police jurisdiction but within a sphere of related interests; e.g., unemployment.

There are examples of high-welfare communities whose citizens were sufficiently concerned about their victimization by burglary

Think of different ways to involve your community

to work with police to combat it. You and the police will have to make a judgement as to the advisability of attempting an anti-burglary program in the area based on your assessment of other factors. In addition to an absorption with poverty, factors mitigating against your program could be a tradition of hostility to police, or a poor record in community organization for other purposes. These might present too many hurdles to be overcome at once. A program directed to the total social problem would be a wiser course.

In one community, representatives of various public service agencies in the fields of

public health, mental health, probation, social services, and police presented brief talks and maintained booths during open house at the public schools. After several presentations, residents were able to focus on a common need and to organize so as to see their goal realized—in this case, a public park. A joint program similar to this could be equally well presented through neighborhood meetings, which are an effective mechanism for informing large numbers of people.

C. It is unlikely that dismal prospects for a burglary prevention program will prevail in an entire community or a whole sector. However, if this should be the case, or if the community decides that some totally unrelated matter is of uppermost concern:

1. Go back to Step 1-B and continue your information program.

2. Develop liaison with other private groups already in the anti-crime field.

IV. STEPS TO TAKE WHEN YOU AND THE COMMUNITY (OR SUB-COMMUNITY) HAVE AGREED UPON AN ANTI-BURGLARY CAMPAIGN

A Citizen Coordinator (or two) will be required to help develop the program and to build a volunteer community organization to conduct it.

A. Consider the possibility of paying the Citizen Coordinator. Any volunteer organization is only as durable as its leadership. Even if reimbursement is limited to personal expenses such as child care, materials costs and transportation requirements, it will strengthen the likelihood of continuity and efficiency. It would be better to finance a full or parttime job depending on the volume of work you expect. You may be able to persuade a private or local organization to provide the funds.

B. Determine the qualifications you want in a Citizen Coordinator. Look for these desirable attributes:

- —established residence in the community
- —mature, stable, and reliable
- —friends and acquaintances on whom to depend for support
- —the personal attributes of effective salesperson, such as enthusiasm, tact, and persistence
- —able to commit a substantial amount of time regularly, for at least a year, to the program
- —experience in community organization and leadership, or the talent for it. (There is a natural leader in nearly every neighborhood.)

C. Identify and keep a list of individuals who potentially fulfill your requirements.

1. Get leads from broad-based and reputable organizations, not necessarily involved in anti-crime activities. Ask them to recommend people whom they know, in or out of their organizations, who might fulfill your requirements.

Make it clear that you are not attempting to recruit citizen leaders who are well known for their volunteer activities of highly visible and varied kinds. It will not be advantageous to you to work with citizens who are inclined to assume many responsibilities at

the same time, or who shift from one short-term intensive involvement to another. Yet these individuals might lead you to able persons who could make a long-term commitment to your program. Some organizations to call on are:

League of Women Voters
Federation of Women's Clubs
Men's Civic Clubs: Kiwanis, Rotary
Junior League
Parent Teachers Associations
Model Cities Agencies
Offices of Economic Opportunity
Political organizations
Homeowners' associations
Charity fund-raising organizations

2. In the same way, solicit recommendations from local newspaper reporters, and television and radio show personnel.

3. If you can pay your Citizen Coordinator, your job will be easier. Advertise the position (in more than one medium, please) and request resumés.

4. Don't rely on a random call for volunteers,

—since people rarely volunteer, and
—those who do might lack the skills and qualities needed.

D. Select and motivate your Citizen Coordinator. Since you have chosen candidates primarily for their qualifications, and not for their involvement in anti-crime activities, be prepared to do a selling job. This should be easy if you have laid a solid foundation of information within the community about the problem. Arrange a meeting with each candidate to:

1. Describe the problem in depth: trends over previous decades, dollar losses, profiles of typical burglars, attitudes and other characteristics of the community contributing to the problem.

2. Sketch the program of community involvement you envision and why it is necessary to burglary prevention.

3. Explain the citizen leader's roles as a partner to the police in program development and publicity, and as a fully responsible coordinator of the community organizational effort.

4. Outline the police manpower that has been made available to the program by the Chief of Police.

5. Elicit a commitment from the candidate of your choice for at least a year.

Don't wait for people to call!

V. MEASURING PROGRAM IMPACT

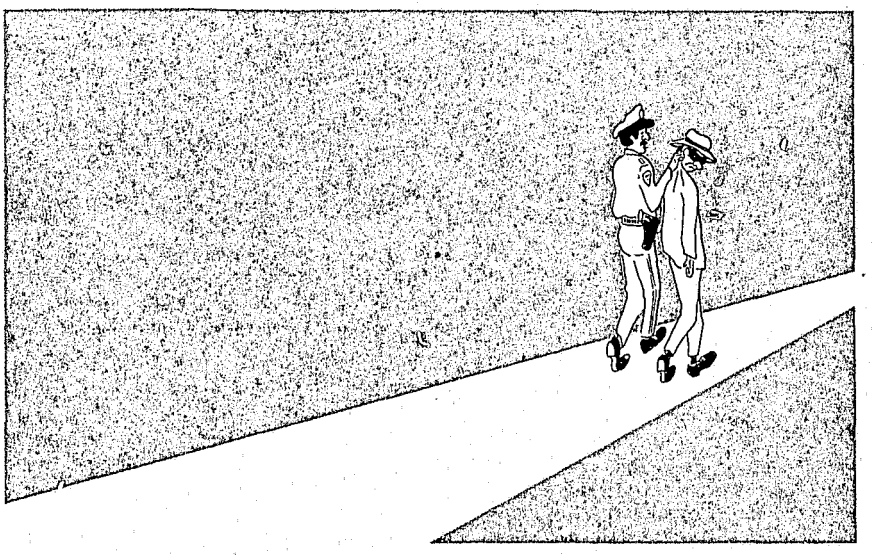
Correlation between program activity and the incidence of burglaries will be found useful in later years. Evaluation should be planned from the outset in complete cooperation with the police. The obvious question to be asked a year or two after the program's implementation is whether or not burglary has been reduced.

A. Appendix B includes a possible scheme for collecting data to analyze changes in crime patterns. The responsibility for collecting this additional data can be shared by the police and the citizens' committee.

B. Another good measure of the impact of the program is the citizens' attitude. The preliminary survey you took can be compared to a subsequent survey to show whether or not the citizens' sense of security has improved.

C. The committee will also want to assess the impact of the program in terms of the extent and quality of community involvement. A continuing analysis of the effectiveness of techniques will allow productive modifications along the way.

The relationship between the program and rate of burglaries can only be drawn by inference. What's actually been prevented will necessarily be unknown, but it will be useful to be able to show that program activities and rate of burglaries are correlated.



Keep track of data on arrests.

B. Organizing the Community

I. THE CITIZEN COORDINATOR

A. The duties of the Citizen Coordinator include:

1. Building a volunteer staff from the community to carry out the program.

2. Organizing neighborhood meetings to focus on the problem of burglary in a broad framework of related goals.

3. Continually promoting the program jointly with police through news, TV, and radio media, and searching for new channels to *all* households in the community.

4. Arranging orientation, training, and coordinating sessions with workers and police.

5. Acting as a buffer and line of communication between the police and the community.

6. Collecting data in accordance with evaluation objectives.

7. Assisting in the development of materials for use in the program.

Draw first from friends and colleagues.

B. The first step in organizing the volunteer staff is to put together a Steering Committee.

1. Draw upon friends and colleagues first, people with whom you can work, and whom you can motivate.

2. Keep the Steering Committee small.

3. Include at least one teenager and one young adult.

4 Make a record of the experience and interests of each committee member to guide you in delegating responsibilities.

II. FIRST TASKS FOR THE STEERING COMMITTEE

A. Find out what other community groups in crime prevention or related activities are doing and how successful they have been. This will help you to develop realistic goals, lay the foundation for communication and coordination between your committee and other organizations, and avoid stumbling blocks they have already encountered.

Some examples of crime prevention activities that might already be going on under the sponsorship of police, local service clubs, homeowners' groups, schools, churches, and private industries are:

1. Operation Identification—the etching of valuables with a driver's license number to deter burglary and aid in the identification of stolen property.

2. Campaigns against alcohol and drug abuse, child abuse, shoplifting, bicycle theft, juvenile delinquency.

3. Police sponsored public seminars on crime prevention.

4. Private (security) and citizen neighborhood patrols.

5. Publication of crime prevention brochures.

6. Police ride-along and youth athletic programs.

B. Locate potential donors of funds and materials.

1. Estimate expenses for materials, printing, postage, phone calls, etching pens and warning decals.

2. Banks, insurance, lock and alarm companies sometimes publish anti-crime literature that might be incorporated into your program.

3. A reverse telephone directory of your community will be an essential planning aid, but very costly. It should be revised twice a year. The local fire department or police department can probably be persuaded to donate a new copy to the committee every six months for this civic project.

C. Outline goals that allow a broad social approach to the burglary problem and encourage maximum citizen participation. Minimally, goals might be:

1. Burglary reduction and prevention.

2. Responsible citizen-police cooperation.

3. Improved sense of community in the neighborhoods of people working together to solve shared problems.

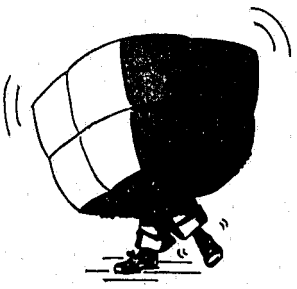
4. Juvenile delinquency prevention.

5. Dissemination of information on the location of local public and private agencies where citizens can seek help for personal problems. Check periodically on their continuing effectiveness.

6. Increased citizen participation in the criminal justice system and in all community affairs including the formulation of police policies.

D. Draft specific objectives.

1. Optimally, each neighborhood meeting should be held in a private home or apartment, where the host's gesture of hospitality is the first step toward pulling the neighborhood together. Experience has shown that the proportion of those invited who attend meetings in schools or neighborhood centers other than residences falls short by comparison.



Don't attempt more than you can accomplish.

2. Set a goal to have at least one meeting in each neighborhood within one or two years. Bear in mind that if the community is large, a program restricted to one geographical sector would be more attainable and more effective. Answering the following questions will help.

   a. How many meetings can be held in a year based on available police and citizen manpower?

   b. How many families per meeting can be accommodated in typical residences? Twice that number should be invited.

   c. Are there sufficient manpower resources to conduct several programs simultaneously in different sectors?

3. Plan to saturate each neighborhood. The advantage of the neighborhood program is that burglary is discussed where it occurs—in a private home, in the presence of people in a position to help each other. For the program to be effective, *all* people in the neighborhood must be drawn in to some degree.

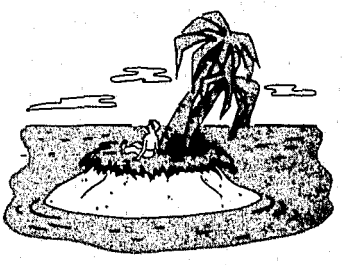
   a. Design the program to encompass all economic groups, ages, races, sexes, and political persuasions. Emphasize what is universal or binding in the community. Encourage hosts to draw in problem families whenever possible.

   b. Choose a program title true to the context of the program such as Neighborhood Responsibility; avoid terms like Home Alert or Neighborhood Watch that might have restricted or unpleasant connotations.

   c. Personal contact will be required to assure an average attendance of 50 percent at each meeting. Plan on investing the necessary time to explain the purpose of the meeting to each family personally.

   d. Those people unable to attend meetings can be reached through those who do attend.

   e. Schedule night meetings so that working people and school-age children can attend.



Include everyone in your Neighborhood Responsibility program.

4. Outline the format for the Neighborhood Meeting. Each meeting is staffed by a committee member and appropriate police officer. The committee member acts as chairman following an agenda that generally includes:

   a. A social period to allow late-comers to arrive and new neighbors to meet (important).

   b. Brief opening remarks by the chairman that:

      —set the tone for an informal discussion, encouraging active participation by citizens

      —provide background on the problem and program

      —present broad goals, especially neighborhood cooperation.

c. Police officer's remarks to include:
- –definition of burglary and criminal penalties (many people confuse burglary and robbery)
- –home protection against burglary–locks, alarms, vacation maintenance, lighting
- –neighborhood security, especially reporting suspicious activity and looking after each other's residences during absences
- –assistance to police
- –self-protection against any other crime that might be of special concern

d. Demonstration of engraving pen and instructions for circulation in the neighborhood.

e. Distribution of literature or committee newsletter.

f. Distribution of a reverse telephone directory of the neighborhood, if desired (See Appendix A8).

g. Encouragement of residents to accept responsibility for their influence on children in the neighborhood.

h. Questions, answers, and suggestions (some of the most useful ideas have come from these grass-roots meetings.)

i. Request that attendees call on absent neighbors with literature to explain the program. (Some people need an excuse to call on a neighbor they hardly know.)

j. In addition, the meeting can be used to distribute information about local agencies, both voluntary and government; obtain help with personal problems such as drug abuse; volunteer services in the solution of crime-related problems. This could be in the form of a local directory. The agencies listed should be checked periodically as to their effectiveness.

E. Sell the program to the public.

1. Related Organizations

a. Inform them of your program and invite feedback.

b. Arrange for continuing coordination and communication with these groups through all or some of the following devices: think-tank sessions, shared mailing lists for reports, and invitations to committee meetings.

2. The Community

a. Work in conjunction with the police through the media, and also through community meetings, if they are usually well attended.

Design the program to emphasize common concerns.

b. Arouse interest with an updated background on the problem and a brief outline of your program.

c. Introduce the members of the committee and cooperating police officers. Invite volunteers. (Be surprised if you get any this way.)

III. COMMITTEE STRUCTURE FOR IMPLEMENTATION

A. To be effective, a Citizen Coordinator needs a staff to perform other functions:

1. Neighborhood Meeting Arranger
The Meeting Arranger secures hosts and sets dates for neighborhood meetings. To get started, the first Meeting Arranger should be an established resident with many community acquaintances. A full-time Citizen Coordinator could assume this function. (See Appendix A1.)

2. Neighborhood Meeting Planner
One Planner meets with each host to work out the details of the neighborhood meeting and assure its success. Each meeting requires two visits and two hours planning time. Planners should be sensitive people who relate well to others on a one-to-one basis. (See Appendix A2.)

3. Publicizer
One person continually publicizes the program in various ways, seeking innovation and breadth of circulation. The Publicizer should have enthusiasm, imagination, and persistence. Additional help is very useful in this function. (See Appendix A3.)

4. Neighborhood Meeting Chairperson
One committee member chairs each neighborhood meeting, following a prescribed agenda. All committee members should be encouraged to take a turn, thereby enhancing their involvement and keeping up to date. (See Appendix A4.)

5. Materials Manager
One person keeps materials and Operation Identification kits (engraving pens, rubber stamps, other markers) in working order and good supply for distribution at meetings. (See Appendix A5.)

6. Operation Identification Promoter
One person continually thinks of new ways to promote Operation Identification to maintain public interest and participation. (See Appendix A6.)

B. Match committee members to jobs according to interests and abilities. If no one is equipped to fill a particular slot, recruit someone who is, drawing from other organizations and acquaintances.

IV. SPECIAL TIPS

A. Negative Attitudes and Suggested Answers.

1. "That's a great idea, but it'll never work in my neighborhood. The neighbors don't even know each other."

a. That's the problem *and* the solution. How can they prevent burglary if they don't know their neighbors well enough, or care enough, to report suspicious activity?

b. Some people need an excuse to get to know each other.

c. Experience has shown that residents respond to their neighbors' hospitality.

2. "Why don't the police do something about it?"

a. Even if there were a police officer on every corner, and even if you were willing to pay for their services, they would be unlikely to be as effective as alert neighbors.

b. In order to apprehend criminals, police need clues and information.

Burglars leave few clues. Alert neighbors can make notes describing suspicious actions and license numbers.

3. "I don't want teenagers at the meeting; they're the ones who are ripping us off."

a. The vast majority of teenagers are as law-abiding as you are.

b. Teenagers are very alert and knowledgeable about vehicles. They can be very helpful in providing accurate information.

"I don't need your meeting, I have an alarm and a big dog."

4. "I have a burglar alarm and a big dog. I don't need to come to your meeting."

a. Who's going to report your alarm if you're not home?

b. Dogs can often be distracted with food.

c. What about your neighbors who don't have alarms? There's a lot you can do to help them.

Be prepared to deal with a variety of excuses and negative attitudes.

5. "We already cooperate with our neighbors to look after each other's property."

a. Do you know the extent of the problem? Do you know who the typical burglar is, and what he takes, and when, and how? Do you know how to protect your home? What information is needed by the police?

b. This is your chance to meet your local police, help them to become familiar with your neighborhood, and learn what more you can do.

6. "The police take too long to come and then they don't care."

a. Here is your chance to air your complaints.

b. Here is an opportunity to learn how the police function and what their problems are.

7. "I don't want to be associated with anything to do with the police.

a. You want police to be associated with you, however, if you're the victim of a crime.

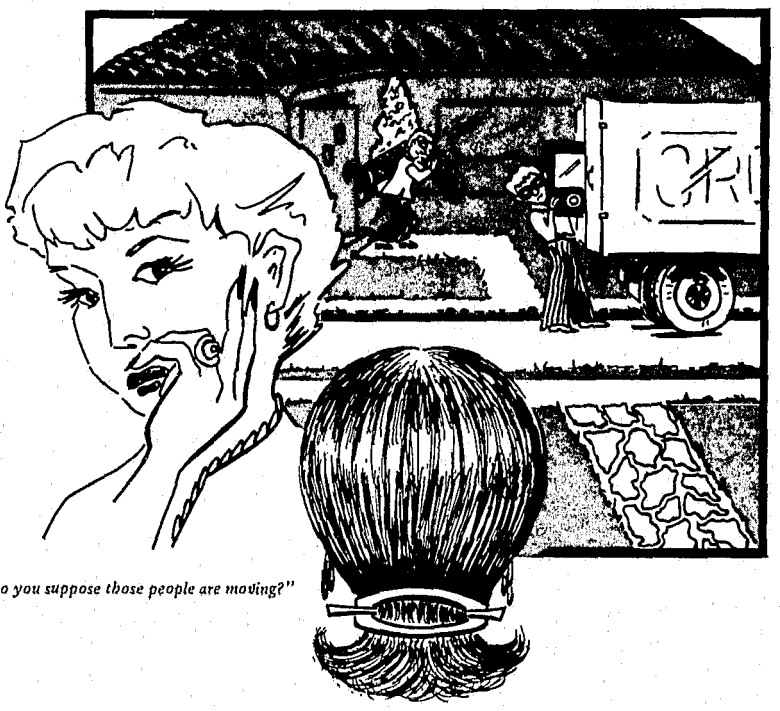
b. This program is being conducted in cooperation with your police, but not *by* them. A community-based volunteer organization plans and conducts the neighborhood program.

B. Typical Questions That Arise At Neighborhood Meetings

"Do I have the right to shoot the burglar?"
"How effective are private patrol and guard services?"
"Is a dog a good form of protection?"
"Should I install a burglar alarm?"
"When should I call the police?"

Your police officer should be trained to respond to the legal and technical aspects of these questions.

Be sure the police officer discusses thoroughly the procedures outlined by his department for reporting crimes in progress, or suspicious activity. He should provide examples of suspicious activity: unmarked vans loading items from a house, a slow car cruising about the neighborhood, people ringing doorbells inquiring about fictitious names and addresses. He should assure the residents that they will not be inconvenienc-



"Do you suppose those people are moving?"

ing the police if they report activity that turns out to be innocent. Police would rather respond to 99 false alarms than miss one burglary. It is astonishing how effectively this uncertainty keeps people from reporting crime.

Next, the officer should furnish the police emergency telephone number, perhaps in the form of a sticker for the phone. Everyone should be instructed to give calmly and completely the information requested by the dispatcher. They should be instructed in how to give a personal description, i.e., race, color, eyes, hair, height, weight, and identifying marks; or how to describe a vehicle, e.g., make, model, color, and vitally important, the license number. A birdwatcher who jotted down a license number seen through her binoculars telephoned it in to the police, and thereby led to the apprehension of burglars who had accounted for a number of ripoffs in her neighborhood. (She had attended a Neighborhood Responsibility meeting the night before.)

It is not essential to furnish one's own name and address unless the caller chooses, but it could prove useful later on if a checkback is needed. Residents should be advised not to hang up hastily. Often in their excitement, callers forget to give the location of the crime! Sometimes the dispatcher will attempt to keep the caller on the line, if the activity is within his view, for a play-by-play description while a police car is on its way.

A citizen chairman should cite, if the police officer does not, recent statistics on the great number of accidental deaths and woundings due to handguns, the high cost and inferior standards of many private patrols, and the problems that uncontrolled dogs can cause between neighbors.

To people who persist in wanting to shoot the burglar, there is a further word of warning. The burglar is just as likely to be a neighborhood youth, as an adult from out of town.

C. How to Motivate People and Keep Your Committee Working Together:

For experienced community organizers this section will be unnecessary. It is primarily common sense. It is included here for the inexperienced who have not yet discovered the basic importance of sound human relations to any program.

1. Be friendly and enthusiastic.

2. Be interesting, brief, and to the point.

3. Encourage others to express their ideas and opinions; everyone has something to give.

4. Listen to other ideas and respect them.

5. Be straightforward; don't bluff or manipulate.

6. Give credit, appreciation, and praise freely and sincerely, whenever it is deserved.

7. Be democratic, not autocratic.

8. Cultivate a genuine interest in people; help them match their talents and interest to the jobs that need to be done.

9. Be tactful.

10. Encourage people to develop new skills; e.g., public speaking, preparing news releases, appearing on TV and radio.

Match the person and the job.

11. Cultivate patience; changing attitudes is a slow process.

12. Be positive. Collect examples of successful citizen efforts and use them for inspiration.

13. Create opportunities for interaction among the members of your committee.

14. Above all, be worthy of trust.

D. How to Keep the Program Going

1. Repeat the program in neighborhoods a year later, if there has been considerable turnover or new crimes. Some will *request* you to come back. A questionnaire sent to former hosts will help you decide which neighborhoods need a second meeting. A sample questionnaire is included in Appendix B.

2. Add a new dimension or new emphasis if there is interest. For example, take experts in the areas of drugs, probation, employment, etc. to the meeting.

3. Publicize continuously.

E. Frivolous Note: How to Fail at This Program

1. Jump right into the scheduling of neighborhood meetings without developing goals and a committee structure.

2. Quit after a few poorly attended meetings and blame public apathy.

3. Wait for somebody to volunteer.

4. Be impersonal—rely on printed invitations and newspaper ads to draw out the people.

5. Hold neighborhood meetings in public buildings.

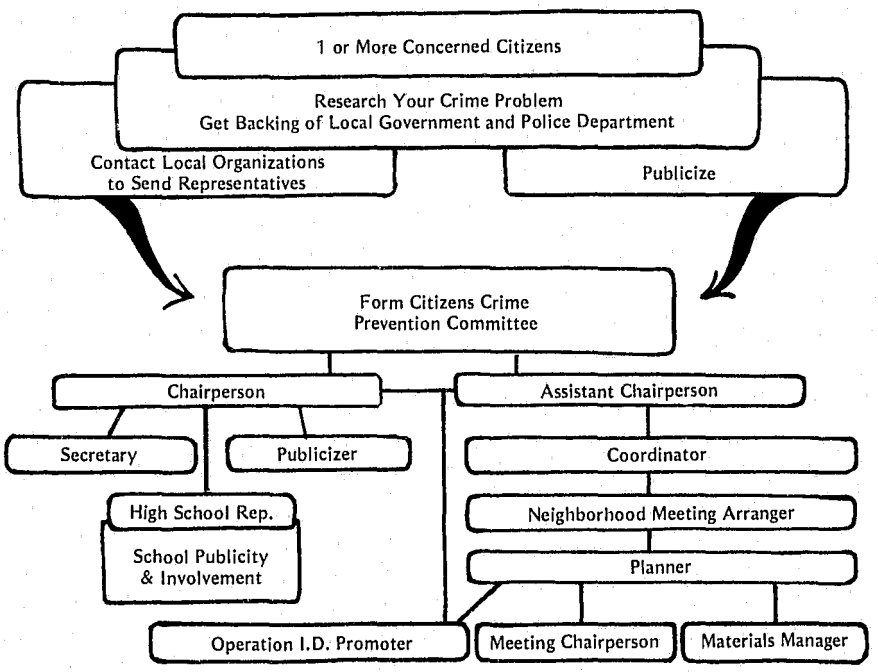
6. Don't bother to thank the host or to recognize people who help.

V. SPINOFF

This book would be incomplete if it failed to point out the personal growth and rewards that can be yours in the course of implementing the Neighborhood Responsibility Program. You will have the opportunity to:

—meet new people and make new friends
—do something constructive
—help people to re-examine their priorities
—expand your own horizons, raise your own consciousness
—improve your ability to organize and lead groups
—improve your understanding of, and ability to get along with, other people
—increase your job opportunities and job potential
—have a significant influence on the life in your community
—have the satisfaction of improving the quality of your own life.

Organization Chart



Combine functions according to size of your program.

Essential Steps

Form small committee
Establish partnership with police
Research and publicize crime facts
Find out community concerns
Learn about related programs underway
Sketch broad goals
PUBLICIZE
Recruit a citizen coordinator
Build volunteer staff as needed
Outline specific objectives
Define program area of manageable size
PUBLICIZE
Locate potential donors
Recruit host families for neighborhood meetings
Schedule meetings and coordinate dates with police
Assist hosts with meeting plans
Be sure hosts contact neighbors *PERSONALLY*
Prepare materials
PUBLICIZE
Express appreciation for contributions of labor and funds

Appendix A
Job Descriptions

1. DUTIES OF THE NEIGHBORHOOD MEETING ARRANGER

1. Maintains a list of potential hosts.

   a. Compiles a list of volunteers from all sources.

   b. Actively solicits among friends and acquaintances.

2. Schedules meetings at the rate set by the committee.

   a. Avoiding conflicts with major community meetings.

   b. Avoiding conflicts with neighborhood events such as school programs or homeowners' association meetings.

   c. Clearing dates with participating police officers.

3. Plans coverage of the community, using a reverse telephone directory of the entire community, a map, and police information on currently hard-hit neighborhoods.

4. Arranges for a committee member to chair each meeting.

5. Keeps logs of meetings as to dates and places.

6. Keeps invitation list for each meeting, names checked for those who attended.

7. Mails follow-up questionnaire to hosts.

2. DUTIES OF THE NEIGHBORHOOD MEETING PLANNER

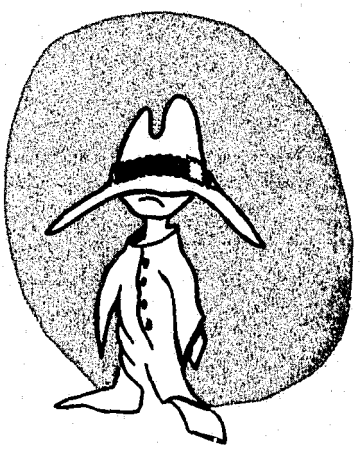
1. Meet with hosts two or three weeks ahead of the meeting date:

   a. Explain the goals of the meeting.

   b. Leave a kit of background material and fact sheets for use in selling the program to the neighbors. (This can be a brief history of the program, its philosophy, and statistics on crime trends.)

   c. Define a neighborhood for invitation to the meeting, with the aid of a map and reverse directory, remembering that twice as many should be invited as desired.

   d. Furnish printed invitations, if they are used at all, to be distributed to *all* neighbors about ten days before the meeting (earlier invitations encourage dropouts due to conflicts that arise in the meantime).



Reach out to everyone.

   e. Advise the host that a *complete follow-up by telephone* should be made two or three days before the meeting, perhaps with the aid of a friend, as:

      —few people will respond to the printed invitations

      —some neighbors will require further explanation and encouragement

2. This is the single, most critically important step the planner can perform. Advise the host to

press for *firm* commitments and to take a head count. Allowing for a few to drop out at the last minute, if the number is less than desired, residents from the fringe of the neighborhood or friends from other areas who might host meetings of their own can be added.

3. Persuade the host to plan simple hospitality; the crucial need is to get the neighbors there.

4. Ask the host to correct and complete the neighborhood list so that an up-to-date roster can be prepared for distribution at the meeting. (Reverse directories rapidly become obsolete.)

5. Encourage the host, assuring that the meeting will be a success if these few instructions are followed.

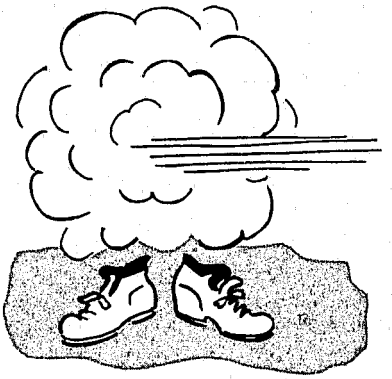
6. Suggest the use of name tags and an attendance roster for committee records.

7. Check with the host two or three days ahead of the meeting for a head count and the corrected invitation list.

8. Deliver in time for the meeting, enough materials for distribution to everyone invited, such materials to be determined by the committee might include:

- —a roster of the neighborhood in reverse form to help neighbors remember whom they have met and to facilitate their checking on suspicious activity
- —committee or Police Department newsletters
- —a directory of local organizations where residents can both secure and volunteer help for related problems
- —an Operation Identification kit for circulation in the neighborhood

9. Write a thank-you letter to the host on behalf of the committee and invite feedback at that time.



Hold out for firm commitments to make your meeting a success.

3. DUTIES OF THE PUBLICIZER

1. Establishes appropriate and continuing personal contacts within each news medium to facilitate timely and accurate news coverage.

2. Keeps community informed of progress of program in a variety of ways:

   a. Joint press release with police or other organizations.

   b. Regular column in local newspaper.

   c. Feature stories occasionally in newspapers of broader coverage.

   d. Regular appearance on local radio and television programs.

   e. Committee newsletters distributed via mail, grocery stores, schools, civic clubs, Scout drives, etc.

3. Clears all fact sheets and news releases with police.

4. Takes every opportunity to publicize alert citizen action that leads to an arrest.

4. DUTIES OF THE NEIGHBORHOOD MEETING CHAIRPERSON

1. Participates in the drafting of guidelines for chairing neighborhood meetings.

2. Acts as chairman of a neighborhood meeting, following format suggested on page 27.

3. Picks up the attendance roster for committee records.

4. Selects a resident in the neighborhood to be responsible for:

—circulating Operation ID kit
—distribution of future newsletters
—keeping neighborhood informed of crime occurrences
—anything else the group agrees on

5. DUTIES OF THE MATERIALS MANAGER

1. Finds a central and accessible place in the community for storage of materials used and distributed by the committee.

2. Keeps materials and equipment up to date and in working order.

3. Keeps materials in adequate supply for hosts and meeting distribution.

4. Establishes a system for keeping track of Operation Identification pencils or kits.

5. Builds a library of reference materials as desired by the committee.

6. OPERATION IDENTIFICATION PROMOTER

1. Devises different programs for promoting Operation Identification:

a. Adding an ink pad and rubber stamp to the engraving kit for marking nonengravable items like rugs, furs, musical instruments, art works.

b. Encouraging a high school class or Scout group to organize a door-to-door service for homeowners who don't do their own marking. The high school students might charge a small fee for their class fund.

c. Persuading local merchants to buy etching pens and keep them on hand for public use.

d. Asking local newspapers to contribute free advertising.

2. Collects data according to evaluation plan requirements.

3. In cooperation with police, provides training for students, merchants, and other Operation Identification program leaders.

The Neighborhood Meeting Chairperson conducts a seminar, not a lecture.

Appendix B
Forms and Data Collection

SAMPLE REVERSE DIRECTORY OF A NEIGHBORHOOD

KNOW YOUR NEIGHBORS
Keep This List by Your Telephone

Downhill Drive

3	Parks, Keith E.	454-2568
4	Carli, Peter M.	-0141
5	Kleeck, Ed	-5724
7	Raita, O.	-3967
8	Crawley, Paul P.	-9736
9	Tebb, Sidney J.	-7562
11	Plass, Hubert M.	-5720
15	Pilson, Richard S.	-2681
18	Milton, James T.	-9876
19	Santil, Hugo	-2345
23	Crow, Isaac	-5364
26	Batt, John	-1750
27	Fuzzo, B. W.	-4987
30	Ducci, Geno X.	-0780
31	Moppe, Wm. G.	-1998
35	Berg, Walter	-7420
38	Lanty, Harry	-9357
39	Hirst, Robert K.	-1297
42	Zinger, John R.	-4100
43	Canister, John J.	-5759

Catherine Court

1	Diller, H. Haydon	454-5849
3	Luven, Paul B.	-6216
4	Creary, Ed J.	-4235
5	Estery, William	-4380
11	Huff, Ralph F.	-5852
12	All, Sam Lloyd	-3412

SHERIFF 454-2475
FIRE 454-4334

QUESTIONNAIRE ON NEIGHBORHOOD MEETING

You hosted a meeting on_____ (date) at_____ (time).

1. As a result of the meeting
   a. How many neighbors improved locks and other home protection techniques?
   b. How many neighbors requested police to make security checks of their homes?
   c. Have neighbors reported suspicious activity?
2. If answers to any of the above were "no", why?
3. If attendance was below 50% of those invited, to what do you attribute that fact?
4. What lasting effects has the program had?
5. If your neighborhood has organized again for any purpose, please describe.
6. Do you feel safer now in your neighborhood than you did before the program?
7. Do your neighbors feel safer in your neighborhood now than before? Why?
8. Do you think your neighborhood should have a second meeting? If yes, why? (new neighbors, more crime in area, poor attendance before, or other reason?)
9. If you want a second meeting, should it be of the same type or with a different focus? Explain.
10. What are your criticisms of the program at this time?
11. What suggestions do you have for improving the program?

DATA COLLECTION

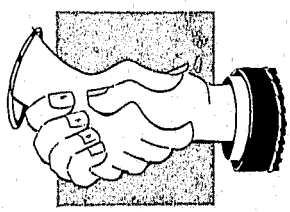
1. Data should be collected on a regular basis to show trends as to:
   - —total number of burglaries
     - • number residential
     - • number vehicular
     - • number commercial
   - —number of forcible entries
   - —number of nonforce or minor force entries
   - —total dollar losses
   - —number of businesses and homes electing Operation I.D. coverage
   - —number of businesses and homes checked for security
   - —number of businesses and homes electing other protection measures as result of neighborhood meetings
   - —number of neighborhood meetings held
   - —for each meeting
     - • number of families invited
     - • number of families attended
     - • date and time
   - —number of calls from public on suspicious activity
   - —number of reports of crime from non-victims
   - —recovery of stolen property by $ value, by marking or non-marking

2. Data should be compiled as a basis for comparative ratios. For example:
   - —number of burglaries in areas where meetings were held
   - —number of burglaries in areas where meetings were not held
   - —number of burglaries in security-checked homes
   - —number of burglaries in nonsecurity-checked homes
   - —number of burglaries in Operation I.D.-covered buildings
   - —number of burglaries in noncovered buildings
   - —dollar value of etched goods taken from Operation I.D.-covered buildings
   - —dollar value of nonetched goods taken from same Operation I.D.-covered buildings
   - —percentage of recovered marked property that had been successfully fenced

3. Figures should be kept as to:
   - —number of local adults arrested
   - —number of outside adults arrested
   - —number of local juveniles arrested
   - —number of outside juveniles arrested
   - —any other variables such as ethnics, economic factors, as desired

4. Program development would be assisted by collection of additional data such as:
   - —number of volunteers by source
   - —number of positive responses to request to host neighborhood meetings
   - —number of negative responses to request to host neighborhood meetings

5. Some data should be kept on burglary occurring in surrounding communities for comparison.



Citizens and police—partners for better neighborhoods.

APPENDIX F-4

MINUTES OF MEETINGS BETWEEN REPRESENTATIVES OF COMPTON JUDICIAL DISTRICT AND LEAA

MUNICIPAL COURT—COMPTON JUDICIAL DISTRICT

Huey P. Shepard, Judge

NOTICE OF MEETING

You are invited to attend a meeting on March 22, 1974, 1:00 p.m. to 3:00 p.m., Compton City Hall, Council Chambers, 600 North Alameda Street, Compton, California 90220.

The Law Enforcement Assistance Administration (LEAA) will present to the city of Compton and the Compton municipal court a proposed priority program strategy designed to reduce crime in the city of Compton and the judicial district. Many elected officials and community leaders, along with representatives of the criminal justice system in the Compton judicial district will be in attendance.

Your participation will be greatly appreciated.

LEAA NATIONAL PRIORITY PROGRAM INITIATIVES

A. Criminal Justice Planning and Research Initiatives.
B. Court Initiative (Citizen-Victims).

AGENDA

Speakers

Honorable Huey P. Shepard, Presiding Judge, Municipal Court, Compton Judicial District: Opening Remarks and Introductions.

Doris A. Davis, Mayor, City of Compton: Welcome Address.

Thomas A. Cochee, Chief of Police, Compton Police Department: Crime and Juvenile Delinquency in the City of Compton.

Cornelius Cooper, Western Regional Administrator, Law Enforcement Assistance Administration (LEAA): Current and proposed planning initiatives and technical assistance in the Compton Judicial District—Introductions.

Charles Work, Deputy Administrator, LEAA Department of Justice: National Strategy for Crime Reduction. National Advisory Commission on Criminal Justice Standards and Goals Report.

LEAA NATIONAL PRIORITY PROGRAMS INITIATIVES (Continued)

AGENDA

Paul Haynes, Director, Office of National Priority Programs, Law Enforcement Assistance Administration (LEAA)

A. Compton, an LEAA Impact City.
    1. Criminal Justice Planning and Research Initiatives.
B. Municipal Court, Compton Judicial District
    1. Citizens initiative (witnesses-victims and jurors).

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, NATIONAL PRIORITY PROGRAM CONFERENCE

HELD IN CITY COUNCIL CHAMBERS, COMPTON CITY HALL, 600 NORTH ALAMEDA STREET, COMPTON, CALIF., MARCH 22, 1974

Judge Huey P. Shepard, Chairman

Reported by: Mildred J. Thornton

PARTICIPANTS

Thomas A. Cochee, Chief of Police, City of Compton.
Cornelius Cooper, Western Regional Administrator, LEAA, Burlingame, Calif.
Hon. Doris A. Davis, Mayor, City of Compton, Compton, Calif.
Paul Haynes, Director, Office of National Priority Program, Washington, D.C.
Hon. Huey P. Shepard, Presiding Judge, Compton Municipal Court.
R. C. Walker, OCJP, Deputy Director, Sacramento, Calif.
Ronald Weber, Executive Director, Los Angeles R.C.J.P.B.
Charles Work, Deputy Director, LEAA, Washington, D.C.

FOREWORD

On March 22, 1974, in the City Council Chambers of the City of Compton a historic meeting was held with various representatives of the Law Enforcement Assistance Administration, including the Deputy Administrator, Mr. Charles Work; the Western Regional Administrator, Mr. Cornelius Cooper; the Director, Office of National Priority Program, Mr. Paul Haynes; the Executive Director of the Regional Office, Office of Crininal Justice Planning, Mr. Ronald Weber; Mr. R. C. Walker from the Office of Criminal Justice Planning in Sacramento, and various City Officials including Mayor Doris A. Davis; City Manager, Mr. James Wilson; Chief of Police, Thomas A. Cochee; Judges of the Compton Court—Presiding Judge, Huey P. Shepard; Assistant Presiding Judge Everett E. Ricks; and Judges Joseph Armijo, Homer Garrott and Harry Shafer.

This meeting was a culmination of a series of smaller meetings wherein preliminary discussions had been held regarding the initiation of the National Priority Program. Specifically, the Citizens' Initiatives and the Courts' Initiatives aspects of the said program in both the City of Compton and in the Compton Judicial District which includes the Cities of Compton, Lynwood, Paramount, Carson and some unincorporated territory.

The Deputy Administrator, Mr. Charles Work and the National Director of the Priority Program, Mr. Paul Haynes, outlined the Courts' and Citizens' Initiatives as it was viewed by LEAA. The Mayor of the City, Chief of Police and the Judges of the Court indicated that they felt that the goals outlined were realistic aspirations for the criminal justice system in this community provided that all of the governmental agencies worked cooperatively in a spirit of partnership.

The following transcript sets forth in detail the statements of Mayor Davis, Chief of Police Cochee, Deputy Administrator LEAA, Mr. Charles Work, and also includes the graphic outlines presented and discussed by Mr. Paul Haynes, Director of the Office of National Priority Program.

On behalf of the Judges of the Municipal Court and as Presiding Judge, I can assure you that we are each committed to full participation by the Court in cooperation with all of the local elected and community leadership to an early implementation of this program in this Judicial District.

The LEAA National Priority Program Initiatives conference was called to order at 1:15 P.M. by Honorable Huey P. Shepard. The Honorable Doris A. Davis, Mayor, City of Compton was introduced to the assembly. The following are some introductory comments by the Mayor:

"Thank you for coming out to be with us this afternoon. We feel that the City of Compton and the City Council in its many efforts have now, finally, come to a point that in our growth and development; that this can be one of the turning points in the future of this community. The project that we are here to discuss is one which coincides with the goals of the City of Compton—the resolution of the problem of law enforcement and criminal activity in the Compton area as our top priority.

The City of Compton has been known since its inception in 1888 as the HUB City, and as the Hub City we have held the position of leadership in the surrounding community of the South Central area. We are pleased as we resume our position of leadership in this area. We feel it is crucial that communities such as ours who have varying degrees of the same problem that exist herein be given a chance to participate in the resolution of these problems. In coming together with LEAA, California Council of Criminal Justice and other related agencies we can demonstrate to the nation a SUCCESS-PARTNERSHIP MODEL. We believe that this program is far reaching beyond law enforcement; that by using all contributing agencies and applying our coordinated effort to those major problems which very often cause criminal activity, such as housing, transportation, manpower utilization—we feel that we will attack the problems of criminal justice planning in such a meaningful way that we will point the way in the future of what must be done to resolve this problem."

The Mayor then introduced many of the local dignitaries present at the conference, and presented a Commendation to Cornelius Cooper, Regional Director of LEAA.

Mr. Cooper made a brief statement in which he thanked the Mayor and the City Officials for the Commendation.

A presentation was also made to Mr. Charles Work, Deputy Administrator, LEAA, Department of Justice. This presentation was made by Mr. John Lyons, Captain of Police, City of Glendale.

Judge Huey P. Shepard introduced Compton's newly selected Police Chief, Mr. Thomas A. Cochee, who made the following remarks:

Thomas A. Cochee, Chief of Police

Thank you Judge Shepard, Mayor Davis, distinguished personages present in the building. I would say that this should be a day marked in Compton's history. It marks a cooperative effort on the part of the City of Compton and this nation. Crime is a very, very complex and involved social problem, and today's audience is a reflection of those forces which have to be brought to bear on crime. For a few minutes I will share statistics and observations and suggestions on when we are funded how we plan to disseminate persons and supplies to assault crime in this community.

The City of Compton and the Police Department face a series of crises as we confront an enormously continuing crime problem, a changing commercial and residential environment and critical managerial problems in city government. The pressures from these problems produce a need for an expanded police service which requires efficient, creative and professional police management.

According to the 1970 U.S. Census Report, Compton had 78,611 people living within the boundary of an area 10.5 square miles. During the past two decades, Compton's population and economic atmosphere has undergone a significant transition from a self-supporting economically sound middle class white community, to an economically weak lower middle class predominately black and brown community. The 1970 demographic description of Compton's population indicated an enthic composition of 71% Black, 14% Chicano, 13% White and 3% other, which is still in transition. Of its total population, 50% are youths with a median age of 19.7. Its unemployment rate is 10.8% compared to 6.0% for the entire nation.

The City's total population had been increasing sharply, from 47,991 in 1950, to 71,812 in 1960, to 78,611 in 1970. Increasing even more sharply has been the percentage of minorities and youth in an expanding population. In 1974, it is suspected that we have lost, 4,000 or 5,000 population since the 1970 census which speaks to another kind of problem. It is to this age group that the majority of our Criminal Justice Programs will be directed.

Compton's Crime Problem is hardly surprising when the City's other major social problems are taken into consideration. The adverse conditions of unemployment, poverty and minority youth population has produced a life style conducive to criminal activity which has contributed to the development of an extremely high crime rate in our city.

Economic and employment trends in Compton have steadily worsened. Retail sales in the central business district have declined; the City's unemployment rate is nearly 11% overall, but for some age groups in the Black and Brown community the unemployment rate soars 35, 40 even 50%. Approximately 35% of the City's residents receive some form of welfare assistance. Skills and formal educational level of most of the population are generally low. Over 60% of the City's work force work outside the city and are mainly dependent on an inadequate system of public transportation.

Educational achievement levels in the Compton School district are also distressing. Statewide tests in 1968, for instance, found that 84% of Compton's fifth grade students were in the lowest quartile. Compton's third grade scores were the second lowest in the county, and the third lowest in the State. Tenth grade scores were the lowest in the State. The high school dropout rate was 23.4%. The Junior High drop out rate was 6.4%, more than twice the rate for the county.

Compton's crime rate has been going down steadily for the past two years, but Compton still has one of the highest incidents of part-I crimes per 100,000 population in the nation. There were 250 arrests of juveniles per month in Compton last year which is close to 9 per day for a total of over 2,000 per year. These part-I offenses are made up of seven serious felonies:

(a) Murder.
(b) Robbery.
(c) Burglary.
(d) Rape.
(e) Aggravated assault.
(f) Larceny.
(g) Auto theft.

In 1972 the Compton Police Department reported the following number of Part-I offenses:

Murder	46
Robbery	873
Burglary	4, 305
Rape	96
Aggravated assault	1, 062
Theft over $50	2, 919
Auto theft	2, 293

In 1973 the Compton Police Department reported 29 murders, a reduction of 17 from the previous year. These have been broken down by kinds of activity—Seven were robbery related; 10 family or friend related; five causes unknown; three possible gang related. Of the 29 victims, there were six under the age of 20; 19 between 20 to 50; four victims were over 50. In the suspect column, as many as 13 under age 18; an additional 17 under age 25.

Compton's crime rate has been going down steadily for the past year and we expect that trend to continue. There are some kinds of crimes which increased police patrol can prevent and there are some which it cannot prevent. Therefore, the Police Department needs personnel and equipment for increased law enforcement capability and crime prevention capability. Some of the plans are to redo and relocate the Communications Center; to redo the Records Bureau and establish a Youth Services Bureau. The Youth Services Bureau will be for a gang street-counseling situation which is to include a remedial education component as well as job counseling. Some of our other desires are to enlarge The Community Service Officer Program, the Service Center, increase our traffic enforcement efforts; Start a School Resource Officer Program, expand the task force, expand burglary prevention and the narcotics prevention detail. An anti-gang car has been established; the Explorer Scout Program is now 4 months old. We have a police athletic program going, and an officer assigned to community relations. Recently we have joined with the School District on something called operation clean sweep to clean the streets of delinquent and school truant youth. We have many short and long range plans. We feel that we have the expertise and human capability, so that with the additional counselling and economic means to move ahead in assaulting crime in the community.

I would like to personally recognize and acknowledge on behalf of myself and the men and women who work in the Police Department the efforts of Mr. Cornelius Cooper, as well as acknowledge a number of years of personal and professional friendship.

Charles Work, Deputy Administrator, LEAA, Department of Justice

"We from LEAA are delighted to be here today on this important occasion. I want to say that we have felt that over a substantial period of time that LEAA has been very well represented here at Compton, and throughout the West Coast, by our very able Regional Administrator, Mr. Cornelius Cooper, and we take pride in the reflected glory that you have bestowed upon him today.

I can't tell you how delighted I am that you feel that things have gone well because of him to this point. I can assure you that this kind of cooperation and leadership will continue. Cornelius Cooper is a valuable person in our operation and we are pleased that he has been able to serve you here and the entire West Coast.

I want to talk about the notion that the Administrator, Don Santarelli, and I have been talking about all across the country. Our tenure is not great, but both Mr. Santarelli and I grew up with this program and I will talk a bit about that in a moment. The notion I want to have you take with you, and the notion I don't want anyone to forget, is the notion that 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, 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. 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.

An ordinary federal grant program, in the past, has often descended upon the community, said here is some bucks and here is what we want you to do with it. That is not the style of this administration at LEAA and our mandate is to try to bring about the kind of cooperation that is going to make a lasting affect. We are not interested in temporary ideas or notions or distributions; we are interested in a lasting commitment to improvement, and we think it is this partnership notion that is going to affectuate that. We are not here today to announce any kind of dollar amount of federal commitment. That is important, and it is done with a certain amount of design. Because we would hope that instead of leaving with a certain dollar amount ringing in your mind that you will remember what is said because what is said represents a different kind of Federal, National, State and Local cooperation commitment and attack on a very serious problem.

Now you may ask, why Compton? There are two reasons: One is that the problem here is a very serious problem indeed, let no one mistake that. 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 problem. When I first met Mayor Davis, and the Judge, I could not help but be completely taken by a sense of direction, the sense of mission, and I continue to be deeply impressed with this sense of direction; this sense of commitment. It is a spirit that is, indeed, contagious. I hope that each one of you have that spirit; that each person here in Compton will get that spirit, because it is only with that kind of spirit that you will accomplish what really needs to be accomplished in this city.

Now the prospective we take on this process, I think, is important for you to understand. Both the Administrator and I come from the front line of criminal justice. Both of us cut our teeth on the problems of criminal justice in the District of Columbia. Both of us were there and helped to take part in the rather substantial improvements. We believe to have been wrought in that process there, that both of us have been where you are now. Both of us know what it is like to be there fighting impossible kinds of problems against what seems to be overwhelming kinds of odds. We don't mean to say that the District of Columbia has accomplished any miracle, but we mean to communicate that we know what it is going to take from each and every one of you, and we can feel with you as you go through that process. So we do come from that front line. I, before I went to LEAA, was a grantee of the agency. I have had to wade through the red tape of the agency that I am now one of the administrators of. I have had to sit and wait and try to learn whether or not some federal funds were going to come my way. We have been there. I can remember who was responsive and who wasn't responsive. I can remember sitting down with the Police Chief and Judges; I know what kinds of changes that are needed here and in every metropolitan area in this country. So we have a commitment to that process of sitting down around the table working with the kinds of problems that you are presently grappling with.

So our thinking about where we ought to go nationally; where we ought to put resources, we have thought quite seriously about this kind of process that we are recommending and advocating that you go through here at Compton, and that kind of process is terribly important, and it is that process that we are here to talk about today. It is that process that we are here to pledge support to in its initial phases. What we are here to say and offer to the City of Compton is support for a detailed planning effort. So that each one of the participants in the front line of criminal justice can sit down with the affected agencies—The Regional California Office, the State California Office, our Federal Regional Office and the National Office—each one of these participants can sit down and not only work among themselves, but work with other agencies—the schools, health & welfare, community services—we are 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 sophisitcated, well thought out planning efforts. We will sit down and work out a time-tabl with respect to other goals and objectives so we can time each item step by s p 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. This is part of a national effort and I want to take a few moments to put this effort into that perspective.

It is our deep concern that law enforcement has not done enough for the citizen. That law enforcement has forgotten that it is only and simply a service organization; that the only reason for the criminal justice system is to give service to the public. It is not difficult to forget that notion, and I know that because I have been there before, because faced with overwhelming odds and no resources, faced with the most difficult kinds of escalating statistics and demands from the public, it is easy to become callous. We understand that; we are sympathetic with you, but we have to bring the public back on to our side, and what we see here in Compton is the beginning of that. The public is becoming interested; the public wanting to support this effort, and we want to capture that; we want to be part of that grand kind of experiment because we think there is an awful lot the public can do to help this problem, and we think there is a lot the criminal justice community can do to return to their original service representation. We are saying to the criminal justice community, you have got to remember that victim, that witness, you have got to stop calling them to court five or six times before that case is disposed of. You have got to be able to give them information when they ask what the status of the case is. You have got to stop calling five times as many jurors as can hear the cases.

At the same time we have announced two other initiatives nationally; each one has ideas for Compton. We are eager to talk to you about our standards and goals program as we have been talking about it all over the country. The Mayor has a volume here—Standards and Goals Process—it was initiated two years ago at the State and Local level by criminal justice professionals who got together and said what our field needs are, standards, directions and goals, and we are asking that each community, state and locality, address these standards and goals in some manner. We do not mandate them; we are not saying these are the gospel, but it is a worthwhile exercise and they are going to be very important in our national approach to the crime problem.

Finally, with respect to the prospective, we will be concentrating to a great degree on juvenile justice initiative, and this initiative, of course, that we hope will have long term kinds of payoff. Statistics are not easy to come by, but most experts state that 50% of the crime is caused by persons under 18. Persons who cannot come under the adult system. We hope to help the juvenile system throughout the country do more for itself. Just as we hope to help the adult system do the very same thing.

One other thing I want to mention in connection with the national program. We are not starting a national program of Compton throughout the country. We are not interested in taking a particular judicial element and spotting different ones throughout the country and giving them all the same kinds of services. 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, to coming out here and rolling up our shirtsleeves ourselves. We did not bring the checkbook today because we wanted to do the front-end work and planning work before we decided what kind of monetary resources should be applied to this program. We will support this program for the planning effort, then we will sit down with the State Regional Planning Unit, Federal Regional Planning Unit, we will decide what the priorities are here and the funding problems and move forward.

You will hear next from Mr. Paul Haynes, Assistant Administrator, Office of National Priorities Program. He will now go into the detail of what we hope to take part in here in Compton.

The thought I want to leave with you is the one I started with. What is unusual about this gathering is the application of teamwork, of people at all these levels who are going to address the problem at the shirtsleeves level and come out with a plan—the Keyword is Partnership.

Paul Haynes Director, National Priority Program

The following pages are reproductions of outlines of the areas of priority as presented by Mr. Haynes.

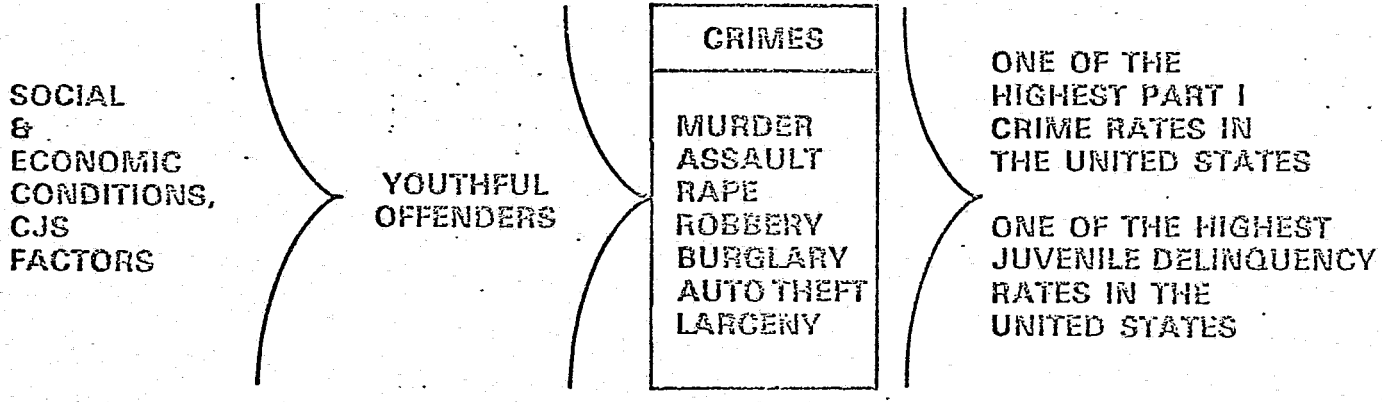
Each slide was discussed thoroughly by Mr. Haynes, and at the conclusion of his presentation the floor was opened for questions.

There being no questions regarding this presentation, this portion of the conference was closed.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION'S NATIONAL PRIORITY PROJECTS:

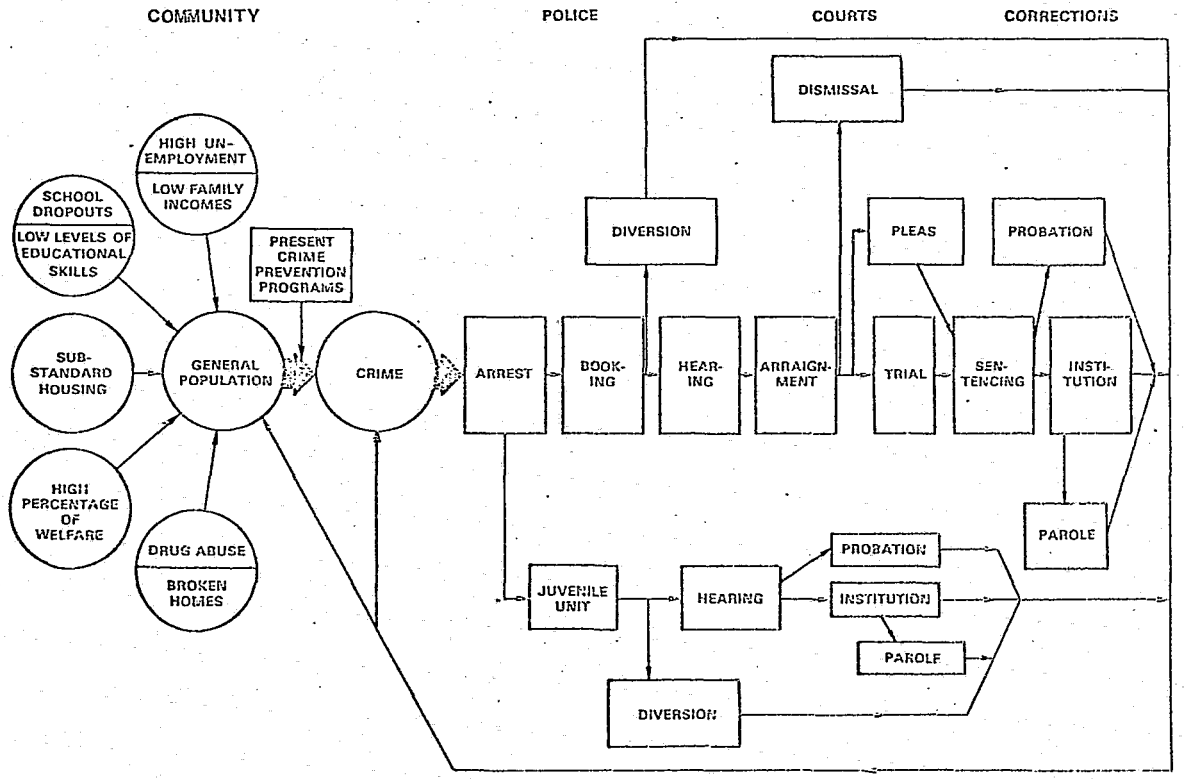
- CITIZEN INITIATIVE
- CRIMINAL JUSTICE INITIATIVE
- JUVENILE JUSTICE INITIATIVE
- NATIONAL ADVISORY COMMISSION'S STANDARDS AND GOALS

CRIME IN COMPTON

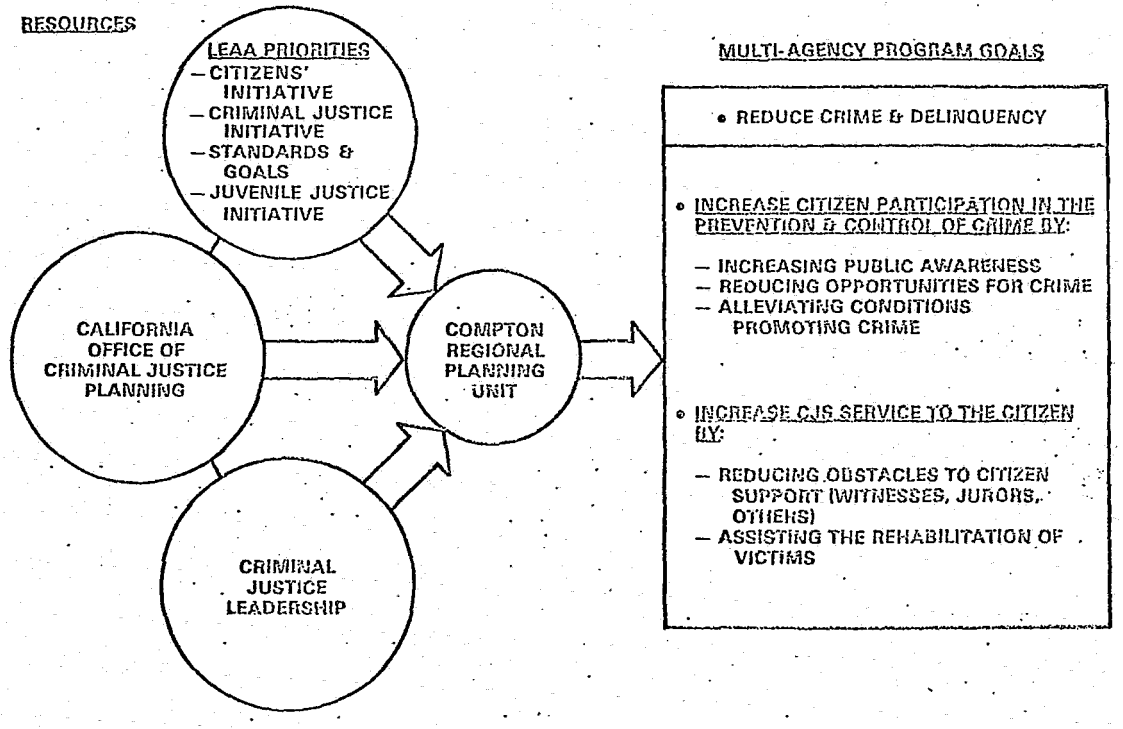


FACTORS INFLUENCING CRIME IN COMPTON

CRIME IN COMPTON: A SYSTEM-WIDE PERSPECTIVE



COMMUNITY-BASED PROGRAMS TO REDUCE CRIME & DELINQUENCY IN COMPTON



CRIME PREVENTION & CONTROL IN COMPTON: SYSTEM-WIDE GOALS

MAJOR GOALS	SUGGESTED PROJECTS
I. CRIME PREVENTION	
A. INCREASE PUBLIC AWARENESS	• MULTI-MEDIA PROGRAMS • LOCAL VOLUNTEER GROUPS THAT PUBLICIZE CJS EFFORTS • CJS-SPONSORED CRIME PREVENTION CLINICS
B. REDUCE OPPORTUNITIES FOR CRIME	• GENERAL URBAN DESIGN AND SPECIFIC URBAN HOUSING PLANNING • NEIGHBORHOOD CRIME CONTROL PROGRAMS • "OPERATION IDENTIFICATION" PROJECTS • PORTABLE ALARM SYSTEMS • RAPE AND ASSAULT PREVENTION PROGRAMS
C. ALLEVIATE SOCIAL AND ECONOMIC CONDITIONS THAT PROMOTE CRIME	• GENERAL HOUSING, EDUCATION, HEALTH, AND TRANSPORTATION PROGRAMS • POLICE YOUTH CORPS PROJECTS • CJS DRUG TREATMENT REFERRAL PROGRAMS • EMPLOYMENT ASSISTANCE PROGRAMS FOR DISADVANTAGED YOUTH • VOCATIONAL AND EDUCATIONAL TRAINING PROJECTS • "NEW PRIDE" PROJECTS • YOUTH SERVICES BUREAU PROGRAM • "STREET ACADEMY" PROGRAM FOR SCHOOL DROPOUTS

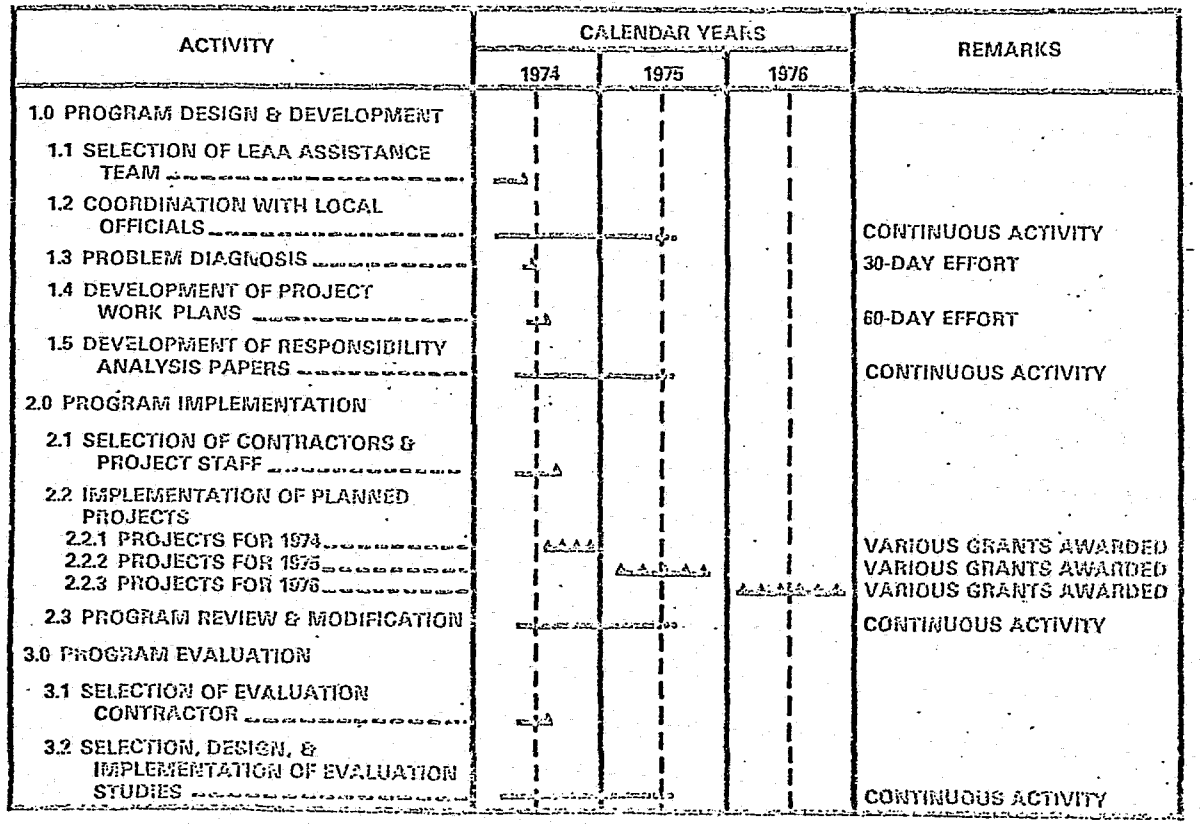
CRIME PREVENTION & CONTROL IN COMPTON: SYSTEM-WIDE GOALS (CONTINUED)

MAJOR GOALS	SUGGESTED PROJECTS
II. CRIME CONTROL	
A. REDUCE JUVENILE GANG ACTIVITIES	• JUVENILE GANG INTERVENTION PROGRAMS • PROGRAM TO PROTECT SCHOOL STAFF, PROPERTY, AND STUDENTS
B. INCREASE CJS COORDINATION	• PROBATION-PAROLE COORDINATOR PROJECT • PROGRAMS TO IMPROVE CJS DATA • FAMILY CRISIS INTERVENTION TRAINING FOR CJS PERSONNEL • COURTS, PROSECUTORS, AND POLICE LIAISON PROJECT • COURT DIAGNOSTIC CENTER FOR JUVENILE OFFENDERS • YOUTH NEIGHBORHOOD COORDINATOR PROJECTS

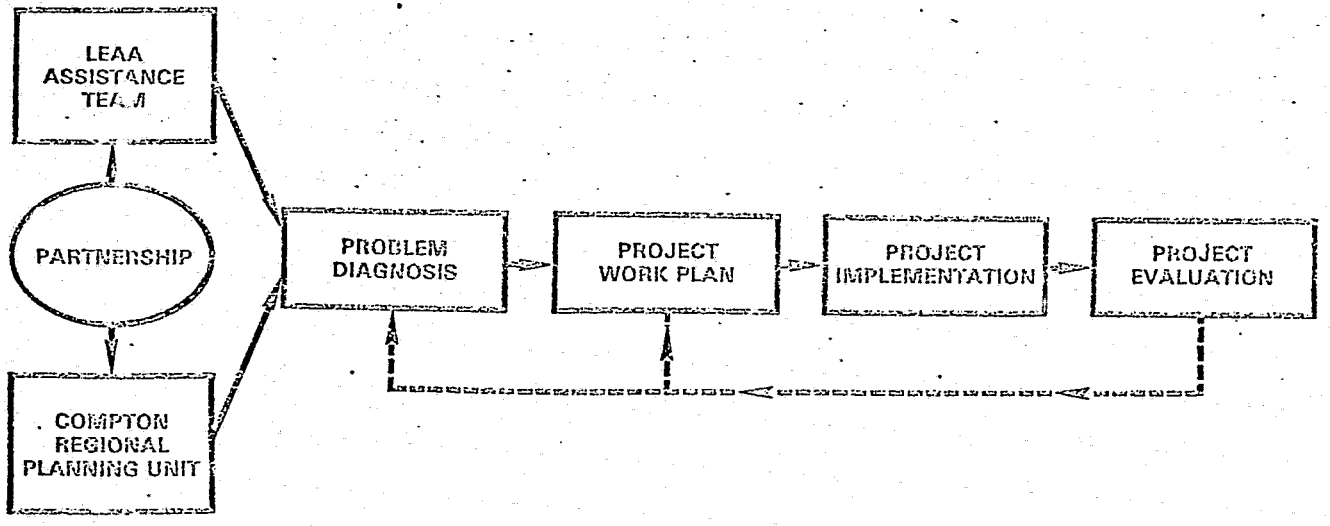
CRIME PREVENTION & CONTROL IN COMPTON: SYSTEM-WIDE GOALS (CONTINUED)

MAJOR GOALS	SUGGESTED PROJECTS
C. REDUCE OBSTACLES TO CITIZEN SUPPORT	• COURTS' INITIATIVE PROGRAM
D. REHABILITATE THE VICTIM	• MEDICAL AND PSYCHOLOGICAL ASSISTANCE • "SELF-HELP" PROJECTS INVOLVING FAMILIES AND NEIGHBORS • FINANCIAL ASSISTANCE PROGRAMS • ORGANIZED COUNSELING AND REFERRAL SERVICES • FIELD ASSISTANCE TO VICTIMS
E. REDUCE RECIDIVISM	• COORDINATED JUVENILE WORK RELEASE PROJECTS • CIVILIAN COMMUNITY SERVICE OFFICER PROGRAM • COMMUNITY RESIDENTIAL FACILITY FOR YOUTHFUL OFFENDERS • COMMUNITY-BASED PROBATION PROJECTS

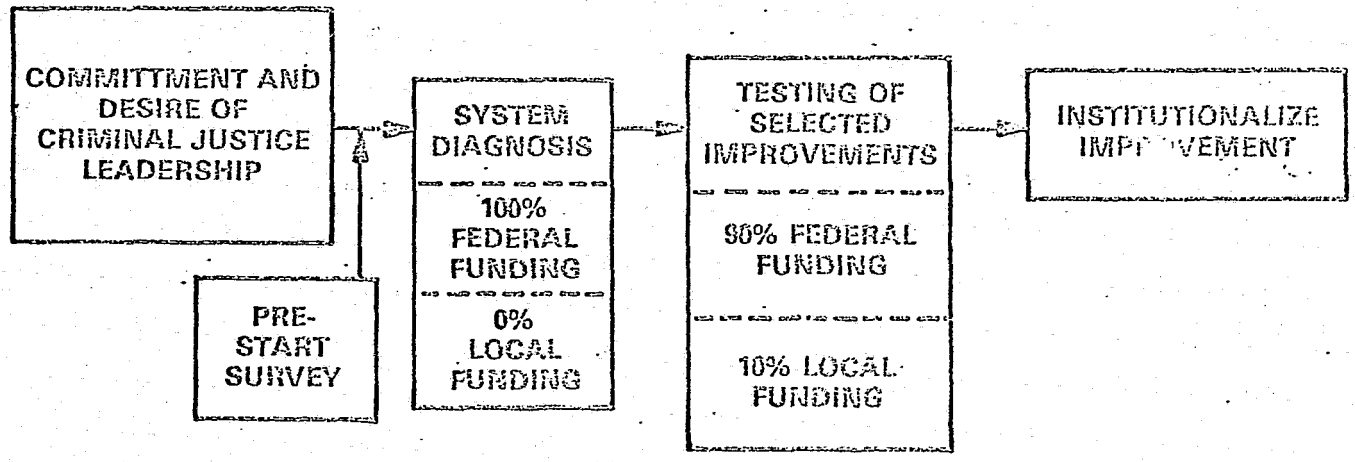
LEAA INITIATIVES PROGRAM: PROPOSED DEVELOPMENT PLAN FOR COMPTON



LEAA NATIONAL PRIORITY PROGRAM ASSISTANCE TEAM

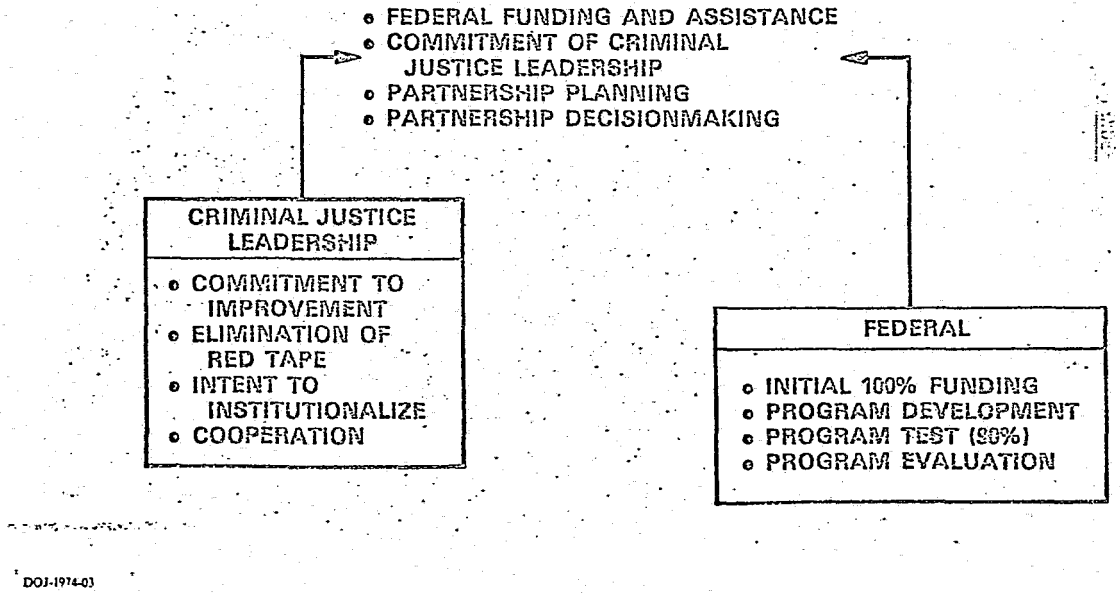


IMPROVING THE CRIMINAL JUSTICE SYSTEM



NATIONAL PRIORITY PROJECT:

A SUCCESS PARTNERSHIP MODEL



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Attendees

Name and title	*Agency*
Richard J. Tobey, retired judge	Compton municipal court.
John L. Jones, assistant planner	Los Angeles municipal court.
Mary D. Bullen, parole agent, California Youth Authority.	Planning and research.
Cleo Brown, regional administrator	California Youth Authority.
LeRoy Pullum, vice president	Innercity challenge.
John Corcoran, manager	Compton Chamber of Commerce.
Eddie Cano, Los Angeles representative, HEW	Department of HEW.
Alex Castro, policeman	
G. R. Gaskerville	Police commission.
S. J. Campbell, parole officer	California Youth Authority.
Huey T. Shafer, judge	Compton municipal court.
Fletcher J. Brown, governor's representative	Los Angeles.
Lawrence Cooper, metro director	National Alliance of Businessmen.
James H. Wilson, city councilman	Los Angeles regional CCJ.
John Brooks, CCJP	Sacramento.
Saul Lankster, detective	Compton Police Department.
Shirley L. Ross, director	Compton Neighborhood Service Center.
Leroy Parks, director	Southeast planning council.
Andrew Erskine, reporter	Los Angeles Daily Journal.
Lonnie Bunkley, probation director	Los Angeles county probation.
Henry A. Nodiel, administrative assistant	City of Compton.
Ben Jenkins, director	Model Cities.
T. Armstrong, police officer	Compton Police Department.
Charles Davis, city clerk	Compton city hall.
Southey Johnson, real estate broker	Own office.
Tom D. Mary, 2d vice chairman	Los Angeles Delinquency and Crime Commission.
Terry Hatter, criminal justice planner	Los Angeles Regional Planning Board.
Mitchell S. June, youth counselor	California Youth Authority (Nelles School).
Burton Powell, community services director	Department of community services.
Phil Wax, chairman	Delinquency and crime commission.
Barbara Spears, parole agent II	California Youth Authority.
Jake Jacobs, news reporter	KNX—CBS news.
Ron Berryman, executive vice president	C/S/B Inc.
George Gent, project manager	Do.
Curtis Kennedy, superintendent	Compton Unified School District.
Homer Garrott, judge	Compton municipal court.
James Jackson, deputy probation officer	Probation department.
M. Thomas Clark, deputy probation officer	California Youth Authority.
A. M. Thomas, captain	Compton Police Department.
Homer Johnson, manager	Compton E.D.D.
M. Correra, captain	Compton Police Department.
Michael Logue, captain	Los Angeles County Sheriff.
Ed Broesel, lieutenant	Lynwood Police Department.
Joseph R. Jansen	Brotherhood Education Council of Los Angeles.
Able Everette	Do.
Richard Green, chief of security	Los Angeles Board of Education.
Buford E. Smith, lieutenant	Los Angeles Sheriff Department.
Hilliard Hamm, publisher	Metropolitan Gazette.
Erskine McCarthy, board of directors	Chamber of commerce.
D. Burns	Herald American.
M. D. Bunton, sergeant	Compton Police Department.
Donald L. Carlson, deputy district attorney	Compton branch.

Attendees—Continued

Name and title	*Agency*
Earl D. Johnson	Compton Police Department.
Frank Mason, southern California area representative.	HEW.
Maxcy D. Filer, building services	
Lt. Art Taylor, police lieutenant	Compton Police Department.
Pat Cole, evaluation specialist	Model Cities.
Candace Smith, creator of art show	
Larry Lynch, reporter	Press-Telegram.
Rick Berman, law enforcement assistance authority.	Narcotic Specialist

[Compton, Calif., Monday, May 6, 1974]

PLANNING MEETING OF LAW ENFORCEMENT ASSISTANCE ADMINISTRATION—NATIONAL PRIORITY PROJECT

(Reported by: Pamela Kirknef, C.S.R.)

I. *Introduction and Opening Remarks:* Hon. Huey P. Shepard, Presiding Judge, Compton Municipal Court, Compton Judicial District.

II. Speaker: Richard Jacobsen, Special Assistant to the Administrator of Law Enforcement Assistant Administration.

III. Discussion.

Appearances: Hon. Huey P. Shepard, Hon. Joan D. Klein, Hon. Homer Garrott, Hon. H. T. Shafer, Hon. Joseph Armijo, Jr., Richard Jacobsen, and Hon. Roy Brown.

Judge SHEPARD. Ladies and gentlemen, if I may have your attention. We are going to commence the program. We are requesting that the mayors and city managers, if they would like to sit here in the jury box, if there are any in the audience who will come forward at this time, we would appreciate it.

We have had a number of meetings prior to this one in which we have discussed with L.A. officials the establishment of a national priority program here in the City of Compton and in the entire judicial district. Even though it is called the Compton Municipal Court, people somehow frequently forget that there are three other cities, the largest of which is Carson and also the City of Lynwood, the City of Paramount and some County area, comprising approximately 300,000 persons.

We have indicated leadership, not only of the Court, but of the elected and other leaders of the judicial district in a March 22nd meeting at the Compton City Hall, that we were interested in proceeding with the implementation and development of the National Priority Program here. Mr. Charles Work, who is the Deputy Administrator, was here and explained what they had in mind for us and this is the follow-up meeting in which the consultants who have been chosen will start to meet with you and interview you and develop a plan and program of action for the next several months.

Mr. Jacobsen will explain this to you in some detail later on, so I won't go into it any further at this time. I would like to suggest to each of you present that if you have not signed our roster and registered with your names, address and phone numbers as to where you might be reached, please do so before you leave. We will be contacting you again in the future.

We are projecting another meeting on the 16th of May at 1:00 o'clock. The site is yet to be chosen. You will be notified but you might calendar that for a follow-up meeting after the pre-survey team has just about completed their work.

I would like to introduce the persons at the head table; and after that, I would like for each of you to stand and introduce yourselves. We would like to know who you are—I think we can do it very briefly—and the organization you are with.

On my extreme right we are very pleased to have the presiding judge of the Municipal Court, Los Angeles Municipal Court Judicial District, Joan Dempsey Klein. Next to her is Judge Garrott of our court. Harry Shafer is next to him. Judge Armijo is next to him. Judge Ricks, our assistant presiding judge, apparently has got tied up. We expect him momentarily. I will introduce Mr. Jacobsen later. We are very pleased to have Judge Roy Brown who is supervising judge of the Superior Court for the South District of which we are a part until such time as they build our new court facility here and we are anticipating groundbreaking on that within a couple months, hopefully.

Could I ask you to be so kind, if you will stand, tell us your name and position, organization you are with, please.

Bill Coburn, Assistant City Manager of Paramount.

Maureen Cassingham, City of Lynwood.

Freel Bien, City Administrator, the City of Carson.
James Wilson, City of Compton.
John Calas, Mayor pro-tem, City of Carson.
Lt. Webb, Compton P.D.
Lt. Taylor, Compton P.D.
George Canton, Cunningham, Short & Berryman.
Peter Dunn, Municipal Court Planning and Research.
John Jones, Municipal Court Planning and Research.
Bill Stewart, Office of Criminal Justice and Planning, Compton.
Beverly Williams, Office of Criminal Justice, Compton.
Earl Johnson, Office of Criminal Justice, Compton.
Eugene Perchonok, Aerospace Corporation.
Hayden Gregory, Community Relations with L.E.A.A.
Tony Pascuito, Impact Program, part of the team.
Harry Mear, Firestone Sheriff.
Gary Colbath, California State College, Dominguez Hills.
Leo Cain, California State College, Dominguez Hills.
Pat Mortonson, L.E.A.A. group.
John Bonner, New York City Police, with L.E.A.A. group.
Renee Walker, National Institute of Drug Abuse.
Fred Rias, Mexican Art Foundation.
Joe Ochoa, Chairman of Mexican-American Political Association here in Compton.
Lt. Marshall Trout, Marshall's office.
Art Thomas, Compton P.D.
Captain Short, Compton Police.
Jerry Leavitt, Director, Probation, South Central Office.
Gordon Donald, South Bay University.
Morita, Department of Corrections, Assistant Supervisor.
Wally Henche, ex-F.B.I. agent.
Rick Berman, L.E.A.A.
Ken Cable, Lakewood Sheriff.
Sechon, Coordinator, Southeast Mental Health.
John Paul, Chief Probation Officer, Detroit, Michigan.
George Corbin, Judicial Council, California, with the team.
Mary Albrase, L.E.A.A., Washington.
John Green, Office of Criminal Justice, Planning, Sacramento.
Bill Mayer, Los Angeles Regional Planning Board.
Peter Gaines, Evaluator of the Project, from USC.
Donald Carlson, District Attorney, Compton.
James McCarthy, California Youth Authority.
Robert Dotson, Court Liason Officer, Highway Patrol.
Bill Roemer, Highway Patrol, Lieutenant.

Judge SHEPARD. There were a couple gentlemen who came in late.

Jim Wilson, Councilman from Long Beach.
Robert Price, Long Beach Criminal Justice Planner.

Judge SHEPARD. We thank each of you for taking the time from what is obviously a busy schedule to come and be with us. Without any further comments of my own, I will now turn the program over to Mr. Richard Jacobsen. He is a native of Los Angeles. He once took his undergraduate course, I think, at USC; then he saw the error of his ways. Then he went to UCLA and got his masters in business administration.

He is presently Special Assistant to the Administrator of Law Enforcement Assistant, Mr. Santorelli. Navy veteran for one and one-half years. I think immediately prior to his present position, he worked at the White House in the Special Action Office of Drug Abuse.

Without anything further, I give you Mr. Richard Jacobsen.

Mr. JACOBSEN. Thank you, Judge Shepard. I must apologize, every time I come out to my home, I seem to get sick and I did yesterday. So if my voice sounds a little bad, I hope you will please excuse me.

The purpose of this meeting is basically to refamiliarize all of you with the meeting that Mr. Work hosted here approximately a month ago, to tell you what we are going to be doing over the next two-week period of time and what you can expect from L.E.A.A. over the next year.

This two-week phase or the pre-start survey phase is the first phase of what we are calling this new long term technical assistance concept. Every governmental

bureaucracy seems to have a four-letter acronym. Ours is IOTA—Initiative Oriented Technical Assistance.

Before the two weeks are up, each one of you will receive a copy of this theoretical handbook which explains the what and the why but not the how of how we go about starting with the pre-start survey and what a long-term income technical integration of survey means internally in the Criminal Justice, externally between the Criminal Justice system and what I call the Human Services Delivery system.

You will also receive a copy of the site evaluation guide which is basically how we are going to proceed in this two-week survey. And I would like to define that a little more sharply. Basically, we will be doing four things during this two-week period of time.

Number one, is conducting a series of interviews with as many people as we can talk to during the two-week period of time, to get your definition or perception of what the gross problem areas are in the Criminal Justice system and in related areas to the Criminal Justice system; what you perceive as the solutions to those problems, and what you perceive as your agency's or your role in solving those problems are. In other words, are you part of the problem or are you part of the solution?

We will also be taking a look at the data that is available in the community; what is available and what are the gaps. We will not analyze the data. At this time we are merely interested in knowing what data is available in order to make some decision.

Thirdly, we will take a look at our own observations as we go around as a team and we observe serious things, we will be marking those areas down for consideration.

And lastly, we will be taking a look at the process and the flow within the Criminal Justice system, itself, and how it interphases with the ancillary or human service in the community.

I would like to reintroduce the team members. If they would please stand and just give a couple of minutes background on each one of them individually.

My Deputy Team Leader is Mr. Rick Berman from the L.E.A.A. Regional Office in Burlingame.

Mr. BERMAN. Just briefly, we became involved in Compton about a year ago when Mr. Cornelius Cooper recognized there was a problem working with the elected officials and the police department. We decided we could be of some assistance in evaluating the Criminal Justice system and maybe leading to a program that would rejuvenate citizens participation in government in Compton and develop a system that would not only help the community but serve the citizen.

Mr. JACOBSEN. Next member, Peter Haynes of the University of Southern California. Mr. Haynes' principal job during the entire length of the project will be to chronicle and develop a how-to manual at the end of the project that will document all we do from start to finish and why we did it. Mr. Haynes.

Mr. HAYNES. Jake, you just took away the thing I was going to say. History is, was Director of the University of Southern California. As Jake says, the prime goal here is to capture the process so we understand what is really necessary to assist jurisdiction in dealing with a specific problem, so we hope that the process will be a benefit, not only to you, but will be a benefit to other jurisdictions across the country, which indeed will put Compton very much on the map.

Mr. JACOBSEN. John Paul.

Mr. PAUL. I am Director of Probation from Wayne County in Detroit, Michigan. My background is, I spent about ten years with the California Youth Authority here and have worked in a citizens' program for about three years, and I did work in court administration and work with L.E.A.A. in doing a similar study of the Federal District Court in Washington, D.C.

Mr. JACOBSEN. Mr. George Holmes.

Mr. HOLMES. I am with the Judicial Council on the Calendar Management Technical Assistance team, and I believe apparently what I will be doing here is trying to take a look at courts and related agencies who are involved with it.

Mr. JACOBSEN. Miss Patricia Mortonson.

Miss MORTONSON. I am with the Political Studies of Washington. We assist local elected/appointed officials in the area of City Management and Planning. Before that, I was working with youth programs in Baltimore and pertrial divorce-type programs. I am mostly interested in the community aspect and phasing it with the courts.

Mr. JACOBSEN. Mr. Tony Pascuito.

Mr. PASCUITO. I am from the Denver Anti-Crime Council, which is a special program funded by L.E.A.A. You may have heard of it. It is the seven specialized cities and also Denver. The eight that were selected were to reduce crime through a number of means. Some of them, crime prevention, citizen involvement, divorce court improvements, law envorcement techniques and correctional improvement and treatment. I am the Assistant Director of the program. It is only two years old. I am an appointee of the mayor. The involvement of community groups, myself and a number of other staff have been trying to get crime prevention programs off the ground.

L.E.A.A. found it necessary and felt that I was the best person to come here for a coordinated type of effort in dealing with that, working with the other gentlemen.

Mr. JACOBSEN. Hayden Gregory.

Mr. GREGORY. Community Relations Service, Department of Justice. You cancelled the agency. I am a lawyer by training as our title suggests. The area we are concerned with to assist L.E.A.A. on this program is citizen initiative or the involvement of the total community in the program. In that connection, I previously served as an Assistant Staff Director for the National Advisory Criminal Justice Standards; and the goal which I am sure you are familiar with, worked on the community crime prevention aspect for that. Prior to that I had our own agency's community criminal justice program.

Mr. JACOBSEN. Mr. Eugene Perchonok.

Mr. PERCHONOK. I am with the Aerospace Corporation. I am actually an engineer and we have been working with the research arm for law enforcement for transferring technology from space and from the defense to law enforcement equipment. Part of that goal involves some planning for the institute. I have been asked to represent that program in providing assistance for systems to deal with the problem at hand.

Mr. JACOBSEN. John Bonner.

Mr. BONNER. I have been with the New York City Police Department for 20 years. I have a couple degrees in Criminal Justice. I was the Director of Crime Analysis in New York City for awhile.

I have worked with some programs in a cooperative effort between the New York City Police Department and some of our college and universities in New York City. My role here will be to interview various people in the police areas of this jurisdiction.

Mr. JACOBSEN. With that background, I would like to quickly go over the presentation that was made per Charles Work, and Mr Paul Haynes of our office last month to kind of bring everybody back up at the satisfactory level, and then proceed into a short discussion of where we go from here, and then take any questions that you may have afterwards.

Very briefly, this particular effort is being operated out of our office of National Priority Programs which is basically concerned with four major areas. Mr. Santarelli has announced a Citizens' Criminal Justice Initiative, Juvenile Justice Initiative and the implementation process of National Advisory Commissions' standards and goals.

What makes this program a little different from other projects that L.E.A.A. has been involved in, L.E.A.A. in the past has always been reactive. L.E.A.A. was the first of the new Federalism Agencies which exposed revenue sharing which was given out of the state in the form of blank grants. They were to make the local decision as to how the money was to be spent.

L.E.A.A. basically sat back and waited for grants to be produced or generated at the local and state level and then funded them. In this case here, we are recognizing two things: one is that L.E.A.A. 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.

We have in Compton, as you know, a high percentage of youthful offenders, and Compton rates rather high on the crime per capita index in what they call Part I crimes. Additionally, it has one of the highest Juvenile Justice Crime rates in the country.

Just briefly, let's review the situation as was described to us. There is in Compton almost a 11 percent overall unemployment rate in the Compton Municipal Court District; low family income where the average in the state is $10,900 a year; and in Compton, $4,700. School drop out rates of 23 percent; low levels of educational skills; sub-standard housing; where 25 percent of the population is on Welfare. The problem of broken homes and a youthful population of 50 percent or

more under the age of 21; and a severe drug abuse problem within the community. All factors of the general population leading to the creation of crime.

The intent here then is to study the system from a system-wide perspective, taking these other social and economic factors into consideration, when analyzing the Criminal Justice system and how it operates, what can be done to improve the coordination within the Criminal Justice system and how the Criminal Justice system than can team up with these other human service delivery systems that can get at basic cause of problem.

This can involve all kinds of things which we will go into as suggested as potential programs that could be implemented within the community.

Now, here is one way of looking at the problem: one, we have the L.E.A.A. priorities and working with the California Office of Criminal Justice, planning the leadership of the Criminal Justice communities here in the criminal or in the Compton Municipal Court District and Compton Regional Planning Unit. We can reduce crime and delinquency by increasing the citizen participation in the community, with the Criminal Justice system and increasing the Criminal Justice system to the citizen.

These can take, again, many types of programs that can be used, such as witness coordinators, juror coordinators, et cetera.

Now, what makes this effort a little bit unique is we are going to be working with all agencies. We are going to be working with other California and other Federal agencies; such as HUD, the Department of Labor, HEW, et cetera. And we are going to be working through L.E.A.A. in Washington, the Regional Office in Burlingame, the State Planning Agency in California with the assistant team and the Regional and Compton Regional Planning units to try to make a dent on this crime problem in the Compton Municipal Court District.

Now, these next series of slides will highlight some types of activity that can be done in terms of major goals and major solutions or suggestions in terms of projects that can be implemented within the community to try to reduce crime.

The first is crime prevention; by increasing public awareness of crime, by reducing opportunities for crime, by alleviating social and economic conditions that promote crime. This means working, not just with the Criminal Justice system, bifurcating the system, criminal system, unified to act as lobbyists or take a leadership role in its inter-phase of these other agencies, who try to get at the root causes of crimes and prevent it before it becomes a major problem.

As you can see, there are a number of suggested projects. Those are only suggested activities. Again, in crime control, reducing juvenile gang activities, increasing Criminal Justice coordination, are two possible goals. Reducing obstacles to citizen support, the rehabilitation of the victim are other goals of the project.

Now, our time frame as we now perceive it, is as follows: the two-week survey is commencing today and will end on May the 17th, I guess, or Friday; at which time we will take the information that we have collected and we will synthesize that information back into Washington into a manageable document. The document then will be sent back out here for you folks, for your review and comment as to whether or not we are talking about the same cities or whether or not we really ball it all up and need to start all over with it. That paper will highlight the concensus of the preliminary areas, the concensus of solution areas. It will highlight the type of people we think should go into a long-term technical assistance team that would come out here approximate in mid-June and work with you for approximately nine to 12 months. The chronicler is already on board as far as the internal evaluation of it; and during that nine-month period of time, we would attempt to implement projects that will make a major dent on the crime problem with the Criminal Justice system and work with other agencies to attempt to establish major project areas that they can accomplish that will also have a bearing on the crime problem.

For example, if our study shows that one of the reasons people don't report crime is because they have no way of getting to the local Criminal Justice agency, then one of the rules that we would like the Criminal Justice system to consider is to lobby with the local transit authority to make sure that all of the Criminal Justice agencies are on the bus routes or rapid transit routes in your particular area.

If it is a question of new housing going in, we would like the housing authorities to take into consideration the concepts of defensible space that have been learned by our research arm, which have been demonstrated to reduce crime into an area by taking into consideration architectural principles. You have already started working on your task programs which integrates the health agencies with the Criminal Justice agencies to identify and refer arrestees into a program, to re-

habilitate drug offenders so they don't commit future crimes. Those are just some examples of the type of projects that possibly could be initiated during this time frame.

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 L.E.A.A.; 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. The team then will start the implementation of the project and help you elect or select local hires to actually run the project. The team will train those people on the job in running the project; and when the people are trained, to run the project, then the team will go on to another activity.

We will, in addition, supplement the team at various times on an as-needed basis with additional consultants who will come in and provide their particular expertise that the team does not have towards the problem area. This may mean that we have a team of four to six people, for example, that understand community relations, that understand community organization, systems analysis, et cetera. If what we need for a short period of time, for example, is an expert in Police Administration, well then, we would attempt to get an expert in Police Administration, for example, to come in, or Court Administration, or whatever it may be, down the line to supplement the team, to give you a quality project on which you can make a decision as to which way you want to go, given a certain problem and given various openings to solve that problem.

Briefly, what that looks like then, is the problem diagnosis that the team will do in the long term, a project work plan, actual project implementation and continuous project evaluation, all in partnership with you at the Federal, State and local level.

Now, in proving the Crime Justice system, we are right now at the pre-start survey. Once the pre-start survey is finalized and finished, then we will go into the more refined system diagnosis phase, which will be this long term technical assistance. Then we will test selected projects that you have decided upon on a 90–10 funding split. We will be looking for institutionalization of those improvements. In other words, there is no point in putting money into the community if in fact at the end of the three-year funding cycle, you cannot in effect take those projects over and continue them.

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.

We are now ready to implement that partnership model. In these next two weeks, we will be interviewing and talking to most of you here in the room, if not all of you. We will come back to you towards the end of the second week. We will let you know where we sit, what we have found, what we think the gaps are, ask you if we have gotten everything straight. We will ask you, should we interview somebody else or touch base with somebody else, et cetera, so we can fill in the gaps and do really a decent job for you. And then we will take that material back to Washington. We will synthesize it into a readable, workable paper, send that back out to you for your comments. Then we will select a team. We will propose to you a set of consultants that we think might be applicable. We will ask you for your comments on those team members, and with your concurrence, we will select a team of four to six people. Those people will be deployed in June, approximately towards the later part. They will be here in your community for approximately nine months. They will refine the analysis, propose to you a work plan, a series of projects for your approval.

They will help you write the grant. They will help you get the funding into the community. They will help you implement the projects; and probably more importantly, they will work with you to train a group of people here that can continue this process in the long run. And we will work with you and the people in

Washington and other Federal agencies to try to get a comprehensive effort of dealing with the problem of crime, not only from the Criminal Justice system but also human delivery system, which ultimately is more responsible for crime or at least the environment of crime than the Criminal Justice system would be.

The easy example on that—I don't want to harp on this point, but the Criminal Justice system cannot do anything about high unemployment. The Criminal Justice system cannot do anything about a twelfth grader who can only read at the fifth grade level. The Criminal Justice system cannot do anything about substandard housing and on and on and on. But if we can get these agencies to work in partnership, have the Criminal Justice system, and we can get some joint planning between those agencies, then I think we can go a long way towards reducing crime in this community.

And if it works here, then it will work anywhere in the United States. So that is where we are. We are at the start of this thing right now; and hopefully at the end of this two-week period of time, we will have a document for you that I think will not be a study, because I think this community has probably been studied to death. I think what you are ready for is some action.

What we want to do is take all these studies that have been done by the various academicians, if you will, I guess, and other types of consulting firms, et cetera, get our own personal observation on the matter, come up with a document that makes some sense, offer it up to you and say okay.

Now, here is your alternatives as we see them. Are you ready to go into the next phase? If you are, then we will stand by our bargain and put the team in around the middle of June of this year and we will try to get something going. That is basically it.

Any questions?

Judge SHEPARD. Yes, sir.

Joe OCHOA. I am from the Compton Mexican-American Association. I am very concerned about your staff. Do any of you speak Spanish? This is why I am concerned. Very fortunate to be invited at the last meeting here. You are dealing with a community where there is a lot of Chicanos, Spanish-speaking Nationals in this community, in Compton, Paramount and Carson and Lynwood. Yet outside of one gentleman here—I don't know if you work with the Chicanos or Spanish-speaking people throughout the County. Right here we are concerned and hopefully we will be able to deal or work together on these problems because our problems are not similar as other groups. We have different problems.

One is the Spanish-speaking thing. Parents. Young people going to school. They may speak English. Parents don't. So if you are going to interview people, going to interview parents, how are you going to do it?

Judge ARMIJO. Let me answer that question. We have already solved that.

Judge SHEPARD. I think your point is well taken. We have discussed that. I think one of the things that L.E.A.A. learned when we did a breakdown of the ethnic groups in the community, the Spanish-speaking population is much higher than—I think even those of you who sat on the bench, saw increasing all the time. We are well aware of that problem in terms of the permanent team. We have already discussed having adequate Spanish-speaking staff to deal with that, so it hasn't been overlooked.

Judge ARMIJO. We have two consultants who are also Spanish speaking already.

Judge SHEPARD. The exact number hasn't been determined but I think at least that many.

Mr. JACOBSEN. Our understanding of the community breakdown was not as refined as what we know now. We intend to make sure there is a representing body for each particular minority or majority individual on the eventual consulting team that comes in. Recognize that pre-start surveys merely to define the perimeters. We will be trying to talk to as many people as possible. Of course, we want to get to all of them. That we would like to do. But during the nine months that the actual team is deployed, we will be in a position to be able to refine that and get into the more in-depth problems, if you will, that surface in the various communities.

I understand you have a big Samoan population, now, that is being developed here, American Indians, besides the Caucasians and black population in the community. We want to work with all of them because it really isn't a black, white, brown, yellow problem. It is a community problem that the whole community has to be involved with to reduce crime. It doesn't belong to any one ethnic or minority.

Judge ARMIJO. I think I will withdraw my statement. At least we have addressed ourselves to the problem.

Judge SHEPARD. Are there other questions at this time.

Mr. Jacobsen is going to be the team leader. As I indicated to you, I think in my opening remarks, we are going to put together the entire Criminal Justice planning group. I will be calling on you to serve on that and meet with us from time to time. But I think the partnership idea, the idea that we have been able to get all the representatives from the various agencies and cities together is extremely important because we see the crime problem coming before us daily, and we make decisions because that is our job. We have to make decisions but we recognize that frequently the solutions to the problems are not in the decisions that we make and that the community is going to have to get involved in the Criminal Justice system. That is the only way we are going to effectively attack and deal with the problem.

Before our next question, there are several people that came in late. I would like to introduce the Mayor of the City of Compton, Doris Davis. From Compton Police Department, Tom Cochee, also came in late. And Mr. Gordon Jacobsen from the District Attorney's Office is also here.

There might have been some others whose names I don't know. Everyone introduced themselves earlier. If someone did come in, if you would like to stand and tell us who you are.

Levan Bell, California Youth Authority.

Bob Smith, Adult Paroles.

Julie Sgarzi, Southern California Association of Government.

Judge SHEPARD. In the presentation, Mr. Jacobsen talked about the juvenile problem. It is one of the great ·isis problems facing this community. People frequently don't realize that in the Municipal Court we don't have jurisdiction over juveniles; but fortunately, the County has agreed to establish a Juvenile Court which I understand will be operational in approximately July of this year. And I think that will be a great aid to a very responsive juvenile system, more responsive than it has been in the past. Then the study team will be in a position to talk with and deal with them.

We have talked with Judge McCourtney, the Presiding Judge of the Superior Court; Judge Hogoboom, who is the Presiding Judge of Juvenile of the Superior Court. They have indicated they will be cooperative. Judge Brown, as I indicated, is the Supervising Judge of the South District of which we are a part. I am sure we will have his cooperation.

Back to any questions that others might have that have not been clarified or raised at this time?

Judge KLEIN. Has this been tried anywhere or tried on——

Mr. JACOBSEN. We are going to try it out on Compton.

Judge KLEIN. That is why you say if it works here, it is going to work anywhere.

Mr. JACOBSEN. There has 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. Model cities, I think, was an example structure like this. The L.E.A.A. Impact City Structure program was an example program called Planning Variations, run out of HUD. It was somewhat of an example of this. All of them, they had varying degrees of success.

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, and which then could be presented to the elected or to the people that had to make decisions on various programs in an organized and proper manner, if you will. They took into consideration fiscal constraints. For example, if I dump $40,000,000 into the community, can the community actually absorb that or am I just wasting money that just has to go in the bank.

There was a problem in terms of fund flow. In other words, a community would get all excited about a program and then they would have to wait nine months to receive their first check. There was a problem in terms of implementation of the projects.

In other words, the money would get there and because of local bureaucratise of various kinds, it took three to six months to get the projects off the ground; and by the time they got off the ground, people forgot what the project was intended to do and things went nowhere. Projects were considered in their own microcosm and didn't realize they were part of a bigger system.

I think some classic examples have occurred in the Criminal Justice system where the District Attorney's Office has done something and it made the District Attorney's Office more effective but it put a bigger work burden on the police and the courts. In the area of housing, I think, the most classic example is the

Pruitt-igoe, St. Louis highrise effort in which no one took into consideration the concept of a defensible phase; and what in essence they created there was a six-block area that had the highest crime rate in the City of St. Louis.

Finally, they had to destroy the entire complex of buildings, which cost the Federal Government and the State, local government a considerable amount of money. We think that if we just sit down and we get some good perceptions of what the Criminal Justice system looks like and how it inter-phases internally amongst itself, et cetera, and we look at how the Criminal Justice system can better inter-phase with these other delivery systems, and if we can then sit down and work out a detailed plan of action, that we can make some dramatic steps towards reducing the problem of crime and delinquency in this particular community.

If we do it well here, then we can do it in other communities as well across the country. We cah have a blueprint, if you will, of getting people together.

I used to run the TASK program for the Special Action Office and one of the things that we found was that we were bringing together the entire Criminal Justice system and these other ancillary support systems. This was for many the first time those individuals had ever sat down in the same room together. I remember one case in the Midwest where a police chief was on record against the chief judge because he accused the chief judge of being too light on sentencing. When they sat down in a room with the District Attorney and the Public Defender and all the people of the Criminal Justice system, the police chief finally got up at the meeting, quote, "Judge, I was wrong. I didn't understand your problems." Unquote. And I think that is pretty true across the country.

I think that can be taken one step further in terms of the human delivery system. If the schools know they have an opportunity and responsibility to work with the police and help the police in terms of juvenile delinquency, I think we can go a long way helping the police and court system, probation authority system, in stopping juvenile—yes, sir?

Mr. MORITA. Department of Corrections. What about long-term financing? You said after the third year it has ten percent funding. Have you had any commitments from, say, the City of Compton to take over funding of the program over a prolonged period ot time?

Mr. JACOBSEN. We will design the project and the alternative will be suggested to you about the ability of either the Cities of Compton, Lynwood, Paramount and Carson and the County of Los Angeles institutionalizing the projects after the Federal funding ceases.

If it is determined that there is no way this thing can be institutionalized, if it is a success, then they are going to have to make a very hard decision as to whether or not they are going to pursue the project. Now, that will be one of considerations in choosing a project. In other words, our Federal funding only lasts for three years and that is unfortunate but that is the way Congress established us and that is the way most programs run at the Federal level. That is one of the problems that we are trying to attack by considering the physical capability of a community to take over an institutionalized program. We will be working with several people down here in the area to develop an econometric mode of the model—what the costs of an arrest is, and process one offender through the system.

So if we are talking about pretrial diversion, we will be able to estimate what the savings are to the courts, and then we can use that information to give to the Criminal Justice system so it can be lobbied with the people in the fiscal offices, and they will say it is going to save you this exact amount of dollars in the long run, even though it is going to cost you a few bucks in the short run. It is worthy of our taking over at the end of the three-year period of——

Mr. COBURN. I am a representative from the City of Paramount. Is this money you are talking about at this time going to spill into the other communities, Lynwood, Carson, Paramount, or is this going to be spent here in the City?

Mr. JACOBSEN. No. The geographical confines of this are the Compton Municipal Court District, which is the City of Lynwood, Paramount, Carson, Compton and the County of Los Angeles. So it is all.

Judge SHEPARD. There is some County territory within the Judicial District. Another question?

Mr. JIM WILSON. I am from Long Beach. Have you considered what kind of impact it will have, if this project works, on the surrounding cities? Usually criminals go from city to city.

Mr. JACOBSEN. Mr. Mayer of the Regional Planning Unit here—Bill, would you like to stand up—brought this problem to our focus. He is preparing some

letters from the Regional Planning Unit to the surrounding jurisdictions to explain to the mayors and councilmen in the surrounding districts what is going to go on in this Compton Municipal Court District and what the possibilities are of representation of surrounding areas might be and awareness. If it is successful, it may be that some of the criminals find their communities more inticing than the Compton Municipal Court District.

What we are hoping is that that can be minimized as we go along, that the other communities will see the process and it is not an expensive process to go through and will take steps to learn from what has gone on here and be able to implement so that maybe we will drive all the criminals out to San Bernardino or out into the desert, Death Valley, maybe.

Judge SHEPARD. I think one of the important reasons we have invited such a broad cross section of individuals is that I am personally sure the judges of the court and on the L.E.A.A. team doesn't look upon this as a Compton guinea pig-type project. We look upon this as a tremendous opportunity to really do an in-depth analysis of what is going on in the Criminal Justice system and some processed reasonable solutions to those problems.

And this is why we are willing to invest the time and effort and make the commitment to participate in it. We can very quickly see how we could use the planning unit that is in Los Angeles Municipal Court to work with us and develop ideas and any other surrounding courts or jurisdictions, Superior Court as well, including the TASK project, which is going to start here and hopefully spread out throughout the County. It has County-wide ramifications, because even though Compton has a very high crime rate and so forth, people when they give you those stats and you see those defendants come to the court, they don't tell you they are from South L.A., they are from Long Beach, and they are from somewhere else. The stats get attached to Compton. And if Compton were not in its particular location in terms of some other adjacent cities with their own crime problems, Compton wouldn't have the crime problem it has.

In any event, what I am saying is I think we have got to stop looking at our own little individual problems and realize that in this County, individuals are very mobile and we are going to have to attack the problem generally County-wide. That is hopefully what we will evolve out of this and we will learn something from this experience.

Mr. JACOBSEN. Again, we are looking for something manageable geographically in terms of numbers. To go into for example, the whole County of Los Angeles it would just be impossible at this point in time to do something like that or to go into any other major city to do that. And here there was a commitment by all involved in the Municipal Court District and it seemed like an ideal place to go ahead and try it. And it has a significant crime problem, too, that we feel we could get ahold of or at least try to get ahold of.

Judge SHEPARD. Are there any other questions at this time?

Mr. JACOBSEN. I would like to say just one other thing. This is kind of a demonstration. We are going to make some mistakes. I have no doubt about that. We probably have already made some mistakes, the fact that we don't have a Spanish-speaking member on the initial team but that will be corrected in the long-range team that goes in here. But we would like to have your criticism of our effort. This, nobody has ever done before, and it is kind of a new thing for all of us. It will be a new experience for you as we go through this process.

I hope by our mistakes, by our recognizing of our mistakes, that we can learn and correct those mistakes before they become a complete mess.

So we are going to be asking you for your input at our next get together. In the second week of this thing, we are going to ask for your views of how well we did; and when the paper is completed, we are going to begin asking for your views. We are not going to come from on high because the intellectual capacity of this country does not reside on the left bank of the Potomic River. Please feel free to call us up to criticize us, to provide some constructive alternatives to what we are doing, because that is the only way we can do a better job for you, and you can help us do a better job for you.

So I hope that the spirit of cooperation and partnership will exist during, not only this two-week effort, but will then spill over with what we do in the long range T.A. thing. And to make this thing a real success, we can only do it by co-operating as a group.

Judge ARMIJO. I like that.

Judge SHEPARD. The site of the May 16th meeting has not been chosen. We had a tentative site which we have changed our minds, but you will be notified with regards to that. But it will be at 1:00 o'clock on May 16th.

Mr. WILSON. Where can we call the team?

Mr. JACOBSEN. We are located in the Research Officer's room of the Compton Police Department. At the Holiday Inn Convention Center I am available 24 hours a day at any time. You have my time and all the fine consultants that I have out here. You have got them 24 hours a day, also.

Judge SHEPARD. We have made up an appointment list for them. Most of you, or at least a lot of you who are present, and others who are not, if you are not appointment scheduled, and you would like to give some input to this, get in touch with me here at the Court, either by a phone call or a note. We will arrange, if scheduling permits, to have you on the interview schedule for the consultants.

Immediately following the meeting, Mr. Jacobsen would just like to have a few minutes with the City Managers or City Managers' representatives. Mayors who are present, if you would wait a few minutes.

Mr. JACOBSEN. Our phone number at the Holiday Inn is 748–1291.

Judge SHEPARD. That is Richard Jacobsen, the Holiday Inn. If you can't locate him or get in touch with him, you can call us here at the court and we will relay any messages.

Thank you very much for coming.

CERTIFICATE

STATE OF CALIFORNIA,
County of Los Angeles, ss:

I, Pamela Kirkner, Notary Public in and for the County of Los Angeles, State of California, do hereby certify:

That I am a Certified Shorthand Reporter, duly licensed and qualified by the State of California;

That the foregoing proceedings were had at the time and place herein named and were taken down by me in shorthand writing as given;

That the foregoing transcript, consisting of pages 1 through 32, inclusive, comprises a full, true and correct transcript of my said shorthand notes and a full, true and correct statement of said proceedings.

Witness my hand and seal this 9th day of May, 1974.

PAMELA KIRKNER
Certified Shorthand Reporter.

[Paramount, Calif., Thursday, May 16, 1974]

PLANNING MEETING OF LAW ENFORCEMENT ASSISTANCE ADMINISTRATION—NATIONAL PRIORITY PROJECT

(Reported by: M. Virginia Dalton, C.S.R.)

I. Introduction and Opening Remarks: Hon. Huey P. Shepard, Presiding Judge, Compton Municipal Court, Compton Judicial District.

II. Speaker: Richard Jacobsen, Special Assistant to the Administrator of Law Enforcement Assistance Administration.

III. Discussion.

Judge SHEPARD. Ladies and gentlemen, can we ask you to be seated, please?

We would like to thank the City of Paramount for making this lovely facility available to us today. Our previous meetings have been at the courthouse and city hall in Compton and we wanted to move the meeting around into other areas of the judicial district so we could get those of you to see there are in fact four cities in the judicial district.

It looks like we lost a few people in the process of the move. Some people called and said they just could not make it here today because of other commitments and so forth but are very supportive of the program. We got no negatives from the participants in our regional conference.

I think it would be good for us as we did before just to briefly stand and indicate; maybe we can omit that, we have taken the roll. I think the young lady in the back took all your names and titles and most of you have been at the previous meetings. If you have not registered with the young lady in the back give her your name, title and address so we can get in touch with you in future mailings.

The Pre-Start Survey Team has been with us for almost two weeks. I guess they are going to wind up tomorrow or the next day at the latest and they had wanted to have a subsequent meeting to kind of give us their tentative findings and tentative problem identification areas for us to react to, as I understand,

prior to their preparing their final report and recommendations, giving them any further input and ideas and criticisms or critiques of this tentative report which they have prepared and which I trust has been and will be distributed to each of you.

Without anything further we will turn the meeting over to Mr. Jacobsen, the team leader.

Mr. JACOBSEN. Thank you, Judge Shepard.

I would first like to start out by kind of reminding you why we are here, basically because of two problems, the high crime and delinquency problem in the area, one of the highest in the country in the judicial district; and two, a commitment by officials of the cities, counties, regions in the State of California to work towards solutions to the crime and delinquency problem and to institute that change, and this is probably the key reason why this judicial district was selected.

The approach is a partnership model: federal, state region, local decision making and planning done jointly during the process. This is phase one of the Pre-Start Survey which is to do nothing more than to define the parameters of future activities and to get your perceptions on the problems, solutions and what role you feel your agencies can play in working towards those slutions.

At this time LEAA has not made a commitment in terms of dollars or to any individuals and will not do so until we all sit down and agree upon, sometime in the future, a plan of action and course that we wish to follow that brings in federal state, regional and local governmental entities to decide what is best to be done in the area.

In terms of the team, you have met the team. Most of you have been interviewed by the team. We feel the team put together out here is probably the most competent we could find, and in terms of the amount of work accomplished to date we have made a start and there will be not any more than what you give us at this point in time. We would like to continue to have your input in terms of this particular first package.

Today's meeting will basically present some of the raw data and system flow charts that have not been analyzed or refined, nor were they drawn by us but they are what people told us you were doing out here.

The same way in terms of problems and solution areas, these are not our observations of what your problems and solutions are. These are what you have told us you think your problems and solutions are.

The ultimate goal will be to provide the long term technical assistance with the hope of institutionalizing the capabilities to get a handle on crime and juvenile delinquency in the district.

Before we pass out the material what we would like from you because I am not going to go through each individual graph in here in any kind of detail, is for you to look at the material, study it tonight and tomorrow and before the close of business tomorrow if you could get that material back to us with your comments in terms of additions, deletions corrections, recommendations and prioritization of problems and solutions then we will come back to you when all that is compiled and that will be part of our so-called completion of the Pre-Start Survey, ready to define what directions we should go in the future.

So with that in mind I would like to pass out the following material. The first thing you will get is a copy of all the graphs that will be shown here today that comprise the Pre-Start Survey as it is today.

The second thing that you will get is a copy of the IOTA Handbook which explains the philosophical premise of what we are doing. This document is a living document, it is not a final document. We have not followed this thing to the letter of the law. It is a flexible working doument that is acting as a general guide to the way we are proceeding in this activity.

The third thing you will get is a copy of the Site Evaluation Guide which gives you an idea of the types of direction we are looking at in terms of the problem as it pertains to the total community area. We still have another day and a half to go. What you see in this document is not the final document by any stretch of the imagination.

My schedule is filled for most of the afternoon and evening and I am booked all day tomorrow. So, we still have a lot of people to see. We have already seen 133 people and we will show some lists of people we are scheduled to see this afternoon and tomorrow, and we will ask you today before we leave if there are any other individuals we ought to see this afternoon or tomorrow before we leave.

So, with that in mind, if I could ask a couple of folks up here to start passing this stuff out we will start through it.

All right, has everyone got a copy that has on the title Compton Judicial District?

Now, quickly, slide No. 2 is a map of the Compton Judicial District, courtesy of Los Angeles County. I don't know who made that, courtesy of Mary Baker. It shows the Cities of Carson, Lynwood, Paramount and Compton and the unincorporated strip in the area that belongs to the County.

The next slide is a list of the individuals contacted and I will not run through every one of these but it shows the people have contacted 133 individuals at the state, county and region and city level as well as private organizations and citizens.

You might want to just quickly review that and we will skip to the last slide which says individuals to be contacted after 1:00 P.M. on May 16 and continuing until tomorrow:

Dr. Palmer Campen, Superintendent, Paramount Unified School District.
Mr. Glen Smith, Regional Director, State Department of Corrections.
Mr. Harold Voegelin, Los Angeles Chamber of Commerce.
Mr. Hillard Hamm, Publisher, Metro Gazette.
Mr. Ray Watkins, Publisher, The Bulletin.
Mr. Stan Lepke, Merchants and Manufacturers Assoc., L.A. County.
Mr. Richard Green, Chief of Security, Los Angeles City Schools.
Captain, Los Angeles Police Department—Juvenile Gangs.
Lieutenant, Los Angeles Sheriff's Department—Juvenile Gangs.
Mexican-American Community Organizations/Residents, meeting tonight.

Are there any other individuals, having looked over that thing, or by the end of the presentation if you have some additional names if you will submit those to Mary Ellen over here she will take those names down and attempt to contact them and set up an appointment to see them either later this afternoon or sometime tomorrow. If we don't get to see them and there are people you want me to see, I will be available sometime on Saturday all day long. I do have some appointments but I will see anybody else you feel I ought to see on Saturday. And I will be available to see anybody up until about noon on Sunday before I have to catch a flight back to Washington.

Now, I would like to show you an example. I told you we were not interested in restudying the whole problem again and going through another think process but we would take a look at what had been done.

This is an example of an organization and management study done by Marquette University of the Compton Police Department.

You will see a breakout of a study done by Farr Company and one done by Arthur Young & Company. We have a whole stack of those things. We are going to go through, cull them out and get down to basic problems and recommendations. You see problems and recommendations based on that study, team members observations that will give you a document that can identify what the problems are, what the solutions are, and so forth down the line.

We have also attempted to define interfaces. What you see here are in the Compton Judicial District, the police/sheriff agency interfaces; sheriff/police department interfaces with state in terms of how they operate.

We also have in regard to this, interfaces with the county and with the municipal court or judicial section, what area it covers and what functions. Again these are things that were given to us. If these perceptions are not correct, if the interfaces are not correct, note it on the document, send it back to us by the close of business tomorrow so we can incorporate those changes.

Also, if you will, sign your name to the document in terms of these perceptions so we will know if it is a change in the flow process, we will know it is coming from somebody who knows what he is doing and we can get back to him and ask him whether or not or what the reason was we could not understand it.

We have gone through the adult arrest process and juvenile arrest process that you see, going through again the same kind of thing: Report of suspected or committed crime, response by patrol officer, what the options are as you go all the way through the systems here until the individual in a juvenile case is transferred to Juvenile Hall or a decision is made to file at that point in time. It covers the arrest process and police/sheriff functions.

Over here you see it in regards to the adult arrest process.

The next graphs show you how the juvenile system takes that from police arrest and what the options are as was told to us in handling the processing of juveniles. Again, this is what we were told so if you have changes on this please feed it in and make notes on them.

The same thing is true here with adult felony and adult misdemeanor flow process and the options that are possible in those two flow processes. And we also did a flow of the Compton Municipal Court District in terms of civil cases.

Now these next series of slides are the compilation and they are not in any particular order in many cases and that is the reason why we would like you to prioritize these.

The policing problems as perceived by; and as you see we have got four categories: sheriff and or police; the court, which includes the district attorney and public defender as well as judges and people that work in the court system; probation and parole; and community.

If there is a check there it means they perceived the area was a problem, as you see in the slide on your left. First is Equipment-no helicopter to police burglaries; that was a perception by the sheriff, police and somebody in the community who thought it was a problem area in terms of law enforcement.

On your righthand side you see some more as we follow on down and you will see as you continue to flip the pages more problem areas as given, and then we come up to this thing that we call perceived policing solutions and/or remedial action, and again the same process.

Now, these have not been collated with the problems at this point in time. Okay. So we have not been that finely tuned and lined up but that is what we will do when we have all the material collected and input. We will take problem areas and match them up with solution areas. But unfortunately our time period is so short we did not have time to complete that last night.

The next area we move into is problems in the court area. Here again we follow the same process of taking opinions from the four areas: sheriff and/or police; court; probation and or parole; and community and put them together as you see them. Again, as you follow through this you will note there are perceived solutions again in the court area, going all the way through.

The next area is in the area of probation and parole, and again on your left are the problem areas, on your right are the perceived probation/parole solutions and/or remedial actions as again stated to us.

We have also, if you will continue through, you will see a post prevention human services delivery system interface with criminal justice system but also it could be used in terms of prevention programs, pre-prevention programs of how human services delivery system interface can link up with the criminal justice system. That is there is not a formal link between a given system be it private or government. The only formal link is in some areas of the sentencing.

I might explain the terms here.

Response means the officer, when the officer goes out or receives a call for service, arrives on the scene and does not arrest the individual but refers him to an agency without going through arrest or booking process.

Arrest and booking is pretty self-explanatory.

Adjudication is the whole process.

And sentencing is the judicial state after the individual has been convicted whether he be incarcerated, put on probation with conditions and how the probation department links itself up with services within the community.

This is not in any great detail but merely gives you what it looks right now in terms of formal and informal linkages.

The next two are in the area of Community Problem Areas and Community Services Solutions and/or Remedial Action, again with comments from the citizenry, private citizens, or in some cases the Sheriff, Court, Probation and Parole whether or not they perceive these as problems.

The next area that we went into was in terms of grantsmanship, fiscal problems, and you see on your left the problems and on your right the fiscal perceived solutions, again as espoused by the people we talked to.

In this case you see it broken out by county, cities, community, and others. And note that others may be police, courts, corrections, SCAG, RPU, which is your region here, or SPA.

I will not go through each one of these here but for each one of the areas in terms of how money comes in or how you go about applying for LEAA grant, be it either block grant or discretionary for SCAG, Southern California Association of Governments, I believe Los Angeles County and for the four cities: Carson, Compton, Lynwood and Paramount, there is a flow there of how you go about in the process of applying for funds and receiving funds and what the time schedules are as you go through in each side.

Now, to take an example here in terms of cities. This is the one of Carson. As you notice the proponent prepares the application, the sponsoring agency approves the application, matching funds are assured, it goes to the city manager for review, then the city council for review and approval. If it is rejected it is returned to the proponent.

However, upon approval it goes to Region R for staff review, next to Region R board review where it can be either kicked out and returned back to the city or approved and goes on to the SPA staff review, and board review where, if it is rejected it is returned to Region R Staff or Carson, if approved Carson is notified and it comes back down to the city, the city manager receives the award, reviews it with the city attorney who accepts it and it goes to the city treasurer who deposits the check, the city fiscal office records and posts the award.

It then goes to the city council for final review and approval and you start project operation. But you also have to simultaneously go back and work with SPA in terms of state fiscal review and state general services department review.

Now, we have done it for each of the cities and we would like your comments on whether this flow process we have described here is in effect correct.

I thought this was going to take much longer but that is it. Most of it is just a question of going through it and if there are things here that catch your eye and you would like to ask questions about that are not clear, we can open the floor up to discussion in terms of what you have before you.

We would be happy to take recommendations in terms of team performance, how you viewed the team, they are all here. But we are open to constructive criticism because this is the first time that we have done this.

I would say I think we have got excellent cooperation from everybody we have talked to. There have been some communications and mixed appointments here and there but I suppose when one considers we have seen 133 people in a little less than seven or so days since we started, we have done pretty well.

Again, I would like to have your comments here either orally in this forum or if you would like put them down on the back of this thing as to what you think could be done to improve the Pre-Start Survey and its operation.

Are there any questions? None? There have to be some questions. Yes.

Question. Basically, I am curious to know how you arrived at the four areas of Sheriff/Police, Court, Probation/Parole and Community. I think many of the people who are represented here are from other. For instance you talked to the CAO, his office; what categories would you relate to?

Mr. JACOBSEN. In a lot of cases, like if we talked to the CAO's Office and it was a criminal justice matter or something like that we would attempt to try to put that into one of many criminal justice boxes. Generally, it might get stuck in court. They perceive that has probation, the probation department had that problem, we would stick it in there. If it is an undefined problem we couldn't do that, it went into the community, trying to come up in terms of something that would make sense as we went around interviewing the various people.

The same way with newspapers I have interviewed and tried to plug them and they come in as community across the board. City managers to some extent may come in as part of community, again depending on whether or not they are speaking as city managers in the interview or whether or not there they are saying, no, this is my own personal opinion.

Judge SHEPARD. When can we expect and how soon additional documentation refining whatever additional systems you get as well as this document?

Mr. JACOBSEN. Two to three weeks, I hope. I can't promise that but it looks like, again depending on your feedback to us tomorrow, it should not take more than two to three weeks to put this thing altogether into a package that we can then send back out to you for your comments which will, based on your prioritization and our observations, be clearly differentiated so you will know what is what.

We will then be in a position to say how we want to proceed in the next phase and we will ask you the same and then come back out here and have some meetings with key people and decide which direction we want to go in, how we want to proceed, who to bring on board, what problems to be tackled first, et cetera down the line.

That is why it is critical that we get your input as to or whether not the parameters we have defined here are in effect correct, because if they are not correct we will be operating on some false assumptions both in terms of the diagrams you saw up there and perceptions of the problems and solutions.

Judge SHEPARD. I think one of the problems, of course, we have just been presented the documents.

Mr. JACOBSEN. It is a typical Washington trick, it drowns you in paperwork and says are there any questions and nobody can read a document that fast. But I wanted you to at least see some of the material and give you a chance and I did not want to spend any time because we could probably go through each graph and spend an awful lot of time in terms of perception and I would like to keep the meeting at an hour or so and just solicit any comments you may have just off the top of your head in terms of what has been happening here during the two weeks and where you think you are going, and any questions in terms of the whole process down the line.

Judge SHEPARD. I would be interested if there are any observations any of you consultants had not specifically included in here that you would like to leave with us.

Mr. JACOBSEN. That will come back to you. You will get the observations. With this piece here there will be a third chapter of the observations in each individual area of each individual consultant.

Question. When we have completed our review of this document, you suggest that it be returned to you not later than tomorrow at the end of the business day?

Mr. JACOBSEN. Yes.

Question. Where can we deliver this?

Mr. JACOBSEN. Why not to our command post in Compton.

Judge SHEPARD. How about the courthouse, Judge Shepard's chambers.

Mr. JACOBSEN. Okay, we can do that. Will somebody be there until five o'clock?

Judge SHEPARD. We will see that somebody is.

Mr. JACOBSEN. That is Judge Shepard's Chambers, 212 South Acacia, Compton.

Judge SHEPARD. If some people cannot completely review it and get it to you by the close of business tomorrow, where should they mail you any comments or observations?

Mr. JACOBSEN. If they desire they can drop them at 600 Avenue of Champions, Room 202 or you can leave them at the desk there if I am not in my room, up until Sunday morning. I will be checking out Sunday morning. That is the Hyatt House.

If you want to mail these things to me, it is Richard W. Jacobsen, Special Assistant to the Administrator LEAA, Department of Justice, Washington, D.C. 20350 and I would appreciate if you would attempt to send that air mail. I recognize LEAA does not have money for stamps yet but we would like to get your comments back as soon as possible because we will commence work on this document on Monday and again try to refine it and polish it up.

As soon as we get your input we will be in a position to take in everybody's opinion down the line and hopefully turn back a program reflective of community desires and wishes.

Are there any other questions?

Mr. HAYNES. Perhaps if you know of others who are interested and have not had an opportunity to attend the session, if you make the copy available to them and solicit their input it will be appreciated.

Mr. JACOBSEN. Certainly. We cannot contact everybody in the community but over the next day and a half or so if you have some other people and would like to sit down with them and go over the document together, that is find. Give us your comments and we will take the ball from there.

Question. How about people not able to make today's meeting?

Mr. JACOBSEN. That will be a problem. I don't know how to handle that one.

Judge Shepard will handle that one. We will get copies to as many people as we can.

Well, if that is it, Mayor, I thank you very much for your hospitality.

Judge Shepard.

Judge SHEPARD. I would like to thank the consultants and Mr. Jacobsen for their interest and efforts in our judicial district. I am very excited about this program. I think the entire leadership of all the cities involved are excited about it. I think it has some real substantial potential for improving the criminal justice system and quality of life generally in the judicial district.

I think, as Mr. Jacobsen has cautioned us before, we can't have our expectations too high but if we can really begin to cooperatively work together in a partnership and realizing that we do have to work together to achieve the long range goals we want to achieve, and hopefully some short range goals, I think a year from now we will all be very pleased we have been a part of this process.

So, you certainly have my continued cooperation and if there are things that we at the court can do to assist all of you from time to time, if there are problem areas that we don't get the feedback on, we are so busy in court there frequently in putting this together and past projects; we probably have come in contact with more community leaders and elected officials than we have in the whole three years I have been on the bench and I think it is a good by-product of what we are attempting to do.

By the way, while I am thinking of it the probation team and CAO's Office who are putting together the drug diversionary program, the final draft of that has been completed and distributed to appropriate organizations, we would like those organizations involved to give us a letter of endorsement as soon as possible so we can get that problem moving also because it has some very substantial benefits for the community.

And with that we again thank the Mayor and the City of Paramount for their hospitality and the meeting will be adjourned.

CERTIFICATE

STATE OF CALIFORNIA,
County of Los Angeles, ss:

I, the undersigned Official Reporter for the within hearing, do hereby certify that the foregoing pages 1 through 18, inclusive, comprise a full, true and correct transcript of the proceedings held before the named Committee, on the within-named date.

Dated this 28th day of May, 1974.

M. VIRGINIA DALTON.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., July 5, 1974.

HUEY SHEPARD
212 South Aracia Street,
Compton, Calif.
(Attention: Reginald Cobb).

The Law Enforcement Assistance Administration (LEAA) recently completed the "pre-start" phase of the National Priority Programs review of the criminal and juvenile justice systems of the Compton Judicial District.

In order the share the data generated from this effort and proceed to Phase II, LEAA would like to conduct de-briefing sessions with you and other members of the criminal justice community from July 15 to July 19, 1974. It is anticipated that these de-briefing interviews will result in a refinement of this data as well as the identification of programs that will help the Compton Judicial District effectively combat its criminal and juvenile delinquency problems on both a short and long term basis.

Additionally, a conference is planned, at a site yet to be determined, for July 26, 27, and 28. The conference participants are to be the criminal and juvenile justice leaders of the Compton Judicial District. The purpose of the conference is to discuss the nature and scope of the criminal and juvenile delinquency issues of the Compton Judicial District and the approaches, people, and resources required in resolving these issues. The findings of the "pre-start survey" will be utilized as reference material.

It is to be hoped that this conference will result in a consolidated strategy regarding the diagnostic and program development phases of the Compton Judicial District initiative.

I would like to invite you to participate in this conference and I would appreciate your contacting the criminal justice leaders of the Compton Judicial District (see attached list) and inviting them to attend. Mr. Michael G. Dana, Director of Field Services, Office of National Priority Planning, will be in touch with you shortly.

Sincerely,

H. PAUL HAYNES,
Acting Assistant Administrator,
Office of National Priority Planning.

Enclosure.

CONFERENCE INVITEES

Police

Compton Chief—Thomas Cochee.
Lynwood Chief—Ralph E. Darton.
Los Angeles Sheriff—Peter Pitchness.

Courts

Presiding Judge of Compton Judicial District—Huey Shepard.
Public Defender—Glen Mowrer.
District Attorney—Joseph Bush.
Presiding Judge of Los Angeles Superior Court—Alfred J. McCourtney.
Presiding Judge, Los Angeles Juvenile Court—William P. Hogoboom.
Compton City Attorney—Clarence Blair.

Corrections

Chief Los Angeles Probation Officer—Kenneth E. Kirkpatrick.
Area Supervisor, California Youth Authority—Robert C. Dunn.
Area Supervisor, California Adult Authority—Clifford R. Cova.

APPENDIX F–5

ADDITIONAL DOCUMENTATION CONCERNING TESTIMONY OF MR. ART NICOLETTI REPRESENTING AMERICANS UNITED AGAINST CRIME

MARCH 29, 1976.

Congressman JOHN CONYERS,
Chairman, Subcommittee on Crime,
House Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I would like to thank you for your attention and concern during our presentation before your committee on Thursday, March 25, 1976.

In accordance with your request, I have enclosed a copy of the summary of AUAC's proposal now under consideration by LEAA Washington, and the proposal itself.

I have also enclosed some materials that I would like entered into the record as documentation supporting our testimony.

Mr. Conyers, I sincerely believe that once you have had an opportunity to review our materials, you will better understand why AUAC has decided to appeal directly to the Administrator of LEAA, Mr. Richard Velde, relevant to the abuses inflicted upon AUAC by those persons who have authority over LEAA funding in Philadelphia and Harrisburg, Pa. I believe that the reasons behind the abuses can be easily ascertained by the contents of the materials.

Mr. Conyers, we at AUAC understand that we are only one community based organization seeking your assistance in matters associated with LEAA. However we are attempting to obtain a meeting with Mr. Velde, and would greatly appreciate any help from you in arranging such a meeting.

Please don t forget to notify me when you come into Philadelphia. If there is anything that I can do for you during your stay, please don t hesitate to let me know.

Sincerely yours,

ART NICOLETTI,
Executive Director, AUAC.

AMERICANS UNITED AGAINST CRIME (ADDENDUM TO LEAA GRANT)

(Submitted by: Art Nicoletti, chairman, AUAC)

I. BACKGROUND ON AUAC ACTIVITIES

From September 1973 to June 1975, AUAC was awarded two grants from the Pennsylvania Governor's Justice Commission. Both grants totaled some $58,000. These monies were used for a full time Director, three part-time community workers, one part-time secretary, administration, office rentals, etc.

It should be noted here, however, that AUAC had to operate twelve of its first twenty months without any drawdowns from the Penna. Governor's Justice Commission. In order to function, AUAC's Director had to take out personal loans and use them for the day-to-day cost of the organization.

Wherever necessary additional information relevant to obstacles placed before AUAC's efforts shall be spelled out within this addendum.

A. Gang warfare

AUAC was successful in removing three different gangs from three different geographic areas in Philadelphia. In all three cases AUAC applied the same process, and realized the same results. The three communities differed in that one was all white in population, one was all black, and one was a black/white community.

The process was as follows:

Once AUAC was made aware of the gang activity, it would encourage citizens within that community to call the police department as soon as they saw the youth beginning to gather. The citizens were also encouraged to take careful note of the police response.

The responses varied from no response at all, responded within an hour, police arrived and drove slowly pass the youths, and in some cases, pausing to talk with the youth before driving off. At no time did any of the policemen get out of the car, disburse the crowd, and come back at a later time to check the area for additional troubles.

After giving the police department ample opportunity to resolve the problem, representatives from AUAC met with the individual captain responsible for the district and area in question, presented our findings to him, and asked him to personally look into the matter.

Shortly after this meeting, AUAC, in conjunction with local community leaders, called for a community meeting and all present decided that AUAC should send a formal letter to the captain in charge of the district, with a copy going to his inspector, requesting that the current laws governing curfew violations and loitering in the City of Philadelphia be enforced on the following days, at the following times, and at the following locations.

In each instance it took two full week ends to remove the youths from the area in question. It is the opinion of AUAC that the success of these endeavors centers around the fact that the police department is capable fo doing the job when it has to. Another major factor is the ruling that a uniform policeman can bring a youth into a police station, but only a juvenile aid division officer can actually arrest a youth. Therefore, when the youths were brought into the station during the week ends for either curfew or loitering violations, they had to sit there for hours before a JAD officer could be found and assigned to their case. It became obvious to all concerned that the youths would rather find other things to do with their week ends than sit for hours in a police station.

It should be understood here that we are not talking about young people who were gathering on week ends for the purpose of enjoying each others company, but rather, these were youths who were sitting on the lawns and front steps of privately owned homes drinking, fighting, and in some locations even performing sexual acts.

To accomplish this endeavor, AUAC set up three goals:

(*a*) Establish a means by which the police and community could work together to enforce the law.

(*b*) Develop a monitoring system to check any recurrences of such activities.

(*c*) Immediately reverse the atmosphere of tolerance permeating the community, and replace it with one of a gentle but firm commitment to put an end to any further such activities.

CONCLUSION

Throughout this entire experience, it was very apparent to AUAC that there was a great deal of genuine concern on the part of many citizens and police persons to handle these gang problems as fairly and as justly as possible.

It was also apparent to AUAC that the police department was willing to get involved only after it saw that the community meant business, and knew the law.

Although it would be practically impossible to prove, there were times during these days that certain levels of the police department were not looking forward to the department being placed in a position whereby it would have an informed,

organized citizenry making formal requests that would clearly illustrate that crime in the streets was being perpetuated because the police were not enforcing the law.

There is also the fact of life that Philadelphia spends millions of dollars every year to fight gang activity. Sad as it may seem, gangs represent a lot of money and a lot of jobs for the City and the police department.

A closer analysis of the gang problem led AUAC to begin to examine the use of the police manpower in the city, and how much it was costing the citizens. Our findings were not too encouraging.

For example:

The Philadelphia Police Department list some 8,000 persons on the payroll. Out of the 8,000 there are actually some 4,500 who are assigned to patrol the streets. This number is broken down into three different shifts to take care of twenty-two police districts.

Therefore, theoretically there should be some 1,500 persons covering twenty-two districts (approximately 68 or 69 persons per district) at any given time throughout the day.

The fact of the matter is that there is more like some 500 to 700 persons covering the city at maximum protection. This is mainly caused by persons calling in sick, days off, vacation time, cars and wagons out of commission, etc.

It was also disclosed that better than 80% of the policeman's time is spent on minor disturbances.

Last year's budget for the Philadelphia Police Department was over $300,000,000 from city wage taxes alone.

For additional information relevant to the use of police manpower, refer to attached material *Summary of Police Services.*

B. Part I crimes and other offenses

After a relatively short period of time it became extremely evident that there was not only a need for AUAC to understand and deal with police services from a standpoint of the uniform policeman, but also how citizens were being serviced by the police department after the victim had reported a crime.

Equipped with the daily occurrences of crime sent to AUAC directly from police headquarters in Philadelphia AUAC began contacting victims of crimes and asking them if a detective had come out to investigate the criminal offense.

Persons contacted ranged from victims of crimes that took place over a year prior to the survey, and as recent as a month. Nearly 40% of those contacted had not yet been contacted by a detective. All those contacted were victims of Part I crimes.

The survey dealt with victims of crimes that occurred 1974–1975. The victims response varied from delight that someone had finally taken the time to do something for them, to suspicion that anyone would call them.

However, when representatives of AUAC dealt with the victim on a first hand personal basis the response was always the same, positive. For instance, AUAC had direct contact with victims of robbery, false arrest, burglary, shake down, narcotics pushers etc., and in some instances, AUAC's intervention led to arrest and convictions.

The method by which AUAC realized any degree of success in its dealings with the Philadelphia Detective Bureaus can be traced back to the fact that every reported crime is assigned to a detective, a fact few Philadelphians know. Therefore, whenever AUAC became interested in a particular case, the first step was always to find out who was assigned to the case, contact the detective and ask about the status of the case, casually drop in or call the captain of the division and ask about the case, and then wait two or three days to contact the victim to see if anyone had gotten back to him or her.

In practically all cases the victim would receive some kind of response. Again, the Philadelphia Police Department, by way of its detective bureau, illustrated concern and ability once the person or persons within the department became aware of the fact that the citizen understood the rules of the game.

CONCLUSION

The Philadelphia Police Department recorded some 190,000 crimes committed in Philadelphia during the calendar year of 1975. Nearly 80,000 of those crimes were major Part I crimes.

These figures led AUAC to take a closer look at the number of detectives assigned to the cases, and the types of obstacles facing them in their job.

According to the 1975 City Budget the Philadelphia Police Department had some 587 detectives listed. These detectives are assigned to nine detective divisions across the city.

Sources within the police department have told representatives of AUAC that there are actually only 285 detectives that investigate crimes. With these figures available to AUAC, the statistic that 69% of persons that committed a crime in the city went without being arrested, suddenly became self-evident.

Compounding the problem manpower shortage within the detective bureaus is the fact that nearly 20 percent of the detective's time is spent on reports and the typing of the same.

AUAC representatives have been told by reliable police persons that there are times when a detective can not go out on an investigation because there is no car available. Even worse than that representatives of AUAC have actually been told by detectives assigned to a case that they know who the criminal is, and where he lives, but do not have the time to wait outside the house to catch him/her.

C Senior citizen escort

Assaults on senior citizens in Philadelphia have reached epidemic proportions. Concerned with this fact, AUAC attempted to develop a design capable of reducing the rate of such crimes.

Again, AUAC turned to the available statistic provided by the Philadelphia Police Department to study more thoroughly possible ways to prevent such acts. AUAC was looking for constants, patterns to examine which could lead to preventative measures.

The facts were clear. Nearly 95 percent of the victims were over 65 years old. The assailants ranged from 14–17 years on the average. The crime almost always occurred when the victim was going to or from a bank, public transportation, or a food market. With the exception of very few instances, the victim was always alone.

To develop an escort program for the senior citizen AUAC needed the senior citizen and the teen-age escort. To notify senior citizens of the program AUAC sent out a press release to all community newspapers, as well as major media. In addition to the community newspaper coverage, AUAC had coverage from the Philadelphia Daily News on the program. Out of this coverage AUAC received two telephone calls requesting more information.

AUAC then tried contacting local nursing homes. It would have been easier to break into the bank of England. It was AUAC's hope that the escort program could help those senior citizens who were able to get out by themselves. The officials of the nursing homes would not even come to the telephone.

While attempting to stimulate interest from the senior citizen level, AUAC was able to obtain a $5,000 grant from the Negro Trade Union which was used to hire high school students that would eventually become the senior citizen's escort.

The escort program had to be temporarily postponed once it was discovered that some of the youth workers were actually gang members themselves, or were friendly with persons who made it a practice to beat up and rob senior citizens.

By the time that AUAC was able to screen the youth workers and find a senior citizen retirement home to cooperate with the program, the City of Philadelphia cut its grant.

D. Narcotics

One of the most dangerous crimes to combat, for police and citizens alike, is narcotics. Cognizant of this fact, AUAC has taken every precaution to study, and when called upon to become actively involved in a specific instance, has dealt with the problem in the most discreet manner. To safeguard the identity of persons with whom AUAC has worked on breaking up narcotics traffic, specific names and locations will be left out of this addendum.

After a community meeting a resident of the area personally contacted the Director of AUAC, and asked for help with what he termed a "narcotics problem in the community."

It turned out that the narcotics problem was actually a major drug pusher living right next door to the resident who lodged the complaint. The pusher lived on a one way street. By means of a first hand observation on the part of an AUAC representative, it was varified that the house in which the pusher lived, had cars driving up to his house at intervals of fifteen to twenty minutes. The cars had license plates from Penna., New York, New Jersey, and Delaware.

The drivers of the cars would simply get out of their cars, go up to the door, wait at the door until the occupant brought a package back to the door, return to the car, and pull away. This went on from approximately 10:30 am to nearly 11 pm the same night.

It took AUAC six different attempts to get the Philadelphia Police Department to look into the matter, and this was only accomplished after AUAC threaten to take the matter up with the Police Commissioner.

Inside of twenty-four hours after the Commissioner name entered into the case, the house was raided, three persons were arrested, and the same were released and back home within the next twenty–four hours.

Some weeks later, as a result of another arrest, the drug pusher in question was identified as being part of a $1 million operation.

A businessman in the northwest section of Philadelphia contacted AUAC and expressed a serious concern over a zoning change that one of his nearby competitors was attempting to get passed by the Philadelphia City Council. An AUAC representative went out to see the gentleman, and to get a clearer understanding of the situation.

It turned out that the competitor was trying to set up a pool room in the basement of his store, and in fact, had already brought the pool tables in. It was later learned that the pool room was actually to be used as a front for the sale and distribution of narcotics.

Further investigation into the case disclosed the fact that the persons involved in the pool room had backgrounds that were commonly known as violent. At that point, it was determined that the narcotics problem should not be shared with the community, but rather, encourage the community to concentrate their efforts on stopping the zoning change.

AUAC then went to work drumming up people to speak against the zoning change at the zoning hearing. Due to the hidden factors surrounding this case, AUAC maintained a very low key role.

The zoning change was subsequently rejected. The business in question closed and moved out of the neighborhood.

CONCLUSION

It was generally concluded that it seemed practically impossible that persons living in a given community could know of the whereabouts and activities of a drug pusher in their community, and police authorities claim that they had no idea or information of any such drug activity.

Granted, there's no place for irresponsible citizens behavior when it comes to dealing with offenses against narcotics. However, AUAC has to conclude that a great deal more must and can be done to fight narcotics in Philadelphia by authorities in the city.

E. Court observation project

After several years of working with community based efforts and police authorities, AUAC developed a court observation project designed to begin a study of how narcotic offenders were being dealt with by the Philadelphia court system.

The purpose of this observation project was to afford the average citizen the opportunity to sit in on courtroom 285, the courtroom that handles narcotics cases, and begin to observe first hand all facets of the trial. From this observation project AUAC members were able to understand that there is much more that goes into a trial than the judge's decision.

To assist our court observers in this endeavor, AUAC obtained permission from President Judge of Municipal Court, Judge Joseph Glancey, that allowed the observers to sit right in the jury box, and were also given print outs of the cases to be heard during that day.

The project called for a three fold operation:

Citizens' Court Observation
Compile report on project
Distribute findings to citizens across the city

CITIZENS' COURT OBSERVATION

This phase of the project concerned itself with selecting the observers, putting them through an orientation period, and finally placing them into a courtroom.

Selection.—AUAC initially began its selection process with eighteen volunteers. Each volunteer was personally interviewed to determine the reasons behind the persons interest in the project.

From these interviews it was concluded that more could be determined about the motivations of these persons once they were placed in an actual setting of a courtroom, and after they had a chance to meet with representatives of the court system.

When the observations began all eighteen were given an opportunity to share a place in the project.

Orientation.—The orientation began by having the volunteers go through an on-site examination of the courtrooms in City Hall. AUAC then established meetings between the volunteers and representatives of the judicial system. Included at these meetings were Mr. Vincent Zaccardi, Head of the Public Defenders' Association, Mr. Richard Sprague, Assistant District Attorney, Mr. Gerald Prior, Assistant Court Administrator, and others.

Subsequent meetings brought the observers into meetings with District Attorney F. Emmett Fitzpatrick, and Judge Joseph Glancey, president Judge of Municipal Court.

Placement.—In order to reduce the degree of difficulty for the observers who had never had to deal with the overwhelming confusion of some of the Philadelphia courtroom activities, incredibly poor acoustics, and the very natural awkwardness of just being in the courtroom as an observer, AUAC decided that the observers should observe from in only one courtroom and from only one location.

The courtroom chosen was Courtroom 285, and the location was the jury box. This courtroom, with very few exceptions, hears only cases dealing with offenses against narcotics laws.

The observers sat in this courtroom for better than six months, and observed over two thousand cases.

COMPILE REPORT ON PROJECT

To accomplish this phase of the project AUAC requested three students from LaSalle College field placement office. This request was granted. In addition to the three students, AUAC was also promised assistance in compiling the report by two professors of criminology at LaSalle college, as well as, a graduate student from the University of Pennsylvania.

The sources of information to be used for this report were to be observers themselves, and a printout obtained by AUAC from Judge D. Donald Jamison, president Judge of Common Pleas Court, consisting of every narcotics case listed for 1974. In fact, the report was to be entitled, "Narcotics in Philadelphia, 1974."

DISTRIBUTE FINDINGS TO CITIZENS ACROSS THE CITY

The report was due on May 5, 1975. On that evening, the Director of AUAC was informed by one of the professors at LaSalle college who was supposed to be assisting in compiling the report that he had no idea what I was talking about, he had no knowledge of any narcotics report.

At a series of meetings following that telephone conversation, the same professor confessed to burning the coded sheet that came along with the print-out of the 1974 narcotics cases which identified the individual jusges with individual cases listed on the print-out.

However, at other meetings the same professor denied ever burning anything. The matter was then turned over to the Pennsylvania Attorney General's office for criminal investigation. Although the professor in question formally confessed to the investigator that he had burned the coded sheet which identified the judges in each case, it was determined that no criminal act was committed. AUAC has decided to have this ruling re-examined.

CONCLUSION

AUAC spent nearly a year developing and implementing this project. Although the final report was somehow and in someway viewed as too sensitive for public consumption, AUAC was still able to compile a tremendous amount of information relevant to the operations, cost, and daily practices that have caused the Philadelphia Judicial System to function as it does. For instance:

There are some ninety courtrooms available in the city. However, only fifty of them are in use daily at a cost of nearly $1,000 a day per courtroom ($50,000 a day to operate our courts).

Approximately 8,000 new cases enter into the Philadelphia court system each month. All 8,000 are prosecuted by the District Attorney's office. To handle the case load is some 125 Assistant D.A.'s.

Eighty percent of these 8,000 cases will be assigned to the Public Defenders office, and will be handled by some 85 P.D.'s.

The figures listed are startling enough without realizing that the total number of cases that are waiting to be heard in our courtrooms far exceed the 8,000 number given the fact that there are thousands of cases labeled "continuance".

In Philadelphia last year there were over 100,000 subpoenas issued, and only nine persons assigned to serve them.

Out of the 90,000 persons asked to serve on jury duty almost 60,000 were able to get themselves dismissed.

In practically every courtroom in the city, a number of police persons were observed sitting and waiting for their turn on the stand.

Between the courts, District Attorney's office, and Public Defender's office the cost out of city wage taxes exceeds $20,000,000. (Courts—$15 million, D.A.—$4 million, P.D.—$2 million)

F Paramedics program for ex-offenders

Given the current mentality of the average Philadelphian concerning the plight of the ex-offender, AUAC is convinced that this is one endeavor that is second to none in complexities.

On one hand you have the enormous fears and anxieties of the communities, and on the other hand you have the prison and city officials seeking out solutions, fearful of public opinion and personal political ramifications, and equally fearful that someone out of government may come up with some possible alternatives that are more effective and less expensive than the millions that are currently being spent on rehabilitation.

Cognizant of this dilemma AUAC set out to examine the total problem including the concerns listed above. AUAC decided to focus in on Philadelphia Holmesburg prison to evaluate existing rehabilitation programs being offered by the prison. We also considered why some inmates would select one opportunity as opposed to another, and what the job market looked like for ex-offenders once they were released. Quite frankly, the picture looked somewhat dim.

It was obvious that after a person entered Holmesburg, he or she was given an opportunity to work in order to keep occupied, or to learn a skill or trade.

It is interesting to note that some prison authorities told us privately that they believed the only reason that some inmates selected one trade as opposed to another was simply because certain training programs gave the inmate more time away from the cell block, or even time away from the prison itself. The authorities were convinced that there was little, if any, serious commitment to learn a trade in order to reform and begin a new life out in the world.

In all fairness, however, it should be said here that the authorities referred to were genuinely concerned about this problem, and were equally concerned that the public would become aware of it.

After a series of meetings and discussions with prison authorities, city officials, judges, community persons, representatives of industry, unions, and business, AUAC determined that any effective rehabilitation program needed at least the following components if it were to realize any degree of success:

(1) An offender would have to be given a selection for a career that matched up with his/her motivations, and not merely something to make life more tolerable for a limited period of time.

(2) A job market should be opened up to the ex-offender that would not only be respectable but also acceptable to himself and the community in which he lives.

(3) Industry, business, unions, and communities should begin to be brought together to establish a means by which they can assist in all aspects of rehabilitation.

(4) A careful examination should be made of existing laws that strip the ex-offender of the very tools necessary to live in society, such as laws effecting housing, jobs, etc.

It was at this point that AUAC began to explore the possibilities of developing a career opportunity for the ex-offender in the field of paramedics. AUAC then met with officials of Hahnemann Medical College and Holmesburg to discuss the feasibility of such an endeavor. After receiving a favorable response from all persons concerned, AUAC set out to design a program that will place ten ex-offenders at Hahnemann Hospital as student/workers studying for a degree in a wide range of careers available for paramedics. If all works out well, this program will begin at Hahnemann Medical College this summer.

CONCLUSION

It took AUAC innumerable repeated attempts to surface contacts at Homesburg prison, Hahnemann Hospital, community, union, business, and industry before this endeavor got to its current status.

While developing this program, AUAC was also able to get a closer insight into many other aspects of the obstacles facing rehabilitation programs:

On an average Homlesburg prison has some 2,400 inmates. AUAC has been told that some 2,100 of the 2,400 are being held up at the prison and are not serving a sentence.

It cost approximately $18 per day per inmate.

The citizens of Philadelphia are spending over $37,000 per day to care for some 2,100 persons at Holmesburg who are there not serving a sentence, but rather, too poor to raise bail, or waiting for a trial or sentence.

Approximately 80% of the $12 million budget goes for salaries, and about $1.17 is spent on food per person per day.

When an individual is charged with a crime, he/she can be released if ten percent of the bail is paid. After a person comes to trial, and a verdict is rendered, the City of Philadelphia keeps 20% of the money raised for bail. Therefore, if someone has a bail amounting to $10,000, he/she must produce $1,000, and the city will keep $200.

A thousand dollars is a great deal of money for most people to raise. However, automatically losing $200, particularly if you are poor, may prove to be the deciding factor that keeps someone in jail.

G. AUAC manual

To assist community efforts in organizing their communities, AUAC has developed a 45 page manual entitled, "Americans United Against Crime."

II. SECTOR AND SECTOR STEERING COMMITTEE

In Philadelphia there are twenty-two police districts each of which is divided into areas known as sectors. These sectors are the geographic areas in which a police person or car is assigned to patrol.

In many cities across the country sectors are known as grids, zones, patrolling areas, etc. For the sake of continuity the word sector will be used throughout this addendum.

AUAC views the sector as the nucleus for citizens' initiative. Within the framework of a sector citizens can begin to study and understand the anatomy of crime as it relates to them.

It is a sad fact of life that most citizens have come to believe that the solution to crime centers around more police, harder sentencing, and bigger prisons.

AUAC, by way of the Sector Steering Committee, intends to expand the average citizen's scope on matters relevant to crime and the factors contributing to it in their own neighborhood, community, and city.

For this endeavor to be effective citizens are going to have to be well informed, well organized, and committed to well defined issues.

This is where the Sector Steering Committee can be invaluable to the citizen. Composed of citizens living within the boundaries of a given sector who have accepted a leadership role as either a sector membership, telephone, or issues chairman, the Sector Steering Committee, along with membership within that sector, can begin to look and think more deeply about specific buglary, robbery, larceny, rape, car theft, etc. trends that are actually occurring within their own sector.

Equipped with an adequate number of members who are part of a telephone chain, citizens can also begin to deal with issues that may be deteriorating their sector just as much as any series of crime patterns occurring. D'lapidating housing, questionable zoning changes, gang activity within schools, or even poorly lighted streets have unquestionably been categorized as serious factors contributing to crime. Unfortunately, citizens are not organized to the point where they can prevent or reduce the occurrences of crime or factors contributing to it.

Citizens are aware of the fact that they are not getting the kinds of services from their police department, courts, prisons, etc. that they want and expect. However, when asked why they are not, few can answer in an informed fashion.

AUAC maintains that citizens are more than capable of dealing with all of these problems, but that they will need help. The Sector Steering Committee is AUAC's answer to the first step in this very difficult task before us all.

III. CRIMINAL JUSTICE COMMUNITY COORDINATORS—TEAM WORKERS

AUAC is embarking on developing a new career opportunity for citizens within the criminal justice system. Persons being selected for this position will be known as Criminal Justice Community Coordinators (CJC Coordinators).

AUAC plans to fill eleven such positions and assign each CJC Coordinator to work with citizens living in ten different sectors.

The CJC Coordinators will be a resident of one of the two police districts in which he/she is assigned, will be put through an initial formal training program that will continue throughout the entire year, be assigned ten specific sectors, and will work for AUAC for one year after which he/she will be kept on at AUAC or be placed within the criminal justice system, private agency, community organization, civil service, etc.

It shall be the function of the CJC Coordinator to surface, train, and work along with ten sector steering committees. The Coordinator shall instruct the sector steering committees on various methods and techniques of developing a membership, telephone pyramid system, identifying and accomplishing immediate, short range, and long range goals.

For instance, AUAC members will never be asked to go out and confront the criminal per se, but rather, will be instructed and informed as to how they can serve as an impetus to bring better police service to their own community, more police investigations, etc. These methods will also include ways for citizens to begin monitoring housing problems, zoning changes, overall city services.

To assist the CJC Coordinator and the sector steering committees a Team Worker will work along side the Coordinator as a supplement to the sector steering committee's efforts. An important role for the Coordinator shall be to keep the sector steering committees well informed on the existing laws governing the issue at hand. The Coordinator shall be capable of doing this by way of the information given to him by the Legal Committee of AUAC.

One means of instructing the membership on the methods of developing issues will be by a series of seminars wherein members will have a first hand opportunity to meet with persons who are decision makers relative to the issue of concern.

IV. PEOPLE'S FORUM

AUAC intends the seminars on the sector level to serve as think tanks for future meetings that AUAC will sponsor on a city-wide scale. While the sector seminars will bring neighbors together to meet their city councilman, district policy captain, representative of the zoning board, or a representative from the school board district in which their sector boundaries fall, these seminars will deal solely with problems germane to their own sector.

AUAC plans to sponsor a five part series on crime entitled, "*Crime in Philadelphia.*" Since the series is meant to supplement the efforts and concerns of the sector members, AUAC will be sending out the following list of suggestions for the city-wide forums:

The Philadelphia Police Department.—Is it doing all that it can to make Philadelphia a safer place in which to live, or is it being asked to do too much?

The Philadelphia Court System.—Is it really so outdated that it is incapable of meeting the demands of the 1970's and 80's?

The Philadelphia Prisons.—Are they rehabilitating the offenders, or are they actually academies of crime?

The Philadelphia District Attorney.—Other than prosecute cases, what other duties and functions does this office have and perform?

The Philadelphia Public Defender.—Is the entire purpose of this office to get the accused his or her freedom regardless of the individual's guilt or innocence?

The Philadelphia Probation Department.—Does this department ever realize any regular concrete results?

The Philadelphia Schools.—Are our students really being taught, or are they only being passed on from one grade to another? Is discipline a forgotten word in our schools?

Dilapidating Housing.—Can anything be done to reverse the current condition, or has it gone too far? How does this problem contribute to crime in Philadelphia?

The Philadelphia Zoning Board.—What does this board do on a day-to-day basis that effects the lives of thousands of Philadelphians without their knowing it?

The Plight of the Victim and Witness.—What is being done to help these people, and by whom?

The Philadelphia Senior Citizen.—What is life like for the senior citizen? Can life be made any safer for them?

The Philadelphia City Council.—What can City Council do to reduce crime in Philadelphia?

The Philadelphia City Comptroller.—What can the Comptroller tell Philadelphians about the actual cost to fight crime in the City of Philadelphia?

The Philadelphia Parole Board.—What does this board do? Who are its members? How do their decisions effect Philadelphians?

AUAC members will be asked to select five topics from this list, or submit other suggestions that they believe need to be openly discussed.

The information coming out of the sector seminars and People's Forums will take on the form of city-wide efforts to examine more closely and regularly the issues most sensitive to Philadelphians.

For instance, if AUAC members select the Philadelphia Parole Board as a People's Forum, then a Consortium on the Philadelphia Parole Board will be established composed of citizens from all over the city.

V. ANTICIPATED GOALS

AUAC intends to fulfill the following goals:

1. AUAC will hire, train, and find employment for eleven CJC Coordinators after they complete their year of training.
2. AUAC will surface, train, and work with 110 Sector Steering Committees.
3. AUAC will have its Sector Steering Committees work on two issues each. One will deal with a pattern of Part I crimes occurring in their sectors, and the other will deal with an issue considered by the sector members as a factor contributing to crime in their sector.
4. AUAC will assist the Sector Steering Committees in developing sector seminars.
5. AUAC will sponsor a five part series on Crime In Philadelphia.
6. AUAC, in conjunction with Hahnemann Medical Hospital, will surface ten ex-offenders and place them into a work/study program that will earn them a career as a paramedic.
7. AUAC intends to come into contact with some ten thousand Philadelphians its first year.
8. AUAC will establish the "Consortium" as a major means of following-up on issues of concern for AUAC members.

The eight goals listed above are indeed complex, and will in fact be difficult to accomplish. However, AUAC maintains that although they may be difficult and complex, they are, nevertheless, more than attainable.

AMERICANS UNITED AGAINST CRIME,
Philadelphia, Pa., February 18, 1976.

Hon. ROBERT P. KANE,
Attorney General, Capitol Annex,
Harrisburg, Pa.

DEAR MR. KANE: In light of the fact that Americans United Againt Crime has been scheduled to present its proposal before the Supervisory Board of the Governor's Justice Commission on March 1, 1976, the Board of Directors of our Organization have instructed me to compile a brief summary detailing a series of statements, events, and facts that we hold to be accurate, true, and essential if one is to understand the background, and real circumstances that led up to the recent negative recommendation passed down onto AUAC by the Philadelphia Regional Council.

I feel certain that after you have had an opportunity to read the enclosed information, you will find it to be, as all of us have, a conspicuous attempt to totally ignore the merits of the program, and an obvious endeavor to discredit AUAC and persons associated with it.

What still remains a very serious question in many of our minds is the overwhelming willingness on the part of the members of the Community Crime Prevention Task Force, and the Philadelphia Regional Council, who, to a man, eagerly cooperated with and encouraged non-members of the Task Force to make formal motions, sat back and allowed the chairman of the Philadelphia Regional Council to call for a vote without even hearing a comment concerning our proposal, and worst of all were the misleading and deliberate lies that were not only not challenged but applauded.

When the average citizen who is being asked to support the efforts of the police department, court legal profession, prisons, probation department, etc., has occasion to sit in the same room with representatives of those different bodies, and

those representatives act more like members of a kangaroo court than they do a revered body assembled to promote and develop a legitimate role for sincere, honest, and serious persons in the fight against crime, what are those same citizens to think about those representatives?

What are the members of Americans United Against Crime to think when their representatives are told that the only way to get monies out of the Philadelphia Regional Council of of the Goveror's Justice Commission is to politically align your organization with some person or segment of the Council, or "play ball", "you know what I mean."

Yes, we know what that statement means. However, we also know that we want no parts of any such arrangement.

Mr. Kane, at no time was any person involved with Americans United Against Crime surprised or shocked by the variety or persons or methods used to prevent us from obtaining funds. What was, and still is, a tremendous source difficult to understand and explain is the very unhealthy absence of persons within the criminal justice system who have come to recognize and know the methods used to prevent us from obtaining funds, and have not demonstrated the integrity or courage to put a stop to it.

However, we are encourage by those who have faced up to their responsibilities in this matter, and have come to our assistance. Some of that encouragement can easily be identified in the enclosed letters of support.

As I am sure that you know, sir, the U.S. Constitution allows all citizens the right to liberty, freedom, and the pursuit of happiness. To date, our liberty and freedom have been violated. These violations have taken the form of abuses from the Internal Revenue Service, Philadelphia police surveillance, and a full scale investigation of Americans United Against Crime and Mr. Art Nicoletti to mention just a few. Needless to say, we at AUAC found all of this curiously related to the same time frame during which Mr. Nicoletti was receiving enormous partisan political pressure to use AUAC members for the mayoral election. It should be noted here that the full scale investigation referred to was initiated by Mr. Hillel Levison, managing director of the City of Philadelphia.

It should also be noted here that a report, issued by the managing director's office, which stated that, "In only a few instances of the persons contacted was there any question of the project director's responsibility and sincerity. He was considered by many to be determined, articulate, sincere, and honest." It is our understanding that this report was based on the findings shared by the Internal Revenue Service, Philadelphia police department, and the managing director's office.

I am sure that I speak for every member of the Board of Directors of Americans United Against Crime when I say that we are all ready, willing, and able to forget the past, and do all within our power to continue to work with anyone, in any way, that will make Philadelphia a safer place in which to live. If what we have had to live through for the past three years has brought our city closer to this goal, then I can say with happiness, that it was well worth it.

Nevertheless, the future is still ahead of us, and March 1, 1976, is getting closer and closer. There is also one last Constitutional right that I would like to have you consider, namely, the pursuit of happiness.

Without the right to pursue happiness, there is no hope. There is no hope for you, for me, for any of us. Over the course of our history, we Americans have had our liberty and freedom violated many times, but the one thing that gave us strength is our ability to hope in the future.

We at Americans United Against Crime are hoping that we are received on March 1, in a professional atmosphere, and given ample time to speak and be listened to. This, of course, will be experience that we have not as yet been exposed to here in Philadelphia. In all honesty I must say that it has been our experience that Harrisburg has repeatedly handled AUAC, and itself, in a most professional manner.

In conclusion, Mr. Kane, I sincerely hope that this letter and the enclosed materials will clearly illustrate some of what AUAC has had to deal and live with for the past three years in order to put a citizen crime prevention organization together.

I would like to thank you before March 1, for your interest, concern, and time. Looking forward to our meeting, I remain.

Sincerely yours,

ART NICOLETTI,
Chairman, Board of Directors,
Americans United Against Crime.

U.S. POSTAL SERVICE,
Philadelphia, Pa., June 19, 1974.

Mr. ARTHUR NICOLETTI,
156 West Chelten Avenue,
Philadelphia, Pa.

DEAR MR. NICOLETTI: Relative to your complaint of someone intercepting your mail at the Wadsworth Post Office Station, Philadelphia, Pa. 19150, it was determined that on May 22, 1974, a man asked the window clerk for mail being held for Arthur Nicoletti. Identification was requested and a Pennsylvania driver's license and credit card in the name of Arthur Nicoletti was presented.

The clerk gave this individual two (2) letters from P.O. Box 20290. This individual was described by the postal clerk as being a white male, 25 to 30 years of age, 135 pounds, dark brown hair and 5'7" in height.

This matter was discussed with Mr. John Drumm, Manager, Wadsworth Post Office Station to preclude a future similar incident.

Sincerely,

P. J. MADDEN, *Postal Inspector.*

JULY 11, 1975.

DEAR MR. NICOLETTI: In reference to an inquiry made to the Police Department, it is necessary that I speak to you at your earliest convenience.

Please call MU-6-3326 or MU-6-7642, and ask for Detective James J. Campana.

Thank you for your cooperation.

JAMES J. CAMPANA.

Statement and event	*Fact*
1. July 24, 1975—Philadelphia Regional Council Meeting:	
(a) *Mr. Louis J. Goffman, Esq.*—Presided over the meeting. Mr. Goffman allowed three persons to speak against AUAC.	1. (a) Although there were citizens from all over the city present at this meeting who wanted to speak on behalf of AUAC, Mr. Goffman allow only Mr. Nicoletti to speak.
(b) *Mrs. Marie Jones* stated at this meeting, "Mr. Nicoletti claims that his mail was robbed, this simply is not so."	(b) Mrs. Jones said this two days after she personally interviewed Mr. Patrick Madden, postal inspector, U.S. Post Office. (*See attached letter dated June 19, 1974.*) Mr. Nicoletti is 6'1", 215 lbs., and 35 yrs. old.
2. January 16, 1976—Task Force Meeting of Philadelphia Regional Council:	
(a) *Mrs. Jones* stated that "Mr. Nicoletti claims that AUAC received more than $4,000 in donations from the Negro Trade Union. However, I interviewed Mr. Robinson, executive director of the Negro Trade Union, and he told me (Mrs. Jones) that the Trade Union has never given AUAC any cash, or any other kind of donation."	2. (a) Mr. Nicoletti told the Task Force that the statement was ridiculous, and a deliberate attempt to discredit him. (*See attached material dated February 1, 1976—List of Donations.*)
3. January 22, 1976—Philadelphia Regional Council Meeting:	
(a) *Mrs. Jones* stated that, "Mr. Nicoletti has Mrs. Sigrid Craig listed in the proposal as someone in support of AUAC. However, I interviewed Mrs. Craig, and she told me that she never even knew that her name was listed."	3. (a) Mr. Nicoletti told the Council this statement was outrageous, and a deliberate attempt to discredit him. The Council ignored Mr. Nicoletti again. (*See attached letter dated February 3, 1977 from Mrs. Sigrid Craig.*)
(b) *Mrs. Jones* stated that, "I interviewed Judge Joseph Glancey concerning AUAC and the Judge told me that he had assisted AUAC in its Court watch program, had never seen much come of it, or anything else."	(b) Mr. Nicoletti told the Council that he was sure that Judge Glancey's remarks were being stated out of context. Mr. Nicoletti again was ignored. (*See attached letter dated February 6, 1976, from Judge Joseph Glancey.*)

Statement and event	*Fact*
4. January 16, 1976—Task Force Meeting of the Philadelphia Regional Council:	4. (a) Mr. Shear is not even a member of the Task Force.
(a) *Mr. Kenneth Shear,* representing the Philadelphia Crime Commission, made the formal motion to recommend a "no" vote to the Philadelphia Regional Council against AUAC.	
(b) *Mr. Shear* stated that he had spoken to Mr. Edward Flood, Chief of Administration, District Attorney's office, who told Mr. Shear that Mr. Fitzpatrick wanted nothing to do with AUAC.	(b) Mr. Flood has denied ever making such a statement. (*See attached letter from Mr. Fitzpatrick.*)
(c) *Mrs. Haskins,* Regional Director of the Philadelphia Regional Council, personally invited Mr. Shear to sit at the front table at this meeting.	(c) Upon being invited to sit at the front table Mr. Shear mentioned to Mrs. Haskins that he was not a member of the Task Force. Mrs. Haskins then told Mr. Shear, "That's OK, you can vote by proxy." AUAC finds it difficult to understand how Mrs. Haskins could have allowed a nonmember of the Task Force to make a motion, and in turn, cast a vote. AUAC has been advised that the Philadelphia Council and its Task Force meetings do not allow proxy votes. If this is true, isn't Mrs. Haskins aware of this rule?
(d) Mrs. Haskins introduced a totally unexpected statement from Dr. Seymore Wolfbein, Dean of the School of Business, Temple University.	(d) It should be noted here that the regional staff had a copy of the proposal in its possession for more than a month, and that this statement was not taken until one hour before the meeting. (*See attached material—Dean Wolfbein's recorded statement dated 1/16/76, and Dr. Haakenson's letter to Judge Paul Chalfin.*) Additional information on this matter is available.
5. January 22, 1976—Philadelphia Regional Council Meeting: (a) *Judge Paul Chalfin,* Chairman of the Philadelphia Regional Council, stated that, "We have one more application to vote on this evening, and that is Americans United Against Crime." At that point someone made the motion to vote "no" on the proposal, someone else voiced a second, and then Judge Chalfin called for a vote.	5.(a) Mr. Nicoletti then addressed the chair and said, "Mr. Chairman, I am sure that I speak for the twenty or thirty members of AUAC here tonight from all over Philadelphia when I say that I deeply resent that you would even acknowledge such a motion without giving us the opportunity to discuss the merits of the proposal. The Chairman then said, "I suppose that we ought to have some discussion." A brief discussion ensued, a vote was called for, and Rep. Rappaport, and a second was given by Mr. Edward Lee. It should be noted here that AUAC members sat at that meeting for more than three hours before this fiasco took place.
6. January 31, 1976—*Philadelphia Tribune—editorial endorsement.*	6.(a) *See attached article.*

FEBRUARY 1, 1976.

The following is a list of the donations given to Americans United Against Crime by the Negro Trade Union. The checks listed below were issued out of Girard Bank and Trust.

Check No.	Date of check	Amount of donation
1. 649090	Mar. 18, 1975	$750.00
2. 676430	Apr. 15, 1975	1,058.40
3. 686516	Apr. 25, 1975	850.00
4. 697941	May 10, 1975	831.60
5. 710685	May 26, 1975	560.70
6. 724486	June 10, 1975	283.50
7.	July 18, 1975	812.70
Total		5,146.90

I would like the above to be considered a formal presentation of the facts concerning this matter.

Thank you,

ART NICOLETTI, *Chairman, AUAC.*

JUNE 16, 1975.

NEGRO TRADE UNION LEADERSHIP COUNCIL,
Mr. WILLIE H. MADDOX, Jr.
Program Director
Phila. Pa.

DEAR MR. MADDOX: I wanted you to know how impressed all of us at Americans United Against Crime were with the students that we had working for us this past year. Your agency can feel very proud of them, for most assuredly, we are.

Currently, we are seeking funds from the U.S. Department of Justice in Washington, D.C., in order to assist us in our expansion plans for next year.

I would, therefore, appreciate it if you were to consider this letter as a formal request for ten additional students. However, at this time we are unable to give you a starting date for these students due to the fact that we are waiting for the same information.

Our Washington contact person has advised us that a grant of this type can be processed in as short of time as a month, or it could go into months. I believe that it is only fair that you, and any students that you may have in mind, understand the parameters in which we are operating.

I promise you that as soon as I have any additional information on our starting date, I will personally get back to you.

However, in the meantime, if for any reason your program is not functioning the next calendar year, please notify me as soon as possible.

I have greatly enjoyed working with you and your students in the past, and very much look forward to working with you in the future.

Sincerely yours,

ART NICOLETTI,
Executive Director, AUAC.

FEBRUARY 3, 1976.

Hon. ROBERT P. Kane,
Attorney General,
Capitol Annex
Harrisburg, Pa.

DEAR SIR: It has recently come to my attention that my name was mentioned at the January 22, 1976 Philadelphia Regional Council meeting by way of a public statement given by Mrs. Marie Jones, co-editor of the Chestnul Hill Local newspaper.

I have been told that Mrs. Jones stated that she had interviewed me, and that I told her that "I had no idea that my name was on the list of the proposal submitted to the Governor's Justice Commission by Americans United Against Crime."

I can only say that that statement is totally untrue. I not only knew that it was listed, but was proud when Mr. Art Nicoletti asked my permission to do so.

I have been a member of this organization practically from it's inception.

Very truly yours,

MRS. WALTER A. CRAIG.

THE PHILADELPHIA MUNICIPAL COURT,
Philadelphia, Pa., February 6, 1976.

Mr. ARTHUR NICOLETTI,
236 W. School House Lane,
Philadelphia, Pa.

DEAR MR. NICOLETTI: I understand that you have made application for an LEAA Discretionary Grant for the purpose of setting up a city-wide network of neighborhood crime prevention units. I further understand this application will be before the Governor's Justice Commission on March 1, 1976.

As you know, I am convinced that the haphazard funding of neighborhood crime prevention groups should logically be replaced by a more organized city-wide neighborhood effort. Your application is in accordance with my thinking and I certainly approve the idea of such a city-wide organization.

Very truly yours,

JOSEPH R. GLANCEY.

DISTRICT ATTORNEY'S OFFICE,
Philadelphia, Pa., February 18, 1976.

Mr. ART NICOLETTI,
Americans United Against Crime,
236 W. Schoolhouse Lane,

DEAR MR. NICOLETTI: It is my understanding that Americans United Against Crime has made application for a LEAA Discretionary Grant that will be before the Governor's Justice Commission on March 1, 1976.

I believe that this proposal would be of great value not only to the justice system but more importantly to the people of Philadelphia. It is with this in mind that I wholeheartedly endorse this proposal and will lend my support in any way necessary.

It is worthwhile citizen action organizations such as AUAC that will make Philadelphia a better place for all.

Sincerely,

F. EMMETT FITZPATRICK.

GOVERNOR'S JUSTICE COMMISSION,
PHILADELPHIA REGIONAL PLANNING COUNCIL,
January 16, 1976.

MEMORANDUM FOR THE RECORD

To: Hon. Havery N. Schmidt, Chairman, Community Crime Prevention Committee.
From: Yvonne B. Haskins, Regional Director.
Subject: Application by Americans United Against Crime.

On this date at 3:00 PM I held a conference call with Dean Seymour Wolfbein, Richard Moore and Mary Jondreau, secretary to the Regional Director. Dean Wolfbein made the following statement recorded verbatim by Mary Jondreau: "I have never seen this proposal that's been submitted and if my name was put down, then it was done without my knowledge or approval."

"*The proposal for training of the Bureau of Business and Government Services* I have never seen, *and the University has never seen,* and does not have official status until signed by me and the Vice-President of the University.

TEMPLE UNIVERSITY,
SCHOOL OF BUSINESS ADMINISTRATION,
Philadelphia, Pa., January 26, 1976.

Hon. PAUL CHALFIN,
Chairman, Philadelphia Committee, Governor's Justice Commission, c/o Court of Common Pleas, City Hall, Philadelphia, Pa.

DEAR JUDGE CHALFIN: On January 22, I visited your office to explain that I would not be able to be present at that evening's meeting of the Philadelphia Committee for the Governor's Justice Commission. My understanding was that the meeting was scheduled for 5:30 p.m. and I had a standing commitment to speak to the West Norriton Lions at the Westover Country Club in Montgomery County.

I wished to be present at the meeting to offer to respond to any inquiries which might arise regarding a Bureau of Business and Government Services, Temple University School of Business Administration, subcontracting proposal in the grant application proposal of Americans United Against Crime, Inc.

Ironically, I could have been present when this item came up. I had learned it was scheduled as the last of five or six items on the evening's agendum. When the West Norriton Lions' meeting concluded around 9 p.m., I phoned the Warwick Hotel to learn if the proposal had yet been discussed. Repeated calls to the Adams and Madison rooms gained no response and the staff could not tell me whether the Committee was still in session. In retrospect, if I had driven directly to the Warwick I believe I could have been there by 10:15 when, I understand, this proposal came before you. I have not yet learned whether Committee members had questions regarding the Bureau of Business and Government Services proposal

May I say please, Judge Chalfin, your staff representative, Mrs. Harmon, I believe, was most cordial and cooperative.

Yours sincerely,

ROBERT HAAKENSON, *Associate Dean*

THOMAS KARTER,
Wheaton, Md., February 22, 1976.

Mr. ART NICOLETTI,
Director, AUAC,
236 West Schoolhouse Lane,
Phila. Pa.

DEAR ART: In view of the many allegations made against you and AUAC, some of which involve me, I thought it best to give you a statement of my role that you may use as you see fit. As I said to you in the past on numerous occasions, I was deeply impressed with the AUAC goals, programs, and accomplishments, and also with your integrity, commitment, and understanding of the criminal justice system. Consequently, I was pleased to be associated with you and AUAC.

Dec. 1974; I met with Mr. Nicoletti in Phila. and agreed to prepare a manpower proposal to be submitted to the U.S. Dept. of Labor. He was referred to me by a mutual friend. Because of limited resources he could only commit $1,000 to the total program effort, which I accepted because I was interested in the type of agency he operated and the nature of the proposal he wanted developed. We discussed some of the program and political problems that we would face in trying to get funded. Unfortunately, the political opposition that we anticipated became a reality.

Jan. 1975; I met with Mr. Nicoletti, Dr. Seymour Wolfbein and his assistant Father Quinn, at Temple to discuss Temple participation in the project. I suggested that we meet with Dr. Wolfbein because of his national recognition as a manpower expert. Dr. Wolfbein agreed to become involved and suggested that he would be pleased to meet with Labor Dept. officials, and recommend that the project be funded. As a former top official in the Labor Dept., his recommendation was important. I also met on several occasions with Mr. Nicoletti and members of his staff, board, and consultants.

Feb. 1975; Met with Mr. Nicolletti in Wash. and in Phila. and submitted a draft proposal for his review.

Mar. 1975; I met with Mr. Nicoletti and Dr. Wolfbein in Wash. in my office where we discussed the proposal and the strategy to use. Dr. Wolfbein mentioned that he would meet with Dr. Rosen of the Labor Dept. whose office was to receive the proposal.

Mar. to May 1975; I met with Mr. Nicoletti on at least 6 occasions and talked by phone at least 20 times regarding the Labor Dept. proposal and the discussions that he was having with staff members in Dr. Rosen's office which had been set up following Dr. Wolfbein's meetings with Dr. Rosen. We were informed that the project would not be funded because of lack of funds.

June 1975; I met with Mr. Nicoletti who informed me that he had no more funds to employ me as consultant, but that he would like to revise the Labor Dept. proposal for submittal to LEAA. I agreed to participate in this effort without additional fees or expenses.

Sept. 1975; Mr. Nicolleti and I met at Temple with Dr. Saul Leshner and Dr. Bob Haakenson to discuss the sub-contractual role of Temple in the AUAC

program that was to be sent to LEAA. This meeting was arranged by Dr. Wolfbein. We agreed on the role of Temple, operating procedures, and on the Temple Budget proposal to be included in the final AUAC proposal. It was agreed that following discussions with Dr. Wolfbein as to the specific school in Temple to submit the proposal, Dr. Haakenson would inform Mr. Nicoletti and would assume responsibility for transmitting the Temple proposal to AUAC.

Oct. 1975 to present; I met or talked by phone to Mr. Nicoletti more than 30 times. He informed me of the progress being made in preparing the application, the problems that were being encountered at the City review level, and the procedures that were being followed in gaining national, regional and State approval.

Sincerely yours,

THOMAS KARTER.

TEMPLE UNIVERSITY,
SCHOOL OF BUSINESS ADMINISTRATION,
Philadelphia, Pa., February 26, 1976.

MR. NICOLETTI: This is in response to your inquiry concerning the training component of your LEAA proposal.

The Bureau of Business and Government Services of the School of Business Administration conducts a wide variety of training programs for an equally wide variety of community organizations. If your proposal should be funded, the Bureau will consider the feasibility of conducting such training, conditioned on its assessment of the resources available to perform the task, its other commitments, and its judgment of the potential contributions of such a program to the community.

Sincerely yours,

SEYMOUR L. WOLFBEIN, *Dean.*

[From the Philadelphia Daily News, Feb. 26, 1976]

ONE MAN'S FIGHT AGAINST CRIME

(By Chuck Stone)

Peck's Bad Boy of boxing, Rocky Graziano, wallowed in so much trouble, he soon figured that divine intercession must have been the only thing keeping him from sinking deeper.

In the movie on his life, there's that lovely moment at the end when Graziano (played by Paul Newman) looks up during a parade in his honor, grins and tells his wife: "Hey, somebody up there likes me."

Somebody "up there" apparently doesn't like Art Nicoletti, and the dedicated crime fighter can't figure out why.

The husky, 35-year-old Nicoletti looks as if he should be crashing through the front battalions of a football defense.

Instead, he has spent the last three years trying to crash his organization, Americans United Against Crime (AUAC), through the front battalions of politics.

Yardage against Pittsburgh's front line would have been easier.

As anti-crime crusades go, Nicoletti's AUAC was a good idea extended by a promise of results. It included a courtwatch program to monitor the sentencing of dope pushers, citizens' anti-crime patrols, escort programs for the elderly while shopping and working with the police to break up hard core crime activity in neighborhoods.

A $53,000 grant from the Governor's Justice Commission via its Philadelphia Regional Planning Council put him in business. He began recruiting members.

"I was doing fine for a while," says the La Salle College graduate who once studied for the priesthood. "Then, my troubles began last February when Rizzo supporters started calling me for help.

"On April 28, I met with (Deputy Mayor) Tony Zecca and asked him to set up a meeting with Hillel Levinson before May 1 to discuss my proposal for refunding. Zecca told me he would, but to speak frankly with Levinson and tell him where I could help Rizzo in the Northeast.

When Nicoletti replied he was only interested in discussing AUAC with Levinson, Nicoletti maintains that Zecca said he would "get back to me." Four months later, on Aug. 4, 1975, Levinson resigned as a sponsor of AUAC.

"My staff contacted community organizations in the 14th and 35th Police Districts," Levinson wrote Nicoletti, "and found that those who were aware of your program were convinced it had little impact and was ineffectual."

Furthermore, concluded Levinson, it's poorly administered.

Levinson's assessment, which Nicoletti insists was motivated by political considerations, was nonetheless supported by four members of AUAC's advisory board.

One of them, Marie Jones, editor of the Chestnut Hill Local, says the program was not only ineffective, "you couldn't pin Art down on how many people were working on it."

Another resigned advisory board member, La Salle College assistant professor Finn Hornum, said they saw no evidence of a real constituency out there. "The program is a good idea, but had very little substance behind it. It also seemed to be a one-man operation."

Nicoletti dismisses their criticism as disgruntled advisers whose advice was ignored.

Yet, an official evaluation of the program concluded it set out to do too much. "The problem was one of implementation," said Yvonne Haskins, regional director for the Philadelphia Planning Council.

Nicoletti insists AUAC's record contradicts his detractors. "We were responsible for the police finally raiding and putting out of business a West Oak Lane drug center. A number of Germantown leaders have given us credit for helping to break up gang activity in the area."

In the last couple of years, however, several neighborhood anti-crime programs similar to AUAC have sprung up. One of the most successful in the city is the Citizens Local Alliance for a Safer Philadelphia (CLASP).

Politics or not, Nicoletti refuses to surrender his ideals. He has applied for a second grant—$399,000—to set up a city wide AUAC.

"Your application is in accordance with my thinking and I certainly approve the idea of such a city wide organization," wrote Joseph R. Glancey, President judge of the Municipal Court.

District Attorney F. Emmett Fitzpatrick let it all hang out with more effusive praise in a letter to Nicoletti. "I believe (it) would be of great value not only to the justice system, but more importantly to the people of Philadelphia.

"I wholeheartedly endorse this proposal and will lend my support in any way necessary. It is worthwhile organizations such as AUAC that will make Philadelphia a better place for all."

Yet, at the Jan. 16 meeting of the Philadelphia Regional Council, Nicoletti's proposal ran into strong opposition. Somebody arose and simply said, "Mr. Chairman, I move we vote 'no.' "

No reasons were given, no discussion, the motion was seconded and the proposal rejected.

On March 1, the full Governor's Justice Commission makes a final decision on the application. Nicoletti is keeping his terrestrial fingers crossed that somebody "up there" likes him after all.

[From the Philadelphia Tribune, Jan. 31, 1976]

CITIZEN INVOLVEMENT NEEDED IN THE FIGHT AGAINST CRIME

A community-based anti-crime organization in the city's northwest section, Americans United Against Crime (AUAC), is currently seeking $387,440 in Federal funds to implement a proposal that would involve 10,000 persons in self-help anti-crime activities in their own neighborhoods. The group claims to have several thousand members, about 60 percent of whom are Black.

We have seen AUAC's plan, which must be approved by the Governor's Justice Commission before it can be funded, and it looks like a sound one. The plan would set up 11 coordinators in high-crime areas throughout the city, each one of whom is assigned to work with 25 different citizens each week in anti-crime education efforts.

It has been demonstrated again and again that criminals fare best in neighborhoods where people are insulated, isolated and too fearful to "get involved." In areas where neighbors are organized to be on the lookout for unusual sights and sounds, however, and to alert police the moment something out of the ordinary happens anywhere in the neighborhood, the crime rate goes down. This has already been demonstrated in certain parts of West Philadelphia and East Mt. Airy.

With crime, as with health, an ounce of prevention is worth a pound of cure. Therefore, citizen-involvement programs should be encouraged, not discouraged. There are not enough policemen in Philadelphia or in any other city to be in all places at all times, but if ordinary citizens function as the "eyes and ears" of the police department, crime can be fought more effectively than if citizens never "get involved."

AUAC members have told the Tribune they fear they may not be funded because of politics. (They had a court-watch program last year which allegedly proved to be embarrassing to certain judges.) We hope this does not happen and that their proposal will be judged on its own merits. Certainly citizen involvement is desperately needed in the fight against crime.

[From the Evening Bulletin, Feb. 12, 1976]

PHILADELPHIA SPENDS $261 MILLION IN CRIME FIGHT—DUPLICATED EFFORTS RESULT IN WASTE, STUDY SAYS

(By Robert W. Kotzbauer)

Philadelphians are spending over $261 million a year to cope with crime that keeps rising by 10 percent or more annually.

More than 80 percent of this money, raised by taxes, is going solely for catching and trying criminals; 12 percent for punishing or "correcting" offenders in institutions, and only about 6 percent for supervising and helping released offenders to adjust in the community.

The figures were reported today in a "Criminal Justice Guide" published by the Philadelphia Commission for Effective Criminal Justice after a year's study.

The guide identifies more than 90 separate criminal-justice agencies and more than 195 distinct programs currently operating in the city, without any coordination and with very little planning or accountability, according to the commission.

"WASTE IS OBVIOUS"

"The waste which results from this lack is obvious," said the commission. "Duplication of effort and counter-productive activity occurs. The combined weight and learning of the many agencies involved in working toward similar ends is seldom utilized.

"* * * The current (criminal justice) system allows and possibly encourages haphazard and uncoordinated attempts at addressing the problems of crime and justice."

The $261 million in no way covers the total cost of crime in Philadelphia, but only the known costs of dealing with it.

It does not, for example, include the earnings and property lost by victims of crime; property damaged by arson and vandalism; earnings lost by persons incarcerated and public welfare paid to their families; crime insurance, alarm systems, security guards, legal fees and unreported commercial losses through theft, embezzlement, forgery.

OTHER LOSSES

Neither does it reflect money taken out of legitimate channels by vice, gambling and narcotics; the economy's loss because people are afraid to venture on the streets after dark; pain and suffering of victims and their families, the loss of human potential, or society's burden in dealing with drunkenness and addiction.

Rather, the $261 million is money spent by those identifiable agencies with budgets which reported them to the commission. Actually, about one-fourth of those agencies listed in the guide gave no budget figures. Not all of it is tax money; some comes from private foundations, contributions and other sources.

Of the total, the commission reported, about $132.3 million is spent annually by law-enforcement agencies in the city, about $78.5 million by courts, $15.9 million by prisons, $15.3 million for juvenile services and facilities, $5.7 million for probation and parole, $4 million for ex-offenders, $4 million for dealing with drugs and alcohol, $2.5 million each for system reforms and pre-trial services, about $335,000 for citizen education and community aciton, and $136,000 for women's programs.

PART IV. PROGRAM NARRATIVE

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE

A. Background Information on AUAC

Americans United Against Crime (AUAC) is a 2-½ year old tax exempt organization which has designed a total citizens involvement and initiative program, including the design of new careers for citizens and community leaders, in the Criminal Justice System.

AUAC is an organization of full-time and part-time staff persons, full and part-time volunteers, and some 6,000 members. Through this structure, AUAC has been able to generate contacts with citizens and citizens' organizations, as well as with the Criminal Justice System in Philadelphia.

B. Basic Goals on AUAC

The basic goals of AUAC are:

To raise the average citizen's level of awareness about crime, and any and all factors contributing to it, so that indiviuals are able to address themselves to the anatomy of crime.

To allow its members to clearly understand the direct relation between the problems of the offender/ex-offender and those of the Criminal Justice System, the community, correctional institutions, job opportunities, and society as a whole.

To act as a conduit, to train persons, and to assist them in obtaining permanent employment in the Criminal Justice System.

C. Contacts Within Criminal Justice System

AUAC plans to achieve these goals by actively developing and operating a number of programs in the broad field of Criminal Justice. Our contacts in the Criminal Justice System include the following agencies in Philadelphia:

The Philadelphia Police Department.
The District Attorney for the City of Philadelphia.
The Office of the Public Defender.
The President Judge of Municipal Court, City of Philadelphia.
The President Judge of Common Pleas, City of Philadelphia.
The Superintendent of Prisons.
The Philadelphia Probation Department.

In addition, AUAC is in contact with and establishing a working relationship with State and Federal Criminal Justice agencies; such as: Special Assistant for Criminal Justice in Pennsylvania, Office of the Governor; The Law Enforcement Assistance Administration, Regional Office in Philadelphia and Washington, D.C.

D. Basic Program Goals

The basic goal of this program is to increase the quantity and quality of citizens involvement in unified endeavors that will afford citizens a better understanding of the relationship between the total problems of the offender and ex-offender and the community. Through this program, AUAC proposes to develop viable permanent citizens groups which would influence and direct citizens participation activities in a variety of areas. Furthermore, this project is designed to develop and implement a series of new programs that would reduce crime throughout Philadelphia.

Many Americans are concerned about the Criminal Justice System because of the rapid increase in crimes, compounded by the backlog of cases before our court system. Recent FBI data show that crimes have increased by 13% this year. Compounding this problem is the growing awareness that all crimes are not reported to the police. Therefore, it is probable that the actual crime rates are much higher than the available reported rates. For example, it is estimated that for every reported rape there are an additional six actual unreported rapes. Of significance is the fact that a survey (January, 1975) conducted in Philadelphia showed that crime was the number one concern of the citizens interviewed, even higher than unemployment and inflation.

In addition to this concern about crime, particularly in the fear expressed by many people, there is a growing uneasiness on the part of many regarding what they can or should do about the prevention of crimes. There is also uncertainty as to what to do when a crime has been committed, and uncertainty and unwillingness to testify as a witness. Of most concern however, is a growing frustration on the part of many citizens regarding the ex-offender and the effectiveness of their correctional institutions.

This Pilot Program has been designed to begin resolving this serious concern on the part of the citizen over crime. While AUAC recognizes the need to immediately raise the level of awareness on the part of the citizens and to consequently increase the level of concern and action on their part, we also see the need to begin to better prepare citizens for the reality of life that the ex-offender will someday re-enter their community.

The purpose of this pilot project is to explore the best methods of involving citizens and citizens groups in all aspects concerning the offender, the ex-offender, and in recruiting, training and employing community persons to serve in a new

position within the Criminal Justice System that we call a Criminal Justice Community Coordinator.

The CJC Coordinators would be responsible for serving as a link between citizens, citizens groups and the total community and the Criminal Justice System. In that position, they would raise the level of awareness on the part of individual citizens and begin to stimulate changes within the system to improve the quality and if need be, quantity of service.

AUAC has long since concluded that it is a total waste of time to ask citizens to become involved with the plight of the offender and ex-offender while they see no concrete evidence that their own lives and homes stand to become safer and more secure.

In light of this fact, AUAC intends to have the average citizen begin to examine crime not from a standpoint of generalities, not from rumors, not from accusations, but rather from facts. This will necessitate that citizens begin to thoroughly examine and if need be, directly deal with the most sensitive topic within the criminal justice system, the offender, the accused of a crime.

It is, therefore, the intent of AUAC to break through the stereotype views concerning crime, the criminal, law enforcement agencies, and most importantly, the citizen's perception of what the individual is capable of doing about crime.

In a city such as Philadelphia, where 80% of the uniform policeman's time is spent on minor disturbance (See attached material—*Survey of Police Services, 1973--1974*, where only 305 detectives have the responsibility of investigating over 200,000 reported crimes, where only fifty of its ninety court rooms open daily at a $1,000 per day, where there are only 125 Assistant District Attorneys responsible to prosecute nearly eight thousand cases per month, and only 85 public defenders who handle 80% of those eight thousand cases, where only 350 of the 2,400 inmates are serving a sentence at Holmesburg at a cost of $18 per day (over $37,000 per day on persons not serving a sentence) where the case loads for the average probation officer is so high that he cannot reasonably monitor those assigned to him, unfortunately, the where's can go on endlessly.

The fact of the matter is that some 70% of the persons who committed a crime in the City of Philadelphia last year were not even arrested, and the citizens of Philadelphia know that.

Yet, somewhere in the midst of all this confusion, fear, and ignorance, there are a group of persons who have recently been arrested for committing a crime, or who are now serving a sentence, who can be reformed, who can make it in society, but who need the help of someone who is probably a victim of a crime himself. This is the dilemma with which we are faced.

To surface a sufficient amount of help with this dilemma, AUAC recognizes that it will take a consortium of persons from labor, business, community, criminal justice system, and the media to unite their efforts toward this end.

AUAC has already begun to assemble persons from these various walks of life who will serve as the nucleus for such a consortium.

AUAC maintains that for the offender or ex-offender to thave the slightest chance to succeed once he or she re-enters society, several existing obstacles will have to be dealt with simultaneously.

Of major importance is the need for citizens to stop viewing the offender as the sole factor contributing to crime, and begin to have him/her viewed as part of a much bigger problem. By doing this, AUAC intends to establish an atmosphere wherein citizens will realize that it is in their best interest to do all within their power to make rehabilitation a top priority for the next decade.

By getting the citizen to examine the needs of the criminal justice system, laws, policies and everyday practices that strip the ex-offenfer of respect, acceptance, jobs, housing, insurance, the very tools that make it possible to live in society, AUAC maintains that the issue of crime will be separated from the problems contributing to it, thereby removing the offender from the spotlight.

Once you raise the citizen's level of awareness up to the point where he or she is capable of separating the issue from the problem, then you have laid the ground work for active citizen participation in pre-trial intervention programs, prison reform, re-entry programs, attitude change, etc.

By means of fair, objective approach, AUAC intends to put the plight of the ex-offender into focus for the average citizen. The job ahead of us all is still tremendous. The need for skilled, informed, and well-prepared held is sorely needed throughout the entire system. AUAC believes that its newly-proposed Criminal Justice Community Coordinator Training Program will meet any of these outstanding needs.

2. EXPECTED RESULTS

The major result to be expected from this program is the design and development of a total Citizens Involvement and Initiative Program in the City of Philadelphia for the ex-offender. The methodology and procedures to be used in this program are such that similar citizens initiative and involvement programs can then be implemented in other major metropolitan areas throughout the country.

There are certain significant aspects of the demonstration program that AUAC proposes to fully design. The first is a new career in the Criminal Justice System that we have called a Criminal Justice Community Coordinator or CJC Coordinator.

AUAC views the CJC Coordinator as full-time persons who would bridge the gap between the community and the Criminal Justice System. These are fundamentally neutral prsons who would not be identified as either working for the Criminal Justice System for citizens organizations, even though they would definitely be employed by either the Criminal Justice System or community groups. AUAC believes that it is important that they be identified as neutral in order to able to serve as an effective link between the System and the community.

This AUAC program is designed to thoroughly involve citizens in all aspects of the accuseds, offender, and ex-offender in order to allow citizens to begin to put these persons into proper perspective within the Criminal Justice system and society. At the same time, CJC Coordinators are able to work with all agencies in the Criminal Justice System to inform them of the impact of crime on the community, and the problems that citizens and citizens groups are faced with in dealing with the ex-offenders' re-entry.

Consequently, a major result of this program is to design, develop and implement a new employment career for CJC Coordinators. This means developing a training curriculum and developing a total employment situation for such specialists in both public and private agencies. Negotiations would begin with public agencies to assist them in developing full-time employment positions for such Coordinators. Similar negotiations would begin with private agencies involved in working with the Criminal Justice System so that they, too, would begin employing CJC Coordinators on a full-time permanent basis.

An additional result of this program is the design and development of Sector Steering Committees. These committees would be made up of citizens living within a given police sector of Philadelphia who have accepted a leadership role. In Philadelphia, there are 22 police districts, each of which is divided into sectors. These sectors are specific geographic areas in which a police car or policeperson is assigned to patrol. In cities across the country, these sectors are sometimes known as grids, zones, patrolling areas, etc. Throughout the project, for the sake of simplicity, and continuity, we will refer to these geographic patrolling regions as sectors. In Philadelphia, there are some 450 sectors.

AUAC views the sector as the nucleus for Citizens Initiative and Involvement. Within their own sectors, citizens can better begin to study and understand specific methods of streamlining the ex-offenders' re-entry into society. Also within such sectors, citizens can better participate more actively in community meetings directed at specific problems, and meetings with persons working within the courts, prisons, parole, probations, sheriff's office, labor, business, media, etc.

A total of 11 CJC Coordinators will be trained through this pilot training program. There are 22 Police Districts in Philadelphia and we propose to assign one CJC Coordinator to two Police Districts.

The Duties of CJC Coordinators.—The duties of CJC Coordinators to serve as a liaison representative between citizens, the community, and the Criminal Justice System. Specifically, their duties would include the following:

1. Holding community meetings and meetings with individual citizens to explain the general roles, responsibilities, and operating procedures of Criminal Justice agencies; (Courts, Parole, Probation, Prisons, Jury Selection, etc.).
2. Meeting with Criminal Justice agency officials to explain general and specific problems identified by community groups or citizens and negotiate for changes in operating practices to correct such problems;
3. Surfacing, training and coordinating Sector Steering Committees;
4. Working closely with Sector Steering Committees to fulfill action plans concluded at Temple University seminars;
5. Training Sector Leaders on specific crime prevention techniques;
6. Working with area AUAC Youth Chapters;
7. Bringing citizens and all segments of the community in joint efforts towards streamlining all segments of corrections;

8. Working closely with Sector Steering Committees on the problems of housing for the ex-offender, job placement, alternatives to prison, etc.

During this pilot program, program staff will develop a specific job description for CJC Coordinators and submit the job description to the Civil Service System for comment, review and approval. In addition, program staff will develop a training manual for CJC Coordinators describing in detail their duties, methods of operation, procedures for performing their tasks, and community Criminal Justice and other resources that they should be aware of and working with in performing their duties.

Selecting CJC Coordinators and Team Workers.—All the persons selected as CJC Coordinators Trainees will be residents of Philadelphia. In nearly all cases, they will be trained to perform services in the community where they live or used to live.

Both men and women will be eligible. Trainees must be mature, stable persons who are respected for their leadership qualities. The minimum age for Trainees will be 21, and many are expected to be in their 30's, 40's and 50's.

Since many community residents are Hispanic, some Trainees will be Spanish-speaking. Those without a High School Diploma will be assisted during this program to achieve a High School Equivalency.

AUAC has been in contact with the Pennsylvania State Employment Service office in Philadelphia and will rely on this agency for recruitment of Trainees to supplement AUAC's own recruitment effort. Trainees will be approved by the AUAC Executive Director.

Each Coordinator will work very closely with a Team Worker. The eleven Team Workers will primarily function as a city-wide telephone bank supporting the efforts of the Coordinators.

By way of this city-wide telephone bank, AUAC intends to put into motion a communications system that will fulfill a broad range of ex-offender needs.

B. Training Program Description

Temple University will be responsible for the Training Program. (See attached materials—Proposal for Training of Criminal Justice Community Coordinators.)

Orientation Phase.—The first week of the program will be devoted to program orientation. This will include:

A description of the AUAC, its organization and management.

The role of CJC Coordinators

A description of the Philadelphia Civil Service System.

A discussion of the training program, including classroom work, on-site experience, locations of Criminal Justice agencies and on-site assignments, and the persons who will be responsible for training and supervising each Trainee.

Classroom Training Phase.—The second through tenth weeks will be devoted to an extensive period of classroom training. This training will include:

An analysis of the management, financing and operation of the Criminal Justice System, including a review of available published information and reports.

A description of Philadelphia Criminal Justice agencies and organizations, including a review of publications identifying and listing community resources.

A discussion of various problems that ex-offenders have with social adjustments, jobs, laws effecting them, housing, parole, the Criminal Justice System.

Discussions of the aged, and how to work with the aged individuals or aging organizations.

Discussions of the psychology of the offender, how to counsel them.

How to formulate an AUAC Youth Chapter.

Discussions of human relations training.

Instructions on planning, organizing and conducting group meetings and informational workshops.

The purpose of this training period is to expose the Trainees to the broad scope of materials and information they will need in the future when they begin their on-site work experience activities. However, there will be a weekly training session during their work experience phase as reinforcement training on critical subject areas. Also, during these weekly seminars, they will receive close supervision and will thus have an opportunity for considerable training discussions with their supervisors, group Sector Steering Committee sessions, Criminal Justice heads, etc.

Work Orientation Phase.—At the beginning of the eleventh week, CJC Coordinators will begin their work experience phase of the program. In nearly all cases, Trainees will be assigned to the community where they live.

Trainees will report directly to the AUAC Deputy Director for Field Operations who will be responsible for their supervision.

CJC Coordinators will be given specific assignments during their work orientation training. Initially, they will carry out their assignments in cooperation with and under close supervision of the Deputy Director for Field Operations. The type of assignments will be patterned after their specific duties discussed previously.

It is expected that CJC Coordinators will need additional specialized training during the work orientation phase. Additional formal training sessions for Trainees will be structured throughout the year on such topics as:

The accused, the offender, the ex-offender.
AUAC policies, rules and regulations.
Specific Criminal Justice problems, their causes and resolution.
Financial resources available for Criminal Justice programs.
Race relations, bilingual relations, and similar topics that will improve their contacts with citizens groups.

In addition, the project management will be authorized to provide or arrange special training for individual Trainees, as needed, at colleges and universities, business associations, etc.

CJC Coordinators will be encouraged and assisted in continuing their formal education. Trainees will be allowed four hours a week of training time to pursue their formal education. Trainees who have not completed high school will be encouraged to start or continue collegiate work. Program staff members will work with local colleges and universities to give credits to CJC Coordinators for successfully completing this pilot program.

A major responsibility of each CJC Coordinator is to organize Sector Steering Committees (SSC) in their assigned Police Districts. A manual prepared by AUAC describes in detail how to organize and operate an SSC. While working closely with CJC Coordinators and other AUAC personnel and Board Members, each SSC will attempt to develop its sector into a "Local Think Tank and Citizen Action Arm" for citizens initiative and action in the whole area of corrections.

Given the variety of needs across the country, the sector should maintain the highest degree of flexibility. However, it is hoped that each sector will be capable of addressing itself to some common goals.

C. Projections of Program Activities

This is a 16-month demonstration program. During the first month, all project personnel will be selected, hired, oriented and trained, except for the CJC Coordinators. Program methodology and training materials will be refined and developed during the first month. Also, the staff members will begin contacting public agencies as well as community groups and beginning explaining the project.

During the second and third months, the eleven CJC Coordinator Trainees will be recruited and selected for the program. AUAC is allowing two months for this process because the success or failure of this program depends ultimately on the ability and willingness of these CJC Coordinators to plan, organize, and stimulate citizens' initiatives and actions.

During the months four through fifteen, CJC Coordinators will be trained and organized to perform their activities and functions. AUAC expects to reach at least 10,000 citizens during this one year and provide them with a variety of information and services in the broad field of corrections. Specifically, each CJC Coordinator will be expected to work with approximately 1,000 citizens. This amounts to approximately 25 key citizens reached each week by each CJC Coordinator during the approximately 40 weeks when the CJC Coordinator will be in the field.

AUAC also expects that each CJC Coordinator will organize at least ten fully-operating/semi-independent Sector Steering Committees during the project period. AUAC believes this to be essential for future purposes dealing with ex-offender housing, social acceptances, etc.

D. Data Collection and Evaluation

The evaluation program that AUAC is planning will be geared to obtaining information and assessing results of CJC Coordinators' activities. While some of the data to be collected will identify work tasks or specific activities, our major effort will be to identify whether CJC Coordinators have been successful in per-

forming their functions and not merely whether they made a certain number of visits, telephone calls, or talked with a set number of citizens.

The goal of this program is to involve citizens effectively in all aspects of corrections. It is also to begin introducing changes in the administration and operations of Criminal Justice agencies. Consequently, in our evaluation program we will be identifying:

1. The number of citizens involved in program activities and the qualitative aspects of their involvement.
2. The participation of Criminal Justice agencies and the active interest and involvement of those agencies in the total program.

In evaluating the qualitative participation by citizens, AUAC will be particularly interested in monitoring the ability of CJC Coordinators to organize and operate Sector Steering Committees. Furthermore, such steering committees will be evaluated to determine the number of persons participating, the interest shown by such committees in independently pursuing topics of interest in each particular sector, and in beginning to develop liaison relationships with other sectors or with agencies within the Criminal Justice System.

Another phase of the evaluation program is to examine the development of special programs at the community level stimulated by CJC Coordinators or other program staff. An obvious benefit of this program is to improve the design and delivery of an overall Criminal Justice System at the local level. This may take the form of better information provided to citizens, a mechanism to funnel community attitudes and ideas into the Criminal Justice System, and specific services to reduce crime.

In evaluating the performance of this program through an assessment of the Criminal Justice System, there are several important phases of institutional behavior that will be examined. First of all, special attention will be given to the willingness and ability of agencies participating in this program to adopt the use of CJC Coordinators or of methods used by these agencies to modify the functions and responsibilities of current programs and staff as a means of utilizing some of the experience of this project.

The project staff will be working with agencies in the Criminal Justice System to encourage them to hire these CJC Coordinators or to hire other persons to perform the same or similar functions. The project staff will make available all of the information, materials and techniques to these agencies at no cost. The project staff will be asked to carefully document discussions with public agency officials pertaining to this phase of program development. Consequently, the evaluation program will be able to examine such records to determine the degree to which AUAC has been successful in introducing institutional change into the Criminal Justice System as a result of a citizens initiative effort. In addition to the use of CJC Coordinators or ideas emanating from the program, the project staff will also be asked to document their contacts with these agencies regarding changes in operating procedures recommended by individual citizens, Sector Steering Committees, or project staff. Again, through this documentation, the AUAC evaluation program will be able to assess an additional impact on the institutional change introduced by a citizens initiative program.

E. Cooperating Organization and Persons

AUAC has assembled an outstanding team of legal, manpower, judicial, police, community organization, education, psychology and related experts to advise on specific programs. This Experimental Program, for example, will include the following specific advisors:

Dr. Seymour Wolfbein, Dean, School of Business, Temple University. Dr. Wolfbein will participate in designing the classroom phase of the training program.

Mrs. Sigret Craig, Chairman, Philadelphia More Beautiful Committee (which includes 3,000 Block Leaders and 400,000 members). Mrs. Craig will be responsible for advising staff on organizing Sector Steering Committees.

Mr. Thomas Karter, Consultant with the National Center on Black Aged, Inc. Mr. Karter will be responsible for designing and conducting the evaluation phase of the program.

AUAC has had extensive contacts with community organizations and groups throughout Philadelphia as a result of prior programs. In addition, AUAC has been in direct contact with the entire Philadelphia Criminal Justice System. For example, working relationships have been established with the Philadelphia Police Department, the Philadelphia District Attorney's office, the Philadelphia Court System, the Philadelphia Probation Department, and the Philadelphia prisons. These contacts will be renewed and extended during the demonstrating program.

4. GEOGRAPHIC LOCATION

This project is a city-wide project for Philadelphia, Pennsylvania.

5. BIOGRAPHICAL INFORMATION ON PROJECT DIRECTOR

Attached is a biographical sketch of the AUAC Project Director, Mr. Art Nicoletti.

6. AUAC ACCOMPLISHMENTS

AUAC has been actively involved in working with the entire range of agencies included in the Criminal Justice System. In addition, AUAC has been communicating with community organizations in many major cities across the state and the nation to share ideas and accomplishments.

Consequently, while the AUAC program is based in Philadelphia, we have laid the groundwork for an expansion statewide and nationally for significant experimental programs. The following will hopefully explain this more clearly:

For the past 2½ years AUAC has been attempting to put crime and the factors contributing to it into focus for the average citizen living in Philadelphia.

Cognizant of the enormously difficult task before us, AUAC decided to approach this problem in the most fundamental of terms. Our commitment, therefore, was to the understanding of the real facts surrounding the issue, and to totally divorce ourselves from generalities, rumors, or accusations.

Our approach was four-fold:

1. Determine why the Criminal Justice System was not working;
2. Determine why so many ex-offenders were returning to prison;
3. Determine what role the average citizen could assume in the fight against crime;
4. Develop a mechanism that could bridge the gap between the community and the Criminal Justice System.

In our examination of the Criminal Justice System we began by establishing the following projects:

Project Police Service.—If citizens are to become aware of specific problems, they must understand the inner workings of the Criminal Justice System, and especially the Police Department. We started a project called, "Project Police Service" which is directed toward a complete understanding of the workings of Philadelphia Police Department. Through this project, we received daily occurrences of reported crimes from the Central Office of the Philadelphia Police Department. (According to the Police Department officials, we were the only private agency in Philadelphia that received this information.) This provides information on the crimes committed, the location and time of day of the occurrence. AUAC staff members and volunteers analyzed this information and informed citizens through a series of community-based meetings about such crimes how they can be avoided and how they should be reported.

In addition, AUAC routinely followed up on many crimes by contacting the victims to determine the outcome of police investigations. In many cases, AUAC has been instrumental in encouraging police officials to stimulate investigations of certain crimes; these stimuli generated primarily out of our victim/witness survey. (See attached materials—*Victim/Witness Survey*).

Our findings from this project showed us that some 80% of the uniform policemen's time was spent on minor disturbances and hospital calls. (See attached material—*Survey of Police Services, 1973–1974.*)

According to the 1975 Philadelphia budget, there are some 587 detectives assigned to nine police detective divisions. Further examinations of that figure brought us to understand that these were really only 285–305 detectives actually investigating some 180,000 reported crimes. Our victim/witness survey clearly indicated to us that on an average, better than 45% of those who reported a "major" crime did not even receive a telephone call from a detective.

From this project AUAC was able to develop a design capable of involving citizens' initiative in the handling of gang activities, narcotic traffic, robbery, burglary, false arrest, etc.

Project Court Watch.—Our next project was called "Project Court Watch". This project was funded by LEAA and the purpose was to enable AUAC, through its paid staff and volunteers, to observe first-hand the total operations of the Court System in Philadelphia. Specifically, AUAC staff and volunteers were authorized by the President Judge of the Philadelphia Municipal Court to sit in the jury box in Courtroom 285 (Narcotics Court), and to visit and sit in any other courtrooms in Philadelphia. Furthermore, AUAC received copies of their

Daily Trial Listings from the court which identified the specific cases that were introduced each day. By this daily observation, AUAC was able to provide direct information throughout the City of Philadelphia regarding the inner workings of the Court System, and specifically narcotics cases. For example, AUAC identified many major weaknesses. The case loads for the assistant district attorneys and public defenders were well out of proportion to the available manpower operating out of those offices; great numbers of cases which continue from day to day because of the failure of witnesses to appear; only fifty of the courtrooms were used out of the available ninety on a daily basis; the accused not appearing because of the poor transportational facilities in use currently by the Sheriff; large numbers of persons being sentenced to report to a probation officer whose case load was already impossible.

As a result of Project Court Watch, AUAC has developed a very direct, frank and open relationship with Judge Edward Bradley, President Judge of Common Pleas, Judge Joseph Glancey, President Judge of Municipal Court, Mr. F. Emmett Fitzpatrick, District Attorney, Mr. Bernard Lerner, Head of the Public Defenders Office, and Mr. Fred Downs, Chief Probation Officer.

Project Prisons.—AUAC has started another project called, "Project Prisons", which is directed toward the examination of the Prison System in Philadelphia or in Pennsylvania where people from Philadelphia may be sent for incarceration. Our main concern centered around the area of rehabilitation.

Without a doubt this project was the most depressing experience of any in our attempts to draw objective judgments on the system's operations.

It was during this project that it became totally obvious why there is such a high rate of return to our prisons. Out of the 2,400 inmates living inside Holmesburg Prison, approximately 350 inmates are serving a sentence. This means that more than $37,000 a day is being spent on 2,100 persons not serving a sentence ($18 per day×2,100).

At the time of this examination, both the prison and the Youth Study Center were classified condemned. While we concluded that there certainly were individuals deserving of some form of incarceration, we found it incredible that if a person who is poor, and most of them are, is arrested and held for a $20,000 bail, he not only has to raise $2,000 but also loses $400 of that $2,000 for "city charges".

Although we found prison authorities cooperative, we were unable to conclude that any serious rate of success was possible under present rehabilitation conditions.

As a result of this project AUAC was able to develop a very frank, direct, open relationship with Superintendent of Prisons, Mr. Louis Aytch. Also, AUAC is beginning to bring this information to the awareness level of the total community. One specific objective is to improve the prison rehabilitation system by raising additional funds for rehabilitation efforts in prisons. In addition, we are beginning a long-term program to obtain funds and other resources from private employers and groups to supplement public spending for prison rehabilitation. Finally, we are laying the groundwork for a greater citizen's awareness of the need to improve prison rehabilitation programs so that it will be possible for prison officials to operate meaningful rehabilitation programs once additional funds are available.

More specifically, AUAC has been working with Superintendent Louis Aytch, Holmesburg Prison, Special Assistant for Criminal Justice—Office of the Governor, Commonwealth of Pennsylvania, and Hahnemann Hospital in an attempt to establish a preliminary training course for paramedics at Holmesburg Prison for those persons who qualify for such a course of work.

For those persons who are interested, but do not qualify, Hahnemann College of Medicine will make available preparatory course work. Upon release from Holmesburg, the ex-offender will continue his course work under a Co-op program being offered at Hahnemann Medical College and Hospital.

Participants in this program will have an opportunity to major in Medical Technology, Medical Laboratory Technician, Mental Health Technology, Nursing, Physician's Assistant, Radiologic Technology, and Respiratory Therapy.

While it is the responsibility of Hahnemann Medical College to place their students into a job setting during the Co-op program (work/study program), and obtain a job placement for them after graduation, AUAC will be doing everything in its power to assist in these job placements.

7. CONCLUSION

After 2½ years of examining crime and the factors contributing to it in the City of Philadelphia, AUAC has come to the conclusion that the most immediate need in the fight against crime in our city today, is an all out, comprehensive endeavor to reduce the flow of persons back into prison.

To accomplish this end, AUAC believes that getting a person a job when he or she leaves prison, shaking their hand, and saying good luck, is simply not enough. This is a big problem that cannot be solved with easy answers.

AUAC, therefore, maintains that the following elements must be established and operative concurrently, in order to begin to resolve it.

1. We will need citizen support, a lot of it. However, they will have to be well informed, and properly prepared to deal with the ex-offender's re-entry into society. (Sector Steering Committees, Community Meetings, Seminars at Temple University, working with AUAC Staff, Meeting with Prison, Probation, Parole and Court authorities, etc.)

2. A well trained, well prepared and motivated staff to work with and sustain the necessary community supports. (Hence, the Criminal Justice Community Coordinators.)

3. A consortium of persons from business, industry, law, community, labor, media, etc. must be formulated for purposes of developing an acceptable and respected job market for the ex-offender. Also, the consortium would be charged with the responsibility of developing funds for extensive rehabilitation projects. (Such as Hahnemann/AUAC Paramedics occupations.)

4. While it is essential to have the cooperation of the Criminal Justice System, it is of equal importance for citizens to do all within their power to support the legitimate needs of that system.

5. The public must be made to view the ex-offender as a part of a bigger problem, and not the only problem.

6. A massive public relations program will have to be launched on behalf of the accused, offender and ex-offender.

AUAC maintains that crime is not an individual's problem, the system's problem, or a community problem; the problem belongs to all of us. If the problems of crime and the factors contributing to it are ever to begin to be solved, it will take all of us to establish a united, sustained effort. To this end, AUAC is pledged.

8. SPONSORSHIP

The Philadelphia District Attorney's Office has agreed to act as the local unit of government that will sponsor this project.

9. *Budget Narrative*

A. Personnel (16 Months):	
1. Staff	$145,600
a. Executive director	25,600
b. Deputy director—Field Operations	21,600
c. Deputy Director—Agency/Community Coordinator	21,600
d. Research analyst	19,600
e. Administrative assistant	16,000
f. Executive Secretary	12,800
g. Secretaries (3)	28,800
2. Trainees (12 months) a. 11×$8,000 per year	88,000
3. Consultants	45,000
4. Fringe benefits (included in this figure are)	30,400
a. Social security	13,700
b. Workman's compensation	350
c. Unemployment compensation	2,550
d. Health benefits	13,800
Total personnel cost	309,000

9. *Budget Narrative*—Continued

B. Administration	$65,000
1. Rent (office space)	25,000
2. Financial services (auditing, accounting)	4,200
3. Telephone	8,000
4. Postage	4,000
5. Printing	5,000
6. Office equipment	6,000
7. Office furnishing	6,000
8. Office supplies	6,800
C. Program evaluation and monitoring	15,000
D. Travel	10,240
1. Local:	
a. Staff ($60 per month times 16 months times 5) ($3.00 per diem)	4,800
b. Trainees ($40 per month times 10 months times 11) ($2.50 per diem)	4,400
Federal funds—grand total	399,240
A. Matching funds	44,360
1. Team Workers:	
a. Each CJC Coordinator will be assigned a Team Worker. These Team Workers will essentially function as a city-wide telephone bank.	
b. Each Team Worker will be paid as follows: ($100.80 per wk. amounting to $4 per hr. times 25.2 hrs. per day.)	
Total	443,600

Summary of Police Services, 1973–74

Hospital cases	151,061
Investigations	218,190
Lost and found	3,470
Minor disturbances	825,038
Miscellaneous	20,141
Missing persons (reported and located)	3,140
Reports affecting other city departments	11,357
Vehicular accidents	66,204
Total	1,298,601

RESUME OF ART NICOLETTI

EDUCATION AND ACTIVITIES

Northeast Catholic High School.—1955–1959: During this period of time I was on the honor role, received honorable mention for football, was class president, was a member of the track team, and school play.

Divinity Student (Priesthood).—1959–1963: While studying for the priesthood as an Oblate of St. Francis de Sales, I was assigned to live in Philadelphia, Pa., Elkton, Md., Niagara Falls, N. Y., and Toledo, Ohio.

During this period of time my responsibilities primarily centered around living and learning the Oblate way of life, studying at Catholic University and Niagara University, and teaching at St. Francis de Sales High School in Toledo, Ohio.

La Salle College.—1963–1967: In addition to majoring in Spanish Education, I was actively involved in student affairs as president of Tau Kappa Epsilon fraternity, and founder and president of the Interfraternity Council of La Salle college.

EMPLOYMENT

National Center on Black Aged.—As of August, 1975, I have agreed to serve as a consultant, and member of NCBA Advisory Committee on Crime Prevention Programs for the black elderly.

Americans United Against Crime.—1973–1975: Americans United Against Crime is a citizens' initiative organization that has its purposes the examination the evaluation of the criminal justice system, and in turn, establish a specific and direct role for the average citizen within that system.

As founder and executive director of AUAC, I was charged with the responsibility to oversee the total operation of the organization.

Common Cause.—1972–1973: Common Cause is a national citizen lobby organization based out of Washington, D.C. As State Organizer for Pennsylvania and New York, it was my responsibility to surface key persons living within each congressional district, raise their level of awareness concerning Common Cause issues and congressional voting records, and organize Common Cause members around common issues.

Sony Corporation of America.—1970–1972: Incorporating past teaching experiences, my duties and responsibilities dealt with visiting and instructing all sales persons working for Wanamaker's, Strawbridge's, Silo's Gimbel's, Bamberger's in Philadelphia and New Jersey, holding group sessions, and updating the sales person with regard to new items, etc.

This called for someone capable of instilling confidence into a variety of persons who were responsible to move large numbers of merchandise in an atmosphere of great pressure and competition.

Columbia College.—1969–1970: The position of Assistant Director of Admissions brought with it a great deal of travel within the country. At the point in time when I went to Columbia, the college was just embarking on a new endeavor to bring male students to the school. It was my responsibility to evaluate incoming students, and then decide on their qualifications for entrance.

Cardinal Dougherty High School.—1967–1969: For these two years I taught Spanish and English to freshman, sophomore, and junior year students.

Pennsylvania School for the Deaf.—1964–1966: While working as a live-in counselor for the school, my main function was to assist the students with their emotional, psychological, and every day type problems.

AMERICANS UNITED AGAINST CRIME
Philadelphia, Pa.

VICTIM SURVEY

QUESTIONS

1. When did the crime occur _____.
2. Where did it occur _____.
3. Was anyone home _____.
4. Do you know or have any idea who committed the crime _____.
   (a) If yes, ask for name and description _____
   _____.
5. Did you or any of your neighbors see or hear anything before or after the crime _____.
6. Is this the first time a crime was committed on the premises _____.
7. Did you or anyone else report it to the police _____.
8. Did the police respond _____.
9. Have the Detectives contacted the victim _____.
10. Was anyone arrested for the crime _____.
11. Do you know of any other persons in the area who have been victims of crime _____.
12. Do you mind if we speak to your neighbors and ask them if they heard or had seen the crime _____.
13. Would you be willing to take a Community Survey on your own block. (Explain Survey) _____.

AUAC thanks you and wants you to be aware that we are trying to make your community a safer place for you to live.

WITNESS SURVEY

QUESTIONS TO ASK THE NEIGHBORS OF VICTIMS

Read the introduction letter—.A crime (name of crime), occurred to your neighbor (Mr./Mrs. _____) on (day _____) (date _____), time _____.

It is possible that you have heard or you have seen something that could lead to the apprehension of the criminal. I must impress upon you that all information received by me will remain confidential. Your name will not be mentioned unless you want it to be.

1. Were there any strangers in the area immediately before or after the crime?
2. Did you notice any strange noises around the time of the crime?
3. Were there any strange vehicles parked in the area the day before or the same day as the crime was committed? If yes, get a description. _____.

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4. Were there any strange vehicles cruising the area the day before or the same day as the crime was committed? If yes, get a description. _____.
5. Did you receive a telephone call or a visit from a salesperson before the crime was committed? _____ If yes, name of salesperson _____
Name of company _____.
Approx. time and date of call _____.
6. Did a patrol officer speak with you about the crime? If yes, when? _____
_____.
7. Did a detective speak with you about the crime? If yes when? _____
_____.
8. Have you been a victim of a crime? If yes, ask the questions of the Victim Survey.

PROPOSAL FOR TRAINING OF CRIMINAL JUSTICE COMMUNITY COORDINATORS

The expanding program of Americans United Against Crime involves the recruiting of individuals who possess or can acquire the abilities to understand the Criminal Justice system; the social, political and economic aspects of community organization; and the methods and skills necessary for reaching and moving to action the significant persons and forces in the community.

The personnel recruited for the program will be selected on the basis of those personal qualities necessary to mobilize and coordinate sectors of the community in support of the criminal Justice system and its varied instruments and agencies. It is certain, however, that whatever prior knowledge and experience the personnel have in the area of community organization work, they will require intensive orientation to the AUAC program and its relationships to the Criminal Justice system and to the community. They will need to apply known techniques of organizing citizens groups and to cope with new and undefined problems emerging from a new and complex venture.

Accordingly, a feasible training plan should provide for the development of understanding of the substantive issues and the scope of the program, the improvement of practical skills in carrying out assigned responsibilities, and a sense of commitment to program purposes which flows from understanding and achievement in job performance. The model proposed for training covers a one year period, with concentrated classroom orientation at the beginning; planned or programmed work assignments that offer experiences to be coupled with theory, knowledge, and skill utilization and enhancement; and periodic conferences. seminars, workshops to review and evaluate experience, identify and resolve emergent operating problems, reinforce insights and commitment to objectives.

The combined classroom and job activity training approach not only accords with accepted learning principles, but also permits a productive contribution to a progressively stronger program by the trainees. Training standards and evaluation criteria will be developed to estimate training effectiveness and relative economy, as well as to motivate trainees.

Course subject matter, reading and supplementary materials will be prepared by faculty specialists in cooperation with AUAC leaders. Work assignments will be designed cooperatively by faculty and agency personnel so as to provide for incremental and relevant learning; for training and performance evaluation; for review, troubleshooting and individualizing training; and for enhancing program support and productivity.

Although not included in this proposal, the training program outlined here can be tested for effectiveness, refined and "packaged" for use in other areas or to serve as a model for similar projects in other communities.

The proposed training format comprises the following:

1. Ten work-days of five classroom hours and two hours per day on site or field trips.
2. One day seminars, conferences or workshops: one each week for one year (48 weeks).
3. Four days per week of assigned duties in field work, for 48 weeks.
4. Two weeks' vacation.

Curriculum

The course curriculum will include the following topics during initial classroom training and in subsequent seminars:

1. *Societal Context.*—A review of economic, political, and social forces operating at national and local levels; current trends and influences in public, private and voluntary programs, with particular reference to the Criminal Justice system.

2. *The Criminal Justice System.*—Analysis of components of the broad system, dimensions and operative functions; interactions with the organized community; basic and special problems of funding methodology and practices, accountability and effectiveness.

Class lecture and discussion, readings, case studies, agency visitations.

3. *Community Profiles and Dynamics.*—The organization of a community; public, private, voluntary groups, agencies, institutions; special interest groups; leadership patterns; constituencies, programs, and influences.

Classroom discussion, guest speakers, field visitations, assigned publications and readings.

4. *Administration, Management, Funding.*—Survey of principles and methods of organizing, controlling and financing organizations with particular reference to public agencies; work planning.

Classroom lecture, assigned readings and case problems.

5. *Community Leadership and Organization.*—Qualities and styles of leaders; identifying, recruiting and involving leaders and community workers; effective speaking, writing and other communicating; program development and implementation.

Classroom, readings, visitation, assigned projects.

Budget.—The financial cost of the proposed program, including instruction, administration, materials, and indirect costs related to facilities and general operating expense, is based upon a rate of $150 per instructional hour.

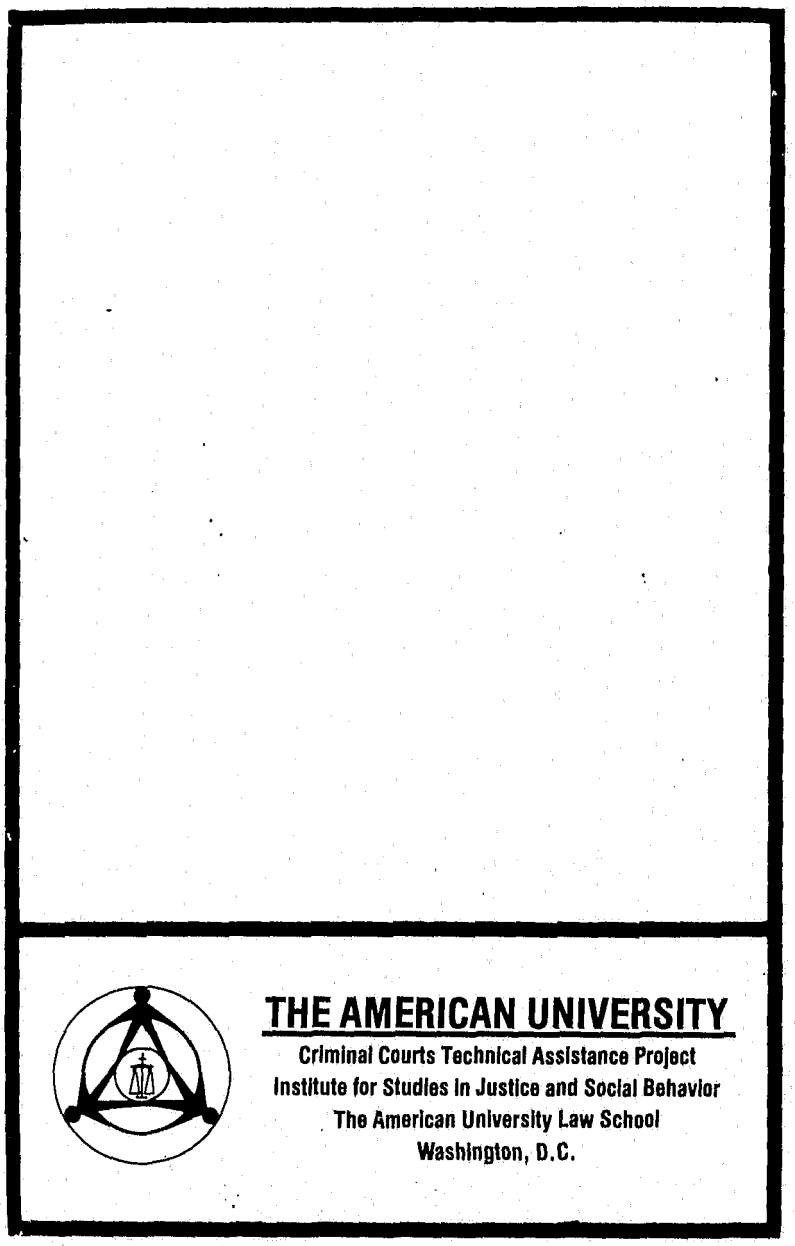
The total cost for the course as outlined is set forth as follows:

Orientation and initial classroom instruction: 10 days of 5 hours per day (50 at $150)	$7,500
Job assignment planning and seminars: 5 hours per week, 50 weeks (250 hours at $150)	37,500
Total	45,000

APPENDIX G

FUNDING FOR STATE COURTS

SPECIAL STUDY TEAM REPORT ON LEAA SUPPORT OF THE STATE COURTS



THE AMERICAN UNIVERSITY

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Robert E. Cleary, Provost
Gordon A. Christenson, Dean
Washington College of Law
Morris W. H. Collins, Dean
College of Public Affairs

INSTITUTE FOR STUDIES IN JUSTICE AND SOCIAL BEHAVIOR

Dr. Nicholas N. Kittrie, Director
Dr. Bill Tennery, Deputy Director

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT

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1776

REPORT OF THE

SPECIAL STUDY TEAM

ON

LEAA SUPPORT OF THE STATE COURTS

FEBRUARY 1975

Submitted By:

Dean John F. X. Irving, Team Leader

Judge Henry V. Pennington

Dr. Peter Haynes

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
The American University
2139 Wisconsin Avenue N. W.
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Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgement freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The American University is solely responsible for the factual accuracy of all material presented in this publication.

THE AMERICAN UNIVERSITY
WASHINGTON, DISTRICT OF COLUMBIA 20016

Washington College of Law
INSTITUTE FOR STUDIES IN JUSTICE AND SOCIAL BEHAVIOR

Criminal Courts Technical Assistance Project
2139 Wisconsin Avenue
Washington, D.C. 20007

March 8, 1975

Mr. Richard W. Velde, Administrator
United States Department of Justice
Law Enforcement Assistance Administration
633 Indiana Avenue N. W.
Washington, D. C. 20530

Dear Mr. Velde:

I am pleased to transmit with this letter the final report and recommendations of the special study team commissioned to assess the process of LEAA support to the state courts.

Although, technically, the effort this report represents is "Assignment Number 178" in the files of the Criminal Courts Technical Assistance Project, I believe that its focus on some very fundamental issues of federal-state and executive-judicial relationships makes it potentially the most significant undertaking of the LEAA technical assistance program. Thank you for entrusting this project with responsibility for the study and for according us complete independence in carrying it out.

I would like to take this opportunity, also, to express the appreciation of the special study team and project staff for the cooperation and assistance rendered us in this effort by the director and the courts staff of LEAA's Office of National Priority Programs.

Sincerely,

Joseph A. Trotter, Jr.

Joseph A. Trotter, Jr., Director
Criminal Courts Technical
Assistance Project

JT/nf

cc: Mr. Charles Work
Mr. H. Paul Haynes
Mr. James Swain

ACKNOWLEDGEMENT

The study team wishes to express its gratitude to all those who have contributed to the preparation of this report: our able Advisory Committee; Mr. Joseph A. Trotter, Jr. and Ms. Caroline S. Cooper and their staff at the American University; Mr. William B. Herndon, courts specialist in the Atlanta Regional Office of LEAA; Dr. Stephen Pieczenik; and Messrs. David Saari, Thomas Lumbard, Bert Montague, Robert Tobin, and Judge Reid Merritt, who provided valuable assistance to the team in developing the implementation strategy for this final document.

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FOREWORD

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 the more sophisticated police, prosecutors, defenders, and corrections personnel who have received generous federal support.

This Report recommends immediate steps that must be taken for the courts to catch up, to develop an ability to plan and program for their future. The ramifications of these recommendations pervade all the courts in each state and reach into the state planning agencies and into the regional and main offices of LEAA.

The initiative for such pervasive change, however, must come from the top, from the administrator of LEAA, himself. It must be more than lip service (although a major policy statement is required) and more than planning funds for the respective court systems (although planning funds are essential). It must be a total commitment of will, and whatever manpower and planning and action funds that can be brought to bear.

Certainly the courts can demand support in the national effort initiated by the Congress to upgrade the criminal justice system of this country. Among other reasons, upgrading law enforcement agencies and functions presents certain danger to a free society unless the courts keep pace. Concern about their failure to do so under the present federal support program has reached such serious proportions that it is our consensus that should the recommendations in this document be ignored, then legislation for direct funding of the state courts appears inevitable.

John F. X. Irving
Peter Haynes
Henry V. Pennington

February 17, 1975

CHAPTER I

INTRODUCTION

For some time, concern has been expressed by various judicial and court-related organizations regarding the present structure by which federal support is provided to the judicial components of state court systems. Among the specific problems suggested have been the relatively low percentage of federal monies going to the courts in comparison with those allocated to other criminal justice agencies, the role of the executive branch state planning agencies in allocating judicial funds, and the local match requirements which give state and county legislatures major control over judicial planning and operations. In August 1974, the Conference of Chief Justices and the Conference of the State Court Administrators each issued resolutions specifically focusing upon the problems and possible inequities and deficiencies of the current system of LEAA court funding.* Both resolutions suggested that the source 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.

In response to these concerns, LEAA requested its Criminal Courts Technical Assistance Project at The American University to undertake an immediate review of the present status of federal support to the judicial components of state court systems. This

*The texts of these resolutions are presented in Appendix F.

review would necessarily encompass the relationships between state planning agencies and state judicial systems and the methods by which the SPAs and the state court systems work - or do not work - together. The objectives of this review were to describe and analyze the planning and allocation processes presently utilized under the authority of the Crime Control Act of 1973, to determine whether the processes established are effective or ineffective, and, if indicated by the findings, to make recommendations for improvement of those processes.

Under the coordination of the Technical Assistance Project, a three-man study team was appointed, consisting of John F. X. Irving, Dean of Seton Hall University Law School and formerly Executive Director of the Illinois Law Enforcement Commission (SPA); Dr. Peter Haynes, formerly Director of the Judicial Administration Program at the University of Southern California; and Circuit Judge Henry V. Pennington, former Director of the Kentucky Model Courts Project. These team members were selected by The American University on the basis of their diverse perspectives and experiences regarding LEAA courts planning and funding, as well as their demonstrated ability to perform an objective and competent technical assistance assignment.

To assure the study team as comprehensive a perspective as possible, an advisory committee was assembled composed of representatives of the major organizations concerned with the

substance of the study. Serving on this committee have been the following individuals: Chief Justice Howell Heflin of Montgomery, Alabama, representing the Conference of State Chief Justices; Judge John Snodgrass of Huntsville, Alabama, representing the State Trial Judges Association; Marian Opala, Director of the Oklahoma Administrative Office of the Judiciary, representing the Conference of State Court Administrators; and Richard Wertz, Executive Director of the Maryland Governor's Commission on Law Enforcement and Administration of Justice and representing the Conference of State Planning Agency Executive Directors. Mr. Richard N. Harris, Director of the Virginia Division of Justice and Crime Prevention has alternated with Mr. Wertz as the representative of the Conference of State Planning Agency Executive Directors.

On September 26, 1974, an initial planning meeting was held attended by the members of both the advisory committee and the study team as well as several other persons representing LEAA and the Technical Assistance Project. Presentations dealing with various problems in the area of federal funding of state court systems were made by individual committee members, resulting in an extensive discussion regarding the approach and focus which the study should take. Among the various issues raised were the constitutional problems involved in the study and the problems that might result if it were conducted simply as a state-by-state

analysis of the amounts of LEAA funds going to the courts rather than on the basis of the complex issues involved. Of particular note were the administrative problems of delivering federal resources to a state court system, particularly in states where there is no existing centralized court management structure and the SPA must, therefore, provide the absent administrative mechanism.

To assure the maximum utility of the study, therefore, it was urged that several states be selected for field analysis which would be representative of the various mechanisms at work through which planning and federal support of state court systems are accomplished. In each of these states, the mechanisms by which judicial planning and funding are accomplished would be identified and assessed according to their effectiveness in meeting the needs of the court system of that state. As a result of these discussions with advisory committee members and LEAA representatives, four states were selected for the study: Arizona, California, Georgia and Wisconsin. These states were selected without consideration of whether their mechanisms for court planning and funding were efficient or inefficient but, rather, on the basis of the different processes at work in each state.

It was anticipated that field study and subsequent analysis of data from the four jurisdictions would provide a general framework for describing the process through which block grant funds reach

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most state court systems and that the recommendations emanating from this study could have wide applicability. The potential scope of both the field study and subsequent recommendations would, therefore, be quite broad and might pertain to any or all of the following: structure of the state court administrative office and/or the state planning agency, role of the state judiciary, applicable federal and/or state legislation, and other matters relevant to the study and identified in the course of the field work.

On September 27, the study team, chaired by Dean Irving, met to discuss the methodology for the study and the logistics and schedule for the site work.* By the end of October, initial field work in the four states selected for analysis had been completed and preliminary observations and findings were analyzed by the study team during several meetings held during that month. This analysis was based upon interviews and orientation sessions with SPA officials, Supreme Court and court administration personnel in each jurisdiction, as well as judicial, executive and legislative branch personnel at various levels of state and local government. These sessions were supplemented by an extensive search and review of available statistics and information relating to federal funding of the state court systems under study, along with various other documents relating to LEAA policies and operations. During the months of November and December, the study team conducted

*A detailed discussion of the team's methodology is presented in Appendix A.

additional field work to clarify and expand upon issues raised during the initial site analysis as well as to maximize the geographic range and planning levels incorporated into the study findings.

As a result of these analyses, the team evolved ten recommendations which focused upon three broad areas of concern: (1) the locus of responsibility and the mechanism for courts planning in the various states; (2) the role and composition of the state planning agency advisory boards; and (3) the system by which LEAA monies are allocated to the courts community. These recommendations were incorporated into a briefing document which was presented as a progress report to the advisory committee and LEAA representatives during the weekend of December 14-15, 1974. At the conclusion of that session, the committee moved that the same briefing be given to Mr. Richard Velde, Administrator of LEAA, and that at an early date after that a complete report, with a suggested strategy for implementing the team's recommendations, be presented to the executive committees of the national organizations represented on the advisory committee.

Pursuant to these motions, a special briefing for Mr. Velde and key LEAA national office staff, with most advisory committee members present, was held in Washington on January 10, 1975. At that meeting it was agreed to plan for the presentation of the final team report and implementation strategy to a joint meeting

of executive committee members of the national court and SPA organizations and LEAA officials in early March 1975.

The team met two more times to critique its recommendations with state court system and LEAA/SPA personnel and to refine the mandated implementation strategy in consultation with outside experts. From all these work and critique sessions, the present Report has emerged. The final draft was prepared on February 15-17, 1975.

CHAPTER II

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The study team attempted in a short time span to study both the process and the flow of federal funds entering the state courts through the conduit of the state planning agencies. The charge to the team included identifying the problems that exist, if any, in this funding technique and the charge to make whatever recommendations for change which might appear appropriate. Four states were identified for intensive study: Arizona, California, Georgia, and Wisconsin, and an assessment of the experiences of these states has now been concluded. Field work in each of the states, review of fiscal data and other documentation, and intensive interviews were conducted with the court leadership and with the state planning agency personnel in each state.

Not all of the questions raised by individual members of the advisory committee could be answered in the time available to the team.* Additional areas of research and inquiry that occurred to the team simply could not be pursued, and are identified in Chapter VII. The recommendations of the team nonetheless bear on the key questions of concern both to the funding sources and to

*Responses to some of the questions raised by individual members of the study's advisory committee are presented in Appendix D.

the courts. It is the team's consensus that these recommendations should be implemented as a priority of the first order, and that the state criminal justice systems will then become far stronger and more effective.

In articulating resolutions to the key issues in this study, the team rejected the two extreme positions: maintenance of the existing strategies for court planning and court funding and, conversely, recommending the scuttling of the present legislation in favor of direct or guaranteed funding. Based on its field work and review of available documents, the team recommends retaining the values inherent in the state planning agency concept, including its check and balance system of review by one level or by another branch.

Building upon the inherent values in the planning agency concept, the team then recommends a strategy for court planning and funding which places the initiative and authority within the courts themselves, and simultaneously creates within the SPA a more neutral and more supportive forum for the evaluation of court plans. The significance of the "war on crime" and the importance of improving the nation's criminal justice systems should be sufficient to persuade the branches of government to deal professionally and equitably with one another.

The team wishes to commend the Law Enforcement Assistance Administration for requesting the Courts Technical Assistance

Project to undertake the present study. The issues addressed are the subject of much heated controversy and constitute the basis for many predictions about the future of the LEAA program. While the following recommendations mandate present and future improvement of the LEAA state court support program, the team acknowledges that there have been successes as well as failures in past performance. From the interviews conducted with judicial and court personnel during the course of the field work and from the analysis of statistical and other data, there is no doubt that LEAA has been a major force in stimulating court reform in the United States and that even if the program were discontinued today, it would leave a valuable legacy.

* * * * *

1. FINDINGS:

- 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.
- In the states where there is judicial involvement in the planning process, court programs receive a larger percentage of the available funds.

- 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.

RECOMMENDATION:

PRIMARY RESPONSIBILITY FOR COURT PLANNING SHOULD BE VESTED WITHIN THE JUDICIARY OF EACH STATE.

2. FINDING:

- 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.

RECOMMENDATION:

A CONCENTRATED EFFORT SHOULD BE UNDERTAKEN BY THE COURTS, ASSISTED BY LEAA NATIONALLY AND REGIONALLY, AND BY THE STATE PLANNING AGENCIES, TO ESTABLISH AND STRENGTHEN INDEPENDENT PLANNING CAPABILITY WITHIN EACH STATE JUDICIAL SYSTEM. THIS EFFORT SHOULD BE UNDERTAKEN IMMEDIATELY AND SHOULD BE GIVEN HIGHEST FUNDING PRIORITY. THIS IMMEDIATE ACTION SHOULD BE SUPPORTED BY A COMMITMENT TO DEVELOP (OR MAINTAIN) A NATIONAL RESOURCE TO ADVANCE COURT PLANNING CAPABILITY ON A CONTINUING BASIS.

3. FINDING:

- 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. Even programs developed solely by the Supreme Court may not be responsive to local court needs.

RECOMMENDATION:

DEVELOPMENT OF THE COURTS PLAN SHOULD REFLECT THE INPUT OF LOCAL AS WELL AS STATE COURTS AND THE PROGRAMS ARTICULATED SHOULD REPRESENT A BALANCE OF LOCAL AND STATE COURT NEEDS.

4. FINDING:

- The present tendency is for the courts to operate in a vacuum and whatever planning is done, is done within this vacuum. Courts, however, are a segment of a larger process and this present tendency is therefore self-defeating.

RECOMMENDATION:

PLANNING BY THE STATE JUDICIARY SHOULD BE CONDUCTED IN COOPERATION WITH THE PLANNING FOR OTHER COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM AS WELL AS WITH OTHER COMPONENTS OF THE COURTS COMMUNITY.

5. FINDING:

- 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.

RECOMMENDATION:

THE COURTS PLAN PROPOSED BY THE STATE JUDICIARY SHOULD BE DEEMED PRIMA FACIE VALID AND A PRESUMPTION SHOULD ARISE THAT THE PLAN WILL BE APPROVED AND FUNDED BY THE STATE PLANNING AGENCY. THIS PRESUMPTION DOES NOT DIMINISH THE RESPONSIBILITY OF THE STATE PLANNING AGENCY TO SCRUTINIZE THE COURT PLAN FOR INVALIDITY, IMBALANCE, OR OTHER DEFICIENCIES.

6. FINDING:

- 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. In a state such as Arizona, where the courts have a large representation on the planning agency policy board, there is general satisfaction that the courts are getting fair attention and support.

RECOMMENDATION:

IN ORDER TO ACHIEVE A NEUTRAL FORUM FOR THE REVIEW OF COURT PLANS, THE COURTS SHOULD HAVE A FAR GREATER REPRESENTATION ON THE VARIOUS CRIMINAL JUSTICE PLANNING BOARDS. THESE REPRESENTATIVES SHOULD BE APPOINTED BY THE COURTS. TOGETHER WITH THE CITIZEN REPRESENTATIVES, THE COURT DESIGNEES SHOULD APPROACH ONE - THIRD OF THE TOTAL POLICY BOARD MEMBERSHIP.

7. FINDING:

- 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. Court funding conditioned upon court unification was considered to be unacceptable interference with the independent state judiciary. There is widespread concern that a unified court system is fiscally penalized under the existing funding mechanism. This concern deserves separate attention and further study.

RECOMMENDATION:

THE COURTS IN THE VARIOUS STATES SHOULD BE FUNDED THROUGH A PROCESS WHICH IS CONSISTENT WITH THE ADMINISTRATIVE STRUCTURE OF THE COURTS OF THAT STATE, WHETHER THAT STRUCTURE BE A UNIFIED SYSTEM, A DECENTRALIZED SYSTEM OR SOME INTERMEDIATE ARRANGEMENT.

8. FINDING:

- 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.

RECOMMENDATION:

IN VIEW OF THE LOW PERCENTAGE OF LEAA MONIES ALLOCATED TO COURTS IN THE PAST, COURT FUNDING SHOULD BE RAISED TO AT LEAST THE LEVELS OF SUPPORT SUPPLIED BY PRESENT STATE FUNDS AND GUIDELINES SHOULD BE DEVELOPED TO IDENTIFY THOSE LEVELS MORE PRECISELY. A FIXED GENERAL COURTS PERCENTAGE IS NOT RECOMMENDED.

UNTIL THE CONGRESS, LEAA, OR SOME OTHER AUTHORITATIVE SOURCE PRODUCES A STANDARD DEFINITION OF "COURTS", A COMPLETELY VALID NATIONAL ANALYSIS OF FUNDING OF THE COURTS WILL NOT BE POSSIBLE.

9. FINDING:

- There is evidence that SPA funding of court systems has been in concert with court modernization efforts without going as far as to impose unification (or uniformity) as a condition of receiving grants. This was in contra-distinction to the effects feared by the supporters of unification.

RECOMMENDATION:

THE FEDERAL SUPPORT PROGRAM SHOULD BE ENCOURAGED TO CONTINUE TO SUPPORT MODERNIZATION EFFORTS WITHOUT IMPOSING ANY PARTICULAR ORGANIZATIONAL REQUIREMENT AS A CONDITION PRECEDENT TO OBTAINING FUNDS. IN ADDITION, NO STATE SHOULD BE PENALIZED FOR THE ADOPTION OF ANY PARTICULAR MODE OF ORGANIZATION (ESPECIALLY UNIFICATION).

10. FINDING:

- 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. Similarly, the courts lack the planning staff capability which is absolutely essential for their evolution and growth.

RECOMMENDATION:

LEAA SHOULD SEE THAT FULL-TIME COURT SPECIALISTS WITH APPROPRIATE SUPPORT STAFF AND ADMINISTRATIVE INDEPENDENCE AND AUTHORITY, EXIST AT THE NATIONAL OFFICE OF LEAA, AT ITS REGIONAL OFFICES, AT THE SPAs, AND WITHIN THE COURT SYSTEMS. LEAA SHOULD CONSIDER DESIGNATING A COMPETENT LIASION PERSON TO SERVE AS AN OMBUDSMAN TO FACILITATE IMPLEMENTATION OF THESE RECOMMENDATIONS, TO STRENGTHEN THE ROLE OF LEAA AND THE SPAs IN UPGRADING THE STATE COURTS, AND IN AIDING THEIR HEALTHY GROWTH.

* * * * *

CHAPTER III

THE LEAA LEGISLATION: A COURTS PERSPECTIVE

"Crime is essentially a local problem
which must be dealt with locally."

PREAMBLE
OMNIBUS CRIME CONTROL
AND SAFE STREETS
ACT OF 1968

The arrival of the federal government into an essentially local "war on crime" occurred in 1968 with the enactment of the Omnibus Crime Control and Safe Streets Act. This was the first time in the history of the nation that significant amounts of federal funds were to be made available directly to urban police departments, corrections agencies and state court systems to cope with behavior that had been determined to be anti-social by the state legislatures. The authority of the federal government could constitutionally only be supportive; its role experimental and unprecedented. The invitation grew out of a public clamor in the early and mid-sixties that something be done to reduce the outbreak of violent crimes and juvenile delinquency in all urban communities and, increasingly, in staid suburbia.

A year earlier, the Crime Commission, created by President Lyndon B. Johnson, issued a landmark report entitled The Challenge of Crime in a Free Society. This document not only spurred Congressional action but pointed out that the criminal justice systems in the several states were unequal to the task of coping with anti-social behavior. In a series of some 200 recommendations the Commission indicated that more of the same would not do the job; more police, more jails, or more courts. What was required, the Commission advised, were new approaches to the prevention and control of anti-social behavior. A secondary purpose of the federal war on crime, therefore, was the upgrading of the criminal justice systems of the 55 jurisdictions encompassed by the 1968 legislation.

Today, with the passage of seven years and the expenditure of more than $3 billion, crime and delinquency have not shown serious and continuing decline, but the criminal justice systems in every state have clearly been upgraded. The Conference of Chief Justices and the Conference of State Court Administrators contend, however, that the state courts have not kept pace and that the mechanism for planning and funding in the legislation work a disadvantage on the judicial branch of state government.

In order to understand the present status of the national effort to cope with crime, certain realities should be pointed out which help explain not only the lack of unqualified success in reaching

either of the two program goals but explain the tensions and dislocations that have occurred at the state and local levels in many criminal justice systems.

First, the goals of the legislation were unrealistice and blurred. The harsh fact is that the Congress has not appropriated - and could not appropriate - sufficient funds in the "Safe Streets Act" to make the streets of urban America safe. What trickled into local communities was a small percentage of their annual criminal justice budget. Further, the Administrator of the Law Enforcement Assistance Administration in the early years of the program denied that there was more than the one goal of fighting crime. Upgrading the system was also an illusory goal because there was no criminal justice system. Instead, each state had the initial task, still unmet, of pulling the various segments together into a cohesive system. The courts were especially slow to participate in the program and often received neither the encouragement nor technical assistance that would permit a major involvement.

Second, the legislation inflicted new theories of federal-state relationships upon a program that sought to be action-oriented. Time was lost and tensions mounted in implementing the war on crime because new concepts that had to be assimilated were imposed on the states. The legislation required that action funds be processed through a state criminal justice planning agency (SPA).

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Such an entity, however sound in concept, was an artifical transplant in the body politic which is still struggling for acceptance in many states. The block grant concept was another innovation that sent the cities and the courts scurrying back to the executive branch of state government where the block grant was deposited by LEAA for sub-funding.

Further, planning is detached and slow moving, while crime fighting operates on prompt response. Today's crisis, if unanticipated, waits nine months or longer for SPA financial support.

Third, the three duties imposed on the state planning agencies tend to be incompatible. The federal legislation requires that the SPA be responsible for comprehensive planning, for funding of actions programs, and for pulling the fragments of criminal justice into a cohesive system. These awesome responsibilities were a staggering burden for SPA staffs that were quickly assembled and were often unskilled and unfamiliar with the enabling legislation. Compromises had to be made in order to keep the taut timetable mandated both for submission of annual plans to LEAA and for commitment of action funds. The path of least resistance was therefore followed. Police departments which believed the program was primarily for their benefit, were waiting on line with easily perceived needs. The courts were cautious about the use of federal funds coming through the executive branch of state

government and failed to receive the interest or contact from the SPA that was required for their participation. The imbalance was so great that in one year the LEAA warned fully two-thirds of the states that their plans would not be approved next time unless their state courts were more adequately involved.

Finally, it can be seen that an SPA is hardly likely to be able to plan effectively for agencies that receive meager grants from it or, indeed, are denied grants entirely, as good planning may sometimes dictate.

Fourth, the legislation encouraged competition at the state and local levels for the limited federal funds. Because criminal justice system needs far exceeded the size of the LEAA block grant awarded to each state, a built-in competition for funds developed. Applications were to be made to an interdisciplinary policy board of the SPA on which sat representatives of various agencies which sought special consideration for their discipline. The courts were nominally represented but found it demeaning to apply for court funds to an agency that was not always objective or professional and which, in some instances, viewed the availability of federal funds as an opportunity to strengthen relationships for the governor.

Fifth, since its inception both the planning requirements imposed on the states and the structure of LEAA have been in flux. Assessing the LEAA-SPA experience, the Columbia Human Rights Law Review, (Spring, 1973), concluded that "Comprehensive planning, in practice to date, is a myth." Although this may be too harsh an assessment, the fact is that comprehensive planning is experimental and suffering growing pains, often at the hands of inexperienced staff. In this context, then, constantly changing guidelines for state planning emanating from LEAA have jeopardized the planning process. "Comprehensive planning" was changed to "crime specific" planning; then to "planning by objective"; then to "stranger to stranger crime" for the special, discordant funding of impact grants to eight large cities; and most recently, LEAA has directed that the states develop plans leading to "standards and goals for criminal justice."

Aggravating these shifts in the directions for planning has been the changing structure of LEAA itself. The original administration was a troika with each of the three administrators having equal authority and equal voice. This proved unworkable and after the demise of three administrators, the current structure has Mr. Richard Velde as the sole administrator with one assistant or deputy.

The seven regional offices were increased to ten along the way and decision-making was decentralized from Washington to

the regional offices. Nearly a year was lost in this transition and to this day, the relationships between the national and the regional offices are uneasy.

Even at the state planning agency level there have been considerable shifts in policy and personnel. The Florida SPA has had 19 executive directors in the relatively short span of its existence. Other SPAs have experienced turmoil in relation to their governors, and a change of executive leadership at the state house has generally been followed by a revamping of the SPA. In this constantly changing environment, one former LEAA administrator, Jerris Leonard, admitted that there has been no opportunity to assess the strengths and weaknesses of the planning process in this program.

Sixth, the federal legislation urged reform and innovation upon the states when many basic needs had not yet been met and when the local philosophy often opposed change. Over the entrance to the old County Court House in Hudson County, New Jersey, there is the inscription, "He who stands still stands well." This philosophy typified the judicial branches of most state governments which decided present litigation on precedent and which had a strong common law tradition. Change was difficult to accept. The courts were proclaiming the need for more judges, more staff and more facilities to cope with the increase in crime

and juvenile delinquency. The legislation, however, advanced funds for diversionary programs and court reform which might render additional judges unnecessary.

The court philosophy throughout the nation has gradually accommodated itself to the need for change and considerable experimentation is now underway; the fact remains, however, that many trial judges to this day are without secretaries, law libraries and even basic office supplies. For them, comprehensive planning as envisioned by the Crime Control legislation, is unrealistic. The result is either tension and confrontation or withdrawal or expulsion of courts from full involvement in the SPA planning and programming efforts.

Seventh, the several levels of review developed for the planning process produce a check and balance which, though desirable, is fraught with pitfalls. Whether intended by the Congress or not, the evolving SPA programs have developed a system of check and balance which can be demeaning for applicants for funds. A program proposal prepared by a local segment of the criminal justice system generally is reviewed by a regional planning board. It then goes to a committee of the SPA or to its full policy board. From there, the regional office of LEAA has an opportunity to comment when it reviews the full Plan and, of course, the national office has final sign-off authority. In this review process, a judgment is made by people who may be uninformed of the needs of the applicant, hostile or in competition

for the same funds. The hostility is especially distressing when the applicant is a court system. It was alleged, e.g., that one SPA chairman said, "When they (the Supreme Court) improve their opinions, they'll get more money."

The planning boards of many SPAs have been political allies of the governors or have not had the intellectual capacity to understand the significance of the war on crime. The courts in turn, like other segments of the criminal justice system, have had difficulty in understanding the philosophy and the mechanisms for funding. All of these factors have made it especially bristling for a branch of government, i.e., the judiciary, to participate in a review process of its needs before a tribunal that may be uninformed and biased.

Conclusion: These seven harsh realities of the war on crime indicate the difficulties that applicants for funding have encountered in this major national program. The inconvenience, time delays, and political intrigue that have been reported to the study team are alleged by the Conference of Chief Justices and by others to cause a special dislocation to the courts. This allegation is pointed not only at the novel and experimental machinery set up to implement the war on crime but rests on the Constitutional argument that the courts, as a separate and equal branch of government, should do their own planning and programming. The following chapters attempt to address those grievances.

CHAPTER IV

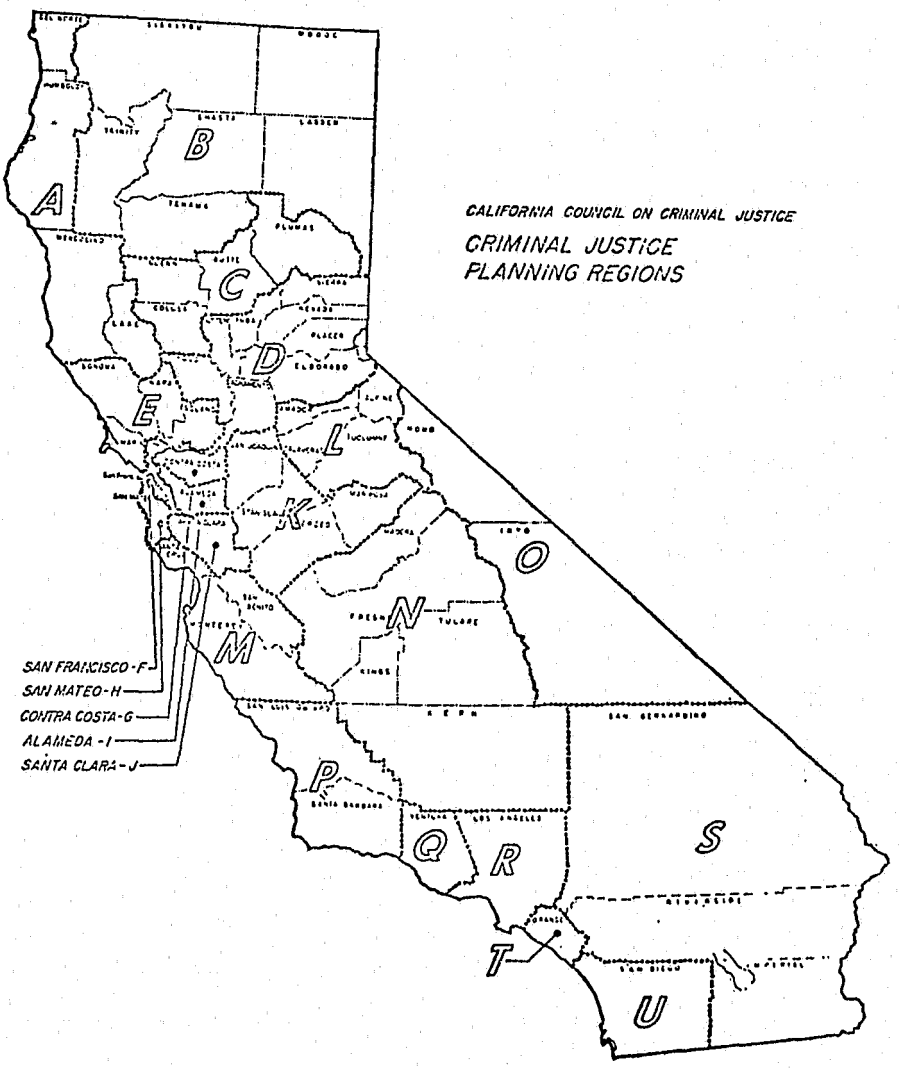
ANALYSIS OF COURTS FUNDING AND PLANNING MECHANISMS

A. The State Court Systems and the Associated State Planning Agencies

State court systems vary tremendously in the way they are organized and the state planning agencies also vary significantly. In order to understand the relationships between these different systems, it is necessary to describe the two systems in parallel for the states examined.

California

The California judicial system is the largest in the United States. Article VI of the State Constitution vests the judicial power of the state in a Supreme Court, Courts of Appeal, Superior Courts, Municipal Courts, and Justice Courts. The Constitution also provides for agencies dealing with judicial administration, including a Judicial Council and it's staff agency, the administrative office of the courts. The Judicial Council is the chief administrative agency of the California judicial system and is directed to improve the administration of justice by surveying judicial business and making recommendations to the courts, governor, and legislature. It can also adopt rules for court administration not inconsistent with statute. The Council consists of 21 members at present. They are the chief justice


CALIFORNIA COUNCIL ON CRIMINAL JUSTICE
CRIMINAL JUSTICE
PLANNING REGIONS
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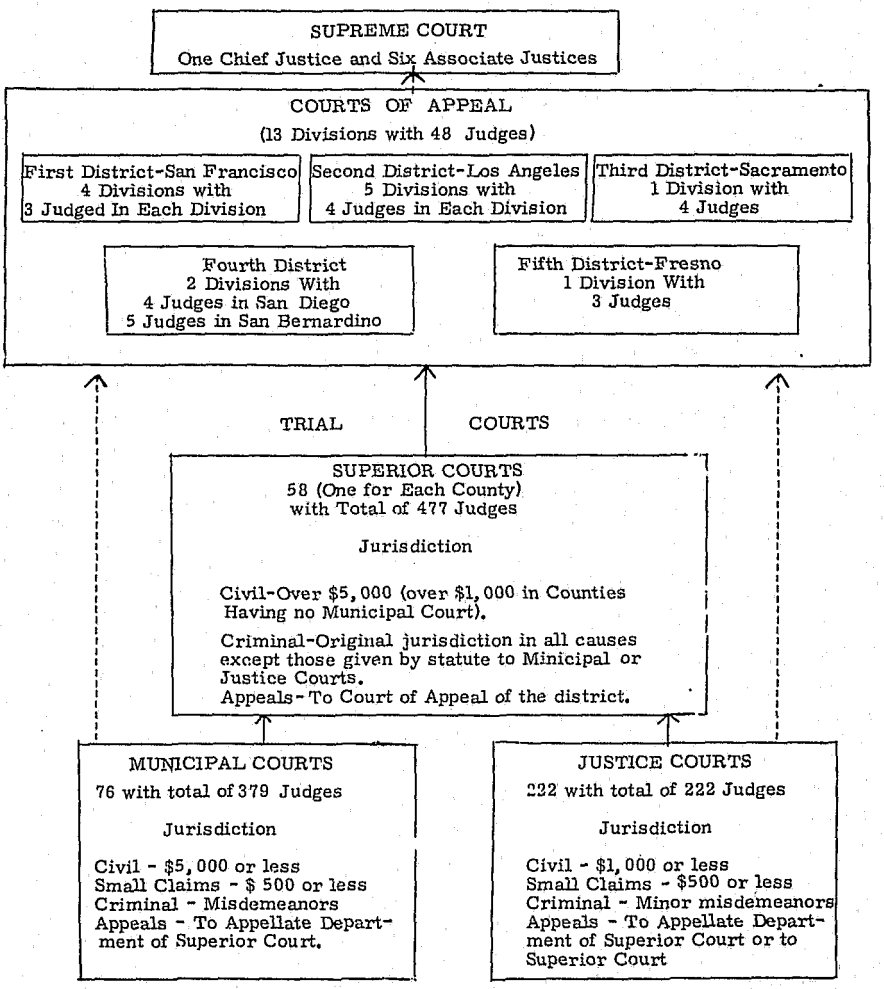
SAN MATEO - H
CONTRA COSTA - G
ALAMEDA - I
SANTA CLARA - J

CALIFORNIA COURT SYSTEM



_____ Line of Appeal

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one associate justice of the supreme court, three judges of courts of appeal, five judges of superior courts, three judges of municipal courts, two judges of justice courts, four attorneys and one member of each house of the legislature.

The California court system has a certain amount of structure due, amongst other things, to the ability of the Council to adopt rules of procedure and court administration. However, the courts are still substantially locally based. The trial courts are primarily financed at the local level in accord with the predominate pattern for state court systems. A number of recent attempts to move to state funding have not succeeded.

The state planning agency (SPA) in California was created in 1967 in anticipation of receipt of federal funds. In contrast to most other SPA's, it has been subject to substantial legislative oversight having been regulated by statute since it's inception. The history of the changes in the statutes over the years is described in Law and Disorder III by the Urban Coalition, and is not repeated here. However, the statute has been changed recently (AB1306) and the California Council on Criminal Justice (CCCJ) is now the supervisory board for an office of Criminal Justice Planning. This legislation also makes provision for a Judicial Criminal Justice Planning Committee appointed by the Judicial Council.

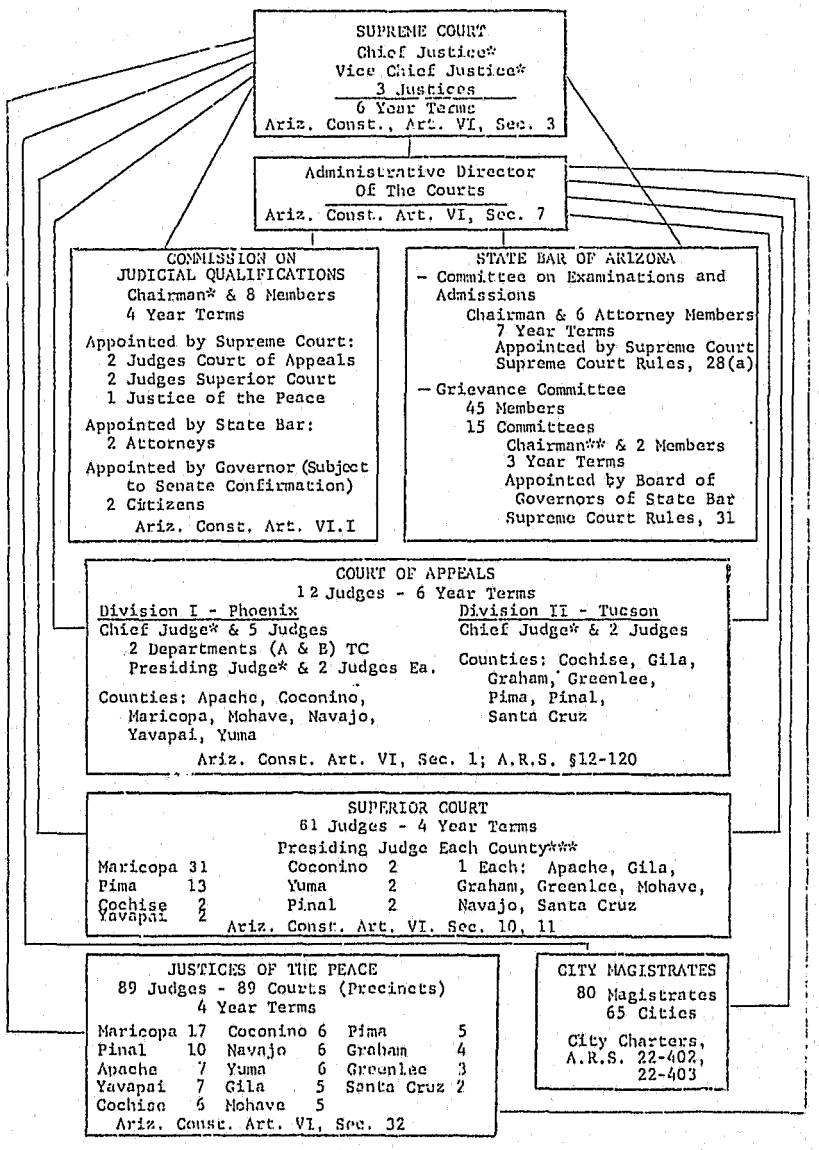
There are presently twenty one regional planning districts which have substantial responsibility for the distribution of monies. The planning boards responsible for these decisions may be part of a local association of governments or they may be completely separate and distinct (as in Los Angeles). They have managed to establish considerable local autonomy and establish their own lists of priorities which can preclude funding of a local project from regional monies even if it might be supported at the state level.

Arizona

Article VI of the Arizona Constitution defines the organization and powers of the judicial branch of government. Section One vests judicial power in an integrated judicial department consisting of a Supreme Court, such intermediate appellate courts as may be provided by law, a Superior Court, such courts inferior to the Superior Court as may be provided by law, and justice courts. Section three states that the Supreme Court shall have administrative supervision over all of the courts of the state.

Section five (Part 5) specifically gives the Supreme Court authority to make rules relative to all procedural matters in and court. Section 11 specifically gives the Supreme Court authority to appoint a presiding judge of the Superior Court for each county, who will exercise administrative supervision over the court.

STATE OF ARIZONA
JUDICIAL DEPARTMENT
ORGANIZATION AND ADMINISTRATION



* Elected by Their Members
** Appointed by the Board of Governors
*** Appointed by the Supreme Court

32.

The Arizona court system has been defined as a unified system on the basis of this constitutional authority. However, it is not presently unified in a fiscal sense. The trial courts are still funded substantially at the local level. In fact, a recent (1972-73) analysis of the sources of funding for all Arizona courts showed that only 9.9% ($1,922,859) of the costs were borne at the state level. The counties carried 79.5% of the cost ($15,401,511), and the cities 10.6% ($2,057,237).

There is no judicial council in Arizona and no standing committees. Power is very much centralized in the supreme court.

The Arizona State Justice Planning Agency was established by executive order. It consists of a central governing board with an associated staff. These regions were as follows:

1. Maricopa County
2. Pima County
3. Apache, Coconino, Navajo and Yavapain Counties
4. Mohave and Yuma Counties
5. Gila and Pinal Counties
6. Cochise, Graham, Greenless and Santa Cruz Counties

Generally these regions correspond with Councils of Governments (COGS); e.g., the Maricopa County Association of Governments (MAG) handles Region I. The agency uses task

forces (e.g., Courts and Prosecution, State Agency and Criminal Data Systems) for much decision making. Although the amount of delegation of responsibility to the regions has changed with time, the agency appears to be reasonably heavily centralized. The agency goes through the usual process of plan development followed by specific project submission in order to arrive at a final allocation. It appears that the plans developed are, in essence, a list of specific projects.

Arizona has one unique aspect. The legislature supplies all the matching monies required for grants at both the state and local levels. Accordingly, no financial contribution is required by local government in order for a grant to be received.

Georgia

The Georgia Court system has only recently undergone substantial changes. Shortly after the study team left the state, a constitutional amendment was passed changing Article VI, which governs the judiciary, to provide for a substantially more unified system. At present. . .

> "The judicial powers of this State are vested in a Supreme Court, a Court of Appeals, Superior Courts, Courts of Ordinary, Justices of the Peace, Notaries Public who are ex-officio Justices of the Peace, and such other courts as have been or may be established by law.
>
> "For the purposes of administration, all of the courts of the State are a part of one unified judicial system. The administration of the unified judicial system

> shall be as provided by law. As used herein, administration does not include abolition or creation of courts, selection of judges, or jurisdictional provisions other than as otherwise authorized in this Constitution. The administration provided herein shall only be performed by the unified judicial system itself and shall not be administered to or controlled by any other department of Government."

In addition, the state has only recently created, through legislative action (Act No. 178 of the 1973 Session of the General Assembly (1973 Ga. Laws p. 288), a Judicial Council of Georgia and an administrative office of the courts. The present Judicial Council is made up of the following nine members:

1 Supreme Court of Georgia Justice

1 Court of Appeals of Georgia Judge

5 Superior Courts of Georgia Judges

1 State Court of Georgia Judge

1 Ordinary Court of Georgia Judge

An administrative director of the courts has recently been hired who assists the Georgia judges and the council in administrative matters.

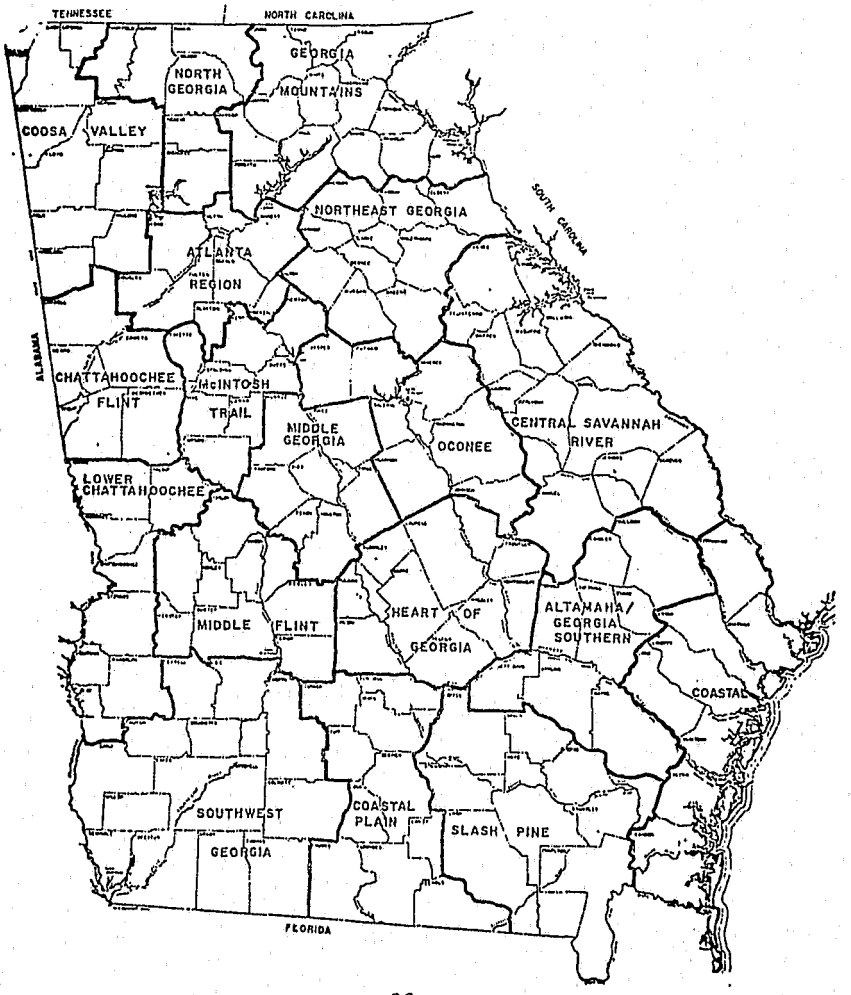
In spite of these recent developments the funding of the state court system is still basically a local responsibility.

The state planning agency, called the Georgia State Crime Commission, was created by Executive order in 1971, with changes in the order being made in 1972. In addition, regional planning units (18) are utilized for the distribution of regional

GEORGIA

AREA PLANNING AND DEVELOPMENT COMMISSIONS

(EFFECTIVE JULY 1, 1972)



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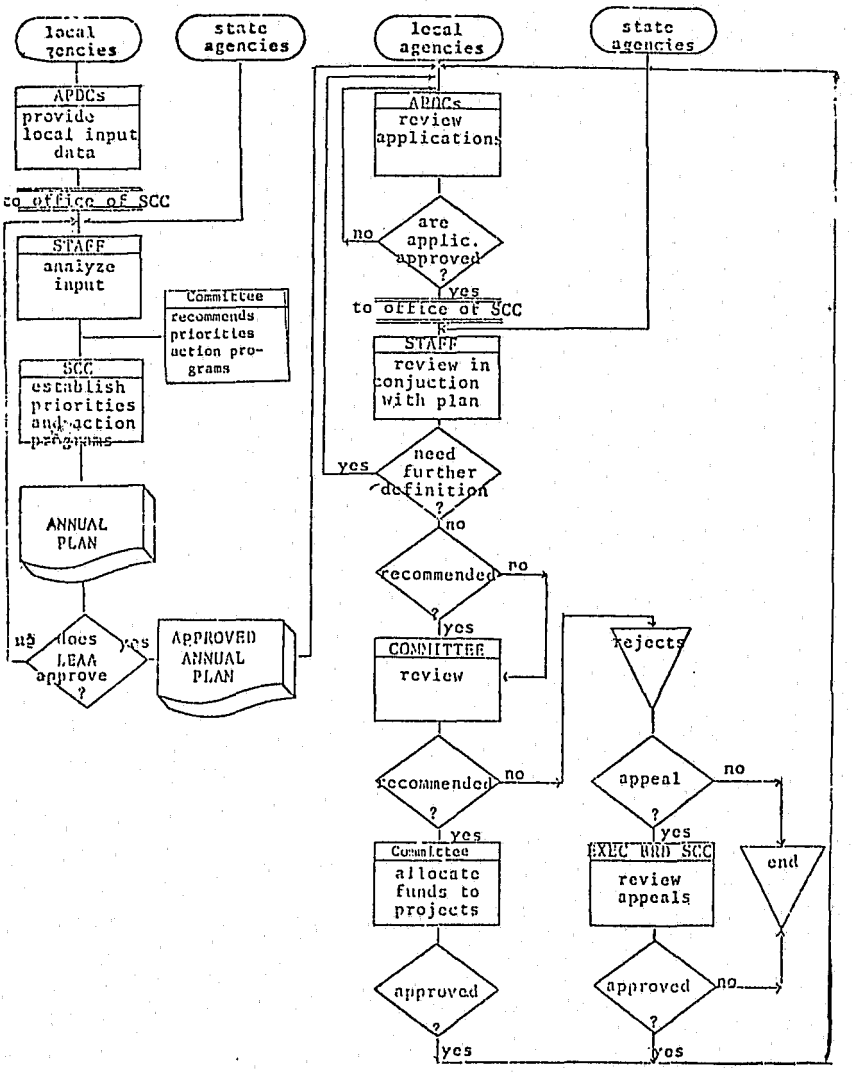
GEORGIA

NEW PLANNING PROCESS APPLICATION PROCESS



monies. All these units corresponded to already existing area planning and development commissions (APDC). None of these APDC's employs a court specialist. Generally, there is only one individual responsible for all local criminal justice planning.

The planning process and the application process are similar to those employed by other state planning agencies. A flow chart is included to illustrate the overall procedures.

Wisconsin

Article VII of the Wisconsin Constitution governs the judiciary. Section two states that the judicial power of the state is vested in a Supreme Court, Circuit Courts, and Courts of Probate. The legislature may also vest such jurisdiction as may be deemed necessary in Municipal Courts and may authorize establishment of inferior courts with limited jurisdiction. Section three established that the Supreme Court has general super-intendive control over all inferior courts and the court has actively exercised this power in rule-making.

At present, Wisconsin's court system consists of a Supreme Court, Circuit Courts, County Courts and Municipal Justice of the Peace Courts.

The judicial branch is headed by a Supreme Court of seven justices elected statewide for terms of 10 years. Although primarily the appellate court for the state, the Supreme Court also has original jurisdiction for a limited number of cases of statewide concern. It is also the final authority on the State Consitution.

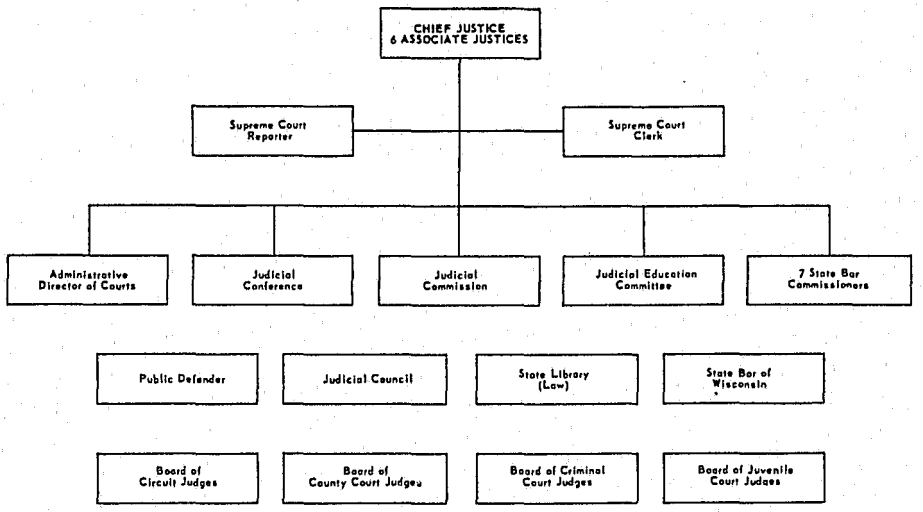
Courts of original jurisdiction in the state include the 70 County Courts and the 26 Circuit Courts. The Circuit Courts are the principal trial courts. A Circuit Court district may comprise one county or several counties, and a Circuit Court may have several branches. Most counties have a County Court, and some County Courts have several branches. All County Courts have uniform jurisdiction. They have civil jurisdiction concurrent with the Circuit Courts up to a specified amount; criminal jurisdiction similar to that of the Circuit Court except for treason and certain Milwaukee County matters, and exclusive jurisdiction in probate matters, most juvenile matters, and adoptions. Some cases can be appealed from a County Court to a Circuit Court.

Over 200 Municipal Justice Courts have been created by cities, villages and towns. Their jurisdiction is limited.

The Supreme Court appoints the administrator of courts, public defender, state bar commissioners, the judicial commission and the judicial education committee, and constitute - along with the attorney general - the board of trustees for the state (law) library. Other agencies forming a part of the judicial branch include the judicial council; administrative committee for the court system; the judicial conference; the boards of Circuit Court judges, county judges, Criminal Court judges, and Juvenile Court judges; and the state bar of Wisconsin.

JUDICIAL BRANCH

WISCONSIN SUPREME COURT



Their shared primary concern is to improve the organization, operation, administration, and procedures of the state judicial system. Other functional areas of some of these agencies relate to raising professional standards, judicial ethics, legal research and law reform, defending the indigent, investigation complaints and disciplining misconduct.

The courts are aided in their function by numerous state agencies, composed for the most part, of judges and attorneys.

The structure of the Wisconsin court system has been the subject of considerable attention during the past few years. A citizen's commission on judicial organization has studied the courts and made recommendations for changes. Major proposals for constitutional and statutory change have been made and they are now in various stages of process.

At the present time, the Supreme Court operates under a unique system. It receives a sum sufficient budget from the legislature which is not subject to modification by the Governor or, in theory, by the legislature. This gives it considerable fiscal independence. This freedom is not shared by local trial courts which still have the majority of their funds supplied by local units of government.

The Wisconsin Council on Criminal Justice (WCCJ) was created by executive order. It consists of the usual governing board and associated staff. There are ten regional

criminal justice planning councils which assist in the distribution of local monies. The Council, which is presently in the process of change, uses staff committees to develop components of the state plan. It reviews specific projects through staff assessment and executive committee action. It does not use task forces.

B. Court Participation in the LEAA Program

Whenever possible, the team sought to trace the history of court funding in the various states visited. This information was obtained not only in an attempt to determine the degree of court participation but also because the analysis shed light upon many of the important relationships which existed in the various states.

Without exception, court officials in the states examined acknowledged the contributions made by the LEAA program to the judicial branch. Even officials in those states where conflict existed, took pains to comment on that fact. Particular importance was attached to access to these monies because they made innovative developments possible in many cases for the first time. Of course, applicants for money are in a difficult position in being completely candid in this matter but the team's judgment, based many times on personal knowledge of the individuals involved, was that these statements were genuine.

The first two states visited (Georgia and Arizona) seemed to have particularly fine relations at the state level. In each state,

court representatives indicated that they had received all the money that they could use at the time and that more would have been an embarrassment. In fact, in the early years of the program in Georgia, monies were allocated to the courts which they just could not use and which, consequently, reverted to the agency. In addition, the courts in question felt that the money had been spent in ways which corresponded with their priorities and that these expenditures had forwarded court reform and improvement and had not undermined movements to unification. These positive feelings were reciprocated by the SPAs who felt that everything was working very well.

The team got the feeling in these states that reasonable people could come up with reasonable arrangements and that, whatever the formal structure, ways could be found to accommodate the courts.

The other two states did not have the same pattern of consistently good relations. In previous years the Wisconsin SPA had had a reputation for strong support of the judicial branch, but at the time of the team's site visit, relations appeared to have deteriorated significantly between the SPA and the courts. It was a time of considerable change in the SPA and the situation was in a state of flux. California had experienced the reverse of this situation, having had a history of conflict between the SPA and the courts which was being

mitigated (if not resolved) by changes in statutes governing the SPA and by improved court participation in the program.

Georgia

Analysis of the amounts of money attribtued to court projects in Georgia is particularly informative because it illustrates many of the problems which the team was charged to examine.

First of all, the figures show that "courts" were not allocated any significant percentage of funds until relatively recently. The 1969-1970 period was characterized by allocation of less than six percent overall. It was not until 1972 that the allocation was increased to approximately 12 percent, where it has essentially remained since that time. Although "courts" increased their participation at both state and local levels beginning in 1972, it was the state court projects which were allocated the greater percentage of funds. Local court participation rose to the 12-13 percent range, but state level participation rose to approximately 17 percent of the available money.

In order to understand these figures one has to look at them in considerably more detail than these gross percentages allow. As has been pointed out by others, the LEAA "courts" classification includes a number of different areas, including prosecution and defense. Accordingly, to analyze the funding pattern, the team broke down the "courts" section of annual plans into its

several component parts. This breakdown showed that actual judicial participation was considerably less than that indicated by the broader classification. Thus, for 1971, the analysis showed that $158,699 was allocated to judicial, administrative and facility projects and $270,873 was allocated to defense and prosecution projects. This means that only slightly over ten percent of all available money was allocated to judicial projects in 1971. This figure might be increased slightly by the incorporation of the court component of a juvenile delinquency grant but even that addition would not raise total participation above three percent.

Application of this same formula to the expenditures in 1974, the year that courts officially participated to the greatest extent, showed that in that year 5.3 percent of the money was allocated to courts (rather than the 13.5 percent indicated by the broader "court" definition). That figure again might be increased by the addition of court components of "systems" projects and juvenile delinquency projects but only to a maximum of approximately six percent. This is a rather low figure and one which would seem to indicate that the claims of overstatement of judicial participation in the blook grant program can be substantiated.

It is also important to differentiate between money allocated for courts projects and money actually expended. In some instances there are considerable differences between the two

figures. Analysis of the "spread sheets" obtained from the LEAA regional office indicated that in 1971 and 1972 the actual monies expended on "court projects" were $323,722 (1971) and $593,423 (1972), rather than the $429,164 (1971) and $1,226,841 (1972) originally allocated. There are considerable difficulties in tracking these monies in detail, but these figures appear accurate. Breaking down the amounts in order to remove prosecution and defense projects showed that in actual fact, courts expended $118,668 in 1971 and $186,284 in 1972. This represents 1.6 percent of the total state block grant in 1971 and 2.2 percent of the total in 1972. These are hardly distinguished figures. It is not possible to determine the actual record for 1973 and 1974 because all the figures are not in, but at present, 1973 funds are intact as allocated. One hopes that the installation of central court administration will improve the record and bring expended amounts much closer to original amounts allocated.

In summary, the original monies allocated to courts, broadly defined, in no instance exceed 14 percent of the total. If courts are narrowly defined to include only judges, administration and facilities, then in no instance do the monies allocated exceed six percent. In the years for which financial records are complete, expenditures actually amounted to only 1.6 percent and 2.2 percent (i.e., 1971 and 1972). There is reason to hope that record is now improving.

It is obvious that courts, per se, have not really participated financially to any significant degree in the crime program in Georgia. This, however, should not be viewed as a complete indictment of the state planning agency. Nothing in this fiscal analysis has addressed the reason for these results. Interviews with court personnel and SPA staff indicated that the reason for the short fall between expenditures and allocation was the inability of the court to use the money. They let it revert in spite of the good intentions of the state planning agency. One might hazard the prediction, however, that as the Georgia court system develops the capacity to absorb and utilize well significant levels of block grant monies, the good relations between the courts and the SPA, alluded to earlier, may be placed under severe strain if the SPA is unable or unwilling to deliver.

The critical questions to be faced in Georgia are, first, whether the courts can use the monies allocated, and second, whether the courts will be able to increase their participation above the six percent level.

Team members interviewed the chairman of the SPA supervisory board on the latter point because we believed that fiscal and political factors might present significant problems for courts in the future. In recent years, the amounts of money appropriated for LEAA have remained relatively constant and, accordingly, the amounts of money distributed to Georgia have similarly remained constant. This means that for the

ALLOCATED COURTS FUNDING IN GEORGIA

Fiscal Year	Block Grant	State Courts	% of Court Grant	% of State Grant	% of Block Grant	Local Courts	% of Court Grant	% of Local Grant	% of Block Grant	Total	% of Block Grant
1969	554,625						100	.7	.5	3,000	.5
1970	4,127,000	14,307	11.0	1.4	.4	115,111	89.0	3.7	2.8	130,018	3.2
1971	7,518,000	108,750	25.3	5.8	1.4	320,414	74.7	5.7	4.3	429,164	5.7
1972	9,215,000	337,890	27.5	14.7	3.7	888,951	72.5	12.9	9.6	1,226,841	13.3
1973	10,695,000	493,788	33.9	16.9	4.6	964,325	66.1	12.4	9.0	1,458,113	13.6
1974	11,953,000	546,500				1,107,504				1,654,004	

DETAILS OF ALLOCATED COURTS FUNDING IN GEORGIA

Fiscal Year	Judicial	Prosecution	Defense	Administration	Facility	Other Components	
1969	3,000						
1970	23,488	43,730		9,185			
1971	99,879	205,722	65,151	19,020	39,800	(JD)	37,716
1972	134,240	442,092	20,225	411,718	218,566		
1973*	483,852	398,972	228,186	204,593	142,510	(S) (JD)	15,017 60,000 25,000
1974	297,500	546,600	468,785	211,500	129,600	(PD) (S)	144,000 34,000

*Funding for court administrators transferred from Administrative to Judicial.

(S) Systems
(JD) Juvenile Delinquency
(PD) Personnel Development

Georgia courts to increase their participation they will have to obtain funds at the expense of areas presently being funded. When asked whether the state planning agency would have the fiscal flexibility to increase court funding should it desire to do so, the chairman indicated commitments to multi-year projects left the agency with discretion over only about 25 percent of the new money in any particular year. This meant that fiscal constraints would exist in the immediate future, but he pointed out that the courts should start now because the multi-year projects would eventually expire.

The other central question is whether political realities would allow the courts to increase their participation at the expense of law enforcement (given Part E fixed percentages). The answer was that there were two conflicting factors operating. On the one hand, law enforcement agencies had developed the grantmanship capability to compete but on the other hand, they had had many of their primary needs satisfied. He could envision a scenario where courts would be applying for money at a time when law enforcement agencies' real demands were diminishing. Only time will tell.

Arizona

The experiences in Arizona had some similarities to those in Georgia. Both states have congenial relations between the SPA and the state court leadership, yet neither have especially large populations. Accordingly, it was interesting to see whether the fiscal experience of courts in Arizona had been the same as that of the Georgia courts. Overall, it appears that, although there are similarities, there are also distinct differences.

Unfortunately our fiscal analysis in Arizona was not as complete as that carried out in Georgia, mainly because staff could not be spared to do the detailed analysis required. Our main source of information was a complete listing of funded court projects that had been compiled by the planner in the administrative office of the courts. This listing, which covered the years 1969-1973, indicated that since 1971 the "courts" had received 13 to 14 percent of the money "in toto." However, the judicial branch in Arizona included public defenders, juvenile and adult probation services, clerks of the Superior Court, and juvenile detention, as well as the courts themselves.

This complete listing of projects made available to the team identified the projects by title and attributed them to specific allocations of money. It is difficult to extract from this list a complete breakdown of the monies going to specific court projects;

however, they are obviously significantly less than the 13 to 14 percent claimed for courts defined broadly. In order to illustrate this differential, all the "court" projects funded in Region I (Maricopa County) using 1971 monies were extracted. Nineteen projects were funded to a total of $1,046,755. In our judgment, only five of these projects were court projects, according to a narrow definition of courts, and these totalled only $382,317. In fact, even those projects had non-court components, as the majority were information system projects.

Wisconsin

"Courts" in Wisconsin have traditionally received relatively high percentages of funds. Expressing these amounts in terms of percentages of Part C funds, it can be seen that "courts" participated at just above the 20 percent level in 1972-1974. However, the plans in 1972 and 1973 allocated higher percentages of money than were actually received, i.e., 22.6 percent received in 1973. In 1974 that differential was reversed, with 18.4 percent being allocated initially but 20.4 percent was expended.

Analysis of these "courts" projects, which was carried out within the state, showed that court-specific projects were supported at considerably lower levels. A breakdown of the total

active funds assigned to "courts" shows that defense projects, in particular, are well supported:

Year	Courts	Prosecution	Defense	Other
1972	5.1%	3.1%	11.0%	6.1%
1973	4.3%	2.3%	13.3%	4.8%
1974	6.2%	4.5%	4.6%	3.1%

In spite of the historical view that courts are well supported by the Wisconsin Council on Criminal Justice, it appears that courts, narrowly defined, have not obtained more than five to six percent of the (Part C) funds in recent years. The percentage of total funds is significantly less than these figures. It is interesting that these figures are very close to the amounts utilized for courts in California in the same time period. Yet, California courts perceive themselves to be badly supported and Wisconsin, traditionally, has been well satisfied.

WCCJ Funding to Wisconsin Supreme Court - Actual

Total Funds Awarded by WCCJ Planning Years:

1971 - $183,141 ($6,000 turnback) (Judicial Council $13,933)

1972 - $289,387 ($4,051 turnback) (Judicial Council $ 5,322)

1973 - $576,956 ($28,000 turnback)

1974 - $230,655

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1972 Wisconsin Action Funds-Courts, Prosecution, and Criminal Defense

Courts	Total	State	Local
Judicial Administration	$275,000	$100,000	$175,000
Judicial Education	175,000	50,000	125,000
	$450,000	$150,000	$300,000
	5.1%	(33.3%)	(66.7%)
Prosecution			
Prosecutorial Administration	$175,000	$120,000	$ 55,000
Prosecutorial Education	100,000	30,000	70,000
	$275,000	$150,000	$125,000
	3.1%	(54.5%)	(45.5%)
Criminal Defense			
Legal Defense Administration	$175,000	$ 25,000	$150,000
Legal Defense Education	100,000	100,000	--
Legal Defender Projects	225,000	--	255,000
Metro Defender Project	475,000	--	475,000
	$975,000	$125,000	$850,000
	11.0%	(12.8%)	(87.2%)
Other			
Alternatives to Judicial Process	$150,000	--	$150,000
Criminal Procedure	70,000	70,000	--
Juvenile Corrections Legal Service	175,000	--	175,000
Management Information Systems	145,000	--	145,000
	$540,000	$ 70,000	$470,000
	6.1%	(13.0%)	(87.0%)
TOTAL COURTS, PROSECUTION AND CRIMINAL DEFENSE:	$2,240,000	$495,000	$1,745,000
	25.3%	(22.1%)	(77.9%)
TOTAL ACTION FUNDS:	$8,870,000	$2,065,000	$6,805,000
	100.0%	(23.3%)	(76.7%)

NOTE: Percentages in total column are of the total action funds.

Percentages in state and local columns are of the category and equal 100 %.

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1973 Wisconsin Action Funds-Courts, Prosecution, and Criminal Defense

Courts	Total	State	Local
Judicial Administration and Support	$400,000	$300,000	$100,000
Judicial Education	40,000	40,000	--
	$440,000	$340,000	$100,000
	4.3%	(77.3%)	(22.7%)
Prosecution			
Prosecutorial Administration and Support	$235,000	$ 35,000	$200,000
Prosecutorial Education	--	--	--
	$235,000	$ 35,000	$200,000
	2.3%	(14.9%)	(85.1%)
Criminal Defense			
Defender Services	$1,315,000	$415,000	$900,000
Legal Defense Education	60,000	50,000	10,000
	$1,375,000	$465,000	$910,000
	13.3%	(33.8%)	(66.2%)
Other			
Criminal Justice Internships	$240,000	$140,000	$100,000
Improvement of Criminal Procedures	50,000	50,000	--
Alternatives to Formal Criminal Justice Process	$200,000	--	$200,000
	$490,000	$190,000	$300,000
	4.8%	(36.8%)	(61.2%)
TOTAL COURTS, PROSECUTION AND CRIMINAL DEFENSE:	$2,540,000	$980,000	$1,560,000
	24.6%	(38.6%)	(61.4%)
TOTAL ACTION FUNDS:	$10,311,000	$3,395,000	$6,916,000
	100.0%	(32.9%)	(67.1%)

NOTE: Percentages in total column are of the total action funds.

Percentages in state and local columns are of the category and equal 100%.

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1974 Wisconsin Action Funds-Courts, Prosecution, and Criminal Defense

Courts	Total	State	Local
Judicial Administration and Support	$534,000	$332,900	$201,100
Judicial Education	99,000	99,000	--
	$633,000	$431,900	$201,100
	6.2%	(68.2%)	(31.8%)
Prosecution			
Prosecutorial Administration and Support	$131,300	$ 65,000	$ 66,300
Assistance to the Urban Prosecutor	279,800	--	279,800
Prosecutorial Education	52,000	--	52,000
	$463,100	$ 65,000	$398,100
	4.5%	(14.0%)	(86.0%)
Criminal Defense			
Public Defender Systems	$460,000	$151,000	$309,000
Defender Education	13,500	13,500	--
	$473,500	$164,500	$309,000
	4.6%	(34.7%)	(65.3%)
Other			
Improvement of Criminal Procedures	$131,400	$109,500	$ 21,900
Criminal Justice Internships	150,000	50,000	100,000
Pre-Trial Diversion	40,000	--	40,000
	$321,400	$159,500	$161,900
	3.1%	(49.6%)	(50.4%)
TOTAL COURTS, PROSECUTION, AND CRIMINAL DEFENSE:	$ 1,891,000	$829,900	$1,070,100
	18.4%	(43.4%)	(56.6%)
TOTAL ACTION FUNDS:	10,294,000	2,948,300	7,346,700
	100.0%	(28.6%)	(71.4%)

NOTE: Percentages in total column are of the total action funds.

Percentages in state and local columns are of the category and equal 100%.

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Wisconsin Funding to Courts and Percent of Total Block Grant Action (C) Funds Only

Fiscal Year	WCCJ Plan		LEAA Annual Report		COSA Committee
1972-Courts	2,240,000	25.3%	1,920,000	21.6%	1,905,164
Total Block Grant	8,870,000		8,870,000		
1973-Courts	2,540,000	24.6%	2,325,000	22.6%	2,017,992
Total Block Grant	10,311,000		10,294,000		
1974-Courts	1,891,000	18.4%	2,101,000	20.4%	500,329
Total Block Grant	10,294,000		10,294,000		

California

Statistics on the amounts of money distributed to "courts" projects were already available from the California Council on Criminal Justice (CCCJ) and from the Judicial Planning Committee (JPC). These figures utilize a definition of courts which includes prosecutor and defender programs; all LEAA category E expenditures; training of judges, prosecutors, defenders, court executives, court clerical personnel and law students; and educational programs. Even utilizing these broad definitions, it can be seen that large percentages of money have not gone to "courts" in California. From 1969-1971 the total amount never exceeded 4.6 percent overall. There was a brief flurry of effort which increased "court"

participation to 13.7 percent in 1972, but even that percentage is overstated as Part I funds are excluded from the base. The actual figure is closer to 10 percent. Subsequently, the "courts" fell back to their lower level of participation; i.e., 4.5 percent in 1972 and 8.9 percent in 1973. After correction for Part E funds exclusion, these percentages fall even further; to 3.4 percent and 6.7 percent, respectively.

It is interesting to see that "courts" have historically participated to a greater extent at the state agency level than at the regional level. Thus, in 1968 and 1969 the level was already a little more than five percent, and in 1970-1971, this rose to 12.5 percent and 14 percent, respectively, before falling back to the 8 percent range in 1972-1973. Council designated funds have not reached these levels even with the exemption of 1971, when a large percentage of available money was allocated to a system development plan (41 percent of those monies). Otherwise, the early percentages never got above 9.5 percent, and after the system plan was announced, they fell to zero.

Regional allocations have always been small. In 1970, they were 1.9 percent; in 1971, six percent; and 1972, 4.2 percent. In 1973, they were projected to be 11 percent, but these were estimates only. Final figures are not available.

It has not been feasible for this team to go over all the detailed projects in a state the size of California in order to ascertain which are really court projects and which are prosecution or defense. However, in 1974, Justice Winslow Christian wrote a letter to the Director of the California Council on Criminal Justice indicating that the analysis of the Judicial Planning Committee indicated that actual monies going to courts (excluding prosecution and defense) were as follows:

1970	708,767	5.0 percent
1971	1,528,885	4.6 percent
1972	2,393,036	5.0 percent
1973	2,947,847	6.0 percent
1974	1,501,201	3.0 percent

Even these percentages should be reduced further to reflect the exclusion of planning and corrections monies from the base.

Some support for these interpretations come from the statistics CCCJ submits to LEAA nationally. These figures show that in 1974, 2.4 percent of the total amount was allocated to courts, of which 0.3 percent was for pre-adjudication. Court participation in system-wide projects was excluded from these figures.

It has not been possible to determine what has happened with actual expenditures in contradistinction to

allocations. Experience in Georgia indicates that these expenditure figures can be quite different from those proposed in the plans. The only information obtained bearing on this issue in California was that CCCJ recently identified court projects as having priority access to reverted funds.

Analysis of monies expended is always complicated by the fact that money is not always expended in the years that it is allocated. This means that in any particular year there are a number of different types of funds available. For example, for 1974-1975 there are unencumbered 1973 and contingency funds, plus the balance of 1974 CCCJ designated funds and the regular 1974-1975 Part C monies. As a consequence, the state planning agency is in a position to distribute a larger amount of money than might appear from the actual block grant. These extra funds could be used to increase court participation should the agency so desire. In California this has been resisted on the basis that these monies are already committed in various ways.

In 1974, there appears to have been a marked improvement in court access to regional funds. Material supplied by the Office of Criminal Justice Planning indicates that courts will receive $4,595,743 (or 14 percent) of the regional funds available (i.e., $134,083,050). These figures would be increased if defender and prosecution projects were to be included. However, it has been pointed out that a disproportionate percentage of

PROPOSED TARGET ALLOCATIONS BY REGION FOR THE 1974-75 FY

Region	1973/74 Part C	1974/75 Part C	Unencumbered 1973 & Contingency Funds	Balance of 1974 CCCJ Designated Funds	1974/75 Total
A	$ 252,000	$ 299,000	$ 8,000	$	$ 307,000
B	237,000	278,000	8,000		286,000
C	198,000	233,000	7,000		240,000
D	1,365,000	1,589,000	45,000		1,634,000
E	919,000	1,078,000	31,000		1,109,000
F	1,251,000	1,207,000	34,000	650,000	1,891,000
G	782,000	924,000	26,000		950,000
H	763,000	898,000	25,000		923,000
I	1,575,000	1,785,000	51,000	650,000	2,486,000
J	1,518,000	1,763,000	50,000	350,000	2,163,000
K	839,000	984,000	28,000		1,012,000
L	100,000	100,000	2,000		102,000
M	543,000	639,000	18,000		657,000
N	1,443,000	1,696,000	48,000		1,744,000
O	100,000	100,000	1,000		101,000
P	504,000	598,000	17,000		615,000
Q	548,000	630,000	18,000		648,000
R	9,992,000	11,700,000	332,000	1,300,000	13,332,000
S	1,687,000	2,005,000	57,000		2,062,000
T	2,086,000	2,398,000	68,000	650,000	3,116,000
U	1,920,000	2,232,000	63,000	350,000	2,645,000
TOTAL REGIONS	$28,632,000	$33,136,000	$937,000	$3,950,000	$38,023,000
State	11,623,750	11,603,000			11,603,000
CCCJ Designated Funds:					
High Crime Cities	$ 3,250,000				
Narcotic Enforcement	700,000				
Evaluation - High Crime	200,000				
Crime Specific	575,000				
Planning Augmentation	900,000	1,675,000			1,675,000
Court Improvements	614,250				
TOTAL	$46,495,000	$46,414,000			$51,301,000

these monies were allocated to information systems which actually have other criminal justice components included, so the figures may be misleading.

* * * * *

In assessing the experience of the four states examined, it appears that all courts started slowly compared with the other components of the criminal justice system. This appears to have been for all the well known reasons: i.e., reluctance to become involved; lack of staff to compete with police, who had a history of involvement in such programs; etc. However, as time has progressed, the desire to become involved has increased substantially. Now courts are overcoming this original reluctance and, generally, SPA staff have commented favorably upon the fact that the Conference of Chief Justices was taking such an active interest in the LEAA program.

This increased interest has not always resulted in significant access to monies. In fact, it is a rare court system that has managed to obtain more than five to six percent of the monies for courts, defined in a narrow sense. The only exception to that is in California, where the plans for 1974 involve expenditures of approximately 14 percent, but only time will tell if these plans come to fruition. In contrast, the experience of Georgia has been that substantially lower amounts (2-3 percent) actually reach the courts.

The situation that the majority of courts find themselves in is one where they were slow in starting to participate, gradually got more involved as the amount of appropriated funds grew, and only developed a real capability to compete for and utilize the monies at a late stage, when the appropriations had levelled off.

The question is whether fiscal and political realities will allow increased court participation at the present time. The team was unable to determine the degree of fiscal flexibility that individual state planning agencies have now although it was informed that the state planning directors have recently compiled such information, and it should be assessed carefully. Obviously, if a state is fiscally locked-in by the decisions of the past, there is little hope that more monies will reach the courts, irrespective of the good intentions of all concerned. This would be an intolerable state of affairs.

All the states examined were constrained fiscally. An assessment by one regional LEAA court specialist was that some states outside the four studied were, indeed, locked-in to present funding patterns. Michigan was mentioned as such a state. If that is indeed true, then the only way courts are going to receive adequate funding is through money supplied by LEAA nationally through use of its discretionary funds (D. F.). The team does not know if that is possible. If it is not, then nothing can be done

within the states in question to increase court participation in the LEAA support program, which could mean that all of this report's proposals are meaningless for at least two years (in those states).

It is hoped that discretionary funds would be allocated to preclude that tragic state of affairs. However, use of discretionary money has some problems associated with it. First, the states may very well lean on the use of those monies for courts and refuse to change their basic allocation patterns. The team has heard accusations that in those instances where a court has received D.F. funds there has been a cutback of block grant money. As the majority of the money is available at the state level, the use of D.F. money can only be viewed as a temporary expedient. It would need to be associated with a definite plan for improved court allocations by the state planning agency.

The second danger is that the D.F. monies will be allocated according to priorities not arrived at either by the state court leadership or by the state planning agency. Again, there have been accusations that D.F. projects (e.g., "Project Turnaround" in Milwaukee) are developed in isolation from state interests and that in some instances they address issues which are peripheral. These concerns are important, as they are indicative of the type of problems that would probably arise if, indeed, a direct court allocation program were to be initiated.

It has been suggested that LEAA already has a mechanism for ensuring that courts receive adequate funding. As all state plans have to be reviewed for comprehensiveness by the LEAA regional offices, it was suggested that the regional offices could develop their own guidelines and then use them to enforce adequate funding of courts within each state concerned. There appear to be significant barriers to effective use of this process. The General Accounting Office (GAO) has recently reported significant deficiencies in the way this process has been handled in the past. We generally support their observations. Our interviews determined that there were some able people concerned with courts in some regional offices but this is not universally true. One office visited indicated that it was not feasible to second-guess decisions made at the state level, and even if it were so, it would not be politically feasible to compel change. One court specialist said that the LEAA national office always accepts the plan, although some parts may have conditions placed upon them. This specialist believed that political pressure on the agency always undercuts the ability of the regional office to enforce meaningful sanctions. This specialist asked, "Who is ever going to run the political risk of conflict with a large state such as California?"

In spite of these apparent realities, other specialists believe that the plan review mechanism can be extremely useful - but

only if the courts in the states have developed a defensible plan which can be used by the specialist as evidence of unbalanced planning in the state planning agency.

It is recognized that adequacy of court funding is a difficult thing to establish. Indeed, no one spoken with seemed prepared to justify any particular percentage figure. There were references to the 20 percent figure quoted by a previous LEAA administrator, but no justification for that figure was given. The team tentatively explored the possibility that the percentage of appropriated monies spent on courts (versus all criminal justice expenditures, not expenditures generally) be used as a guideline. This suggestion might be explored in more detail.

D. The State of Court Planning

The LEAA program has given considerable emphasis to the development of rational planning approaches to the problem of criminal justice. The degree to which these capabilities have developed in state planning agencies and court systems themselves is of considerable importance. Especially as in late 1972 LEAA urged state court systems to develop their own planning capacity.

In at least three of the states examined there have been, at one time or another, extremely active court specialists who have seen it as their role to establish and strengthen central

administrative capability in the court system. Thus, both Arizona and Georgia have had court specialists who have worked, with the support of their agency, to develop central administration and planning either in the Supreme Court or in the administrative office of the courts. In the case of Georgia, there is apparent support for transferring substantial authority for reviewing the plan and revising it, regarding both substantive and fiscal aspects, although final decision-making rests with the SPA. Transference of the court specialist from the SPA to the administrative office of the courts (AOC) is envisioned as soon as the agency can get a replacement staff member.

In Arizona at the present time, the balance of power in the SPA is such that the court can get its own plans accepted without significant difficulty. The SPA funded a planning officer in the AOC and since their own very active court specialist has left, a newly hired court specialist will have to learn the field. The planning expertise has been transferred, in essence, to the court.

There also has been a somewhat more formal transfer of responsibility. The Justice Planning Agency has supplied a mini-block grant to the Arizona Supreme Court, allowing considerable freedom to plan and run statewide projects.

The language in the grant application stated that:

"This project will establish a Planning, Research and Development section within the Office of the Administrative Director of the Courts under the authority of the Arizona Supreme Court as set forth in Article VI of the Arizona Constitution. The section will be responsible for supervising projects, studies and long range planning research undertaken by the administrative director, with state or federal funds. In addition, the section will function as a liaison between the Justice Planning Agency (to include all block and discretionary grants), the Supreme Court and all court related projects within the criminal justice system throughout the state of Arizona, i.e., assist in writing applications, evaluating applications, monitoring progress of projects, and coordinating of all projects into a state plan.

Long range planning, research and court improvement development will be accomplished through the continuation of a base information system study, the publication of an administrative and systems manual and a uniform accounting manual."

Somewhat more detail was supplied in the second year grant application, but the effort was still described in the following general terms:

"Four major areas will be emphasized over the duration of the project:

1. Continuation of the planning function within the Office of the Administrative Director of the Courts under the Supreme Court as initiated in 1973.
2. Continuation of the court improvement projects initiated in 1973 which included the following topics:
   A. In-state and out-of-state training for judges of courts of appellate, general and limited jurisdiction;
   B. Implementation of the two year Base Information Study Project; (Statistical, Dispositional, Financial, and Personnel):
   C. The finalization of the accounting and administrative manuals;
   D. Monitoring and updating of the 1973 Criminal Rules.
3. A subcontract with the Arizona Probation Parole Corrections Association for rural probation and parole training.
4. The contribution of the state matching portion share to the National Center for State Courts.

In addition, subcommittees may be established to study and discuss the concepts of lower court unification and merit selection of judges as well as the feasibility of implementing a court interpreters' model. Also, the need to provide more information, communication and notification to victims of crimes will be studied.

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"During this project, (consideration will be given to) the American Bar Association standards of judicial administration and court organization as well as the goals and standards as published by the National Advisory Commission on Criminal Justice Standards and Goals, where applicable."

Wisconsin started out in a similar manner. The SPA funded some substantial improvements in the staff capability of the Office of the State Court Administrator which included the funding of a court planner within that office. The previous court specialist saw it as his mission to transfer planning responsibility to the state court system and his efforts were designed to further that goal. He now works for the administrative office, although in a somewhat different capacity (in judicial education).

The Greater Milwaukee Planning Board is a regional entity within the network of the Wisconsin State planning agency. Five of its fifteen members are appointed by the governor; five by the county executive; and five by the mayor of Milwaukee. Relationships with the SPA have been unhappy and counter-productive. The Board resents the political motivations that govern SPA considerations.

Conversations with the staff of the county executive and with the court in Milwaukee indicate, e.g., that the county district attorney is the political ally of the governor, and all his applications for funds are granted. Everyone else has a difficult

time. "The court is treated as shabbily as everyone else," said Judge Robert Curley, a member of the Greater Milwaukee Planning Board and chief administrative judge of the Milwaukee trial court.

The needs of the court are apparent to a visitor who is told that some forty judges are trying to function in a building that has only 36 courtrooms. There is also a lack of research personnel for the court.

Projects supported by this Milwaukee regional board are rejected by the SPA and other projects lacking such local support are ramrodded through in the Milwaukee region by the SPA. Consequently, there is distrust and major difficulty in getting the SPA to be responsive to local needs as perceived by the Milwaukee regional board, whether these needs are court projects or others within the regional criminal justice system.

The type of delegation which was envisioned is illustrated in the following passages extracted from a staff letter written for WCCJ in 1973.

"A major area of potential conflict that should be settled is the role the Supreme Court through the Court Administrator's Office should play in the grant application process. The 1973 action plan requires, as part of program 15, that local court applicants work closely with the office of Court Administrator

in preparing and evaluating their requests. The Court Administrator is concerned on a daily basis with the smooth and efficient functioning of Wisconsin's judicial system. He is in a unique position to know whether a project will be duplicative or whether other projects will have greater benefit to the system as a whole. He will also know whether a given court is the most appropriate place to experiment with a new procedure. It is for these reasons that the requirement of cooperation with the Court Administrator was included in the 1973 Plan.

"Although the 1972 action plan does not contain a similar statement, cooperation with the Court Administrator's office would still be required. The reasons behind the rule are as valid in the use of 1972 funds as they are for 1973. In addition, the one local judicial grant that was funded during 1972, was required to seek review of the project by the Court Administrator's office before the regional council would approve of the grant request.

"While it is clear that the Court Administrator should be used in reviewing grant applications, the question of what form the review should take remains. The Citizens' Study Committee on Judicial Organization has recommended that the Court Administrator become the central administrator for the entire Wisconsin judicial system. This recommendation is part of a large proposal that the state take over the financing of the entire

judiciary and that it be unified under the leadership of the Supreme Court. The Court Administrator would then be appointed by the Chief Justice. If these recommendations are adopted by Wisconsin, no grant application will be made without the approval of the Supreme Court through the Court Administrator. With a unified judicial system, there will be no possibility of a local judicial grant.

"At the present time, however, the Supreme Court does not have the authority to control what the local judiciary requests from the Council. Nor would the Council grant such authority to the Supreme Court. Until Wisconsin adopts a unified judicial system, the Council should not impose such a system on the local judiciary.

"In order to receive the benefit of the Court Administrator's knowledge of the judiciary and its needs, however, all local applicants for funds under programs 15 of the 1973 Plan and 28 of the 1972 Plan should be required to obtain an Administrative Impact Report from the Supreme Court through the office of Court Administrator. This report would contain a summary of the benefits to be gained from the projects, whether the applicant is the best qualified to run the project and whether it is the best utilization of existing funds. The report would be required to be included in this application before it is submitted to the Council for review by the staff. It should be of great benefit to the

courts staff in preparing their recommendations and to the Executive Committee of the Council in deciding whether to fund a given project."

Changes appear to have taken place in Wisconsin in recent months. There has been a change of leadership of the SPA and a different climate from the past appears to have developed. An internal memo from the AOC appears to have leaked out and was interpreted by those in the SPA to mean that the administrative office was going to try to take over all court planning. This was viewed as a threat, and the appropriate relationship between the two organizations is still to be resolved.

California has had somewhat different experiences. Transference of planning responsibility to the AOC has been more difficult to accomplish, although substantial transfer has now taken place. The director of the SPA of another state indicated that he believed that the California Council on Criminal Justice (CCCJ) had decided to adopt a philosophy of "planning" for the whole system to a much greater extent than other SPAs. Some measure of support for that position came from interviews with the court specialist who pointed out that the problem with funding planning and research groups in the courts (or other agencies for that matter) was the fact that they developed projects and expected them to be funded!

California has a history of having extremely small percentages of block grant monies going to courts. Two to three years ago an attempt was made to redress this deficiency by developing a system development plan for courts, prosecution and defense. State court leadership perceive that this plan was developed in the absense of their rights and influence. Ultimately the AOC did acquire substantial responsibility for direction of approximately half of the projects which were eventually funded, but it still feels that many projects funded were outside their own priorities.

The CCCJ has been subject to considerable legislative review during its existence. In fact, it is the only SPA of the four examined to be governed by statute. Recently, a new statute (AB 1306) has been passed which restructures CCCJ, putting it within a larger executive office of Criminal Justice Planning. This statute (effective January 1, 1974) also established an office of Judicial Criminal Justice Planning with responsibility, not completely defined, to review all court projects and to "plan" for the court system. It is informative that the AOC believes that this authority was only obtained through effective legislative maneuvering, rather than through direct agreement with the SPA.

The language of the statute which establishes the JPC is as follows:

"Chapter 4. Criminal Justice Planning Committee For State Judicial System:

"13830. There is hereby created in state government a Judicial Criminal Justice Planning Committee of seven members. The Judicial Council shall appoint the members of the committee who shall hold office at its pleasure. In this respect the Legislature finds as follows:

(a) The California court system has a constitutionally established independence under the judicial and separation of power clauses of the State Constitution.

(b) The California court system has a statewide structure created under the Constitution, state statutes and state court rules, and the Judicial Council of California is the Constitutionally established state agency having responsibility for the operation of that structure.

(c) The California court system will be directly affected by the criminal justice planning that will be done under this title and by the federal grants that will be made to implement that planning.

(d) For effective planning and implementation of court projects it is essential that the executive Office of Criminal Justice Planning have the advice and assistance of a state judicial system planning committee.

"13831. The California Council on Criminal Justice may request the advice and assistance of the Judicial Criminal Justice Planning Committee in carrying out its functions under Chapter 2 of this title.

"13832. The Office of Criminal Justice Planning shall consult with, and shall seek the advice of, the Judicial Criminal Justice Planning Committee in carrying out its functions under Chapter 3 of this title insofar as they affect the California court system.

"In addition, any grant of federal funds made or approved by the office which is to be implemented in the California court system shall be submitted to the Judicial Criminal Justice Planning Committee for its review and recommendations before being presented to the California Council on Criminal Justice for its action.

"13833. The expenses necessarily incurred by the members of the Judicial Criminal Justice Planning Committee in the performance of their duties under this title shall be paid by the Judicial Council, but it shall be reimbursed by the Office of Criminal Justice Planning to the extent that federal funds can be made available for that purpose. Staff support for the committee's activities shall be provided by the

Judicial Council, but the cost of that staff support shall be reimbursed by the Office of Criminal Justice Planning to the extent that federal funds can be made available for that purpose.

"13834. The committee shall report annually, on or before December 31 of each year, to the Governor and to the Legislature on items affecting judicial system improvements."

In summary, all of the states examined have developed an increasing capability to plan for themselves over the past few years. This responsibility was either handed over voluntarily by the SPA, as in Georgia and Arizona - and Wisconsin in the early years - or reluctantly, as in California and, perhaps, Wisconsin, at present. The movement may have been accelerated by strong executive desire for court improvement, desire for an objective, balanced planning process (early Wisconsin and perhaps Georgia) or strong court influence on the SPA (Arizona).

This increased planning capability can be correlated generally with increasing court participation in the use of LEAA money, especially at the state level (or at least increased satisfaction with the access to that money). Although amounts going to courts, per se, are always difficult to identify exactly,

in most instances courts have started slowly and participated to an increasing degree in nearly every state (with the possible exception of Wisconsin - although that is not clear). Even in California, where conflict has historically existed, the advent of planning has seen a growth in participation at the state level.

It seems evident that if the planning process is an objective process, it is absolutely essential that comprehensive court inputs be received. And the existence of a planning capability in the court system should go a long way towards ensuring coherent and logical inputs.

If the distribution process is essentially based on political power, then it is possible that the courts can get all the money they want without having to develop a good plan for its use. The team does not believe that this is a desirable state of affairs; the money still has to be spent logically and planning rationalizes this distribution. Of course, it is probably more likely that the court does not have the power to get whatever it wants and that, in fact, it suffers from an inability to get access to funds. In this instance, the existence of the planning capability improves the changes of the court getting funding even in an otherwise hostile environment.

It is our consensus, therefore, that development of planning capability in state court systems is of central importance. Although this view has been officially endorsed numerous times

previously, it is apparent that rhetoric is not enough and that persistent efforts have to be made to ensure that this capability is developed.

It should be pointed out that the existence of a planning capability, however competent, cannot in itself overcome all problems. It is still possible that a hostile political environment suppresses meaningful court participation. If political relationships in the state are such that there is conflict between the executive and judicial branches (as in California), it is unreasonable to expect this block grant program to totally overcome those realities.

As planning capability has developed at the state court level, a number of issues start to come into focus:

First of all, the court system seeks to define the extent of its responsibility for court planning at the state level. Most theoretical discussions of this issue revolve around whether courts should be given a certain percentage of the funds to do with as they will, or whether they should develop their plans and then bring them to the common political arena to compete both for a share of the total resources and for the money for the specific projects, which presumably opens up these projects to revision by the other components. As a practical matter, every one of the states visited utilizes the latter method. No state delegates authority to the court system to plan in isolation,

although it is fair to say that those states where the judiciary is powerful in the SPA structure (e.g., Arizona), probably can approach that state of affairs in practice.

The other area of concern addresses the responsibility of the state level planning unit for court projects emanating from local trial courts. Each of the state planning agencies examined uses local planning regions to develop local inputs into state plans and to approve local projects before forwarding them to the state level for ultimate action. Three of the states examined utilized local governmnent planning units (COGS) to supply this service, whereas the fourth state (California) utilized a mixture of COGS and separate regional justice planning boards. The states varied in the amount of authority delegated to those local units. California has delegated considerable autonomy to the regions but the other states have delegated much less. This is probably a function of size and a function of the existence or absence of strong political centers in the state. Thus, Arizona and Georgia are reasonably centralized as in Wisconsin, with the exception of the Milwaukee region. California has numerous political centers, and some have such large populations that they are responsible for vast sums of money (e.g., the Los Angeles Region is responsible for approximately $12 million in 1975, compared with $4.6 million for the State of Arizona in the same year).

The issue is basically whether state court administration can control local court projects. It would appear that in all the states examined, state court administration strongly influences projects that are submitted, or it has the potential of so doing. However, no state court system has an absolute veto within the SPA. Instead, the amount of influence exerted appears to parallel the power relationships in the state. Thus, in Arizona a project not approved by the Supreme Court would almost certainly not be funded. In Georgia, that is probably true also, although the administrative office of the courts has not yet developed sufficient information and staff to be able to review all projects properly. In Wisconsin, the state court administration strongly influences the ultimate decision, but it is probable that politically powerful judges in Milwaukee might be able to get projects funded without state court approval, especially if the project were supported by executive agencies. In California, it is certainly true that court projects not approved or given priority by the Judicial Planning Committee can still be funded. The state planning agency has taken pains to point out that the role of the Judicial Planning Committee is to review and comment only.

In summary, no state court system has an ultimate veto although some come close to it. We understand that in some jurisdictions (e.g., New Jersey), state court administration

has veto power merely by exercising Supreme Court rule-making power to preclude local judges from making application without Supreme Court approval.

It is possible that courts could be much more active and attempt to plan comprehensively at a state level for all the courts within the state. None of the states examined had developed a significant capability to do that. Arizona did not supply significant assistance to local trial courts and viewed many of the local projects as being beyond their concern. Local court administrators who were interviewed indicated that they received no assistance in this area, but they were supportive of an arrangement which would allow that to take place. The new director of the AOC in Georgia has not been there long enough to have developed this capability but he indicated in conversation that this might be part of his future plans. Wisconsin is thinking in terms of developing a comprehensive court plan but, similarly, has not yet developed the real capability of doing that. California has begun to develop that capability with the establishment of the Judicial Planning Committee with full time staff, but that has only been in existence for less than a year and is still developing its own plans.

All of the states examined have fragmented court systems with some central organization but with substantial autonomy left in local courts and substantial power in the hands of local

government. Although Arizona viewed itself as a unified system because of the strong rule-making power exercised by the Supreme Court, it is not a unified system according to other generally accepted definitions. As a consequence, there has been no broad planning capability in existence. It would appear that if a responsive planning capability is to be developed to fit these types of systems, then a mechanism will need to be developed to get inputs from local courts. Arizona has no formal mechanism for doing that. There is no judicial council or even standing committees at the state level. On the other hand, both Georgia and California have judicial councils with broad-based representation from trial courts of several levels. The Wisconsin Supreme Court works with the administrative committee of courts of the Judicial Conference and with other groups of Judges.

Even those states with judicial councils probably need to develop responsive groups committed only to development of the plans for block grant funds. Only California presently has such a formal group (perhaps because of the complexity of the state).

Once the plan is developed (and prior to that time) the individual courts almost certainly need assistance in conceptualizing specific projects, writing grants and guiding the projects through the complicated administrative and

political pitfalls of the approval process. Again, only California has developed that formal responsibility for a planning group, and has hiredan individual to spend full time travelling across the state to various courts. It is important to point out that the SPA views this role with some concern, and the individual is precluded from contacting regional justice planning boards directly without going through Sacramento's formal channels.

Incidentally, the AOC also supplies technical assistance to courts in the area of calendar management and undoubtedly the team members supply assistance to courts seeking to pursue grants.

Overall, the amount of active effort expended in developing local court plans and projects seems to be limited in each of the states although the first tentative steps are being taken in that direction. The team believes that it is completely feasible to develop this capability to a greater extent within the court systems examined. This approach would enable court systems to begin to coordinate their total activities to get some of the benefits of centralization while maintaining some local autonomy. In addition, if the court system were to truly unify at a later date, the administrative arrangement adopted could be transferred, lock, stock, and barrel.

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E. Effects of LEAA Funding on Court Unification

The team was particularly interested in the effect of LEAA funding upon the structure of the court systems being examined. It was aware that there were claims that the present system was counterproductive, that it encouraged the existence of fragmented structures by piecemeal funding and that it penalized a state which established a unified system. Accordingly, in every state visited the state court leadership was asked whether SPA funding processes had encouraged or discouraged the modernization of the state court system, with specific emphasis on unification.

In the State of Georgia the answer was emphatic. The SPA had been one of the prime movers in the establishment of the Administrative Office of the Courts (AOC) as well as other central court institutions. It had planned funding of court projects with state court leaders, and was now considering transference of yet more of that responsibility to state court leadership. There was a similar response in Arizona. The state court leadership views that the state is unified and considers that SPA funding patterns have served to reinforce that central authority by giving a broad administrative grant to the supreme court, funding a planner, etc.

In Wisconsin, in spite of the present conflict, the state court leadership view that the patterns of funding in the past have been supportive of unification. The Citizens Commission on Judicial

Process which was funded by WCCJ came out strongly in favor of further court unification. Subsequently, an administrative staff has been established at the AOC using grant funds. A planner has been hired and the AOC has influence on all court projects funded in the state, including regional projects.

In California it cannot be said that funding patterns were deliberately designed to support unification. However, it appears that this has been the result for two contradictory reasons. First, a number of projects have been funded at the state level. This allows the AOC to supply direct services to local trial courts, to experiment with possible alternate structures and to generally reinforce its administrative capabilities. Second, in response to feelings of exclusion, the AOC managed to establish a planning group for the first time. This group is funded to plan for LEAA funds at present, but it can logically plan for the total court system. The state court leadership in California does not believe that LEAA funding has been destructive of movements to unification. Without exception, the courts in every one of the states examined were financed by a combination of funding sources. Trial courts were supported substantially at the county level and, in fact, generally it was only judges' salaries (or percentages thereof) that were funded at the state level. As a consequence, the pattern of regular expenditures roughly corresponded to the pattern of expenditures utilized with state planning agencies for

distribution of grant monies. This means that in the states examined, the block grant monies did not distort the funding patterns already established in the states.

It is important to point out that the team did not examine a court system that is financed completely at the state level or a court system that is funded essentially completely locally. In both instances, it is possible that the funding patterns imposed by the LEAA legislation might be out of concert with the pattern of expenditures in the state concerned. The state court administrator from North Carolina was asked what his experience had been in his fiscally unified court system. He indicated that his experience had been satisfactory to date but it was unclear whether the variable pass through formula accommodated the needs of his system or not. It is suggested that this area be examined further. Some individuals in state planning agencies have suggested that "sign off" and waiver mechanisms can be used to good effect to overcome any legislative difficulties, but the team has no empirical evidence bearing on the issue.

The team was aware of proposals by some that all court monies be given to state court leadership for distribution. Certainly a procedure of that type would assist unification movements by centralizing authority in supreme courts and state court administrators. Recognizing that following such a pattern of funding would mean that LEAA would be imposing a different

pattern of funding upon the states than the one most states have presently chosen for themselves, the team asked the judiciary in each state visited whether that would be an appropriate path for a federal agency program to follow.

The general opinion was that this would be unacceptable interference in the internal affairs of the states. Although this statement was sometimes modified by the obvious desire to move towards a more unified structure, on balance there were few individuals who sought to follow this route.

In summary, it appears that the present funding patterns have encouraged unification by developing improved administrative capabilities at the state level. These patterns have not gone as far as to compel states to adopt a highly centralized system in order to get the money and it is doubtful that using the monies in that way would be appropriate. The situation with fiscally unified systems is much less clear. There is still considerable suspicion that a unified system might be penalized for choosing that mode of organization. If further examination confirms those fears, then legislative change will probably be required. In the interim, guidelines for accommodating the unified system through waivers, etc., might be considered.

F. Areas of Conflict Between SPAs and Courts

In carrying out this assignment, particular attention was paid to areas of conflict between state planning agencies and the courts. This was not because of any deliberate desire to emphasise incompatibility, but because it was felt that examination of these areas might shed light upon the nature of the relationships between the two branches of government. The team was particularly interested in whether court claims of undue executive interference in internal court affairs had any validity.

In Georgia, the team did not learn of any problems or incidents which shed light on this issue. Similarly, in Arizona there was little information of pertinence. Conflict in the state was limited to the local level. Only two specific instances were brought to our attention. The only issue which directly relates was the finding that some study work in a local municipal court was embarked upon by the local government without the approval of the AOC. The AOC made a strong point that such an event would not take place again.

In Wisconsin, a number of conflict areas were in evidence. There are a whole group of specific issues which can be classified as personnel issues. Apparently there was considerable difficulty in getting projects initiated in the courts in early years. However, in 1973, a number of staff positions were authorized for the

administrative office of the courts and the director was authorized to select individuals. Apparently great frustration arose in the state planning agency because of the amount of time taken to fill the positions (over six months). In addition, SPA staff were concerned about the system used to select people, which was defined by one person as the old "buddy system." It was felt that as a result, the quality of the people chosen may not have been the best. This was interpreted by some to have led to a change of attitude in the state planning agency and a feeling that it had to intervene in these decisions because of deficiencies in the court. They indicated that there were concerns about the amount of compliance with affirmative action programs. This sort of attitude in some instances is transferred into criticism of personalities, with some state planning agency staff feeling that the present state court administration was a barrier to improvement.

This set of attitudes was reinforced when a deputy state court administrator in Milwaukee was found to be attending law school full time while holding down a full time, paid position (funded by a grant from the Council). This story hit the press and became a public issue resulting in criticism of the agencies involved.

Another personnel issue arose when the court obtained grant funds for a district court administrative position in Eau Claire.

The AOC recruited for the position but came to the conclusion that a higher salary than that originally authorized would have to be paid to obtain the type of individual they desired. The SPA persisted in establishing a salary less than that, and expressed reluctance to fund at a higher level. It requested a review of the salary by the department of personnel, which the court feels infringes on its rights as a separate branch of government.

These issues can be summarized by saying that the court feels that the SPA is becoming involved in personnel issues which are not within its domain and which should be decided within the court system. At the very least, it believes that the AOC should prevail in cases of disagreement in these areas. On the other hand, the state planning agency feels that its staff have to be involved in these decisions, either because of overriding public policy interest, e.g., affirmative action, or because the present policies of the court were deficient or ineffectively executed.

Another area of concern to both the SPA and the Supreme Court is the degree to which planning responsibility is delegated to the courts. At one time an earlier court specialist had as his priority the development of planning capability in the AOC. Prior to March 1973, planning for courts was done in isolation from the courts themselves, but at that time a policy was initiated

that all court projects would be reviewed by the AOC. This concept was supported by the Chief Justice, by the Citizens Commission on Judicial Process and by the court specialist. The court specialist was attempting to promote a system whereby the AOC would work with local courts and local regional councils to develop local projects. He felt that the courts should prioritize all local projects and submit that plan to the SPA for final action.

About that time the new director of the council began to initiate a new policy towards the regions. Whereas, before, most decisions were made centrally in the SPA, the new policy was to delegate more authority to the regions to handle their own affairs. At the same time, some of the personnel issues previously alluded to had come to the forefront and the attitude towards the courts was reported to change in the planning agency.

These developments caused the SPA to question whether the courts should be given more influence and autonomy. There were fears that if the court was allowed this special arrangement, all of the other agencies would demand separation and it would be difficult to deny them. It was conveyed as "why are the courts different from anyone else in this regard?" In a related development, the court specialist was placed in a probationary status because of "lack of critical judgment in regard to courts."

Some of these conflicts seem to have developed because of internal problems in the state planning agency. There had been a recent change of leadership at the SPA. The previous director was replaced, and rumor had it that the present director would leave after the election (and indeed that came to pass shortly after the team's visit). Staff turnover was considerable, with fifteen people having left in the past year (of a total of 30 to 40). It can be seen that the leak of a memo from the AOC saying that the new court planner would write the court section of the comprehensive plan might be viewed as a threatening act. Undoubtedly, these fears were compounded by the fact that a number of the staff of the SPA were hired by the AOC to fill the positions funded by the council grants. The court planner and a key fiscal officer were among those making the transition. Although the AOC takes pains to say that it did not attempt to hire people away and that the individuals concerned all applied after positions were announced publicly, the development obviously complicates relations.

In a related area, conflict has arisen over the funding of projects within the AOC. Historically, projects have been funded for three years by the Wisconsin Council on Criminal Justice if they are satisfactory projects. In this particular fiscal year, the WCCJ has stated that there are insufficient funds available for all continuation projects and that therefore some

court projects will have to be curtailed prior to the three year deadline. The reason given for cutting off support for the AOC staff positions is that the positions are integral parts of the AOC and that they should be assumed in the regular budget. As the court is in a position to obtain funding directly through its own sum sufficient budget, the transition should be made now and the monies used for other priority areas.

The court does not disagree with the basic argument but points out that they are being discriminated against, that they are being placed in a strategically difficult position, and that they had assurances of funding earlier and resent the changes, which they see as unjustified. Whether the interpretation is correct or not, they view the development as a hostile act designed to punish the courts.

There are other areas of conflict which bear upon major policy issues. First, the state has taken the position that all funding of criminal justice information systems would be curtailed until the issue of privacy of information is resolved and appropriate protections built into the system. The courts have spent considerable time and energy (especially in Milwaukee) attempting to design case following systems to be used for local court management. Thus, curtailment of activity affects them greatly and the decision is viewed as unjustified interference in court affairs. It would appear that

case following systems can be designed which do not impose on individual rights. Exploration of whether such projects would be funded by WCCJ with a top policy maker for the WCCJ supervisory board (the governor's advisor) indicated that that is possible. The issue, however, remains - who should decide upon the appropriateness of proceeding or not.

Another major issue lies in the area of defense services. At the supreme court level, the public defender's office is within the judicial branch, although not everyone in the judiciary is happy with that arrangement. In any event, the supreme court has taken the position that established law and other constraints preclude this office from representing individuals who seek to appeal state court decisions to the federal courts. Apparently the executive branch is unhappy with that arrangement, and there is some belief that state public defender projects will not be funded unless they supply that type of representation. Conversations with the chairman of the council indicated that this is not the official council position but the fears remain. The chief justice indicated that it is inappropriate to condition a project upon pursuance of areas which the agency is precluded from examining because of law. However, no problem was seen in funding another project to deal with a special area in addition to the funding of other defender services. Of course, a decision which involved

funding of the governor's project to the exclusion of the "court" project would raise more difficult issues.

Another area thought to be of importance by the supreme court administrator can be defined as attitudinal. He perceived that the chief justice was not treated respectfully by WCCJ staff or board members when the chief justice appeared before them. Examples of letters written by lower level staff in the SPA to the chief justice announcing major policy decisions were cited as examples of inappropriate behavior.

The court expressed concern that there was no official representative of the supreme court (e.g., the administrative office of the courts) serving on the Wisconsin Council on Criminal Justice. The judge presently serving was described by the court leadership as having done a political favor for the governor and the governor reciprocated the favor by placing him on the council. There is at least one vacancy on the council at present, and a gesture by the governor placing an official court delegate on the council might go a long way towards mending relations.

To summarize the basic questions raised by these issues are as follows:

1. The court believes that not only must judicial decisions on individual cases be protected from interference by other branches of government but that all the areas presently

grouped under what is called modern court administration, e. g., personnel, finance, planning, internal policy, should also be precluded from interference. They point out that the judicial branch is governed by the need to protect minority rights and that it therefore cannot be governed by the majority decisions appropriate for other branches.

The judges believe the balance of power should shift, that they should make the basic decisions in the judicial area subject only to review and comment by the executive branch, rather than the reverse. They point out that the nature of the judicial branch is such that it can work with other parts of the system only in very specific, limited ways.

2. The executive feels that while individual decisions in individual cases are not appropriately influenced by other branches of government, the other administrative areas are appropriate issues of joint concern. Executive branch representatives feel that the court does not totally control public policy making in these areas and that traditionally and appropriately the executive and legislative branches have been involved in the decision making. Furthermore, they feel that such involvement is important because reform comes only from outside.

Interviews of individuals in Wisconsin indicate a belief that these questions are major policy issues which naturally become areas of conflict when an agency such as WCCJ is given responsibility for the whole system. However, those interviewed also believed that these conflict areas were capable of cooperative resolution, although personality considerations, which were of some importance in the state, seriously affect the liklihood of reasonable compromise taking place.

California was the other state which had experienced conflict over some specific issues. In the last few years there has been conflict between the judiciary and the executive branch over some major policy issues. It is not surprising that this conflict appears to have spilled over to the relationship between the state planning agency and the AOC.

The basic conflict has been the degree to which the judicial branch should influence the distribution of money by the California Council on Criminal Justice. For many years, state court administration has complained about the paucity of money going to the judicial branch in California. The AOC has persistently attempted to persuade CCCJ to increase its allotments in this area, pointing out that California consistently ranked among the states allocating the smallest amount of money to courts.

Attempts to increase the amounts expended have shown results with time, and staff members of the JPC and SPA both now say that things are better. Analysis of the figures expended, however, shows that significant improvements still need to be made.

Parallel to the issue of amount of judicial participation has been the issue of the type of projects approved for funding. The AOC has persistently claimed that planning in the court area was controlled by the executive branch, pointing to the development of project lists which include many projects that would not be approved by the court leadership or, alternately, would not be given the priority they received. Examples of some of these areas follow.

There is or was considerable executive interest in two areas of judicial branch operations. First, the previous governor was most desirous of reestablishing the death penalty in California, and generally felt that sentencing should be toughened. Second, the governor felt that present search and seizure constraints result in criminals going free, and he desired to reverse that trend. Both areas were reputed to be high on his list of priorities and both areas have seen conflict with the judicial branch.

It can be seen that there are a number of issues of conflict which, in essence, are functions of political philosophy. The

executive had a conservative philosophy and sought to forward projects which reflect that philosophy. The judiciary does not share that philosophy to the same degree, especially in the area of constitutional protections.

This issue has not been only between the executive branch and the judicial branch. California has an extremely strong legislature that has taken a considerable interest in the operations of the SPA. It has regulated the agency through statute from its very inception (1967-68). Several attempts were subsequently made to revise the statutes governing CCCJ but at least two proposals were vetoed by the governor. Finally a new statute (AB1306) was passed which revised the whole structure and strengthened judicial participation. It took effect on January 1, 1974. During these years there has been considerable legislative maneuvering. The AOC has considerable skill in this area, as the director came to his position from the legislature and the office maintains a full time legislative representative in Sacramento.

The statute gave birth to the new committee of Judicial Criminal Justice Planning which was to review all judicial projects. At the present time the committee is attempting to establish and define its authority. In this regard, there are a number of differences between the SPA and the JPC. The SPA believes that the committee is purely advisory and that it can approve

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a project even if the JPC disapproves. There are questions about whether review of the plan by the JPC suffices or whether actual review of specific projects could take place subsequently. There are questions about whether failure of the JPC to act at one meeting automatically delays the project or whether the SPA could go ahead anyway under these conditions. Finally there is the sensitive issue of the relationship between the JPC and local regions and courts.

In all, the JPC has been born out of conflict. There are those in executive agencies (including the LEAA regional office) who believe that the judges are arrogant, that they just want the money handed over to them to do as they will. There are criticisms of the personalities in the AOC and claims of empire building. There are expressions of feelings that judges are politicians who should be able to compete in this arena. They say that if they cannot compete it is because of incompetance and not because they lack influence. Ironically, they point to the legislative success in establishing the JPC as an example of the influence they have, which is an interesting paradox. The difference between the ability to influence a legislative arena and an executive arena was not discussed. Incidentally, their claims are reminiscent of those expressed in Wisconsin by the Governor's advisor who claimed that judges have power and one of the sources of their power is their position, in that they are above negotiation and politics.

During the field work, the team found no evidence that attempts were being made to utilize the monies in the state planning agency in order to influence individual decisions in individual court cases. There were rumors in one state that SPA staff had been heard to remark that the court would only get more funding when the quality of their decisions improved, but that is hardly evidence of interference. It is certainly true that attempts were made to influence the processes used in the courts, especially the administration, but the appropriateness of that type of influence is a very different question.

There is another area of conflict which affects courts which is separable from the state executive - judicial conflict. This problem relates to the relationship between local trial courts and units of local government. In Maricopa County, Arizona, the presiding judge of the superior court is desirous of receiving a small amount of grant money from the Arizona Justice Planning Agency for a specific project. Apparently this project falls within the priorities of JPA and they are prepared to fund the project. However, the local county government does not want the project funded and has objected to the grant being submitted directly by the court. As the county does not have to supply any direct matching fiscal contribution, the conflict is almost completely philosophical in nature. At the present time, the subject is still at issue and the judge is ordering the county government to sign

the application, utilizing the "inherent rights" argument that the court should decide upon its own needs.

Although the team sympathized with the court in this matter, it believes the issue to be one between the trial court and county government. The SPA has not contributed to this conflict and it is unreasonable to expect that the SPA mechanism can resolve every point of political conflict in the state.

In contrast, considerable concern was expressed by some court officials of the processes and procedures being followed by the states in establishing standards and goals for the courts. They considered that the whole process was dominated by the exceutive and that court involvement was extremely slight. It was predicted that considerable friction would arise in the future as courts seek to get specific projects funded within the framework of these adopted standards and goals.

G. Court Representation on Criminal Justice Planning Boards

It is important that the judiciary receive adequate representation on the boards which decide upon the allocation of priorities for the expenditures of the limited amount of block grant funds available, if there is to be an objective allocation. Accordingly, wherever possible, the team determined the degree to which the judiciary is represented on state boards and local boards.

Wisconsin

The Wisconsin Council on Criminal Justice had only one judge on its planning council, which consists of 19 members. Even that judge is not an official representative of the judiciary. He was perceived to be an associate of the governor and the state court leadership indicates that he does not officially speak for them. There are vacancies on the council at the present time, but no official contacts have been made with a view to obtaining official court representatives on the board of the council.

The regional criminal justice planning councils all have judges serving (with the exception of the northeast region). One region has three judges but the majority have one or two. "In toto," there are 14 judicial representatives of a total of 142 (9.9 percent). The team was not able to ascertain the degree to which these judges are representative of the local bench. However, in Milwaukee, which has a somewhat special situation, the judiciary does not have an official representative, according to the local administrative judge. In that city, a memorandum of agreement has been established which allows the members of the local planning council to be selected by a variety of groups rather than all by the governor directly. Of the 21 members, seven are appointed by the governor, six by the mayor, five by the county executive, and three by an intergovernmental council. No specific provisions are made for judicial representation amongst these various appointments, although one judge is presently serving.

JUDICIAL REPRESENTATION ON WISCONSIN
REGIONAL CRIMINAL JUSTICE PLANNING COUNCILS

Region	No. of Judges	Current Membership
Northwest	2	15
Northeast	0	11
Upper West Central	2	16
Lower West Central	2	14
Central	1	14
East Central	1	12
Southwest	1	14
South Central	3	14
Southeast	1	13
Milwaukee Metro	1	19
	14 (9.9%)	142

WCCJ JUDICIAL REPRESENTATION

No. of Judges	Current Membership
1 (5.3%)	19

Arizona

The Arizona State Justice Planning Agency was created by executive order (68-3) on November 15, 1968. That order did not specifically define the membership of the governing board, other than to say that the members would be chosen by the governor and would be representative of the police, prosecution, corrections and court functions on the state level; and the police, prosecution, corrections, and general government function on the local level. Provisions were made for public representation.

Once formed, the agency adopted the task force approach and established one task force on "Courts and Prosecution." Decisions of this task force were advisory to the governing board.

At the time the team visited Phoenix, there were 15 active board members and at least one vacancy. The membership was as follows:

State Government

1. Chief Justice
2. Justice of the Court of Appeals
3. Attorney General
4. Director of Public Safety
5. Director of Department of Corrections

Local Government

6.	Judge, Superior Court	Tuscon
7.	Police Chief	Phoenix
8.	County Attorney	Coconino County
9.	Supervisor	Maricopa County
10.	Supervisor	Santa Cruz County
11.	Mayor	City of Tuscon

Advisory Members

12. Senator

Public

13. One Member

Regional Planning Agency Member

14. Chairman - Region I
15. Chairman - Region II

It can be seen that the courts are very well represented on this board. There are three judges on the board, including the chief justice, who attends regularly. In addition, the attorney general and a county attorney serve, which brings the membership of courts and prosecution up to one third of the total. As there are public members and legislative representatives, the court does not find itself at a disadvantage in this arena. In fact, it would appear that the contrary is the case and that the police have very little representation. Only the director of the department of public safety and one police chief serve.

The courts and prosecution task force is completely made up of judges and prosecutors with the exception of the Dean of the College of Law of the University of Arizona. There are twelve members in all.

California

The California Council on Criminal Justice is the supervisory board of the state planning agency. This council is composed of the following members:

The Attorney General

The Administrative Director of the Courts

13 Members appointed by the Governor
2 of Whom shall be the Commissioner of the Department of the Highway Patrol and a representative of state corrections agencies

5 Members appointed by the Senate Rules Committee
5 Members appointed by the Speaker of the Assembly

The appointees of the governor must include: a chief of police, a district attorney, a sheriff, a public defender, a county probation officer, one member of a city council, one member of a county board of supervisors, a representative of the commission on police officer standards and training, a faculty member of a college or university qualified in criminology, police science or law, and a person qualified in research, development and systems technology. The speaker of the assembly and the senate committee on rules must include among their appointments a judge designated by the Judicial Council, one private citizen, a representative of the cities, a representative of the counties, and six persons who shall be elected officials of county or city government or appointed officials of county or city criminal justice agencies.

It can be seen that state court leadership has at least two official representatives on the council at this time. In earlier days, there was apparently no such representation and the chairman of one of the legislative justice committees was expected to speak on behalf of state court leadership. As he was not able to attend frequently, the court leadership was not adequately represented. Even at the present time, the court representation is relatively low.

This relatively slight representation is mitigated somewhat by the creation of the Judicial Criminal Justice Planning Committee (JPC) for the state judicial system. The seven members of this committee are appointed by the Judicial Council and hold office at its pleasure. They review all grant requests being submitted to the state planning agency and make recommendations. The committee is composed exclusively of superior and municipal court judges and it is chaired by a justice of the court of appeals. It has a small staff of its own.

Georgia

The membership of the State Crime Commission is defined in an executive order. It is composed of the following members:

The Governor
The Attorney General
The Commissioner Dept. of Offender Rehabilitation
The Commissioner Dept. of Human Resources
The Commissioner Dept. of Public Safety
The Director Division of Investigation
A representative of state bar
A representative of Association of Chiefs of Police
A representative of National Council on Crime and Delinquency (Georgia)
A representative of Municipal Association
A representative of Juvenile Court Judges Association
A representative of Juvenile Court Workers Association
A representative of Peace Officers Association
A representative of State Advisory Board on Area Planning and Development
A representative of Pardons and Paroles Board
A representative of Sheriffs Association
A representative of Association of County Commissioners

A sociologist from academia
Any additional citizen members appointed by the Governor

There is no official representative of state court leadership on the crime commission, but this is not viewed as a prejudicial act by state court leadership. They indicated that this was a holdover from earlier days when there was no judicial council or administrative office of the courts. They believed that their interests were adequately represented and were confident that they could obtain representation should they so desire.

Surprisingly, the courts committee was also devoid of official state court leadership.

In summary, the judiciary is underrepresented on the governing boards in every state visited with the exception of the State of Arizona. Apparently this situation is not restricted to the four states visited. The COSCA Committee on Federal-State Relations determined that a majority of state court administrators feel that the judiciary is underrepresented on SPA supervisory boards and twenty one administrators feel that the judiciary is not fairly represented on the supervisory board or on other boards and committees. The findings of the team suuport those beliefs. In addition, it was found that in many states the judicial representative was not representative of the judiciary as an institution and that this was the cause of considerable dissatisfaction in the states concerned. It is true

that selection of a representative is difficult, especially when courts are not organized, but there is significant room for improvement.

Although strong judicial representation on the supervisory board does not guarantee, in itself, that the judicial component of a state plan is comprehensive, it certainly results in a higher degree of satisfaction - and, probably commitment - among state court leadership.

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CHAPTER V

COMMENTARY ON RECOMMENDATIONS

RECOMMENDATION ONE

PRIMARY RESPONSIBILITY FOR COURT PLANNING SHOULD BE VESTED WITH THE JUDICIARY OF EACH STATE

COMMENT: Every state constitution recognizes the independence and equality of the judical branch of government vis a vis the executive and legislative branches. The team concurs with the argument 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 pursuant to the objectives of the Crime Control Act of 1973.

Whether through apathy or through a lack of capability, courts generally have not taken the initiative in planning for their utilization of funds available in this federal support program with the consequence that this responsibility has remained by default within the state planning agency of the executive branch of government in many states. 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 the potential for long term deleterious effects.

The courts in the several states should assume the initiative for planning, obtain planning funds from the state planning agencies, hire the necessary planning staff, and develop the blueprint for their future structure, personnel and programs. A few states, of course, have long ago developed sophisticated planning and are showing the way.

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 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. Consequently, this first recommendation should become an immediate priority at all levels of government: the courts themselves, the regional and state planning agencies, and the Law Enforcement Assistance Administration. A special responsibility falls on LEAA to show leadership and firm commitment to the achievement of this goal.

Later recommendations suggest sites for such planning activity within both integrated, centrally administered court systems as well as within state court systems which are fragmented.

RECOMMENDATION TWO

A CONCENTRATED EFFORT SHOULD BE UNDERTAKEN BY THE COURTS, ASSISTED BY LEAA NATIONALLY AND REGIONALLY, AND BY THE STATE PLANNING AGENCIES, TO ESTABLISH AND STRENGTHEN INDEPENDENT PLANNING CAPABILITY WITHIN EACH STATE JUDICIAL SYSTEM. THIS EFFORT SHOULD BE UNDERTAKEN IMMEDIATELY AND SHOULD BE GIVEN HIGHEST FUNDING PRIORITY. THIS IMMEDIATE ACTION SHOULD BE SUPPORTED BY A COMMITMENT TO DEVELOP (OR MAINTAIN) A NATIONAL RESOURCE TO ADVANCE COURT PLANNING CAPABILITY ON A CONTINUING BASIS.

COMMENT: In each of the states visited, the development of a courts planning capability was underway. However, the level of sophistication and development of the planning has varied from state to state, as evidenced, for example, in the level of responsibility assigned to the courts planner which varied in every state visited.

In every instance observed, the degree to which a planning capability had developed bore a direct relationship to the quality

and value of the court projects resulting. In addition, in most of the states examined, the development of this capability resulted in increased court participation in the use of LEAA funds. While this effect is not inevitable, even states with a history of conflict between courts and the executive branch (including the state planning agency) showed increased participation in the federal support program as judicial planning capability developed.

The need to assign high priority to the development of a strong internal judicial planning capability has been highlighted many times in the past - for example, by former LEAA Administrator Donald Santarelli and National Center for State Courts Director Edward B. McConnell. The team strongly supports these views. This court planning capability is essential to developing vital, balanced plans as well as contributing to a healthy planning environment in the state planning agency. If the state planning agency is highly political in composition and operation, then the development of a court planning capability will assist the courts in competing in that political environment. If it happens that the courts dominate that political process, then thorough, internal planning is essential to ensure that funds obtained are used wisely. Regardless of the specific structure and future of any federal support programs, the development of a strong internal planning capability within a

state's court system will be an invaluable legacy to the judicial system of each state.

At this point in time, the mere articulation of general statements concerning the desirability of developing an internal court planning capability in each state is not sufficient to deal with the problems this planning vacuum has generated. Such statements have been made in the past and action has been slow. Accordingly, the team proposes that a specific action plan be embarked upon which might be as follows:

(1) LEAA, through the Office of the Administrator, should require each state planning agency to solicit from the judicial leadership in its state a detailed proposal for establishing a permanent judicial planning capability for the state within the judicial structure. This proposed plan is to be submitted to the SPA within sixty days of notification and by the SPA to LEAA Regional Office within thirty days after receipt and comment. Time is of the essence if funding is to be possible in FY 1976.

(2) The SPA and LEAA regional and national offices should make available technical assistance to each state judicial system which requires such aid in the development of its planning proposal.

(3) The judicial plan submitted by each state must be consistent with the principles reflected in recommendations three and four of this report, and not inconsistent

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with the present administrative structure of the court system within the state.

(4) The request by the SPA should be accompanied by guidelines (See No. 7) to assist courts in preparing a proposal which is responsive to the spirit as well as the substance of the objectives of the request.

(5) After review and comment by LEAA regional offices and the Office of Regional Operations in Washington, the plans to establish or strengthen courts planning capability should be given maximum funding priority by LEAA - perhaps through its Office of National Priority Programs or the Office of Regional Operations - for FY 1976.

(6) To assure that adequate funds are available for establishing judicial planning capability nationwide during FY 1976, the administrator of LEAA should immediately reserve sufficient discretionary and other LEAA disbursed funds available for FY 1976 for contingency utilization in implementing this recommendation.

(7) LEAA should call upon the members of the advisory committee to this study team individually and through their organizations, to achieve this specific action plan. For specific steps to advance this strategy, see Chapter VI, A Strategy for Implementation.

RECOMMENDATION THREE

DEVELOPMENT OF THE COURTS PLAN SHOULD REFLECT THE INPUT OF LOCAL AS WELL AS STATE COURTS AND THE PROGRAMS ARTICULATED SHOULD REPRESENT A BALANCE OF LOCAL AND STATE COURT NEEDS

COMMENT: The team has seen the neglect of local courts in many states and is concerned that court planning assist in alleviating the problems of these courts where, after all, the greatest percentage of the judicial caseload is concentrated. It fears the possible problems that could develop from centralization of power in the hands of an unresponsive central court group and believes strongly that court planning must be responsive to every level of court and every component of the judicial branch in each state.

Although it is recommended that primary responsibility for courts planning be vested in the state court structure, the central role of a state supreme court should not mean that local courts projects cannot catch the imagination and support of both the supreme court of the state and its state planning agency. This local court involvement should be reflected in the planning process as well as in the composition of state planning agency advisory boards.

The team recognizes, however, that this ideal planning structure has not developed in many states and that the mechanics for

achieving such a process are still to be worked out. In developing this planning mechanism, local courts must have access to the professional planning capability 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 municipal court, etc., can be articulated in the same vein as those of large courts operating in primary population centers which may have easier access to professional planning assistance.

RECOMMENDATION FOUR

PLANNING BY THE STATE JUDICIARY SHOULD BE CONDUCTED IN COOPERATION WITH THE PLANNING FOR OTHER COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM AS WELL AS WITH OTHER COMPONENTS OF THE COURTS COMMUNITY

COMMENT: The court system of every state, whatever its quality or cohesiveness, has an influence on - and is itself influenced by - the other segments of the criminal justice system. If these components plan in isolation from one another, it is probable that they will be moving either in divergent directions or be in direct conflict with one another. Isolated planning perpetuates the fragmented system of justice that the Crime Control Act - and its predecessors since the Safe Streets Act of 1968 - have attempted to bring together.

Court planning must necessarily overlap with that conducted for the executive branch functions of police and corrections for obvious reasons of efficiency and consistency. To the extent that activities of one function affect the workload and operations of other CJS components, these activities must be coordinated at the planning stages to assure their compatibility once they reach the SPA review level.

Joint cooperative planning is essential to assure the optimum impact of the federal support program.

It should be noted, therefore, that although the study team recommends that planning for the courts be vested with the judiciary, it is important to recognize that this planning must be done in concert with the planning of those executive agencies which operate in the courts community, i.e., prosecution, defense, etc.

This is not to suggest that the judiciary plan for the components of the court community which interface with the operation of the courts but, rather, to highlight the necessity for court planning to be done in cooperation and conjunction with those other planning efforts. The planning specialists from each component of the justice system should meet regularly, exchange concepts and create a cohesive total effort.

RECOMMENDATION FIVE

THE COURTS PLAN PROPOSED BY THE STATE JUDICIARY SHOULD BE DEEMED PRIMA FACIE VALID AND A PRESUMTION SHOULD ARISE THAT THE PLAN WILL BE APPROVED AND FUNDED BY THE STATE PLANNING AGENCY. THIS PRESUMPTION DOES NOT DIMINISH THE RESPONSIBILITY OF THE STATE PLANNING AGENCY TO SCRUTINIZE THE COURT PLAN FOR INVALIDITY, IMBALANCE, OR OTHER DEFICIENCIES

COMMENT: 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 Council. 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.

There also exists, under the current legislation, a check and balance on executive state planning agency actions vis a vis the courts. This consists of the required LEAA regional office review of state plans as well as the right of an aggrieved party to seek review in the United States District Court. The team believes that these procedures, together with the Discretionary Fund program, should be conducive to the courts receiving a fair share of available monies to fund court planning and program efforts.

RECOMMENDATION SIX

IN ORDER TO ACHIEVE A NEUTRAL FORUM FOR THE REVIEW OF COURT PLANS, THE COURTS SHOULD HAVE A FAR GREATER REPRESENTATION ON THE VARIOUS CRIMINAL JUSTICE PLANNING BOARDS. THESE REPRESENTATIVES SHOULD BE APPOINTED BY THE COURTS. TOGETHER WITH THE CITIZEN REPRESENTATIVES, THE COURT DESIGNEES SHOULD APPROACH ONE-THIRD OF THE TOTAL POLICY BOARD MEMBERSHIP

COMMENT: Absent the creation of a more neutral forum, the courts 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. The ultimate result then will have to be the insertion of fixed percentages of block grant funds mandated for the courts.

In New Jersey, the courts have one representative in the fifteen member planning agency. As Edward B. McConnell told the House Judiciary Committee in May 1973, whatever a fair representation is, one out of fifteen is certainly not fair. In Wisconsin, the Governor 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. This has changed since the field visit. 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 the courts should name as much as one third of the total representation. This percentage includes

the citizen representatives, some of whom would be recommended to the appointing authority by the courts themselves.

RECOMMENDATION SEVEN

THE COURTS IN THE VARIOUS STATES SHOULD BE FUNDED THROUGH A PROCESS WHICH IS CONSISTENT WITH THE ADMINISTRATIVE STRUCTURE OF THE COURTS OF THAT STATE, WHETHER THAT STRUCTURE BE A UNIFIED SYSTEM, A DECENTRALIZED SYSTEM OR SOME INTERMEDIATE ARRANGEMENT

COMMENT: Although the four states examined had organized their court systems in different ways, each financed the courts through a mixture of state and local level funding - an arrangement which is typical of most states at this time. None of the states studied were either centrally financed or without any central financial controls; all fell somewhere between the two extremes. Although state court leadership had an essential interest in the operations of the trial courts, it shared that responsibility with local government, and the arrangement for distributing money to the trial courts in these states reflected the interests of both groups. Thus, a project could not be submitted by a trial court without approval of the local government unit involved and the trial court project would almost never be funded without approval by the state court leadership. Every state examined had vested

the state court leadership with considerable review authority over local court projects - either formally or informally - and the degree to which this "veto" power worked equitably varied according to the balance of power between the local courts and the central court existing in the particular state.

While this dual review of court projects - at the local level and the state level - can be cumbersome, and sometimes frustrating, local units of government should be involved in the funding decision as long as local courts are funded through these local governmental units which will have financial responsibility once the project is completed. A number of these frustrations were noted during the field work. For example, in Pima County, Arizona, the local government would not forward a grant proposal from the local superior court even though the state planning agency desired to fund it and the required cash match would be totally supplied by the legislature. Similarly, some large counties in California have refused to give court grant projects sufficient priority to ensure funding. Discouraging as the use of this local veto power may be to comprehensive court planning efforts, the team believes that the factors fostering the use of this local veto power in the above instances are a product of the specific planning and review processes operating in the states involved rather than in the state planning agency review mechanism provided in the Act.

It should be noted that there are claims that a financially unified state is penalized for its structure under the present Act and the merits of these claims should be explored further. Although the specific strutures of the four states examined provide no empirical evidence bearing on these claims, it has been intimated that the variable pass-through formula might accommodate totally financially unified states satisfactorily. If this is not true, then we would support the proposal that the Act be amended to preclude penalization of a unified system.

RECOMMENDATION EIGHT

IN VIEW OF THE LOW PERCENTAGE OF LEAA MONIES ALLOCATED TO COURTS IN THE PAST, COURT FUNDING SHOULD BE RAISED TO AT LEAST THE LEVELS OF SUPPORT SUPPLIED BY PRESENT FUNDS WITHIN THE STATE AND GUIDELINES SHOULD BE DEVELOPED TO IDENTIFY THOSE LEVELS MORE PRECISELY. A FIXED GENERAL COURTS PERCENTAGE IS NOT RECOMMENDED.

COMMENT: Federal funds allocated to the courts by the state planning agencies have, since the inception of this program, been minimal. The classification and statistics circulated by LEAA entitled "Courts Funding" have, in fact, been misleading in overstating the support that the state courts have been receiving. Our analysis of the amount of monies expended by courts in the four states examined indicates that the level of specific court

fundings has been low in percentage terms and that the LEAA use of the broad "court" definition obscures this fact.

Statistics compiled by the Conference of State Court Administrators indicate that the state courts received 11.5 percent of block grant funds in FY 1972; 12 percent in FY 1973; and 14 percent in FY 1974. Those figures are based on the results of questionnaires completed by 35 state court administrators. Figures circulated by LEAA indicate even more generous percentages of block grant funds awarded to the "courts area;" "nine states allocated 20 percent or more of their block grant funds to the courts area in FY 73." However, a wide disparity exists between published "courts" percentages and the actual amounts committed to the judiciary. The Georgia SPA, for example, calculated that 13 percent of its FY1972 block grant funds was allocated to the courts. After deducting from that percentage, funds appropriated for prosecution and defense, the percentage actually spent by the courts was 2.2 percent.

This disparity arises because the term "courts area" as used by LEAA and the SPAs includes prosecution, defense and law reform. Although the use of this broad category has some justification in view of the wide range of functions falling within the judicial branch in the various states, it can also work to the disadvantage of the courts. Not only does this broad category

obscure actual courts funding but, in addition, it does not take into consideration the necessary balance that must be achieved in upgrading all components of the criminal justice system. For example, a dislocation may in fact occur when funding for prosecution and defense makes no allowance for the impact of such funding on the court system. This is not to disparage the needs of prosecution and defense but rather to illustrate the need for a more narrow definition of "courts" as essential on the part of LEAA so that efforts to upgrade the courts can be clearly and accurately defined.

As indicated earlier, the study team is reluctant to recommend that the courts receive a fixed percentage of each state's FY block grants. A guarantee of funding, either in amount or in percentage of total available funds, is a guarantee of mediocrity and can discourage meaningful planning. In Georgia, the courts turned back to the SPA funds that they could not use in a recent year, while other states have indicated that the courts are receiving all the block grant funds they can assimilate. Arizona in particular emphasized the desire to move gradually in using money. In California, great care was taken to approve projects at the state level in an orderly manner so that these projects could be gradually assumed in the regular state budget.

The wide variety of activities falling within the judicial branch in the various states also makes it undesirable to embark on a fixed percentage formula. In some states, all adult and juvenile probation, defense services, prosecutorial services and criminal rule-making responsibilities lie within the judicial branch. In other states, the court is defined in restrictive terms with only basic judicial functions directly related to the adjudicatory process. It is unreasonable to expect one figure to cover all circumstances.

However, courts have received a pittance of funds in the past and the development of guidelines for use in every state should be embarked upon by LEAA nationally. These funding guidelines should be directed toward those agencies falling within the judicial branch in that state. One approach in developing these guidelines might be to relate LEAA allocations to the gross ratios of state and local funds expended on CJS activities within each state.

The team does not believe that these guidelines should be restrictive. In fact, it believes that the history of court participation has been so poor (for whatever reason) that significantly higher expenditures than might otherwise be justified might presently be in order.

In implementing these guidelines, a problem may develop where a state planning agency has locked itself in by prior commitments. Each state visited had limited ability to reallocate funds from one area to another at this time, and the team understands that some states (e.g., Michigan) have almost no flexibility and, regardless of intentions, can make no significant improvement in court funding at this time.

In such cases where a state has genuinely curtailed its ability to fund, LEAA should use Discretionary Fund monies to supplement these deficiencies. Provision of such monies, however, should be viewed solely as a stopgap measure and the state concerned should be pressed to rapidly change its funding policies.

It has been said that Discretionary Fund monies themselves may be in very short supply and the team views this with concern if it will mean that courts in one or several states will be prevented from improving their participation. If, indeed, that is the case, the team would assume that the courts have no recourse in the present structure and would reluctantly recommend that separate court funding must be supplied so as not to perpetuate the patterns of the past.

Hopefully, the complex dimensions of criminal justice system needs will bring about a sense of professional responsibility

within those SPAs and courts that may still see SPA funds primarily in terms of patronage or other political appeal. Valid planning must recognize the legitimate needs of the courts, and the professionalization and maturation of the SPAs should encourage a healthy planning environment. However, if a state planning agency ineptly or deliberately discourages the courts from participating in this national upgrading effort, then a formula fixing the amount of funding for the courts might have to be articulated.

In the meantime, LEAA should serve a "watchdog" function to ascertain that the courts are, in fact, being treated fairly. The study team is encouraged by evidence indicating that such professionalization in planning and funding is developing within many SPAs. In such a milieu the courts will receive a fair share.

RECOMMENDATION NINE

THE FEDERAL SUPPORT PROGRAM SHOULD BE ENCOURAGED TO CONTINUE TO SUPPORT MODERNIZATION EFFORTS WITHOUT IMPOSING ANY PARTICULAR ORGANIZATIONAL REQUIREMENT AS A CONDITION PRECEDENT TO OBTAINING FUNDS. IN ADDITION, NO STATE SHOULD BE PENALIZED FOR THE ADOPTION OF ANY PARTICULAR MODE OF ORGANIZATION (ESPECIALLY UNIFICATION)

COMMENT: In each state visited, team members spoke at length with state court leadership about whether the funding patterns

had been destructive of efforts to develop unified structures. Without exception, they indicated that that had not been the case. In fact, in Georgia the SPA had been strongly involved in funding the efforts which established the Administrative Office of the Courts for the first time, as well as in funding other projects once they had been established. In Arizona, the state planning agency had consistently worked through the supreme court of the state, thus reinforcing the court's authority. In both Wisconsin and California, the Administrative Office of the Courts had received money for statewide projects which was used to develop an administrative structure and services to support court unification. These included statewide information systems, technical assistance services and grant planning and review.

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CHAPTER VI

A STRATEGY FOR IMPLEMENTATION

This study has identified the four nerve centers in the body politic that must be stimulated in order to activate sustained planning in the state courts. These nerve centers are:

A. The Administrator of the Law Enforcement Assistance Administration

B. The regional offices of the Law Enforcement Assistance Administration

C. Each state's criminal justice planning agency

D. The court system in each state

The stimulus at each center is the recognition that an aggressive policy is called for; i.e., a determination that the state courts develop their own planning and programming capabilities. The stimulus needs a combination of federal funds, manpower and technical assistance, but it can only be sustained if the responsible personnel appreciate the key role that the state courts have in American society. In many states this vital branch of government is limping behind when it should be running hard to catch up both with the administrative, behavioral and technological advances now available and with the caseloads that threaten to overwhelm many state courts.

In order to assist those who are responsible for implementing the recommendations contained in this study, the following strategy has been outlined for each of the identified nerve centers:

A. THE LEAA ADMINISTRATOR

The Initiator of the ambitious program recommended in this study for the state courts is Mr. Richard Velde, Administrator of the Law Enforcement Assistance Administration. The first move is his, and its significance for criminal justice cannot be overstated. He should, therefore, immediately take the following action:

1. Announce, with the widest dissemination possible, a specific policy to assist in upgrading the state courts of this country. Included in the announcement should be mention of the extent of the commitment of funds and manpower to support the new policy. The conference of Chief Justices should participate in the policy announcement.
2. Release to the states such planning or discretionary funds as will enable each state court system to mount a planning and programming capability.
3. Determine, by information submitted through the LEAA Office of Regional Operations, the present extent of court planning capability and experience in the 55 jurisdictions.

4. Make certain that the LEAA regional offices have court specialists on a full time basis who can provide the technical assistance necessary to assist in upgrading the state courts. Insist that they be objective and demanding of movement toward these goals.
5. Determine whether other steps should be taken at the national or regional levels to achieve the goals set out in this urgent program.
6. Identify the existing or potential organization that can serve as a resource center and clearinghouse for the state courts. This center should be able to mount demonstration projects, suggest new approaches, and provide technical assistance in the upgrading process which is a continuing responsibility for all court systems. It should be a national organization.
7. Embark on a research effort to study and resolve specific problems that the courts confront in the LEAA program, such as alleged disadvantages confronting the unified court systems, evaluation criteria for court planning progress, appropriate levels of court funding.

B. THE REGIONAL OFFICES OF LEAA

This report pleads for the ten regional offices of LEAA to have the aggressiveness and political courage to insure that the sometime invisible branch of state government - the judicial branch - be allowed to put its house in order. The regional office must become a vigilant watch dog for the state courts, a negotiator of disputes between the SPA and court personnel, and a brutally objective analyst of the comprehensive plans developed within each state. Those plans that fail to incorporate and support the reasonable goals and plans developed by the state courts should be rejected at the regional level. If total state and local appropriations to the courts of a given state amount to 20 percent of the total public appropriations within that state, the state comprehensive plan ought certainly to approximate that same level of commitment.

The LEAA regional office should therefore:

8. Hire at least one competent court specialist on a full time basis to assist the courts and SPAs in the region to take the steps outlined above. This person should have the administrative authority and support necessary to do the job.
9. See to the disbursement of planning and discretionary funds to the state courts for the development of planning capability.

10. Plan technical assistance to the courts in plan development and program identification. Meet with the Judicial Planning Council to assist in its healthy growth.
11. Articulate a policy of support for upgrading the state courts.
12. Accumulate data on the existing capability and structure of each state court system for submission to LEAA and for internal use as a measurement of future progress.
13. Be scrupulously exact in demanding compliance by both the SPA and the courts in meeting their responsibilities as identified in this document. The key person in the implementation of this study report is the LEAA regional court specialist.

C. THE STATE CRIMINAL JUSTICE PLANNING AGENCY (SPA)

Each of the 55 jurisdictions has created within its executive branch a state planning agency. That agency is charged with comprehensive planning for the entire criminal justice system. It has other duties: funding throughout the system its LEAA money for action programs, and responsibility for coordination and correlation of the segments of criminal justice into a cohesive system.

This study recommends that the primary responsibility and authority for court planning be delegated to the courts themselves. This will require that the SPA take the following steps, if not already taken:

14. Notify the chief justice (and whoever else in the state courts may need to know) that planning funds will be made available to the courts for the employment of one or more court planners. Advise of the need to create, if not in existence, a Judicial Planning Council. Advise also that a written plan should be submitted by the courts to the SPA for inclusion in the next annual comprehensive plan that the SPA will prepare for submission to LEAA.
15. Provide technical assistance in the formation of a Judicial Planning Council and in the recruitment of staff.
16. Make certain that the staff, once recruited, receives orientation and begins to function in harmony with those who are planning for other segments of the criminal justice system. The SPA court specialist should be coordinator and liaison officer to insure effective agency interrelationships.

17. Invite the court to designate members for the SPA policy board. When added to the public representatives on the board, the court designees should total as much as one third of the total policy board membership.

18. Indoctrinate the policy board in accepting the prima facie validity of the plan which the courts will be submitting to it for inclusion in the state's comprehensive plan for criminal justice. This does not mean that money can be found to fund every project contained in the plan submitted by the courts. It does mean that a reasonable amount of the action money available to the SPA for sub-funding (or discretionary LEAA funds) should be awarded to the courts for programs which they themselves, through the Judicial Planning Council, identify for priority attention. If the courts, e.g., identify six programs and only four can be funded, then the first four on the courts' priority list should be underwritten.

19. The SPA should use its best efforts to help upgrade the courts in each state. Remedial, catch-up attention and support are necessary in many states.

D. THE COURT SYSTEM IN EACH STATE

In every state in which the courts do not at present have their own planning capability, these steps should be taken immediately (a timetable appears in this report under Recommendation Two).

20. If the courts are integrated and are under the rule making authority of a supreme court, then the supreme court should create a Judicial Planning Council if none exists. The Council should be representative of all the levels of courts in the state. The Council should be charged with responsibility for developing and implementing a blueprint for upgrading the several courts of the state.

    If the courts are not integrated, the chief justice of the supreme court in such a jurisdiction should invite the judges from each level of the courts to designate one or more nominees to serve on a Judicial Planning Council. The chairman may be designated by the members or, in an integrated court system, may be appointed by the chief justice.

21. The Judicial Planning Council should apply for staff capability through the state criminal justice planning

agency. The size of the court system and the extent of its problems will guide the Council in determining whether more than one court planner should be hired as soon as possible. The SPA and LEAA can offer some assistance in this matter. The application for such a planning grant ought to be a relatively easy letter application or a simple form. Qualified organizations are available by contract with LEAA to develop the criteria and guidelines for such applications and otherwise furnish technical assistance.

22. The court planner ought to be familiar with the courts and the law (a law degree is preferred but not essential). He should have experience and skill in research and problem identification, and he may be found in a unit of local or county government working as a planner in a related field. He should have the maturity and experience that will command the respect of the judges, and he should be research oriented rather than be interested in law practice. The SPA should help in locating the qualified court planner.

23. It may require a month or more to find the staff deemed desirable. Therefore, the search should be undertaken even while the application to the SPA for a planning (salary) grant is being processed.

24. The Judicial Planning Council should receive sufficient sums in the planning grant to enable it to meet frequently during the first year and quarterly thereafter. The Council should therefore be limited in size or, if not, then a steering committee should be authorized to meet regularly with the planner(s) in the early stage of this developmental process.

25. Available to the Council should be technical assistance from the SPA, LEAA regional and national offices, and from national resources through a viable contract source and funding mechanism for specified on-site assistance as necessary. There are needs and deficiencies that the Council members can themselves identify. Also available as supporting documents are the Standards on Court Organization approved by the American Bar Association in 1974; the Standards and Goals for

Criminal Justice approved by a National Advisory Commission in 1973 (available from the U. S. Government Printing Office); the Consensus Statement of the National Conference on the Judiciary in 1971, and the strategy for court reform outlined by the Advisory Committee on Intergovernmental Relations in 1970.

26. The Council will need to meet with the SPA personnel and with others in the state to assess sources of future state and local funding for court planning. The federal planning money will cover as much as 90 percent of planning costs, but the amount available and the permanency of the funding are uncertain.

* * * * * *

CHAPTER VII

ISSUES AS YET UNRESOLVED

During this study a number of specific areas were identified as requiring further examination at once. Some of these areas are as follows:

1. What is the effect of the present SPA court funding pattern upon fiscally unified systems? As indicated earlier, there is strong suspicion that such court systems are penalized for their choice. It is important to determine if that is so as legislative change may be required to accommodate these systems. None of the states we examined supplied evidence on this point.
2. What is the effect of the present SPA funding pattern upon highly decentralized court systems, e.g., Indiana or Texas? Is such a court system capable of planning as a unit?
3. Does the variable pass-through formula accommodate the fiscal needs of unified and decentralized systems or is a change required? Are there administrative techniques which effectively accommodate these situations?

4. To what extent have state planning agencies precluded increased funding of court projects because of past commitments. If this is a substantial problem, what options are open to LEAA to improve court funding.

5. What might be an appropriate level of funding for the wide variety of court systems in the various states? Is it possible to develop rough percentages based upon present support of criminal justice agencies with appropriated funds?

6. How might judicial planning councils plan harmoniously with the various disparate functions that fall within the judicial branch in the various states, i.e., probation, prosecution and defense, etc.

7. What LEAA resources (financial and personal) might be allocated to this critical area and what authority and responsibility might they need in order to substantially advance the implementation of these recommendations. For example, are "capacity building" funds not immediately available?

8. Is it possible to establish explicit effectiveness criteria for court planning and court projects? Can we define those areas which are of concern to the judiciary, alone, and those which are appropriately of joint judicial, executive and legislative concern? How might conflicts in these areas be resolved?

9. Does not the limitations on funding and on available technical resources mandate a review of the separate national training programs now under way for judges in Reno, prosecutors and defenders in Houston, court administrators in Denver, etc.? Does separate training perpetuate fragmentation and retard upgrading of the criminal justice systems? Also, should not a uniform mechanism be adopted for all court systems in the awarding of training grants at the state level?

APPENDICES

APPENDIX A

CHARGE TO THE TEAM

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APPENDIX A

THE AMERICAN UNIVERSITY
WASHINGTON, DISTRICT OF COLUMBIA 20016

Washington College of Law
INSTITUTE FOR STUDIES IN JUSTICE AND SOCIAL BEHAVIOR

Criminal Courts Technical Assistance Project
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September 13, 1974

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Courts Specialist
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Appendix A

September 13, 1974
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Gentlemen:

This is to confirm our agreement that you will provide technical assistance services under the auspices of this project for the purpose of appraising the existing process by which federal funds are channelled to state court systems, and making recommendations for improvement of the process, based on your findings.

This study is a response by LEAA to concerns expressed by judicial and court administration organizations about perceived inequities and deficiencies in the present status of federal support to the judicial components of state court "systems." I believe the enclosed resolutions of the Conference of Chief Justices and the Conferences of State Court Administrators, adopted at their August meetings in Honolulu, reflect many of the concerns in this area. However, to assure that you have as comprehensive a perspective as possible with which to undertake your field work, I have arranged for an orientation session in Washington, D.C. at which the following individuals will present their views on the area to be studied: Chief Justice Howell Heflin, representing the Conference of Chief Justices; Judge John Snodgrass, representing the State Trial Judges Association; Marian Opala, representing the Conference of State Court Administrators; and Richard Wertz, representing the SPA Executive Directors Association.

This session will be held in Room 1300, LEAA headquarters, 633 Indiana Avenue, N.W., Washington, D.C., at 10:00 a.m., on September 26. Mr. H. Paul Haynes, acting director of LEAA's Office of National Priority Programs will convene the meeting and it is anticipated that Messrs. Richard Velde and Charles Work will also attend.

I have asked Dean Irving to assume the challenge and burdens of team leader for this assignment and request your cooperation in this regard. Mr. Herndon will join the team in its field work, as his schedule permits, and will participate as an LEAA representative under Dean Irving's coordination. His insights and knowledge of the federal-state-local relationships involved will be extremely valuable and his participation is in no way intended to bias the team towards an "LEAA position" on the matters to be studied. Indeed, each team member was selected on the basis of our assessment of his ability to perform an objective study, in addition to a competent one.

Appendix A

At present, three states have been selected for on-site work by the team: Arizona, Oklahoma, and California. Their selection does not imply that there are problems or, for that matter, efficiencies, in federal funding of courts in those jurisdictions. They do, however, represent jurisdictions in which the mechanics of the funding process are different. This list may be modified as a result of the orientation session.

Tentatively, a 100 man-day level of effort has been allocated for this assignment, exclusive of Mr. Herndon's time. This figure may be adjusted based on decisions made on the 26th. Hopefully, by the end of that day, a timetable and work schedule can be finalized which will anticipate completion of the field work during October.

Reservations have been made for each of you except Dean Irving, who will already be in Washington, and David Saari, who resides here, at the Statler-Hilton Hotel in Washington, for the night of September 25. Enclosed are forms which should be returned to this office for reimbursement for expenses and consultation fees for the meeting on the 26th. We will, of course, reimburse for an additional night's lodging if return travel to your homes is not practical on the 26th. Additional forms will be sent to you for reimbursement of fees and expenses attendant on the field work portions of your assignment.

I wish to thank all of you for agreeing to participate in this important project and for your willingness to adjust your schedules to accommodate our timetable at this very busy time of year.

Please call me at 202/686-3800, if you have any questions concerning this assignment or if we can facilitate your preparation or logistics for the meeting.

Best personal regards,

Joseph A. Trotter, Jr.
Director
Criminal Courts Technical
Assistance Project

cc: Greg Brady

Enclosures:

JT:ns

APPENDIX B

METHODOLOGY EMPLOYED

APPENDIX B

METHODOLOGY EMPLOYED

A. Overall Schedule of Events

The team's basic goal was to understand the major factors affecting the flow of funds from state planning agencies to courts at every level. In order to accomplish this, they decided upon an empirical approach which would involve an examination of the state of affairs which has existed since 1968 in some sample states. Selection of states for initial examination was a difficult task but, with the assistance of the Advisory Committee, four states were decided upon. The states selected were chosen on the basis that they would be illustrative of general issues. The guiding philosophy was that the jurisdictions examined should utilize a cross section of the different distribution mechanisms chosen by different states. It was recognized that this approach would not detect every individual set of circumstances that might exist in every state, but the team believed that it would enable them to examine the major issues directly. It was decided that should issues be detected which could not be completely illuminated by the sample states that other states would be added to the list or that particular points would be examined in the context of the experience in other states.

The initial states selected were Georgia, Arizona, California and Wisconsin because of the following factors:

1. Georgia

   A state that had only recently established a central court administrative structure, i.e., an Administrative Office of the Courts and a Judicial Council.

2. Arizona

   A state that was believed to delegate substantial amounts of autonomy to the courts to handle their own planning and a judiciary which considers itself substantially unified.

3. California

   A state with a history of low court participation which had recently established a statutory, Judicial Criminal Justice Planning Committee to assist the state planning agency in distributing "court" funds.

4. Wisconsin

   A state with an apparent history of high court participation but which was reported to be in a state of change. A supreme court with considerable budgetary independence from executive and legislative review.

It was decided that one state would be examined on an experimental basis, to determine the degree to which it was practical to accomplish the team's goals in the time that was available to them. It was felt that a testing out of the approach to the site work would enable them to plan realistically for the other states. Accordingly, one team member visited the State of Georgia and, with the assistance of the LEAA representative serving as a liasion to the team, explored the history of court funding and the processes utilized (see detailed description of the process later).

At the end of this period the team came together in Atlanta and explored the experience of the week. Fortuitously, that same weekend the team was able to meet with a cross section of court and planning agency personnel which enabled the group to review the tentative findings of the team member doing the field work and to assess some of the conclusions. That review enabled the team to conclude that an approach which involved an initial week long visit to each state by a two man team would satisfy the initial goals. For the sake of convenience, each team member was delegated one state as his primary responsibility.

Arizona	Judge Pennington
California & Georgia	Dr. Haynes
Wisconsin	Dean Irving

The back up team member was selected on the basis of time availability, Judge Pennington assisted in California and Dr. Haynes in Arizona and Wisconsin.

At the end of the team examination of the State of Arizona, the group met again at Reno, Nevada at the National College of State Judiciary to review its findings and to suggest modifications of approach. At that meeting there was sufficient confidence in the organization of its approach to allow the remaining states to be examined without further group revision. The situation in the State of California was assessed the next week and the State of Wisconsin the week after that. After a week for reflection, the team met again as a group in Washington, D. C. and began to hammer out areas of agreement, areas for further critical work, and to review other possible interviewees with particular emphasis upon individuals suggested by the Advisory Committee on the basis of the team's solicitation.

The following several weeks were spent contacting individuals who were missed during the team's initial visits, with particular emphasis upon interviewing local trial judges, court administrators

and regional planners. Two team members met with Marion P. Opala of the Advisory Committee and received the benefit of his guidance. This time was also spent consolidating their ideas and preparing an early draft of their findings.

The team met again as a group in Atlanta, Georgia, reduced their findings further and presented these tentative conclusions confidentially to a knowledgeable group. The group consisted of a trial judge, a state court administrator and an LEAA regional courts specialist.

Team findings were reviewed in the light of this critique and a briefing document on findings and recommendations prepared for presentation to the Advisory Committee and LEAA representatives on a subsequent date. At that meeting, the Committee critiqued the team's recommendations and directed it to prepare a final report, further refine their conclusions, and develop an implementation strategy. This was done over the succeeding month via independent work and group sessions, including outside consultations. The final report was assembled at a team meeting in mid-February.

B. Interview Schedules Within Each State

The team members' approach in each state was essentially the same. The leadership of the state court system and the state planning agency were interviewed at the very beginning. Each

group was asked to assist in exploring salient issues and, without exception, the team representatives were courteously received and given every assistance. Generally, the team member asked the state court administrator and director of the state planning agency to arrange an interview schedule for them which enabled them to contact the central people knowledgeable about various issues at the state level. Although the specific times of interviews varied with the schedules of the people they were working with, the general arrangement was as follows:

1. State Court Leadership
2. State Planning Agency Leadership and Court Staff
3. State Court Planning Staff
4. LEAA Regional Offices, Board Members of State Planning Council and Court Task Force, if present
5. Local Judges, Administrators and Planners

Interspersed among these interviews were contact with other individuals who had experience in this area. Thus, the team contacted individuals in the National Center for State Courts, the National Center for State Judiciary, local universities and in governor's offices. They also wanted to contact knowledgeable legislators, but in the majority of the states visited the legislatures were not in session, so this was not possible.

Given the small amount of time available in each state, team members were particularly anxious to attend any meeting at which a number of relevant individuals were present. They were particularly fortunate in that regard in being able to attend meetings of the California Judicial Criminal Justice Planning Committee to listen to them discuss many of the very points they were interested in and were able to make brief presentations and solicit comments. As mentioned above, the team was able to attend a meeting of the Georgia Commission on National Goals and Standards which was discussing court standards. At that time they were able to meet with a group of judges, administrator and planners for two hours as well as to attend their sessions.

The actual individuals who were contacted in each state are displayed in the accompanying chart. Without exception the team was able to interview the chief justice of the state visited and to spend a significant amount of time with him. In Arizona and Georgia they were also able to spend time with other justices, and in California spoke with Justice Christian of the court of appeals who also serves as chairman of the Judicial Planning Committee and was the first directors of the National Center for State Courts.

Personnel Interviewed During Field Work

	Arizona	California	Georgia	Wisconsin
Chief Justice	x	x	x	x
Other Justices	x	x	x	-
State Ct. Admin.	x	x	x	x
Planner in Courts	x	x	?	x
Ct. Planning Comm.	-	x	-	-
Ct. Admin. Staff	-	x	x	x
Local Judges	x	x	x	x
Local Ct. Admin.	x (2)			
Dir. State Plan. Agency	x	x	x	x
Assistant Director	x	?		x
Court Specialist	x	x	x	x
Previous Ct. Spec.	x	x	N/A	x
Chr. Superv. Board	-	-	x	x
Ct. Task Force Memb.	-	-	x	-
Governor or Repr.	-	-	x	x
Legislative Comm.	Not in Sess.	-	-	-
LEAA R/O Court Specialist	x	x	x	x
LEAA State Rep.	x	-	x	-

State court administrators, many of whom were known personally to team members, spent considerable time with the team and were particularly helpful in directing attention to central points that might otherwise have been missed. Naturally, time was also spent with the administrator's staff. Typical

individuals spoken with in this category included an assistant director, legislative analyst (Representative), research director and director of judicial education. In every instance, time was spent with the planner on the staff of the state court administrator and, in the case of California, time was spent with the members of the Judicial Planning Committee and with staff of that committee, including a related staff group (Calendar Management Assistance Team).

In the state planning agency, the team always met with the director and usually the assistant director. In every instance they met with the present court planner and in those state where the planner was new, also sought out the previous planner and interviewed him at length. That was particularly important in Arizona and Wisconsin where personnel changes had taken place relatively recently. Tney spoke with the chairman of the state planning council in Georgia and Wisconsin, but not in California and Arizona. The team interviewed members of the courts task forces when they were available and in Georgia and Wisconsin, met with the governor and/or with his legal counsel.

In addition to the state planning agency personnel, they interviewed the court specialialists in the LEAA regions serving the states concerned and also spoke with the state representatives for Georgia and Arizona.

APPENDIX C

LIST OF PERSONS INTERVIEWED DURING FIELD WORK

APPENDIX C

LIST OF PERSONS INTERVIEWED DURING FIELD WORK

ARIZONA

Hon. Jack D. H. Hays	Chief Justice Arizona Supreme Court
James D. Cameron	Vice Chief Justice Arizona Supreme Court
Marvin Linner	Director, Administrative Office of the Courts
George Stragalas, III	Court Planner, Administrative Office of the Courts
Frank Blake	Administrator, Municipal Court, City of Phoenix
Gordon Allison	Administrator, Maricopa County Superior Court
Judge Goldstone	Municipal Court, City of Phoenix
Judge Ben Birdsall	Pima County Superior Court
Judge Broomfield	Presiding Judge Maricopa County Superior Court
Judge G. Farley	Nogales Superior Court
Carmen Villanuva	Criminal Clerk Nogales Superior Court
Al Brown	Director, Justice Planning Agency
Dean Cook	Assistant Director Justice Planning Agency
Darrell Mitchel	Court Specialist Justice Planning Agency

APPENDIX C

Arizona (Cont.)

Dwane Carlson	Former Court Specialist Justice Planning Agency
Lillian Rainery	Clerk, Nogales Board of Supervisors
Mike Hansen	Local Justice Planner, Pima County Assoc. of Governments
Frank Mays	Arizona State Representative, LEAA Regional Office, Burlingame, California

TUCSON SUPERIOR COURT

Ben C. Birdsall	Presiding Judge
Mary Anne Ritchey	Judge
Robert D. Buchanan	Judge
Alice Truman	Judge
Richard Roylston	Judge
Robert Roylston	Judge
Norman Fenton	Judge (Observed his Court in session)
Lee Garrett	Judge (Observed his Court in session)
Robert Williams	Bailiff
Francis Cophan	Bailiff
Sue Leslie	Secretary to Presiding Judge

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TUCSON MUNICIPAL COURT

Judge Veliz	(Observed his Court in session).
Judge Brashear	(Observed his Court in session).
Judge Newell	(Observed his Court in session).

CALIFORNIA

Hon. Donald Wright	Chief Justice California Supreme Court
Hon. Winslow Christian	Appellate Justice and Chairman, Judicial Planning Committee
Ralph N. Kleps	Director, Administrative Office of the Courts
William E. Davis	Staff Planner, Judicial Planning Committee/Justice Planning Agency
Jon Pevna	Trial Court Coordinator, Administrative Office of the Courts
Jon D. Smock	Assistant Director, Administrative Office of the Courts
Cy Shane	Research Director, Administrative Office of the Courts
Norm Woodbury	Administrative Office of the Courts
Byran Kane	Project Manager, Calendar Management Technical Assistance Team
Mike Tozzi	Member, Calendar Management Technical Assistance Team
Anthony Palumbo	Executive Director, California Council on Criminal Justice

California (Cont.)

R. C. Walker	Assistant to the Director California Council on Criminal Justice
Larry Alamoa	Court Specialist, California Council on Criminal Justice
Phil Steiner	Court Specialist, California Council on Criminal Justice
Gwen Monroe	Court Specialist, LEAA Regional Office, Burlingame, California
Judge Harry Lowe	Superior Court of San Francisco, Member, Judicial Planning Comm.
Judge James L. Smith	Municipal Court of Westminster, Member, Judicial Planning Comm.
Judge Harry F. Brauer	Superior Court of Santa Cruz, Member, Judicial Planning Comm.
Judge James L. Focht	Superior Court of San Diego, Member, Judicial Planning Comm.
Judge Arthur Alarcon	Superior Court of Los Angeles, Member, Judicial Planning Comm.
Joan Dempsey Klein	Presiding Judge, Los Angeles Municipal Court, Member, Judicial Planning Committee

GEORGIA

Hon. Jimmy Carter	Governor, State of Georgia
Benning M. Grice	Chief Justice, Supreme Court of Georgia
G. Conley Ingram	Associate Justice, Supreme Court of Georgia
Robert Hall	Associate Justice, Supreme Court of Georgia

Georgia (Cont.)

Judge Irwin Stolz	Georgia Court of Appeals
Judge Cloud Morgan	Superior Court
Judge Reid Merritt	Superior Court
Judge Bell	Macon Superior Court, Member, Judicial Council
James Dunlap	Director, Administrative Office of the Courts
Bob Doss	Assistant Director, Administrative Office of the Courts
Tom Baynes	Former Acting Director, National Center for State Courts Regional Office, Atlanta, Georgia
Jim Higdon	Director, Georgia Crime Commission
Doug Ikelman	Court Specialist, Georgia Crime Commission
Rachel Champagne	Local Area Criminal Justice Planner
Jim McGovern	Chairman, Supervisory Board, Georgia Crime Commission
David Tripp	Assistant to the Governor, Member, Courts Task Force
Bob Crutchfield	Georgia State Representative, LEAA Regional Office, Atlanta, Georgia

WISCONSIN

Hon. Horace Wilkie	Chief Justice, Wisconsin Supreme Court
Judge Edwin Wilkie	Director, Administrative Office of the Courts
Robert Martineau	Administrator, Wisconsin Supreme Court
Bill Lunney	Assistant State Court Administrator
Don Dewitt	Court Planner, Administrative Office of the Courts
Ken Timple	Fiscal Officer, Administrative Office of the Courts, formerly with Wisconsin Council on Criminal Justice
Sofron Nedilsky	Director, Judicial Education, Wisconsin Supreme Court
Charles W. Wheeler	Assistant Director, Judicial Education Wisconsin Supreme Court
Judge Richard Bardwell	Dane County Circuit Court
Bob Stanek	Director, Wisconsin Council on Criminal Justice
George Priesz	Court Specialist, Wisconsin Council on Criminal Justice
David Steingraber	Assistant to the Director, Wisconsin Council on Criminal Justice
David Adamy	Secretary, Department of Revenue Chairman, Supervisory Board
Nicholas Demos	Court Specialist, LEAA Chicago Regional Office

Wisconsin (Cont.)

Judge R. Curley	Chief Administrative Judge, Milwaukee
Don Weber	County Employee (Milwaukee), Liaison officer with State Legislature and Federal Government
Francis Bannon	Assistant County Executive, Member, County Planning Board

APPENDIX D

RESPONSES TO SPECIFIC QUESTIONS RAISED BY THE ADVISORY COMMITTEE

APPENDIX D

Responses to Specific Questions Raised by the Advisory Committee

1. WHAT IS THE PROCESS MECHANISM IN THE STATES BY WHICH COURTS FINALLY RECEIVE LEAA FUNDS?

In the four states studied, the executive-branch SPA appears to fully determine whatever process mechanism by which the courts finally receive LEAA funds. This means the courts are thrown into the marketplace to compete with police, prosecutors, and politicians for their existence. The "final review" and budget allocation control system of SPA's may differ in content but not in effect.

Although in California (since January 1, 1974) the judicial planning council of judges appointed by the judicial council reviews all court-oriented projects, the grants have to be approved by the SPA. In Arizona a state court administrator, maintaining constant liaison with the legislative branch, is able to get what he wants, but this is a case in which rare leadership and the personality of an individual transcend barriers and pitfalls. In Georgia, however, although the non-lawyer governor is "court oriented", there is no doubt about his power over the SPA and the strength of a state court administrator would not be in issue in this state.

There has been no state visited in which much latitude has been gained by the courts in establishing their own needs and securing the necessary priorities to assure funding outside SPA dictates. The Act itself makes it impossible to do so because all the funds are, by federal law, channelled through the SPA charged with development of a "State plan". It apparently matters not what "balance of planning" the Act seemingly calls for, it has often been ignored, and the system of justice almost swamped by overloading one end of the hold. SPA's appear slow to recognize that by continuous building of the police and prosecution function one simultaneously throws a terrific additional burden on an already groaning court system. The judiciary, as it was historically, has remained the most vulnerable and least aggressive of all three branches of government. Perhaps the conservatism of the judges is accountable for their late demands for equality of treatment, but the squeeze being felt in the nation's courts has begun to bring them to their feet. The grave condition of many of our courts is almost indescribable.

The fact LEAA regional offices are charged with overseeing or reviewing state plans matters little to courts in those regions having few if any personnel in a "court's

division". The national office of LEAA itself is hardly overrun with personnel dealing with the courts. Although LEAA formerly announced new dimensions for court improvements, one does not readily perceive the tooling-up for new products.

2. IS THE PRESENT FEDERAL LEGISLATION INHERENTLY DEFECTIVE IN CONTRIBUTING TO THE DEPENDENCY OF JUDGES?

The team feels that the basic legislation is not necessarily defective, although two limited areas might benefit from statutory revision. These relate to the judicial participation on supervisory councils and the relationship of SPA's to fiscally unified court systems.

They did not tind that the judiciary had special problems in participating in the LEAA support program, which is a matter of great concern. As one Georgia general jurisdiction trial judge put it, "It is pretty hard to think of viable, innovative programs envisioned by LEAA when a judge has no secretary, telephone or law library."

The present Act clearly forces judges off the bench into the marketplace of competition with police and others. Judges are obviously ill-equipped for this task by reason of education, training, experience and inclination. The business of judges

is judging, and when a court like the Pima County Superior Court in Tucson is already operating on a 365 day per year schedule one can hardly expect the judges to have much time to be fighting the battle of grantsmanship. The Act does not appear to contain any specific protection to give the courts safeguards from unfair competition against such agencies as the Los Angeles Police Department which has more paid planners on its staff writing grants than there are superior court judges in all of Los Angeles County!.

3. IS THERE A LACK OF SUFFICIENT FUNDS AND, IF SO, DOES THIS SHORTAGE CONTRIBUTE TO COUNTERPRODUCTIVE COMPETITION?

Again, this question would appear to demand an affirmative answer, at least in part. Most certainly the funds to courts are modest compared to needs.

The study team could not in the time alloted investigate the amount of funds going to enforcement, parole, correctional institutions, and other criminal justice system agencies. It narrowed the study to the "courts", as that term was defined on a state-by-state basis in the four states visited. As previously noted, when one actually tours the courts it is patent our nation's state courts are in grave

condition. There is evidence some citizens even surrender their right of suffrage for fear their names will be taken from voter registration books to be placed on jury lists! If this alone is not alarming symptomatology what more do we need to tell us how citizens view the system? If the federal AND state governments are really serious in wanting to maintain the state courts in operation and to preserve the 14th Amendment the time is NOW, and the task and cost will be staggering. Pitting the courts and any other segment of the criminal justice system against each other is not just counterproductive; it is suicidal if weighed in the balance of trying to pit the criminal justice system of today against America's crime. This was not the intent of the Congress whose Act clearly calls from comprehensive state plans which strengthen and improve law enforcement and criminal justice at every level. Regional offices of the LEAA which approve plans contra to this are not following the clear dictates of the law. Competition within the criminal justice family might be stopped cold with letters of disapproval from LEAA regional offices when state plans which do not follow the intent of the law arrive in the offices.

4. IS THERE UNDUE POLITICAL INFLUENCE IN THE JUDICIAL SYSTEM?

The team did not find as fact a single instance of attempts to exert political influence on the judicial system by an SPA, LEAA, or those connected therewith. Rumors failed to materialize. In California, for instance, the Governor who appointed the Chief Justice who subsequently declared the state death penalty unconstitutional was obviously more than displeased. There was not, however, any finding of trying to exert political pressue via LEAA grants to secure favorable judicial opinions.

5. ARE THE PRESENT STATE MECHANISMS FOR DISTRIBUTING LEAA FUNDS INHERENTLY DEFECTIVE?

The mechanics do not appear to be the problem so much as the fact courts (judges) have not in the past collectively stood up to the system. "The squeaking wheel gets the grease" is a political fact of life even the most apolitical of judges must know. Judges are the "Johnny come lately" of the Safe Streets Act. They have just now begun to awaken to the fact they cannot handle the burden of increased law enforcement products in courts geared to another age. Through organizations

such as the California Judicial Planning Council, with professional planners planning for the judiciary, the courts would have far less difficulty fitting within the system.

6. IRRESPECTIVE OF STRUCTURE, WILL THE QUALITY OF PEOPLE AND RESOURCES INHERENTLY RESULT IN FAILURE?

Hopefully not. Although the salary scales of LEAA and SPA's are ridiculously low when weighed with the tasks and responsibility involved, there appear to be industrious and capable people at work. On both federal and state levels one often finds a spirit of dedication which is not always present among those associated with government bureaus. We do find a number of ex-policemen in high positions who are, of course, having to decide what's best for the courts, but this study could not, in the time allotted, delve into what effect, if any, this has on the courts.

When we address the question of resources there is less optimism. Like so many governmental ventures, LEAA appears to be DRASTICALLY underfunded and DRASTICALLY understaffed. The issue at hand must be one of the highest national priority. Do we seriously want to pay the price tag to strengthen and improve law enforcement and criminal justice at every level

by national assistance? This answer can be measured in part by how serious the President is about "crime in the streets", and how much monetary priority the Congress is willing to give the undertaking.

7. WHAT ARE THE ESSENTIAL COMPONENTS OF AN OPTIMUM SYSTEM?

When our question is viewed in light of LEAA's authorized role, we must first acknowledge LEAA is not designed to fund the operation of state and local courts. It's role is to furnish national "assistance". It would appear some harbor the misbelief LEAA should relieve the state and local governments of their duty to fund their own courts. The alternative is the obvious take-over of the state and local courts by the federal government. While opposing federal interference on one hand, we find instances of the same people demanding more and more federal dole on the other. A middle ground must be sought.

Just as the police have their own planning staffs, so must the courts. There is little doubt the judges themselves are not qualified to be planners and researchers and need the assistance of professional planners employed within the judicial system to work with the SPA's and LEAA in the framework only such professionals are able to work. In addition,

a national planning and research capability for assisting state courts and their planners is a vital need. There is no archive where state courts can seek information regarding past programs undertaken by others. The wheel continues to be invented and reinvented across the land and the waste of expenditures because of it is probably indeterminable.

Budgeting must be initiated within the judiciary; not without. The state courts must take a long, hard look at themselves. Rather than operating the system on a constant "emergency alert" the courts need qualified, sufficient personnel and modern equipment to operate and to project operations and needs beyond the day-to-day procedures now employed in most state and federal courts. The need for realistic tables of organization, personnel and equipment for courts to use as minimum guidelines is desperate.

In states having so-called integrated systems the appellate courts need to recognize the importance of operation of the police court in the most remost hamlet in the state. The 1970 federal census revealed only 153 cities in the United States with populations in excess of 100,000 people. Only six had a population of one million or more. Fifty-four million Americans, or more than a fourth of the

nation, lived in places with populations of 2,500 or fewer. The rural and non-metropolitan courts are brushed over lightly in favor of "impact" areas. This procedure hardly commends discussion of any kind of "system"; much less a comprehensive system!

Court facilities across the land are crumbling. How can one think of an "optimum system" with plaster falling on his desk? Under the Hill-Burton Act the federal government upgraded hospital facilities in every part of the nation. Such an Act for construction of facilities exclusively for court functions, perhaps on a district or regional basis within the states, is long, long overdue. Most "courthouses", especially in non-urban areas, house school superintendants, agricultural agents, and other agencies while the courts are so crowded they can barely breath. This is clearly an area which will require major federal participation.

Chief Justice Burger has long advocated the need for improved court administration rather than the constant addition of more and more judges as the only answer to the overflow in the courts. A statewide network of local and regional court administration is a vital necessity for any

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system. The worst managed system one can imagine is the so-called "court system". Any private business trying to operate like our state and federal courts would be bankrupt in months. In this instance we are bankrupting justice itself! The management of the court system is a business and, as previously noted, the business of judges is intended to be judging; not managing.

There is so little standardization even within a state court system one is amazed the courts can operate at all. Many districts are fiefdoms unto themselves with no relationship to any other districts. Antiquated venue statutes allow one district to be inundated with cases while the judge in the adjoining district may not have enough to do. Non-lawyer judges in some states view due process and the United States Supreme Court with a jaundiced eye if they bother to view either. Statewide, mandatory judicial education programs are a must and such projects as the National College of State Judiciary in Reno must be given the highest priority as to allow them to expand their excellent programs and to provide assistance to state judicial education systems by means of curriculum design, texts, and programs of instruction.

The reluctance of the judiciary to view the court system as including clerks, prosecutors, defenders, reporters and all those who operate within the court arena is myopic and self-defeating. The judges must recognize the entire court family if we are to have effective systems of justice. Just as pumping billions into the police departments (who most certainly demonstrated their needs for the transfusion) has overburdened tne court dockets, merely building taller benches will not solve the problems borne by the judiciary. Inadequate prosecutor, defense, and clerks offices also add to the court's burdens, as does the virtual absence of court reports in some locales. This does not mean for example, the judge must adopt a belief the prosecutor is a member of the judicial branch rather than the executive branch. We are not now debating constitutional separation of powers. We are talking about improving a court SYSTEM which can function together under all circumstances.

Adequate law libraries are now required by law in our penitentiaries. Why not in our courts? Law clerks are provided to appellate judges. Why not to all trial judges of general jurisdiction? Appellate courts are funded by

the states. Why do some states fail to fund their trial courts? Appellate judges have secretaries. Why do many state trial judges have none? What about the police court in Podunk, U.S.A., presided over by the town barber on Thursday night in the city council meeting room? What is being done for it? An opinion of the U.S. Court of Appeals, 6th. Circuit, handed down December 3, 1974, in a case involving a teenager from another town arrested for curfew violation and held incommunicado several days in jail describes what happens to citizens in such courts:

> "... his rights bandied about by a lay judge who knows nothing of the treatment to be accorded citizens due to his lack of experience and training in the rigorous discipline of the law."

The states have not fulfilled their duty to fund, support and operate their own courts. The states must assume their own duties to police and fund their courts and seek maximum federal assistance to fill those cavities they cannot reach. The need for adequate facilities, court administrators, law clerks, law libraries, modern office equipment and technology, office furnishings, secretarial help, court reporters, court bailiffs, office expense allowances, and improved juror pay should be met before we begin debating the relative value of such innovations as videotaped trials and sixty days from arrest to trial

The dilemma of the court in Tuscon, as hereinbefore discussed, is a prime example of what happens when such ideas as the "Sixth Amendment Sophism" is imposed in a court totally unprepared and unequipped to handle it. Before we can design optimum systems we must first furnish the basic staples.

8. DOES THE SPA RETARD PROGRESS AND REFORM IN THE COURTS?

Some aspects of the operation of state planning agencies do contribute to the lack of progress in court reform. For example, many court specialists are recent college graduates who are paid relatively low salaries. As a consequence they take some time to appreciate the complexities of the court's concerns and ironically they often leave the agency just about the time they have attained a state of competancy. On another side of the coin, when judges wait until 1974 to start planning for judicial participation in a program begun in 1968 one cannot expect instant productivity. The judges have been slow to come around. The SPA is charged by existing law with designing a comprehensive state plan; not just for the courts, but for the entire SYSTEM of criminal justice. They obviously haven't been doing it, and LEAA and the judiciary have let them get by with it. Although the strongest argument exists for employment of judicial planners within the judicial

system to design and submit plans for the courts to the SPA, if we are to have a balanced system of criminal justice, someone--under present law the SPA--must put together the overall, final plan. Judges do not have to sit idly by and let the SPA stack the executive committees or courts committees with non-judges. There are many ways to prevent this in a democratic form of government.

The courts are not LEAA's only critic, as the following exercise of 1st. Amendment Rights will demonstrate. Sometimes you just can't win for losing--

LETTER TO THE EDITOR:
THE COURIER-JOURNAL
FRIDAY, DECEMBER 6, 1974

"OPPOSES LEAA CONCEPT

In the face of a rising crime wave everywhere, the federal government has undertaken programs first to handcuff, then to fundamentally change, and finally to control and destroy the local police forces in the United States. The chief agency responsible for brining about these alterations is the Law Enforcement Assistance Administration (LEAA).

Policemen in recent years have found themselves harassed in the performance of their duties by the courts. They have become subject to LEAA programs which urge and even require that they spend their effort determining the cause of crime rather than providing protection for the people. And the working policemen themselves can see that their own ability to function as protectors of the community which hires them has deteriorated in favor of national, centralized control, which is one of the cardinal hallmarks of tyranny.

The lament of the honorable policeman should be the vital concern of every freedom-loving American.

Mrs. Elizabeth J. Bell
3104 Faywood Way, Louisville"

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APPENDIX E

IMPLICATIONS OF "COURT" DEFINITIONS FOR LEAA FUNDING

APPENDIX E

IMPLICATIONS OF "COURT" DEFINITIONS FOR LEAA FUNDING

In every state examined, there were substantial differences between the amounts of money expended on "court" projects as defined by LEAA and the amounts expended on court projects more narrowly defined. However, it was also true that each state court system has its own peculiarities, and responsibilities vary tremendously.

In Arizona the court has particularly broad responsibility. The supreme court has broad rule making power covering areas that would be legislative responsibility in many other states. The trial court has responsibility for the public defender system, juvenile and adult probation, and juvenile detention centers, as well as the more traditional court functions.

In Wisconsin, the adult probation function is completely within the executive branch and the juvenile probation function is substantially so, although the court does employ some juvenile court social service workers. Defender services are a judicial responsibility at the state level, but such public defender systems as exist are county based. When appointive counsel systems are used, the cost is sometimes included within the judicial budget.

In Georgia, the judicial branch includes both prosecution and defense functions. Indeed, the administrative office of the courts is presently the recipient of specific grants which it subcontracts to the association of district attorneys and to local defender services.

In California, prosecution and defense functions are outside the court system; yet, in some counties, probation services are within the court, and in other counties they are outside.

In view of these genuine differences between courts in different states, there is justification for using a very broad classification of courts for accounting purposes. This makes it possible to compare expenditures amongst various jurisdictions. However, use of a broad term also has significant disadvantages. It obscures the actual patterns of expenditure on the various components included under this broad umbrella. We have seen that there are a number of examples where the courts, per se, have received negligible funding in spite of a respectable allocation to courts under the broader definition. Obviously, significantly more detailed information on funding classifications needs to be made available in order to responsibly assess patterns of expenditure.

There is also a semantic problem which complicates interpretation significantly. The use of the term "courts" in both the broad and narrow senses merely complicates matters. The team has read documents where the term has been used in ways almost calculated to deceive the reader about the true state of affairs. In order to avoid the defects of the present system it would be most desirable to use another term (e.g., adjudication agencies) in place of the broad "courts" classification.

The existence of different responsibilities for courts in the various states is a persuasive argument against developing a separate percentage allocation for courts (or a separate part in the legislation). To allocate the same percentage for courts in Arizona (which includes all probation services) and Wisconsin (which has none) would be an obvious injustice.

There are also fears that development of a specific percentage would result in a comparative neglect of defender and prosecutorial programs, as they would then be placed at the periphery of the courts.

APPENDIX F

RESOLUTIONS OF THE CONFERENCE OF CHIEF JUSTICES AND THE CONFERENCE OF STATE COURT ADMINISTRATORS

RESOLUTION

WHEREAS, the Conference of Chief Justices is appreciative of the Congress of the United States for its criminal justice program by which financial assistance has been channeled to the States to augment State and local sources in improving the administration of justice within the States; and

WHEREAS, it is commendable that such criminal justice program has been administered by the Law Enforcement Assistance Administration without an attempt to impose mandatory federal standards upon State court systems; and

WHEREAS, in the administration of such criminal justice program by State executive planning agencies of the LEAA there have surfaced serious structural and procedural defects, among which are those revealing that State court systems and State judges have been placed in an arena of competition with executive agencies of the State government, including police, correctional, defense and prosecutorial groups, which competition is destructive of the separation of powers doctrine and the independence of State judiciaries, and which competition also fosters the exertion of political pressures on State judges; and

WHEREAS, because of such serious structural and procedural weaknesses State court systems have not received an adequate share of financial assistance as measured by their critical responsibilities, with the shocking revelation that the States' share of LEAA funding was only 5.12% in the fiscal year 1973, in spite of calls by the national Law Enforcement Assistance Administration for State planning agencies to greatly increase the funding allocated to State courts.

NOW, THEREFORE, BE IT RESOLVED BY THE CONFERENCE OF CHIEF JUSTICES DULY ASSEMBLED IN PLENARY SESSION ON THE 16TH DAY OF AUGUST, 1974:

1. 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.

2. The special Committee on Federal Funding of this Conference is authorized to develop appropriate suggested revisions of the LEAA Act which would mandate that a fair and adequate share of LEAA State block-grant funding be allocated to State court systems and that the use of these funds to improve and strengthen State court systems be under the direction of the responsible leadership of the State judiciaries in keeping with our tripartite concept of government.

3. The special Committee on Federal Funding is authorized to present such suggested revisions of the LEAA Act to Congressional committees, members of Congress, the Law Enforcement Assistance Administration, and others as necessary and appropriate to secure support for such needed revisions; for that purpose the special Committee may, with the concurrence of the Executive Council, determine the policy of the Conference in regard to the proposed revisions, without purporting to speak for every member of the Conference.

RESOLUTION

WHEREAS, certain federal legislation (Omnibus Crime Control and Safe Streets Act of 1968 as amended) makes funds available to the state courts under a distribution system that is operated by the executive branch of the U.S. Government (L.E.A.A. of the U.S. Department of Justice) in conjunction with the executive branch of each state government (the so-called State Planning Agency); and

WHEREAS, experience of recent years indicates clearly that executive control of these respurces poses problems of a serious nature which greatly concern the state court systems;

NOW, THEREFORE BE IT RESOLVED by the Conference of the State Court Administrators assembled on August 15, 1974 that:

Conference of the State Court Administrators State-Federal Relations Committee be instructed to work diligently with the Special Committee on Federal Funding of the Conference of Chief Justices to develop, either through legislation or administrative action, such changes in the L.E.A.A. mechanism of distribution of funds as would assure to the state court systems freedom from those requirements, be they federal or state in origin, which include but are not limited to those that:

a) are incompatible with or undermine the managerial authority of the Supreme Court or of some other court management agency in the state

b) interfere with the judiciary's own funding and program priorities or with its standards and goals

c) place the judiciary in the arena of competition for L.E.A.A. funds with applicants from the exeeutive branch of the government

d) place judicial institutions or different court levels in competition for L.E.A.A. funds with each other

e) coerce the judiciary, directly or obliquely, to participate in an executive - controlled information system and

f) subject grants already made to the judiciary to performance evaluation conducted solely by the executive officials.

Resolutions Committee

James R. James, Judicial Administrator, Kansas, Chairman

Walter J. Kane, Court Administrator, Rhode Island

Howard E. Trent, Jr., Director, Administrative Office of the Courts, Kentucky

James B. Ueberhorst, State Court Administrator, Florida

Edwin M. Wilkie, Administrative Director of the Courts, Wisconsin

RESOLUTION I (1973)

USE OF FEDERAL FUNDS TO IMPROVE
STATE JUDICIAL SYSTEMS

WHEREAS, substantial amounts of federal money have been made available for the improvement of state judicial systems in recent years through such agencies as the Law Enforcement Assistance Administration (U. S. Department of Justice) and the Federal Highway Safety Agency (U. S. Department of Transportation); and

WHEREAS, these federal funds are customarily distributed through the executive branch of state government, sometimes with a federally mandated requirement that they be spent by local units of government, thus challenging the desired unity and independence of the judicial systems of state government; and

WHEREAS, neither the federal requirements for the administration of funds through the chief executive of a state nor the federal requirements for the expenditure of funds through local units of government militate against the use of a judicial agency to do the initial planning and programming for judicial system improvements that are to be carried out with federal funds;

NOW, THEREFORE, BE IT RESOLVED by the Conference of State Court Administrators that:

(1) Consistent with the constitutional doctrine of separation of powers and sound government management practices, planning and program improvements within a state judicial system should be undertaken by the judicial branch through its constituent agencies, and

(2) The use of existing planning agencies within a judicial system or the creation and use of such new agencies is essential if plans for judicial system improvement are to be implemented successfully; and

(3) Effectively to implement the above, a percentage of federal planning and program funds be made available to the judiciary on a state-by-state basis; and that funds so allocated be expended in accordance with a plan developed and programs approved by the Supreme Court or other judicial entity of the state with rule-making powers or administrative responsibility for the state's judicial system.

BE IT FURTHER RESOLVED, that a special committee of the Conference be appointed by the Executive Committee with respect to federal programs for funding assistance to state courts and that the committee and Executive Committee be authorized to seek such legislative or administrative guidelines, directives or policy, as may be appropriate and feasible, to attain the objectives set forth in this resolution, and to keep this Conference advised with regard thereto; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the appropriate federal and state agencies for use in their efforts to apply federal funds to the improvement of state judicial systems, and that a copy also be transmitted to the Conference of Chief Justices.

II.

WHEREAS, the Conference of State Court Administrators has enjoyed valuable and instructive programs at this, the 19th Annual Meeting at Columbus, Ohio;

NOW, THEREFORE, BE IT RESOLVED, that the Executive Committee be commended for the training seminar program conducted in advance of the regular meeting and express our appreciation to the faculty of that seminar and to encourage the Executive Committee to continue its concern for education and training of Court Administrators.

III.

WHEREAS, the Conference of State Court Administrators has successfully completed its Nineteenth Annual Meeting at Columbus, Ohio on August 4, 1973, and is indeed deeply indebted to our hosts for their gracious hospitality;

NOW, THEREFORE, BE IT RESOLVED that the sincere appreciation and gratitude of the members of this Conference be extended to all of our hosts who have made this annual meeting so profitable; And particularly that this appreciation be extended to the Honorable C. William O'Neill, Chief Justice of the great state of Ohio, to his staff and to the Ohio State Highway Patrol, and that copies of this resolution be forwarded to Chief Justice O'Neill and to the Chief of the Ohio State Highway Patrol.

IV.

WHEREAS, the Conference of State Court Administrators has been efficiently and loyally served throughout the past years and during this, the 19th Annual Meeting, by the Council of State Governments and its staff members;

NOW, THEREFORE, BE IT RESOLVED, that the appreciation and sincere thanks of the members of this Conference be extended to the Council and its staff members, Alan V. Sokolow, Frank Bailey, Kay Hannigan, Loretta Gadson and Lana Harding.

V.

WHEREAS, the Conference of State Court Administrators has enjoyed valuable and instructive programs at this, the 19th Annual Meeting, at Columbus, Ohio;

NOW, THEREFORE, BE IT RESOLVED, that the appreciation and gratitude of the members of the Conference be extended to our Officers who have contributed so much to this successful program, including Harry O. Lawson, Chairman, Roy O. Gulley, Vice Chairman, C. R. Huie, A. Evans Kephart, R. Hanson Lawton and Marian Opala.

APPENDIX G

BIOGRAPHICAL DATA ON TEAM MEMBERS

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SETON HALL UNIVERSITY
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OFFICE OF THE DEAN

JOHN F. X. IRVING

BIOGRAPHICAL

John F. X. Irving has been Dean of the Seton Hall University School of Law since 1971. He was previously Executive Director of the Illinois Crime Commission (the SPA) and the founding Chairman of the National Association of Criminal Justice Planning Agencies Directors; Executive Director of the National Council of Juvenile Court Judges and Dean of the judge training programs. Prior to those assignments, he was on the professional staff of the American Bar Association and the National Legal Aid and Defender Association.

A member of the Advisory Task Force on Education, Training and Manpower Developments for the National Advisory Commission on Standards and Goals for Criminal Justice in 1972-73, Dean Irving is at present a member of the Advisory Committee on Educational Accreditation and Institutional Eligibility to the U. S. Commissioner of Education. He is also a member of the Board of Regents of the National College of Criminal Defense Lawyers and Public Defenders.

He received a J. D. Degree in 1956 and an L. L. M. Degree in 1962 from New York University. A member of several bar association committees, Dean Irving is a Vice President of the Federal Bar Association (Newark Chapter) and Chairman of the Committee on Court Modernization of the New Jersey State Bar Association. In 1969, he received an award from the National Council of Juvenile Court Judges which reads "For distinguished service to the juvenile courts of America."

COMMONWEALTH OF KENTUCKY
50TH JUDICIAL DISTRICT
DANVILLE, KENTUCKY 40422
TELEPHONE (606) 236-3600

HENRY V. PENNINGTON
CIRCUIT JUDGE

BOYLE CIRCUIT COURT
MERCER CIRCUIT COURT

BIOGRAPHICAL

Circuit Judge Henry V. Pennington, Danville, Kentucky, has served as Presiding Judge of the 50th Judicial District of Kentucky since 1970. He is a Fellow of The International Academy of Trial Judges and is actively engaged in court improvement programs, including directing the Kentucky Model Courts Project. He formerly served as a Municipal Attorney and Municipal Judge and has had broad experience in trial courts at various levels.

Judge Pennington is a graduate of the National College of the State Judiciary, Reno, Nevada; has completed three graduate programs there, and served as faculty advisor in 1974. He has taught at various seminars for judges in several states, and has been a clinical instructor at the University of Kentucky, College of Law, since 1972.

BIOGRAPHICAL

Dr. Peter Haynes is a self-employed consultant and lecturer on court management who resides in Los Angeles, California. At present, he is a visiting faculty member at the University of Arizona in Tempe and is a consultant for a number of national and state organizations involved in court management, including the American Judicature Society, The American University Criminal Courts Technical Assistance Project, Rand Corporation, the National Center for State Courts, Institute for Court Management, and LEAA's national office.

He has had extensive research experience in public, business, and university environments. Until June 1974, he was the founding Director of the Judicial Administration Program and lecturer in law at the University of Southern California at Los Angeles. Prior to that he was a research associate on the staff of the Institute for Court Management at the University of Denver Law Center.

His earlier experience was in the research and project management field where he was employed on the research staff of Shell Development Company and Yale University. His interests center on the application of quantitative techniques, e.g., systems and fiscal analysis, to resolution of complex problems and the development of training programs.

APPENDIX H

STATE LEGISLATURE INPUT INTO THE PLANNING FOR FEDERAL CRIMINAL JUSTICE FUNDS

LEAA MEMBER COUNSEL OPINIONS RELATING TO STATE LEGISLATURES

FEBRUARY 3, 1975.

REGION VIII—DENVER

OFFICE OF REGIONAL OPERATIONS (ORO)—OFFICE OF GENERAL COUNSEL (OGC)

Legal Opinion No. 75-28—Proposed Colorado State Legislation

I have reviewed the proposed House bills HB 1028 and HB 1034 in accordance with your request.

HB 1028 provides that the executive director of the office of State planning and budgeting shall compile and forward to the legislature reports showing all executive department projects for which State funding is a requirement and prohibits State funding for such projects without the specific approval by the General Assembly.

HB 1034 requires the director of the division of criminal justice to report to the General Assembly concerning new programs which may require State funds and requires General Assembly approval of such new programs in a separate appropriation bill.

These provisions in the House bills on their face are not inconsistent with Section 203 of the omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197, 42 U.S.C. § 3701 et seq. The legislature does not seek to substitute its judgment for that of the SPA in determining programs and priorities for the expenditure of LEAA funds. The legislature seeks to review the purposes for which State matching funds will be spent prior to appropriating the funds. The legislature may grant or withhold State funds to provide the non-federal share of the costs of programs and projects. However, it must not substitute its own judgment for that of the SPA with respect to the distribution of the LEAA grant funds. The legislative proposals I have reviewed do not appear to do this.

If this legislation were later used to change priorities and the comprehensiveness of the plan by withholding sufficient match or buy-in, then we would have to consider the legislation inconsistent with our Act.

It should be noted that with regard to Section 2(3) of HB 1028, LEAA funds cannot be used to reimburse the State for administrative overhead costs.

THOMAS J. MADDEN,
Assistant Administrator,
General Counsel.

LEGAL OPINION NO. 71-1—NEBRASKA JURISDICTION OVER LEAA FUNDS—FEBRUARY 8, 1971

To: Executive Director, Nebraska Commission on Law Enforcement and Criminal Justice.

At your request, this Office has reviewed Legislative Bill 225, which was introduced in the Nebraska Legislature on January 13, 1971. The bill would amend Section 81-1423 of the Revised Statutes of Nebraska, which relates to the powers and duties of the Nebraska Commission on Law Enforcement and Criminal Justice, the agency designated by the Governor to receive and administer Federal funds made available to the State by LEAA pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Public Law 90-351, as amended by Public Law 91-544). The amendment would provide that funds received by the Commission "shall first be used for funding those qualifying State projects approved by the Legislature" and would also provide that communications equipment may not be acquired without the written approval of the director of the telecommunications division of the Department of Administrative Services.

The first provision of the amendment would be inconsistent with the Safe Streets Act, since it would vest in the legislature ultimate discretion over the distribution of LEAA funds which, under Section 203 of the act, must be vested in a "State planning agency" created or designated by the Governor and subject to his jurisdiction and control.

Section 203 expressly provides that the State Criminal Justice Planning Agency (SPA) designated by the Governor to receive and administer LEAA planning and action grants must have the authority to "define, develop and correlate programs and projects" and "establish priorities" for law enforcement improvement throughout the State. It is not inconsistent with this requirement for the State legislature to prescribe the size, composition, or other characteristics of the agency, or to provide that the agency shall operate in accordance with State fiscal and administrative procedures, such as State procurement, audit, or fund expenditure policies, so long as they are not inconsistent with Federal policies. However, the Governor's jurisdiction over and responsibility for the agency must be clear and the agency must retain the essential authority to develop and approve programs and projects and determine the order of priority for funding them. The legislature may grant or withhold State funds to provide the non-Federal share of the costs of such programs and projects, but it may not, as Bill 225 would do, substitute its own judgment for that of the SPA with respect to the distribution of LEAA grant funds.

There is no objection to the second part of the amendment, which would require that written approval be obtained from the Department of Administrative Services prior to the acquisition of communications equipment. It is permissible for an SPA to be required to operate in accordance with statewide procurement policies designed to insure uniformity and consistency throughout the State in the acquisition of equipment. In any case, the Department of Administrative Services is in the executive branch and subject to the Governor's jurisdiction.

For the reasons stated above, if Legislative Bill 225 were enacted in its present form, the Nebraska Commission on Law Enforcement and Criminal Justice would be considered ineligible to receive block planning and action grants from LEAA.

Legal Opinion No. 71-3—Proposed New Hampshire Statute on SPA—February 9, 1971

To: Director, New Hampshire Governor's Commission on Crime and Delinquency.

Upon request, this Office has reviewed a letter which sets out the general outline of a proposed New Hampshire statute to establish a "State Commission on Crime and Delinquency" to replace the existing commission established by law enforcement and criminal justice in connection with responsibilities and mandates pursuant to the act. It is unacceptable that the professional staff of the SPA devote portions of their time to other than law enforcement and criminal justice activities, even though there may be an attempt to apportion time allocations fairly to Federal funding under the act.

Although the Safe Streets Act's references to the SPA clearly imply the establishment of an independent LEAA planning agency separate from such other State government agencies as general purpose planning offices, LEAA has not objected to the placement of SPA's within broader planning units so long as a full-time staff is devoted solely to SPA concerns.

Legal Opinion No. 71-7—Inquiry From North Dakota Concerning Matching Provisions—April 23, 1971

To: Deputy Director, Office of Law Enforcement Programs, LEAA.

This is in response to your request for LEAA's views on an interpretation of the matching provisions suggested by the director of the North Dakota State Criminal Justice Planning Agency (SPA) in his letter to you dated February 24, 1971. The director suggests that if the State legislature were to appropriate 100 percent of the cost of increasing the salaries of State judges, funding should stretch as far as it will go to supply the match for "other projects under the same general program of judicial improvements," as provided by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Public Law 90-351, as amended by Public Law 91-644).

"Judicial improvements" is not really a program under the North Dakota comprehensive plan format. It is a functional category, stated in the North Dakota plan as "Judiciary and Law Reform." Under the interpretations of the matching

provisions that have thus far been announced, LEAA permits matching on a total program basis, but not on a total functional category basis. That is, overmatch for one project within a program may be applied to other projects within that program, but may not be applied to projects within other programs under the same functional category. The matching provisions may be properly interpreted to permit overmatch in one program to apply to other programs within a functional category. Thus, overmatch for a program of increased judicial salaries could apply to other programs under the functional category of Judiciary and Law Reform.

The only exception that should be suggested is that 75–25 programs not be comingled with 50–50 construction programs. This interpretation should be helpful to the States that are going to have problems getting matching funds from their legislatures, since LEAA will permit them to seek 100 percent funding by the legislatures of programs that they can sell to the legislature and apply the overmatch to other programs that are not as attractive to the legislature.

The making of technical assistance grants to States with significant Indian populations for expert personnel to plan and assist in the implementation of Indian criminal justice programs would fall clearly within LEAA's definition and the general functions and responsibilities identified by the staff study. However, if this is funded as a technical assistance program, recognized planning experts must be utilized and grants for these planners should be made on a year-to-year basis with a view toward discontinuing these grants when the Indian tribes and the SPA's have developed sufficient expertise to adequately prepare and monitor Indian programs for themselves.

Another possible source of nonmatch funds for this program would be discretionary funds. Under Section 306(a) of the Safe Streets Act, LEAA may make 100 percent discretionary grants to combinations of Indian tribes. It would be permissible to use discretionary funds for this program in a particular State if concurrence of the Indian tribes of that State could be obtained. The grant would be made to the SPA for the benefit of the Indian tribes of that State, who would signify in writing their agreement to receive such benefit in lieu of direct receipt of grant funds.

LEGAL OPINION NO. 71–18—BILL INTRODUCED IN THE MINNESOTA LEGISLATURE TO CREATE AN OFFICE OF DISTRICT PROSECUTOR—AUGUST 5, 1971

To: LEAA Regional Administrator, Chicago

At your request, this Office has reviewed the bill introduced in the Minnesota Legislature to create an office of district prosecutor for each judicial district of Minnesota. The bill, if enacted, would require the Minnesota State Criminal Justice Planning Agency (SPA) to allocate LEAA block grant funds for the program.

As stated previously, portions of the bill would be inconsistent with Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Public Law 90–351, as amended by Public Law 91–644). More specifically Section 203 of the act expressly provides that the SPA designated to receive and administer LEAA funds—in this case the Governor's Commission on Crime Prevention and Control—must "design, develop and correlate programs and projects" and "establish priorities" for law enforcement improvement through out the State.

It is proper under the Safe Streets Act for the State legislature to provide that the SPA must operate in accordance with State fiscal and administrative policies so long as they are consistent with Federal policies. However, the SPA and the Governor have exclusive authority under the act to develop programs and projects for funding with LEAA block grant funds and to allocate funds for those programs and projects. These decisions may not be made by the State legislature.

The proposed bill would substitute the judgment of the Minnesota State Legislature for that of the Governor and the Commission on Crime Prevention and Control in determining programs and priorities for expenditure of LEAA funds. Accordingly, insofar as the bill attempts to mandate the expenditure of LEAA block grant funds, it is inconsistent with the Safe Streets Act. Under the Supremacy Clause of the United States Constitution, the bill, if enacted, would be ineffective in the allocation of LEAA block grant funds. (*King* v. *Smith*, 392 U.S. 309, 333 (1968).) The district prosecutor program could be funded with LEAA funds only if approved by the Minnesota Governor's Commission and if contained in a comprehensive plan approved by LEAA.

LEGAL OPINION NO. 71-19—SCHOOL DISTRICTS AS "UNITS OF GENERAL LOCAL GOVERNMENT"—AUGUST 30, 1971

To: Governor, Nevada

ANALYSIS OF THE LEGAL FORMATION OF STATE PLANNING AGENCIES UNDER THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, AS AMENDED

(Prepared by the Office of General Counsel, December 13, 1974)

BACKGROUND

This memorandum is submitted as a summary of a study conducted to determine the manner in which the various State Councils and Planning Agencies were created under the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. § 3701 *et seq.*, as amended.

The State Planning Agency (SPA) is the administrative arm of each State's Council, Crime Commission or Supervisory Board. In this Council rests the final decision making power usually based on the criminal justice planning, evaluation and recommendations of the SPA. Since the overall function performed is a mutual one for purposes fo this report, the terms SPA and Council are used synonymously.

In addition to determining how the various SPA's were created, three other issues were studied: (1) Location in State government of the SPA; (2) The relationship of the Attorney General of each State to the SPA; and (3) the manner in which the membership, in the various committees or councils, are chosen.

Most of the information in this report was gathered from the most recent grant application portfolios on file at the LEAA Reading Room. In some instances, it was necessary to go the State's comprehensive plan for citations to various statutes. These statutes were then traced in their respective codes. Where possible, an organizational chart has been included. Such charts graphically illustrate what the statute or executive order dictate.

All of this material has been photostated and is retained in OGC files for reference.

It is to be noted that the agencies surveyed will be likely to undergo modifications to their enabling charters as a result of the Juvenile Justice and Delinquency Control Act of 1974. (Pub. L. 93-415, September 7, 1974.)

CREATION OF PLANNING COUNCIL AND SPA

There are three methods by which the SPA's were created. Thirty two SPA's have been created by executive order. Orders from the Governors of States such as Washington or Connecticut are simple. They establish the SPA and permit the Governor to do any appointing that is necessary. Orders from States such as Michigan, Pennsylvania or Mississippi are more complex. They may designate membership of the Council, when they meet, and the procedures they must follow. Still others are more elaborate in specifying duties and responsibilities.

Twenty-three States have created the SPA through legislation. In five instances, these statutes are supplemented by executive orders. In California, for instance, the executive order perfects the legislation by abolishing councils and committees whose duties are now assumed by the new planning Council and SPA. In other States, such as Massachusetts, the executive order supplements the legislation by creating subcommittees and filling in the structure of the new Commission and SPA. Most of the statutes give broad grants of power to the Commission to "receive funds from the Federal government" and "develop effective crime prevention programs."

For example, in Colorado the Commission is instructed to "do all things necessary to apply for, qualify for, accept and distribute any State, federal, or other funds made available * * *" Likewise the SPA's are usually mandated in general terms to "coordinate efforts for a comprehensive crime prevention plan."

The structure of the SPA is, in most instances, left to the Director. He is to "employ personnel necessary to carry out functions assigned." A few of the statutes and executive orders address issues of per diem allowance, tenure of members and other specifics. Some of the statutes and executive orders specifically confer upon their Commission responsibilities in educating the community in crime problems or in making "such studies to determine cause of delinquency."

In Kansas, the Council is instructed to "conduct and supervise conferences

and educational programs." In New York the Commission must "adopt appropriate measures to assure the security and privacy of identification and information data" and "Establish . . . a central data facility with a communication network . . ."

LOCATION IN STATE GOVERNMENT

Forty of the SPA's are directly under the Governor. In fifteen States, the Commission is placed into an already existing agency of the executive branch. Examples of this are Michigan and Pennsylvania which have their Councils under the "Criminal Justice Agency." Ohio has their agency in "Urban Affairs." Mississippi has located theirs in the department of "Federal-State Programs." The Utah and Montana SPA's are in the "Department of Public Safety." If an SPA is created by executive order, it tends to be located directly under the Governor. The exceptions are Utah, Ohio, Pennsylvania, South Dakota, Florida, Georgia, Mississippi and New Mexico. In most instances, the Council serves at the Governor's pleasure as in New Jersey, New York and Oregon. There are some States that appoint members for specific terms. States such as Kentucky and Arizona have one or two year terms. Nebraska appoints members to serve for six years.

Thus, Councils can be executive in nature even though created by the legislature. In fifteen States the SPA is in an executive department. In those instances, the head of the department is usually the chairman of the Council.

RELATIONSHIP TO ATTORNEY GENERAL

It is inevitable that a Commission dealing with matters of criminal justice and law enforcement at the State level would include the Attorney General. Thus, the Attorney General or his representative, is a common feature in LEAA-SPA program development and planning in a formal way in thirty three of the States.

In twenty two of the States, there is no formal relationship. Neither the executive order nor any legislation require that the Attorney General be included in the Council or consulted regarding plans and programs.

In some States such as Nebraska and Idaho, the Attorney General has been designated a member of the Council by statute. Other States such as Idaho and Georgia, achieve this through an executive order. In Kansas, the Commission is formally mandated by the legislature to "assist the Attorney General." In North Dakota, Wyoming, Pennsylvania and Rhode Island, the Attorney General is formally assigned the chairmanship of the Council. In Massachusetts, by executive order, the Attorney General is designated chairman of a subcommittee. In Colorado, the Attorney General serves as an ex-officio member of the Council.

DESIGNATION OF COUNCIL MEMBERS

In forty States, the Council members are appointed exclusively by the Governor through direct appointment (24) or by executive order (16).

In States such as Alabama, Florida and Kentucky, the only guideline contained in the executive order is that the Council should be "representative" pursuant to § 203 of the Omnibus Crime Control and Safe Streets Act. In States such as Connecticut, the Governor appoints members according to guidelines set down in an executive order. These orders, as in Maryland, allow the Governor to choose a Council member by his position. For example, in Indiana, the Governor must appoint three mayors to the Council. The three to be chosen are at his discretion. In Iowa, Massachusetts and Maine by contrast, the legislature is the source of such guidelines. In Kansas and the Virgin Islands, the membership composition is designated by statute. The Nebraska Governor may increase the number. In New York, the Senate must consent to any appointment.

The statutes and executive orders in a number of States designated ex-officio members to serve with the Council. In Colorado, eight of the twenty one members designated to serve with the Council are termed ex-officio.

The chairmanship of these Councils are determined in various ways. In Tennessee and New Mexico the Governor has appointed himself. In Louisiana and Nevada the chairman is named by the Governor. In such cases he usually does not appoint himself. The selection, however, is subject only to his pleasure. In Kentucky, an "executive" committee recommends candidates for appointment as director of the Commission.

There is also an attempt to include the public in the form of influential citizens or representatives of important groups and associations. In some instances, such as Utah, the public members are appointed by name through an executive order In Maryland, the Governor is allowed to appoint "four members of the public at large" only as ex-officio members. In Georgia the Governor may appoint "any additional citizen members . . . from the State-at-large from outstanding leaders." In West Virginia the community representation is more specific. There the Governor may appoint a "representative of State Womens Club, Young Lawyers Association . . ." In Indiana the representative from the public sector must have "an interest in the criminal justice system."

In contrast, States like New Mexico and Oklahoma have no provision in either a statute or an executive order providing for "public" representation on their Council.

The following is a graphic summary with each State represented and the totals.

Attachments: Data Summary, Summary Charts by State.

DATA SUMMARY—ANALYSIS OF FORMATION OF SPA'S

Establishment

Executive Order—32.
Legislation—23 (5 States also have a supplemental Executive Order).

Location in Government

Directly Under Governor—40.
Directly Under Executive Department—15.

Relationship to Attorney General

No Formal Relationship—22.
Designated as Member—24.
Designated as Chairman—9.

Designation of Council Members

Directly Appointed by Governor—24.
By Governor Through Executive Order—13.
By Governor According to Legislation—16.
By Delegation—2.
Note: District of Columbia Mayor is included in Governor statistics.

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SUMMARY

State	Established By	Location in Government	Relationship to Attorney General	Designation of Council Members
Alabama	Exec. Order	Commission under Governor	No formal relationship	Appointed by Governor (Rep.)
Alaska	Legislation	Commission under Governor	Chairman of Commission.	By statute at pleasure of Gov.
American Samoa	Exec. Order	Commission under Governor	Designated Member	Appointed by Gov. according to Exec. Order
Arizona	Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov.
Arkansas	Exec. Order	Dept. of Planning	No formal relationship	Appointed by Gov.
California	Legislation Exec. Order	Council under Governor	Designated member of Council	12 Appt. by Gov. 11 by legislature 4 by legislation Rest are set.
Colorado	Legislation	Department of Local Affairs	Designated member of Council (ex-officio)	Determined by statute but 14 are appointed by Gov.
Connecticut	Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov. according to Exec. Order
Delaware	Exec. Order	Board under Governor	Designated as member of board	Appointed by Gov. according to Exec. Order

State	Established By	Location in Government	Relationship to Attorney General	Designation of Council Members
Florida	Exec. Order	Department of Administration	Designated Member of Council	Appointed by Gov.
Georgia	Exec. Order	Department of Industry & Trade	Designated member of Council	Appointed by Gov. according to Exec. Order
Guam	Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov.
Hawaii	Exec. Order	Commission under Governor	Designated member of Commission	Appointed by Gov.
Idaho	Legislation	Commission under Governor	Chairman of Commission.	Statute with discretion, appointed by Gov.
Illinois	Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov.
Indiana	Legislation	Commission under Governor	Designated member of Board	Appointed by Gov.
Iowa	Legislation	Commission under Governor	Designated member of Board	Statute: Appt. by Governor
Kansas	Legislation	Commission under Governor	Commission assists A.G. Designated member	Statute: Appt. by Governor
Kentucky	Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov.

State	Established By	Location in Government	Relationship to Attorney General	Designation of Council Members
Louisiana	Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov.
Maine	Legislation (Implemented by Exec. Orders)	Commission under Governor	Designated as Member by Legislature	Statute: Gov. appoints
Maryland	Exec. Order	Commission under Governor	Designated as member of Council	Executive Order: by position
Massachusetts	Legislation Exec. Order	Commission under Governor	Designated as member by legislature	Legislation and appointed by Gov.
Michigan	Exec. Order	Office of Criminal Justice	No formal relationship	Exec. Order Appt. by Gov.
Mississippi	Exec. Order	Federal-State Programs Dept.	Designated member of Board	Appointed by Gov.
Missouri	Statute	Department of Public Safety	No formal relationship.	Appointed by Gov.
Montana	Legislation	Department of Public Enforcement & Public Safety	No formal relationship	Appt. by Director, Department of Public Safety under delegation.
Nebraska	Legislation	Commission under Governor	Designated member of Council by statute	Statute Designated Governor may increase number

State	Established By	Location in Government	Relationship to Attorney General	Designation of Council Members
Nevada	Legislation	Commission under Governor	No formal relationship	Legislation: Appointed by Gov.
New Hampshire	Exec. Order	Commission under Governor	No formal relationship	Exec. Order: Appointed by Gov.
New Jersey	Exec. Order	Commission under Governor	Attorney General is chairman of the board	Executive Order Appointed by Gov.
New Mexico	Exec. Order	Office of Manpower Planning	Designated as Member of Council	Exec. Order
New York	Legislation	"Executive Branch" Comm. under Governor	No formal relationship	Statute: Appt. by Governor with Consent of Senate
North Carolina	Legislation	Dept. of Natural & Economic Resources	Designated Member of Council	Statute Appointed by Gov.
North Dakota	Legislation	Council under Governor	Designated member of Board (chairman)	Statute: A.G. Fills vacancies
Ohio	Exec. Order	Dept. of Urban Affairs	No formal relationship	Exec. Order Appointed by Gov.
Minnesota	Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov.

State	Established By	Location in Government	Relationship to Attorney General	Designation of Council Members
Oklahoma	Legislation Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov.
Oregon	Legislation	Council under Governor	Chairman of Commission	Appointed by Gov.
Pennsylvania	Exec. Order	Department of Justice	Chairman of Board	Appointed by Gov.
Puerto Rico	Legislation	Commission under Governor	No formal relationship	Statute: Appointed by Gov.
Rhode Island	Exec. Order	Committee under Governor	Chairman of Committee	Exec. Order Appointed by Gov.
South Carolina	Exec. Order	Commission under Governor	Designated in Exec. Order as a Member	Appointed by Gov.
South Dakota	Exec. Order	Dept. of Public Safety	No formal relationship	Appointed by Gov.
Tennessee	Legislation Exec. Order	Under Governor	Designated as member of Council	Statute: Appt. by Gov.
Texas	Exec. Order	Under Governor Governor is chairman	Designated as member of Council	Exec. Order -- Governor appt.
Utah	Exec. Order	Dept. of Public Safety	No formal relationship (proposed designation as member of Council is under consideration.)	Appointed by Gov.

State	Established By	Location in Government	Relationship to Attorney General	Designation of Council Members
Vermont	Exec. Order	Commission under Governor	Designated as member of Council	18 members specified by Exec. Order
Virginia	Legislation	Div. of Justice and Criminal Prevention	Member	Exec. Order Appointed by Gov.
Virgin Islands	Legislation	Commission under Governor	Ex Officio member of board	Statute
Washington	Exec. Order	Commission under Governor	Chairman of Commission	Appointed by Gov.
West Virginia	Exec. Order	Commission under Governor	No formal relationship	Appointed by Gov.
Wisconsin	Exec. Order	Council under Governor	No formal relationship	Appointed by Gov.
Wyoming	Legislation	Committee under Governor	Designated as chairman	Appointed by Gov.
District of Columbia	Exec. Order	Under Mayor	Corporate Counsel is Vice Chairman	Appointed by Mayor

APPENDIX I

CORRESPONDENCE CONCERNING LEAA RECEIVED BY THE SUBCOMMITTEE

March 18, 1976
614 Webster Street
Cary
North Carolina 27511

Honorable John Conyers, Chairman
House Subcommittee on Crime
207-E Cannon House Office Building
Washington, D. C. 20515

Dear Congressman Conyers:

I wish to submit the enclosed testimony to your Subcommittee on Crime. I do so as a result of my discussion with Congressman Andrews' office and his desire for my suggestions to be submitted as well as my personal interest and concern for the Omnibus Crime Control Program and LEAA particularly.

Due to a time element regarding board review and approval, I am submitting this as an individual and not as an official statement of the Triangle J Council of Governments or the Criminal Justice program for which I am the Director. Although made as personal testimony, I sincerely consider the remarks professional in nature and interest.

I hope my comments and suggestions will be helpful in your deliberations. When such is available, I would appreciate your staff forwarding me a copy of the hearings and testimony given to the House Subcommittee on Crime.

Thank you for this opportunity.

Sincerely,

Edwin L. Griffin, Jr.

ELG,Jr:dg

1996

Testimony Submitted to

The Subcommittee on Crime
Committee on the Judiciary
United States House of Representatives

Regarding: The Omnibus Crime Control Act as Amended in 1973

By

Edwin L. Griffin, Jr.
614 Webster Street
Cary, North Carolina 27511

March 18, 1976

PREFACE

It is neither the purpose nor intent of these remarks to, in any way, be construed to be a lobbying effort for or against the Law Enforcement Assistance Association or the Omnibus Crime Control Act as amended in 1973. Rather, this testimony and recommendations are made as a constructive effort to address my perception of a better, more meaningful and more equitable manner in which the allocation and administration of the LEAA program can be realized.

INTRODUCTION

My remarks reflect my graduate studies in the field of public administration and my experience as a regional criminal justice director for four (4) years in both a rural region and an urban-rural region in the State of North Carolina. I have also served on the State Supervisory Board (Governor's Commission on Law and Order) for fifteen (15) months. I fully realize that although my experience has been varied, even the most comprehensive experience from one state only reflects that state's experience with the LEAA program and Congress must address the program as it effects all states. Even so, based on my discussions with directors in other states, I feel that many of my remarks are indicative of problems that other states have noted.

GENERAL COMMENTS

The Omnibus Crime Control Act in its original and amended (1973) form was an obvious effort on the part of Congress to address crime and the criminal justice system. The effort was commendable, but has fallen short of many expectations for several notable reasons. Primarily, the funds allocated by Congress generally constitutes 5% of the funds used in the criminal justice system. Five percent simply does not have the financial capacity to demonstrably effect significant changes in a system as complex as the criminal justice system. Likewise, the dual goal of "addressing crime" and "improving the criminal justice system" are entirely too divergent in their objectives to consider either seriously when dealing with a small percentage of funds. States have felt lost in their efforts to improve the system and attempt to reduce crime. The improvement of the system statistically invalidates the reduction of the crime goal by improving reporting and may cause a significant increase in arrests.

This program has generated a horrendous amount of red tape that has had an exceedingly detrimental effect to its administration. Staff personnel are more interested in assuring that submission dates and technical issues are addressed than they are in assuring that funds are placed in proper needs' areas. Attachments requiring administrative compliance, non-supplanting, job decriptions, assumption of cost, enviromental impact, A-95 review, etc., etc. far outnumber the pages of the application that describe what the project will do to reduce crime.

Approaches not answers

LEAA and the State Planning Agency have attempted many means of assessing crime and responding accordingly. In so doing we have witnessed an entourage of System Approaches, Victimization Studies, Crime Specific Planning, Standards and Goals, Master Plans, Comprehensive Plans, Descriptors, Indicators, and so on. These are approaches and not answers. Answers are realized when funds are placed in areas of true, not staff anticipated, need and local and state agency personnel are allowed sufficient funds and latitude to expend the funds so as to address a particular problem. This may appear simple, but the system does not allow for an atmosphere of latitude and accountability.

Inconsistency

Comprehensive planning is totally inconsistent with the LEAA grant program that is now being administered. Comprehensive planning is a admirable goal, however. It is difficult to attain in the criminal justice world inasmuch as the component parts (direct and indirect) are difficult to assimilate and coordinate. Planning in its present grant context is a slight modification of guessing. What is big this year? One tends to look to the State Planning Agency to note what is available, as oppose to the State Planning Agency looking to the agencies to see what is needed. The LEAA program could greatly facilitate coordination of agencies, reducing administrative and duplicative costs if the LEAA grant program provided for the rewarding of a comprehensive planning program not a piecemeal approval on a project by basis.

RECOMMENDATIONS

Planning

Who should do planning for whom, to what extent, and with what results? Since 1968 the State Planning Agencies have been given the responsibility and authority to plan for the criminal justice system, particularly as it relates to LEAA funds. With all due respect, the State Planning Agency has failed in its responsibility. Notation should be made that this is not entirely the fault of State Planning Agency personnel, but the structure which centralizes planning when such should be decentralized.

One can factually ascertain the degree of responsive planning by the State Planning Agencies by reviewing the number of amendments and other modifications made in the State Plan submitted to LEAA.

It should be the role of the State Planning Agency to coordinate local and regional plans and state agency plans. The State Planning Agency should note duplication where it is occurring and exemplary projects so others may gain from prior experience. The State Planning Agency can not plan for state agencies (Corrections, Courts, Justice). They have their own staff who are much more adept in their fields of professional expertise than State Planning Agency personnel. Likewise, local governments in urban areas have planners and regional planning units have planning personnel to assume that role for smaller agencies. State government is too removed to fully understand and appreciate local problems. These are key ingredients in the planning process. It is duplicative, expensive, and without justifiable reason to continue this role of the State Planning Agency.

Planning and Evaluation

After eight (8) years of experience with the LEAA program it can generally be concluded that there is a growing need for more local responsibility in the assessment of needs and authority in ensuring the provision of resources to address those needs. An integral component of planning is evaluation. The State Planning Agency staff is illequipped to provide adequate evaluation of each project and, correspondingly, evaluation of a comprehensive plan for the various regions of the state. (i.e. The North Carolina State Planning Agency issued, in March 1976, after eight (8) years of the program, its first evaluation report to local governments concerning a specific group of similar projects. Local governments can not endure delays such as this in determining whether to begin or continue grant programs.)

An alternative

The "mini block grant" program such as the one experienced in Ohio is a realistic and practical approach to providing responsibility where needs are and authority where there is true accountability to the citizens. A state supervisory board is removed from

citizen involvement in the criminal activities of a community. When a rape, robbery, or murder occurs one does not call on the chairman of the Pre-adjudication Subcommittee of the Governor's Commission on Law and Order to ask if he would fund a project to reduce the probability of that action being repeated. The citizen instead calls his Mayor, Chief of Police, Sheriff or County Commissioner to say what are you going to do about it. By providing local officials with the authority to determine local priorities in a comprehensive plan we will have significant progress in deterring crime and funding projects that are relevant to local needs. This arrangement is noted on page 15 of a report issued to the Subcommittee on Crime for the United States House of Representatives by The Advisory Commission on Intergovernmental Relations. One only needs to think of the administrative savings to the program of the State Planning Agency review of one regional plan, rather than fifty to seventy-five projects from a region.

Credibility in local and regional affairs

In support of the above referenced alternatives:

Local governments, as a result of other federal programs and directives, have become more responsible agents and have the experience to base a foundation of responsible attitudes and actions as we reflect on the history of Community Development funds and Revenue Sharing funds. Coupled with these successful efforts North Carolina requires the local governments, regardless of size, to administer their own LEAA grants. Here we must conclude that the State acknowledges a degree of responsible capabilities on the part of all local governments. If local governments can properly be expected to address LEAA federal guidelines promulgated in M4100.1E plus state directives, then certainly they should be afforded authority to plan for and to a limited degree ensure the progress of their criminal justice elements. Local governments need a full partnership in the funding efforts to reduce crime.

State Supervisory Board

As a result of the 1973 Amendment, locally elected officials were added to the regional boards. This greatly strengthened local planning and accountability. In this regard greater credibility can be assured in the development of regional decisions.

Unfortunately and conversely the State Supervisory Board was not required to ensure such a representative composition (50% plus one locally elected official). If it had, since the appointment is by the Governor and not as a direct result of elections by the people and realizing the Governor's office is a political environment the susceptibility of political decisions would be much greater. Let locally elected officials make local decisions regarding local problems based on local prioritization for limited resources.

Construction projects

Due to the economic situation we find that the North Carolina Legislature is unable to appropriate sufficient state buy-in to allow for 50% federal - 25% state - 25% local funding on construction projects. Consideration needs to be given to a waiver of the equal state buy-in requirement for construction projects if local governments are willing to provide 45% to 50% match. The provision, as presently written, attempts to assist local governments by support from its Legislature, but due to the extenuating economic circumstances the provision works to local government detriment.

Violation of Congressional intent

In 1973 Congress gave appreciable attention to the issue of timely responsiveness of the State Planning Agency to applications for funds. Section 303(a)15 was thusly enacted. Even with this provision stating that within ninety days of receipt of the application must be approved or disapproved and returned with such reasons for disapproval the LEAA bureaucracy has found that this, precisely inscribed in the Act, is not really the case. See Legal Opinion of January 12, 1976, attached, Office of General Council LEAA. Congress must rewrite this specific wording to ensure the responsiveness which was evidently intended in 1973 is not over-ridden by bureaucratic interpretation. The Legal Opinion cited would allow for a State Planning Agency to disapprove an application within ninety days of receipt and not tell that local government for four, six, eight, or ten months with no penalty to that State Planning and with considerable penalty to the applicant. This is a problem and has tremendous potential for abuse!

Legislature involvement

The Legislature in each state should have some role, perhaps board membership, in the review of the state agency project to which it has a continuing financial responsibility and to local government projects where there is a 5% buy-in contribution.

Decrease categorization

Congress is now in a position of discussing how the Omnibus Crime Control Act can be most effective in reducing crime and improving the criminal justice system. There is a tendency for efforts to categorize a block grant program. One can appreciate the interest to specify particular areas of concern; however, in this program categorization is counter productive! The criminal justice system is too vast, complex, and structured in too many different manners to address in a categorized fashion. When funds are categorized, this does not allow flexibility for states who have differing needs based on advanced or deficient areas in their criminal justice system. Each state is a state within itself. Each constitutionally has its own framework for criminal justice operations. Congress should recognize this fact by decategorizing Part E and not considering Part F (Courts) funds. The secret of success is no secret. Faith in locally elected officials and state officials to allocate funds in program areas that are indicative of their state and local problems is a must if we are to use this program to effect our war on crime. An example of Congress's most popular and probably most effective program is Revenue Sharing where utilization of funds is generally up to the local government officials. We should be able to profit from this success.

IN CONCLUSION

We began a declared war in 1968 on an enemy that we did not know. We were not aware of its magnitude, techniques, or refinements. We did not know how to combat the guerrila-warfareagainst crime. Perhaps the LEAA program has served two purposes: to place a token offering to combat crime, to call public attention to address the needs of the criminal justice system.

Where do we go from here? That is the crucial test of our learning experience. Have we found out that crime truly is a local problem that in a collective sense effects regions and states? Have we noted that crime is a more serious problem than originally contemplated? If so, are we going to make the tough choice of placing a higher financial priority to combat crime locally, statewide, and federally? Do we now know that crime has an influence on the rise in higher prices, that it has more than a minimul effect on our economy?

Local governments do not look to Congress to shoulder the entire burden. They instead look to Congress for the opportunity to jointly participate in the decisions which will ensure domestic tranquility by firmly addressing crime.

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

January 12, 1976

Edwin L. Griffin, Jr., Director
Triangle Commission on Criminal Justice
7330 Chapel Hill Road, Suite 207
Raleigh, North Carolina 27607

Dear Mr. Griffin:

This is in response to your letter in which you have expressed the opinion that an application submitted by the City of Raleigh to the North Carolina State Planning Agency (SPA) must be deemed approved. You have stated that the application was disapproved within the 90 day period required by Section 303(a)(15) of the Crime Control Act of 1973 (Act), Public Law 93-83 as amended by Public Law 93-415, but that written notice of the disapproval was not received within the statutorily required 90 day period. Section 303(a)(15) provides that each State's comprehensive plan must:

> "Provide for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date."

Relying upon Section 303(a)(15)(B) of the Act, you are of the opinion that the application must be deemed to be approved since the application was not returned with reasons for the disapproval within the 90 day period. In particular, you have referenced that portion of Section 303(a)(15)(B) which provides that "...(and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved)...."

Generally, LEAA will not review a State disapproval of a Part C or Part E block subgrant application. Block subgrant applicants are afforded the right to a hearing before the SPA pursuant to Section 303(a)(8) of the Act to seek a review of an application disapproval. Furthermore, this office generally does not respond to requests which have not been channeled through the appropriate SPA and LEAA Regional Office for input. However, since you have raised a question of statutory construction which must be addressed by this office, an exception will be made in this case.

Section 303(a)(15) provides for three types of actions which an SPA may take toward an application. The first is approval, the second is disapproval, and the third is no action at all. To expedite the flow of funds to the units of local government, Congress imposed a statutory requirement that the SPA act within 90 days on an application or that failure to act within the 90 days would cause the application to be deemed approved. See LEAA Office of General Counsel Legal Opinion No. 74-64 for a summary of the legislative history of Section 303(a)(15). Hence, where the SPA approved or disapproved the application, Section 303(a)(15)(A) is applicable. Where an application is disapproved, Sections 303(a)(15)(C) and (D) define what the applicant is entitled to receive from the SPA; namely, a detailed explanation of the reasons for disapproval and a disapproval without prejudice. However, where no action is taken by the SPA within the 90 day period, then and only then does Section 303(a)(15)(B) become applicable. As a result, your reliance on Section 303(a)(15)(B) has been misplaced since the application was disapproved within the 90 day period. It is noted that Sections 303(a)(15)(A), (C), and (D) do not require that the applicant be notified within the 90 day period.

The question still remains as to the meaning of the language in parenthesis contained in Section 303(a)(15)(B). A "parenthesis" has been defined in In re Schilling, 53 F. 81, 83 (2nd Cir., 1892), as follows:

> "...to be 'an explanatory or qualifying clause, sentence, or paragraph inserted in another sentence, or in the course of a longer passage, without being grammatically connected with it.' Cent. Dict. It is used to limit, qualify, or restrict the meaning of the sentence with which it is connected, and it may be designated by the use of commas, or by a dash, or by curved lines or brackets; but the use of curves or of brackets unmistakably shows that the clause thus included was supposed by the author or by the scrivener to limit or restrict a general meaning of the language with which it is connected, or to be of importance in explaining the meaning. The curved lines or brackets are, it is true, punctuation, but they are made with forethought, and for the purpose of clearness and definiteness. They designate much more distinctly then by the use of commas the character of the clause which is included."

The statutory language contained in parenthesis explains or qualifies the term "disapproved" as that term is used in Section 303(a)(15)(B). It must be noted that the term "disapproved" as used in Section 303(a)(15)(B) and the statutory language contained in the parenthesis are qualified by the term "not." As a result what is meant by Section 303(a)(15)(B) is that where within the 90 day period the SPA fails to take action on an application and does not return the application with reasons for the failure of the SPA to take action, then and only then is the application deemed to have been approved.

One further point must be made. It is our understanding that one reason why the application in question was disapproved was that it failed to comply with the North Carolina comprehensive State plan. Hence, even assuming that your position is correct, the SPA would still be unable to provide funds for the project. Pursuant to Section 304 of the Act, the SPA is authorized to disburse funds only where an application is in accordance with the existing statewide comprehensive plan. Section 304 of the Act provides that:

> "State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant."

This would preclude an application from being funded notwithstanding the fact that the application may be deemed to have been approved pursuant to Section 303(a)(15)(B) of the Act.

Sincerely,

Thomas J. Madden
Assistant Administrator
General Counsel

cc: Mr. Rinkevich, Region IV-Atlanta

WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., April 9, 1976.

ROBERT W. KASTENMEIER,
Chairman, Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN KASTENMEIER: Enclosed is my testimony on behalf of the American Civil Liberties Union concerning the Federal Bureau of Prisons.

We request that this statement be included in the hearing record in connection with the Federal Bureau of Prisons' appropriations request.

Sincerely,

JAY A. MILLER,
Associate Director.

STATEMENT OF JAY A. MILLER, ASSOCIATE DIRECTOR

The American Civil Liberties Union is concerned that the Bureau of Prisons' request for new construction comes at a time when correctional planners and experts are re-evaluating the nature of the prison system in its entirety. Especially under attack is the policy of incarcerating large numbers of offenders in massive central institutions. The request for funds for the completion of four new prisons, for the construction of four more, and for the renovation of the three most antiquated institutions in the Federal system will only continue this policy and will make it more difficult to begin to find alternatives.

Groups such as the National Advisory Commission on Criminal Justice and the National Council on Crime and Delinquency have advised a halt to prison construction for the present, in order that new methods of dealing with offenders can be tested. These recommendations have come from the experience that prisons have tended to make people worse instead of better. The National Council on Crime and Delinquency, in analyzing the effects of large scale imprisonment, has described prisons as 1) ineffectual, 2) probably incapable of being operated constitutionally, 3) productive of crime, and 4) destructive of both the keepers and the kept.

The annual cost of incarceration in Federal institutions has tripled in the past decade. Compared to other methods of incarcerating offenders—such as community treatment centers, drug programs, and of course probation and parole, it is clearly the most costly. It is no longer simply a concern for the rights of the prisoner which is motivating this evaluation, but a concern that the institutions themselves are costly, ineffective and even destructive to both the individual and society.

Many state correctional systems, in line with this new thinking, are abandoning or minimizing prison construction as they find other ways of dealing with offenders. In Minnesota, incentives are given for communities to create facilities which replace the larger state institutions, as Dr. Pat Mack testified at the hearings on prison construction this past summer. Massachusetts has closed its major institutions for juveniles, and has replaced them with various forms of community treatment. California and South Carolina are other states in the process of planning to decarcerate large numbers of offenders. Research seems to indicate that recidivism rates in these alternative programs are no higher than in large institutions, and in some cases are lower.

The Bureau of Prisons has attempted to justify this new construction in a number of ways, and we concur with the testimony of the National Moratorium to End Prison Construction and other groups that these justifications are insufficient and do not address the fundamental issues involved. For example, as the Moratorium more fully states, guidelines for what constitutes overcrowding have been hopelessly confused by the Bureau for the past several years. While we realize that in some instances space problems do exist, we believe that there are many more pressing issues.

We receive approximately 150 letters a week from prisoners around the country, federal and non-federal. Very few prisoners in the federal system write to us about overcrowding; their concerns are with the issues of receiving more appropriate educational and vocational programs which will prepare them for life on the outside, with access to family and community, and with long term segregation, which makes adjustment to life on the outside more difficult. These are issues which must be solved by a different approach to corrections, not by creating more room in more massive institutions. At the same time that these institutions are "overcrowded," community treatment centers are being under-utilized.

We are also concerned that facilities at McNeil Island, Leavenworth, and Atlanta are undergoing extensive renovation when they are to be closed in the

next 10–15 years. The Bureau has already extended the deadlines for their closure. To continue to put additional funds into these deteriorating institutions seems wasteful and will only serve as an excuse to continue to use these old, inhumane institutions, which all agree should be closed as soon as possible.

The Bureau's decision to build two more facilities in rural areas, is wholly out of line with present day correctional thinking. The Bureau has agreed that the concentration of prisoners is in urban areas, that prisoners should be housed close to their communities, and that access to family and to community ties is important. Almost all now agree that these factors are among the few known factors which affect recidivism.

Funds for educational and vocational programs comprise a minimal part of the Bureau's budget. While we agree with Norman Carlson's new statement of policy that the Bureau must give up the concept of "rehabilitation" as such, we feel that voluntary programs which will prepare prisoners to be able to lead a productive life on the outside are important. Many of the vocational and work programs that the Bureau provides are antiquated, and have no carry-over to the outside. It may be, that given the size and nature of the large Federal institutions, the focus must be (as it is) on security and control, and not on the retraining of offenders. Again, we see the limitations of this large scale warehousing of prisoners.

Alternatives to long term incarceration must be found. If the Federal Bureau of Prisons continues its long range construction plans, they will not be. These alternatives will take the form of half-way houses, diversion, drug treatment programs, voluntary community supervision programs and others. In the short range they will be much less costly than institutions. In the long range they will result in both a financial and human savings. This holds for the expanded utilization of probation and parole. Continuing to pour millions of dollars into large institutions which simply do not work in any way, is a wasteful and demeaning process, and one which will deflect us from finding a sane and just strategy both for society and for the offender.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 12, 1976.

Hon. PETER RODINO,
Chairman, Committee on the Judiciary,
Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I earlier shared with you a summary of Oregon's recent experience in attempting to legislate restrictions on access to criminal records. I recently received a letter from Robert W. Chandler, Editor of the Bend BULLETIN, discussing these concerns further and commenting upon S. 2008 and LEAA regulations in this area.

I enclose a copy of Mr. Chandler's letter, in hopes that members of your Committee will have an opportunity to review it, both as background for oversight review of LEAA and as part of the consideration of S. 2008.

I sincerely appreciate your attention to this important matter.

With kindest regards,

Sincerely,

LES AUCOIN.

The Bulletin,
Bend, Oreg., February 10, 1976.

Hon. LES AUCOIN,
House Office Building,
Washington, D.C.

DEAR LES: I am writing this letter to you and other members of the Oregon Congressional delegation. I apologize in advance for its length; I could not express my concerns adequately in fewer words.

I am greatly disturbed by what is happening under the provisions of PL 93–83, Sec. 524(b), the LEAA regulations adopted under it, and SB 2008, which would codify those regulations.

Unfortunately, LEAA seems to have decided to adopt the regulations and make them binding upon federal agencies, and the states and their subdivisions, whether SB 2008 is passed or not.

I do not think that Congress intended in 1973 to shut off access to criminal justice histories as thoroughly as LEAA proposes. I do not think it intended, for example, to deny the gas company access to such histories to make sure the com-

pany did not have a sex offender among applicants for employment as meter readers.

I do not think it was intended to keep insurance companies from checking on past driving records af applicants for auto insurance. I do not think it was intended to keep banks and loan companies from checking on possible past criminal records of applicants for credit. Nor, to state my own particular interest, do I think it was intended to cut off access by this or other news organizations to the past records of persons accused of crime or convicted of crime.

I think Oregon's experience last fall, when an attempted codification of the LEAA guidelines went into effect, will be repeated nationwide if the guidelines are codified, or are not amended substantially. You will remember that persons could not even bail their relatives out of the Pendleton Jail—following a few normal Roundup festivities—because police refused to tell them if the relative was in custody.

The basic thrust of the legislation is to unwrite the writing, to make it so difficult that no one will be able to check effectively upon the public records of arrests made under the law and of releases, as well as convictions, which follow those arrests. I would not, under it, be able to prove I never have been arrested of child molesting unless I personally examined the chronologic arrest and court records of every city and county in the U.S.

The LEAA regulations and SB 2008 seem to assume:

1. That all employers are venal and insensitive, and that they want criminal records for their own titillation or the embarrassment of potential employees, and for no other purposes; and

2. That the extenders of credit, from banks to credit card companies, have no right to check on the public records as they pertain to the background of applicants.

I believe, on the other hand:

1. That the majority, the vast majority, of employers are willing to go along with an applicant with a criminal record, even the second or third or fourth time, so long as the employer is convinced there is a sincere desire on the part of the applicant to become a law-abiding citizen; and

2. That credit extenders are willing to go halfway with their applicants.

After 35 years in this business, I have two firm convictions. One is that, given the present status of criminal law, the fear of publicity is a real deterrent to someone's committing his first crime. The other is that publicity is the only real means we have of protecting ourselves from abuses by the police. I don't want police officers saying they are protecting my privacy if they throw me into jail; I want everyone to know I am there, so I can get out as quickly as possible.

What the LEAA regulations are going to do is to force further use of privately maintained criminal justice files. Insurance companies must have such information; they should not be required to insure the property of compulsive arsonists. Private schools should be able to determine if they have sex offenders among their job applicants. I think public systems are much safer for all of us than private systems.

I think much information in the hands of government at all levels needs to be kept secret. Tax data, for example, is spread too widely already, I know from personal experience. Medical and psychological information about individuals is not anyone else's business. Trade secrets deserve protection. Adoptions already are protected.

I think individuals ought to be able to cause all their records to be reviewed and corrected upon request, whether those records are maintained in the files of credit bureaus or in police and court files.

But, late last year I was chairman of a committee to select the winners of two fine scholarships, each of which could be worth as much as $20,000 to the receipient. One school refused to release data on SAT test scores to the committee, even though the youngsters involved asked that it be given to us. This is another offshoot of the so-called Kennedy amendment.

This is long, I know. I could make it much longer, but will not. At the least I hope it will help persuade you not to vote in favor of SB 2008 if it comes to vote before you. And, I hope it will help persuade you to do more. I hope it will help persuade you to let LEAA know, in no uncertain terms, either by committee action or formal bill, approved by both Houses, that LEAA has gone far beyond the 1973 intent of Congress.

Best regards,

ROBERT W. CHANDLER.

LAS VEGAS, NEV., *December 10, 1975.*

Hon. PETER RODINO,
Chairman, Judiciary Committee,
Washington, D.C.

DEAR SIR: I understand that Congressional Hearings will take place soon concerning the future of the Law Enforcement Assistance Administration. In regard to these hearings I would like to make the following comments.

First of all, to qualify myself, I have served in every capacity of law enforcement for the past twenty-one years. I am presently a Senior Systems Analyst with the Las Vegas (Nevada) Metropolitan Police Department.

I have been directly involved in developing LEAA Grants since the program was initiated in 1968. There has been considerable criticism concerning LEAA since that time and I feel that only a minimum of that criticism was warranted. I will concede that some of the LEAA funds were expended on questionable projects, however, so were some of the funds expended by, for example, the National Aeronautics and Space Administration. There was a stage early in the LEAA Program when police agencies used LEAA funds almost solely for the purchase of hardware items because, in most cases, there was little ongoing cost associated with the hardware items. However, in more recent times, police agencies have reached a level of maturity in which they are beginning to realize that hardware is not the answer to their problems. This stage of development served a purpose. It was during this stage that the private sector of business realized that because of LEAA funding there was a market for applying state of the art technology to law enforcement. This phase is just beginning to emerge. Also, during the first phase, police agencies were initially being exposed to the field of modern technology and as a result had begun to demand more sophisticated applications of technology to solve their problems.

In the seven years LEAA has been in existence, we have witnesses an evolution from the gadgetry of combination night stick flashlights to the degree of technology employed in an Automated Command and Control System.

This new level of maturity has resulted in a radical change in the time worn concepts of law enforcement. For example, the time honored system for answering an increase in the local crime rate was a request for additional police personnel. This was not the answer but it seemed rational. Today, in many agencies consideration is being given to applying technology to increase the efficiency and effectiveness of existing police personnel.

One who has not been involved in law enforcement over a period of time does not realize what a tremendous change this represents in the attitude of law enforcement administrative thinking. We are all extremely concerned by the overwhelming increases in crime. It is frightening to imagine what the rate of crime would be if this attitude had not changed. To a great extent, this change can be attributed to the impact of the LEAA Program.

I do find some fault with the existing program. It should be directed more toward selecting programs which have proved successful and funding the application of these programs in areas where the need is greatest. For example, set aside a block of funds to implement these programs in ten cities which are rated, by the FBI Uniform Crime Report, as having the highest crime incident rate per 100,000 persons.

The program has become too diversified and is attempting to become all things to all agencies. This is not possible, if we are to reduce the overall rate of crime we must concentrate on those areas which have the greatest crime problems. More funds should be allocated to the technical assistance portion of the LEAA Program. Providing technical assistance to law enforcement agencies is probably one of the most effective functions of LEAA.

Policemen are remarkable people, they can assist in the birth of a child or quell a riot, but in most instances they are lost when it comes to developing a complex computerized telecommunications system. Technical assistance, if properly funded would have a significant impact on the funding of marginal law enforcement projects. Such projects could be evaluated with appropriate technical assistance and discarded if they lack sufficient merit.

A block of funds should be set aside for research, not research in the sterile environment of a laboratory, but research in an actual law enforcement environment. This has been done to a limited degree but should be expanded. There are a number of progressive law enforcement agencies in the country which would provide the facilities for research projects and produce substantiated evidence of their value under actual working conditions. These type programs could be

initiated under contract to protect both parties and assure results. LEAA Regional offices and state agencies should receive the additional funding and authority to monitor and provide necessary assistance to police agencies in areas of grant management encompassing both the technical and financial aspects. This assistance should be provided on a periodic basis on site.

In summary, what I am saying is that the LEAA Program concept provides a tremendous potential for improving the Criminal Justice System, if it were more oriented toward directing its resources to the real problem areas and initiate appropriate controls to minimize the expenditure of funds on marginal projects.

Sincerely,

ROBERT THIMSEN.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 18, 1976.

Subject: Federal advisory committees.

MS. LESLIE FREED,
Subcommittee on Crime:

In response to your inquiry, complete data on the number of advisory committees as of the end of calendar year 1975 will not be available until the President's Annual Report on Federal Advisory Committees is submitted to the Congress (due March 31, 1976). In the meantime:

OMB estimate of total number of committees as of November 1, 1975	1, 341
Total number of committees as of December 31, 1974, per Annual Report of the President	1, 242
Total number of committees as of December 31, 1973, per Annual Report of the President	1, 250

The Annual Report of the President indicated that 22,702 persons served on advisory committees during 1974.

There is no single explanation for the apparent increase in the number of committees. Some new committees are specifically established by statute; others, while not required by law, are established to meet the needs of new programs and legislation (as the Departments of Labor and Agriculture established a number of committees during 1975 in response to the Trade Act of 1974). In the latter case, the agency must consult with the Director of OMB to determine whether establishment, or renewal, of such committees is in the ". . . public interest in connection with the performance of duties imposed on that agency by law."

The Department of Justice currently has six advisory committees, four in the Law Enforcement Assistance Administration:

Advisory Committee of the National Institute of Law Enforcement Criminal Justice, Established March 6, 1974, estimated annual cost: $25,000.

National Advisory Committee on Criminal Justice Standards and Goals, Established April 16, 1975, estimated annual cost: $1,250,000.

Private Security Advisory Council, Established March 15, 1973, estimated annual cost: $47,500.

National Advisory Committee for Juvenile Justice and Delinquency Prevention, Established September 7, 1974, estimated annual cost: $35,000 (specifically established by statute: P.L. 93-415, Sec. 207(a)).

WILLIAM E. BONSTEEL,
Committee Management Secretariat.

THE NATIONAL COUNCIL ON THE AGING, INC.,
Washington, D.C., April 8, 1976.

Hon. JOHN CONYERS, Jr.,
Chairman, Subcommittee on Crime, Committee on the Judiciary, U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN CONYERS: Enclosed is a statement of the National Council on the Aging on the prevention of crimes against the elderly. We would appreciate it if you could include this statement as part of the written record of your cur-

rent hearings on the reauthorization of the Law Enforcement Assistance Administration.

Thank you for your consideration of our views.

Sincerely,

JACK OSSOFSKY,
Executive Director.

STATEMENT OF THE NATIONAL COUNCIL ON THE AGING

PREVENTION OF CRIME AGAINST THE ELDERLY

The National Council on the Aging is deeply concerned over the Federal Government's neglect of the victimization of the nation's older citizens. NCOA believes that the current debate on the reauthorization of the Law Enforcement Assistance Administration is an excellent opportunity for the Congress to mandate increased attention to the dramatic increase in crimes committed against the elderly. We wish to take this opportunity to express our views on this issue which is vitally important to most of the nation's aged.

As you may know, the National Council on the Aging is a private, voluntary, nonprofit organization with 25 years of experience in serving the practitioners who serve the 22 million older people in America. It is the only national agency concerned solely with policies, research, programs and services for the aging. NCOA provides leadership, consultation, training and technical assistance, training materials, publications and referral services to public and private agencies in the field of aging at national, state and local levels.

The elderly, especially the urban elderly, are the most vulnerable victims of the recent dramatic increase in crime in America. Millions of the aged are virtual prisoners in their own homes, self-confined victims who fear even going out in the streets. The quality of life for thousands and thousands of elderly people is degraded not only by the existence of robberies, assaults, fraud and rape, but also by the threat of such crimes.

Unfortunately, there is no reliable index of the volume of such offenses against the elderly. Numerous studies showing the high numbers of unreported and underreported crimes also indicate that the elderly are more likely to be silent victims. In addition, reported crime records only note the age of the criminal, not that of the victim.

One indication of the pervasive nature of the crime problem for older people was data collected in a recent study conducted for NCOA by Louis Harris and Associates: *The Myth and Reality of Aging in America.* The most comprehensive national opinion survey ever conducted on Americans' attitudes toward aging and the aged, *Myth and Reality* shows that the fear of crime is prominent in the minds of older people: 23 percent of the survey's respondents over 65 marked fear of crime as a very serious problem for them personally. The seriousness of this fear is demonstrated by the fact that it ranked *first* among problems cited by older persons, even over poor health, low income, lack of job opportunities or loneliness.

NCOA believes that there are a number of steps which can be taken at the national and local levels to make America safe for its nearly 21 million older citizens. As a very important first step, NCOA urges the Congress to require states, in submitting plans under the Law Enforcement Assistance Administration, to include provisions which specifically address prevention of crimes against the aged. To qualify for Federal LEAA dollars, states must submit plans that meet Federal standards. We urge the Congress to expand those Federal standards to include attention to the needs of older Americans.

In addition, NCOA believes that LEAA should undertake studies to determine ways in which states and localities can best cope with the problem of crime against older people and can best use its resources to fund programs that protect the elderly. A national Senior Citizens Crime Index should be developed to monitor the growth and delineate the development of offenses against older persons.

The National Council on the Aging believes that the following programs should be encouraged by LEAA to combat the victimization of the aged:

Local police authorities should be encouraged to set up strike forces to prevent attacks on the elderly and to pinpoint the locations and modus operandi of the attacks;

Local police should undertake regular visits and liaison to facilities used by the elderly such as senior centers, housing projects, etc;

Self-help programs which train the elderly themselves in crime-prevention procedures should be developed;

Senior center leaders should be trained to train their members in crime prevention;

Community watch programs, involving community groups of all ages (teen patrols, radio-dispatch cab drivers, police hookups, high school student escorts, etc.) should be established to be alert to threatening or suspicious activities;

Patrol of streets (perhaps by retired policemen or police cadets) and areas older people use that have high incidences of criminal activities should be encouraged, and escort services to and from transportation services to housing projects, shopping malls, senior centers, clubs, clinics, etc., should be set up;

The police should train and assign the elderly stay-at-homes or homebound to observe streets or sections of their neighborhoods, and to report suspicious behavior to police;

Regular police security checks of buildings and sites housing the elderly should be made (just as the fire department makes regular fire prevention inspections);

Housing for the elderly should have installed (on government subsidy or as a tax-deductible expense) burglar-proof photoelectric beams on windows and doors, one-way glass, TV monitors in elevators and corridors, and central alarm buzzer systems linked to police dispatchers or patrol units.

An offense against an older person should be made a Federal crime if committed in Federally-funded facilities such as housing projects, centers, etc.

We hope that the Congress will respond to the needs of the elderly and make amends for the neglect the Federal Government has demonstrated in not adequately encouraging programs which prevent crimes against the aged. Thank you for consideration of our views on this matter.

TRUST TERRITORY OF THE PACIFIC ISLANDS,
OFFICE OF THE HIGH COMMISSIONER,
Saipan, Mariana Islands, June 5, 1975.

Hon. SPARK M. MATSUNAGA,
U.S. House of Representatives
Washington, D.C.

DEAR SPARKY: In the Omnibus Crime Control and Safe Streets Act of 1968, the Trust Territory of the Pacific Islands was omitted from the applicability of the Act, and we have, therefore, been unable to receive LEAA funds to assist us in the upgrading of our criminal justice system.

We are not only anxious to be included within the provisions of this Act, but it is now doubly important because of our inclusion in the Juvenile Justice and Delinquency Control Act of 1974.

The Juvenile Act of 1974 has not yet been funded, but does include the Trust Territory. However, the Act provides that if and when funds are appropriated, they will be allocated to the administering agency created by the Omnibus Safe Streets Act.

There are, therefore, two reasons why we need to amend the Omnibus Safe Streets Act, first, to receive LEAA funds for the Trust Territory, and second, to create the administering agency to receive the funds of this Act.

The amendment of this Act to fulfill both purposes can be handled by a rather simple amendment to the Omnibus Safe Streets Act. A proposed bill for such an amendment is enclosed.

We would appreciate any assistance your office can give us in the amendment of the Act, and if we can in any way assist in the accomplishment of this goal please let us know.

Mahalo and Alohoa.

PETER T. COLEMAN,
Deputy High Commissioner.

Enclosure.

94TH CONGRESS
1ST SESSION

H. R. 9841

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1975

Mr. MATSUNAGA introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Crime Control Act of 1973 to include the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 (c) of the Crime Control Act of 1973 (87 Stat. 197) is amended to read as follows:

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States and the Trust Territory of the Pacific Islands.".

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 6, 1976.

Hon. JOHN CONYERS, Jr.,
Chairman, Subcommittee on Crime,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to call to your attention the attached letter from a good friend of mine, Mr. Gene Matthews, Jr.

I'm sure you will find his comments on the need for funds in the area of Juvenile delinquency prevention very useful in your deliberations on H.R. 9236 and other bills to amend the Omnibus Crime Control and Safe Streets Act of 1968.

Best personal regards.

Sincerely,

RAY THORNTON,
Member of Congress.

WOOTTON, LAND & MATTHEWS,
Hot Springs, Ark., April 30, 1976.

Hon. RAY THORNTON,
U.S. Representative,
House Office Building,
Washington, D.C.

DEAR RAY: It is my understanding that the above referenced material is pending before your Sub-Committee. It is my further understanding that 90.7% of the LEAA discretionary fund expenditures for the year 1973, were expended for police, courts, legislation, hardware and adult concerns and approximately 9.3% were expended for juvenile concerns. I do not have the figures for 1974 and 1975.

Approximately one-half of the serious crimes in the United States are committed by juveniles and a large proportion of adult convictions for serious crimes are those people we failed to rehabilitate as juveniles. It is my understanding that one of the President's and Congress' primary concerns is the making of a sincere effort to reduce expenditures in order to better balance the nation's budget. I am writing this letter to request that in considering the priorities, while we may need to make some significant reductions in our budget, or a re-ordering of priorities, it also seems that significant sums of money need to be expended in proportion to the problems that exist. Everyone is concerned about crime, but we still seem to be looking at it in the same old ways that as Chief Justice Burger has indicated, have never afforded basic remedies and in one of the basic areas where it exists, that is with juveniles.

In requesting your support of maintenance of effort provision, I simply share with you some statistics which are several years old, but which are now being updated. "NYPUM", National Youth Program Using Minibikes, is a program that was initiated by the YMCA which uses the Honda minibike as a vehicle to reach "kids in trouble." 75% of the young people in the program are either Court adjudicated or referred by school officials as being on the verge of serious trouble. 25% of the kids in the program are so-called "normal kids". The program is generally staffed by YMCA workers and frequently uses as the "significant adult figure" not only the YMCA worker but also "police officers".

It is generally considered that the recidivism rate from the traditional means of treatment of juveniles, that is, being sent to reform schools, is somewhere between 75–85%. In contrast, the NYPUM program has produced a recidivism rate of 3.7% for first time offenders and this is accomplished at far less costs, that being several hundred dollars, as contrasted with 8–10 Thousand Dollars a year for the traditional treatment.[1]

I am also enclosing some excerpts from the statement of Milton G. Rector, President National Council on Crime and Delinquency before the Senate Sub-Committee on Criminal Laws and Procedures and a Juvenile Justice Fact Sheet.

It is my hope that your consideration of this material and other matters presented to your Sub-Committee, will give conviction to you and your fellow committee members supporting the maintenance of effort provision and deleting Section 8(2) and 8(3) of HR9236. As you know we have great confidence in your judgment and if there is any reason you disagree with this request, we would appreciate having the benefit of the basis of your disagreement. We do feel that

[1] NYPUM in over 300 cities across the United States. Previously funded in significant part by LEAA.

the patterns of the past, as contrasted with the success of NYPUM program, gives evidence that new directions are indicated which full support of the Juvenile Justice Act of 1974 would promote.

It has been quite some time since I have seen you and I hope that things have been going well for you and your family during the interim.

With kind regards, I am

Very truly yours,

GENE MATTHEWS, Jr.

APRIL 12, 1976.

Hon. EDWARD H. LEVI,
The Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you know, the Subcommittee on Crime of this Committee is currently holding hearings on proposals to reauthorize the Law Enforcement Assistance program administered by LEAA. At one of these hearings, I discussed with certain witnesses the Treatment Alternatives to Street Crime Program (TASC).

Because of my interest in this program, I would request a detailed report on the operation of the program including an evaluation of the results of the program as well as the future plans of LEAA with regard to its expansion.

I would also request any specific comments and recommendations you could make to increase responsiveness of this program to the special needs of female offenders, particularly in light of the recent increase in serious crimes and drug-related crimes committed by women.

It is my intent to make your response to this request a part of the Subcommittee's hearing record, and I would certainly appreciate a prompt reply.

Sincerely,

PETER W. RODINO, Jr.
Chairman.

DEPARTMENT OF JUSTICE,
Washington, D.C., May 7, 1976.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Attorney General has asked me to respond to your letter on the operation of the Treatment Alternatives to Street Crime (TASC) Program. We appreciate your interest in this program and are pleased to provide the information requested for use in conjunction with Committee action on the reauthorization of the Law Enforcement Assistance Administration (LEAA).

For your full information, a copy of a TASC background paper and a National Evaluation Program assessment of the TASC Program are enclosed.

TASC projects have been funded by LEAA discretionary grants in 33 cities since 1972, with grants totaling approximately $20 million. At the present time, 22 projects are operating with LEAA support and two projects will begin operations within 60 days. Two other projects were terminated because of deficient operations. Of the seven projects that have completed their two-year period of LEAA discretionary funding, the costs of six have been assumed by participating states or localities. Two other TASC projects will complete their LEAA funding during this fiscal year and will also be picked up by state or local funding.

To date, 21,684 drug abusing offenders have been placed in treatment programs through TASC. Approximately 800 new clients enter treatment through TASC each month. Statistical data indicate that only 10 percent of these clients are rearrested while in the program, despite the fact that an average TASC client has been arrested 5.7 times prior to program participation. Some 55 percent of the 21,684 TASC clients have never received any drug treatment prior to TASC, although the typical TASC client has been using heroin for at least one year.

LEAA program management of TASC is carried out in Washington by one staff member of the Rehabilitation Division, Office of Regional Operations, who devotes about 75 percent of his time to TASC-related matters. Program management and technical assistance in LEAA's ten regional offices is generally performed by Drug Enforcement Administration agents on detail as drug abuse specialists. National technical assistance to TASC projects is available through a contract with the National Association of State Drug Abuse Program Coordinators.

A major evaluation of the long-term effects and impact of the TASC Program is presently being contemplated by LEAA's National Institute for Law Enforcement and Criminal Justice. The study would cost approximately $500,000 and require 18–30 months to complete.

The subject of the TASC program and women offenders was discussed extensively at the April 20, 1976, meeting of TASC project directors. It appears that women now make up about 15–20 percent of the TASC caseload. The importance of assuring that women offenders receive equal access to TASC services has been emphasized on several occasions. This point will continue to receive LEAA's attention.

Your interest in the TASC program and the activities of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

MICHAEL M. UHLMANN,
Assistant Attorney General.

Enclosure.

THE NATIONAL TREATMENT ALTERNATIVES TO STREET CRIME (TASC) PROGRAM

TASC STATUS REPORT, FEB. 1, 1976

City	Status	Clients now in treatment	Total clients entering TASC
Alameda County	Operational January 1974	173	1,401
Albuquerque	Operational March 1974	143	424
Atlanta	Operational July 1975	113	171
Austin	Institutionalized November 1975	206	421
Baltimore	Operational October 1973	119	1,136
Birmingham	do	204	805
Boston–A	Operational May 1974	185	329
Boston–J	Grant expired December 1975		668
Camden County	Operational November 1974	265	441
Chicago	Operational March 1976		
Cincinnati	Operational December 1973	187	745
Cleveland	Institutionalized October 1975	118	1,282
Compton	Operational March 1975	122	239
Dayton	Institutionalized February 1976	92	385
Denver	Operational January 1974	219	495
Des Moines	Operational October 1975	60	69
Detroit	Operational January 1975	301	748
Indianapolis	Operational May 1973	149	641
Kansas City	Operational November 1973	170	823
Las Vegas	Operational November 1975	38	60
Little Rock	Application being developed		
Louisville	do		
Marin County	Institutionalized September 1975	20	876
Miami	Operational November 1973	511	3,269
Milwaukee	Operational November 1975	30	35
Nashville	Operational February 1976		
New Orleans	Operational April 1975	114	174
New York	Contract expired July 1975		174
Newark	Operational December 1974	404	511
Philadelphia	Institutionalized July 1975	479	2,378
Rhode Island	Operational February 1976		
Richmond	Operational July 1974	119	416
St. Louis	Grant expired July 1975		68
St. Paul	Application being developed		
Salt Lake	Operational February 1976		
San Diego	Operational May 1975	113	167
San Juan	do	302	313
Tacoma	Application being developed		
Tucson	Operational October 1975	69	125
Wilmington	Phased out June 1974		199
Total		5,025	19,988

THE NATIONAL TREATMENT ALTERNATIVES TO STREET CRIME (TASC) PROGRAM

Background

As the nation's drug epidemic attained unprecedented levels in the late 1960's, social scientists began to publish increasing amounts of documented evidence of a direct causal relationship between drug abuse, particularly heroin, and street crime. Studies in New York City and Washington, D.C. indicated that as much as 50 percent of all property crimes were being committed by drug addicts driven to commit crime in order to obtain money to support their addiction.

The initial Federal response to the drug epidemic was to increase foreign and domestic law enforcement efforts. It soon became apparent, however, that increased law enforcement efforts alone would not put a halt to this growing problem. The White House Special Action Office for Drug Abuse Prevention (SAODAP) was given a mandate to streamline Federal drug policies and carry out a massive effort to rapidly increase the number of community-based treatment facilities to treat drug abusers wishing to voluntarily change their life styles.

Federal and local drug abuse program officials soon realized, however, that there was an important gap between the law enforcement and community-based treatment efforts which had been receiving priority attention. The gap lay in the area between the criminal justice and health care delivery systems. There was no formal program designed to link up the services and functions of the increasingly polarizing system in their handling of drug abusers.

It became clear that only those drug abusers ready and willing to kick the habit would seek treatment on their own. The "hard-core" addicts and those not pushed by family, friends, or conscience were not seeking treatment. Yet it was generally these addicts who were committing the bulk of drug-related crime.

Once these individuals came into contact with the criminal justice system, their anti-social behavior would usually continue. Addicts incarcerated pending trial would often suffer through withdrawal symptons and increase tension in overcrowded jails. Those released pending trial would usually resume their drug and criminal behavior. After trial, those placed on probation generally would not have profited from their criminal justice experience. Those incarcerated, studies have shown, would also resume their drug and criminal behavior following parole if treatment was not available in jail.

In order to identify this critical high crime rate population and provide for a mechanism in the criminal justice system for their referral into community-based treatment programs, SAODAP developed the Treatment Alternatives to Street Crime Program (TASC). It was hoped that through TASC the drug-crime-arrest-release-drug-crime cycle would be broken.

Design

Planning the National TASC Program, which began in late 1971, focused on creating a national Federal program that would be flexible enough to adapt to various different political and criminal justice system conditions in jurisdictions across the country. For this reason, there are no two TASC projects that are exactly alike, although the same basic design is inherent in every project. The design is centered around three basic functional components:

(*1*) *Screening Unit.*—This component would attempt to identify all drug abusers entering the criminal justice system and offer the program to those offenders judged eligible according to locally determined criteria.

(*2*) *Intake Unit.*—Those addicts found eligible for TASC would be refrered to an intake unit which would diagnose each individual's drug problem and recommend referral to the most appropriate treatment program.

(*3*) *Tracking Unit.*—This component would constantly monitor the progress of TASC clients to assure that locally determined success/failure criteria were adhered to. Those violating these criteria would be returned to the criminal justice system for appropriate action.

These components would be linked together by a central administrative unit. Because of the general lack of sufficient treatment facilities, the original design also provided for treatment funding in the TASC budget. This has been discontinued, with TASC projects now relying on existing community-based treatment program slots.

Goals

The National TASC Program was designed with the following basic goals in mind:

—to identify and provide treatment for as many addict offenders as possible entering the criminal justice system by providing the vital linkage between the criminal justice and health care delivery systems.

—to reduce the criminal recidivism rate of drug addicts through treatment and rehabilitation by reducing the drug use of all program participants.

—to reduce the human and fiscal costs to society and the criminal justice system incurred by addict offenders through their criminal and drug taking behavior.

Implementation

Since TASC was created basically as a criminal justice referral mechanism, it was decided in early 1972 to make LEAA the primary funding channel for the National TASC Program. Primary managerial responsibility was maintained in SAODAP. The National Institute of Mental Health (NIMH) was asked to coordinate treatment services where necessary. The first two projects funded by LEAA became operational in August and December of 1972. By the end of Fiscal Year 1972, six projects had been funded by LEAA. Four additional projects were awarded by LEAA in FY 73. In order to rapidly expand the National TASC Program before FY 73 SAODAP (one year) funds expired, SAODAP decided to avoid the time-consuming review process in LEAA and funded eight additional TASC projects through NIMH. In early 1973, a TASC project in the Federal Court New York City was also funded by NIMH. During FY 74, seven additional projects were funded by LEAA, while eight new projects were added in FY 75.

TASC program modifications

There have been several design, programmatic, and policy modifications in the TASC program since 1972. The following are some of the more important modifications.

—The program has been expanded from including only heroin addicts to including all drug abusers, except alcohol. Juveniles may also be included if they have a significant drug problem.

—TASC was originally seen basically as a pre-trial diversion program. In order to make the program more comprehensive, all points of entry from the criminal justice system are now tapped for entry into TASC. These points of entry include pre and post arrest police diversion, pre-trial diversion, pre-trial intervention (conditional release), pre-sentence referral, conditional probation, and conditional parole.

—Effective July 1, 1974, lead program management responsibility for all TASC projects (including those still funded by NIMH/NIDA) was transferred to LEAA. TASC, per se, now includes only criminal justice components. All previous TASC sponsored treatment responsibility has been transferred to the National Institute on Drug Abuse. All future TASC funding will be through LEAA.

Status

A total of 36 TASC Projects have now been funded. As of February 1, 1976, 28 of them were operational, having accounted for about 20,000 addict offenders being referred to treatment.

Approximately 700–800 drug abusing offenders now enter treatment each month through TASC. In many TASC cities, TASC referrals have accounted for 30–60% of the total number of drug abusers entering treatment in that city.

Evaluation

The evaluation of the first five TASC projects (Wilmington, Philadelphia, New York, Cleveland, Indianapolis) was completed in June 1974 by System Sciences, Inc. (SSI) under contract to SAODAP. The intensive study yielded the following conclusions from the SSI team of professional evaluators:

"In general, the TASC concept and programs have been successful in their goals of identifying and treating drug addicts previously unknown to the treatment system, reducing recidivism rates and drug use in the addict population, decreasing overall costs within the criminal justice system and reducing the costs to society of addict crime and lack of productivity."

"Recidivism rates range from 5.6 percent to 13.2 percent. This is a large decrement in current rates and provides an important justification for the existence and expansion of TASC programs."

The following specific factors were identified by the evaluators:

TASC has been extremely successful as an outreach agent: 55 percent of all TASC clients were receiving drug treatment for the first time because of TASC.

TASC has been dramatically effective in reducing crime and criminal recidivism. Rearrest rates of TASC clients in the five cities studied ranged from a low of five percent to a high of only 13 percent.

TASC has been an important factor in decreasing illicit drug use. Seventy-five percent of TASC clients in treatment had taken no drugs whatsoever for at least 30 days prior to the study.

These conclusions became even more satisfying when the TASC client profiles were studied. TASC has been definitely dealing with the "hard core" addict population. For example, 64 percent of TASC clients were up on felony charges. About 98 percent of TASC clients had a prior arrest record, including 22 percent who had been arrested 11 or more times prior to TASC program participation. Ninety-nine percent of TASC clients were heroin abusers, while 85 percent also took cocaine and 67 percent used barbiturates. Of the heroin abusers, 85 percent had been taking heroin one year or more, and 34 percent admitted using heroin for more than five years.

Future plans

TASC projects will soon be operational in 30 states across the country. Future plans for TASC expansion call for priority attention to states not having any TASC projects in operation. Program eligibility now includes any jurisdiction of 200,000 population or more that is experiencing a significant drug abuse problem and possesses sufficient treatment capacity to handle the anticipated TASC client load.

I. INTRODUCTION

The Treatment Alternatives to Street Crime (TASC) program evolved from observations that many drug-dependent persons engaged in street crime to support their habits and were recurringly arrested, released and rearrested. To break this cycle, the first TASC project was established in 1972 to help channel criminally involved drug abusers into treatment, in order to rehabilitate them into productive, law-abiding citizens. As of October 1975, a total of 36 TASC projects had been funded, at a Federal cost of $21.8 million. The projects had enrolled approximately 17,000 clients, including almost 5,000 who were still in treatment. In addition, approximately 15% of the TASC entrants had successfully completed the program's requirements. This report summarizes the existing state of knowledge regarding TASC's operations and outcomes.

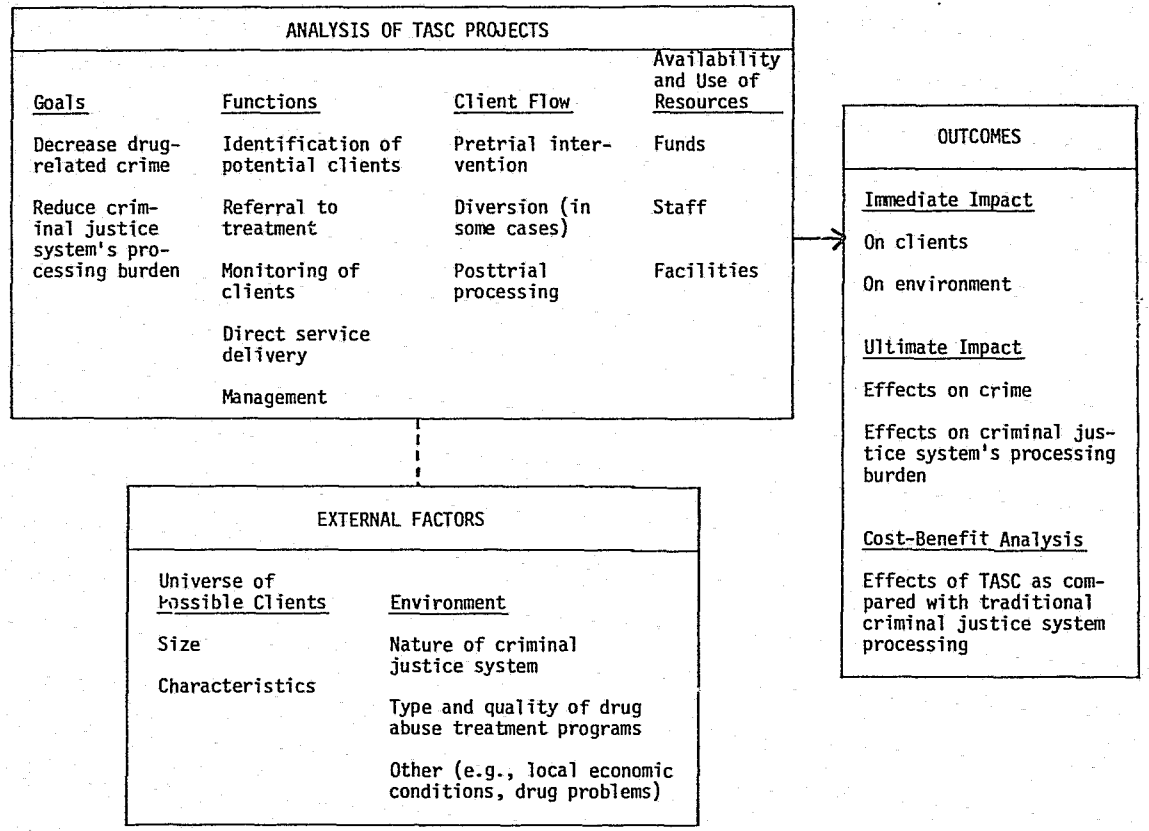
In order to assess present knowledge concerning TASC, three major data collection activities were undertaken:

- a review of existing literature and work in progress;
- telephone interviews with the 22 TASC projects which were operational as of February 1975; and
- site visits to ten projects.

Most of the existing studies of TASC have analyzed project operations in a single place. These studies vary widely in coverage: some assess overall project operations, others focus on client flow and a few address cost-effectiveness concerns. The studies also vary widely in terms of methodological soundness and other indicators of quality. To the extent possible, this report assesses and comments upon the validity of the findings reported in past studies. To supplement available written materials, the telephone interviews and site visits provided considerable information on the actual operations of projects. In addition to TASC staff, representatives of the criminal justice and treatment systems were interviewed to obtain their perspective about TASC's operations and impact. This assessment presents the findings of these various data collection activities and identifies major gaps in existing knowledge.

The assessment found general agreement that the major goals of TASC's interventions are to reduce drug-related crime and to decrease the processing burdens of the criminal justice system. Although TASC projects share similar goals, they vary in their operational response to attaining those goals. Individual projects may provide different sets of services to different types of clients within varying environmental settings. Figure 1 shows the analytical framework developed for assessing the various aspects of the TASC program. Projects are considered in terms of their goals, functions, client flows and availability and use of resources. These project characteristics interact with external factors, such as the size of the potential client universe and the nature of the criminal justice system, to produce both immediate and long-range outcomes related to TASC's goals of reducing drug-related crime and criminal justice system processing burdens. The state of knowledge concerning each of the areas shown in Figure 1

Figure 1. Analytical Framework for TASC Assessment



is considered in detail in the full-length assessment report. This summary provides only the major findings and conclusions of that report.

II. TASC PROJECT FUNCTIONS

TASC projects serve five major functions:

- identifying drug abusers in contact with the criminal justice system and offering those eligible the opportunity of TASC participation;
- diagnosing the drug abuser's problems and recommending appropriate treatment;
- monitoring the performance of TASC clients and returning the violators of TASC requirements to the criminal justice system for appropriate action;
- counseling clients, by meeting treatment needs, assisting with ancillary services or providing crisis intervention services; and
- managing the project, including conducting research and evaluation studies of performance.

A. Identification of Potential Clients.

Identification of potential clients occurs through:

- jail screening, accomplished by mass urinalysis testing of all arrestees or by selected interviewing of arrestees who admit drug abuse, manifest symptoms of drug abuse or are charged with the crimes often associated with drug abuse;
- receipt of referrals from attorneys, probation officers and other sources; or
- a combination of these techniques.

Major issues related to the client identification function concern the relative effectiveness of the different identification techniques, the extent to which TASC identifies all potential clients and whether there are consistent biases in client selection, whether the projects which engage in jail screening reduce the level of jail tensions and whether criminally involved drug abusers need special attention of the type TASC provides.

1. Relative Effectiveness of Different Identification Techniques. One of the most consistent findings concerning identification of potential clients is that mass urinalysis is not an essential technique for accomplishing this function. Supporting evidence includes:

- The Philadelphia TASC project compared mass urinalysis with the use of self-admission and arrest history data to identify drug abusers. In a sample of 105 drug-dependent arrestees identified during a two-week period in 1974, only seven persons were identified through positive urine tests alone. They were not significantly different with respect to salient demographic, criminal and drug use variables from drug abusers identified by other methods.[19]

- Another study of the Philadelphia TASC project found that 90.5 percent of the opiate users who were urine-tested in June 1973 admitted drug use.[29]

- The Cleveland TASC project concluded in a March 1974 report that self-admission of a drug problem is as reliable as urinalysis in locating drug abusers in jail.[14]

- A 1974 evaluation of the Denver TASC project found that mass urinalysis did not identify a significantly different group of potential TASC clients.[7]

No studies provide any evidence which would contradict the conclusion that mass urinalysis of all arrestees is not necessary for identification of potential TASC clients. In addition, it should be noted that urinalysis is not a completely accurate technique. Moreover, urinalysis processing costs for a jailed population can be substantial. EMIT, the system most commonly used by TASC projects, had costs ranging between $.48 and $.91 per sample in 1974.[25]

In view of these findings, the TASC program has de-emphasized its early concern with mass urinalysis. However, although mass urinalysis is not essential for identifying potential TASC clients, it is often a useful tool for studying the incidence and prevalence of drug abuse within the arrested population. It provides systematic data on types of drugs abused in addition to identifying the abusers. Consequently, some TASC communities use mass urinalysis for epidemiological purposes.

Although mass urinalysis has been shown to be an unnecessarily elaborate technique for identifying potential TASC clients, little is known about the relative effectiveness of selected jail screening interviews as compared with relying on referrals from other sources. Also, there is little knowledge concerning the outcomes of TASC clients who were identified in different ways (i.e., through mass urinalysis, selected interviewing or referrals from other sources).

2. Comparison of TASC Clients with Persons Missed. A second category of findings concerns TASC's effectiveness in identifying the potential client group and offering its members the opportunity to participate in TASC. Several projects conduct occasional mass urinalysis screens (e.g., once a week) to assess the prevalence of drug abuse in the arrested population. These data can be compared with the number of drug abusers identified at

other times, through other methods, to provide a rough assessment of the screeners' effectiveness in identifying all drug-dependent arrestees. Another technique used to assess the potential universe of drug-dependent arrestees is checking the booking log to insure that all persons with charges that are often drug-related (e.g., drug possession, drug sale, property crimes) were either interviewed or unable to be interviewed for a valid reason.

Although several projects indicated use of such techniques to assess their effectiveness in identifying all potential clients, most do so as a management tool and have not systematically analyzed and reported their findings. Results of two such studies are available, however:

- Analysis of a sample of arrestees in Alameda County found that 25 percent of all detained arrestees had been approached by a TASC interviewer, 42 percent of the opiate users had been approached and 60 percent of all those who said they were addicted at the time of arrest talked to a TASC interviewer. The study noted, however, that the sample was not randomly selected and, in addition, interviews were not always timed to occur after TASC screening had been completed.[39]

- At the Denver TASC project, where screeners could not provide 24-hour-a-day coverage, 39 percent of the persons arrested between January and April 1974 had been "bailed or released" before TASC approached them for an interview.[7]

Although these results indicate that major portions of the potential client group were missed, one study suffered from a poor sampling plan and other methodological limitations and the second was conducted for a project which was not working in the jail on the 24-hour-a-day basis often found at TASC projects. Therefore, these findings cannot be considered conclusive regarding TASC's ability to identify potential clients and offer them the option of referral to treatment.

There has been little analysis of the characteristics of persons admitted to TASC as compared with eligible clients missed or rejected. Such analyses would indicate whether there were consistent biases in the selection of clients from the group of eligible persons. In general, data on TASC client characteristics are available only at individual projects and sometimes are not tabulated even there. Information obtained from a sample of clients at five TASC projects found the average client was a black male, between 20 and 25 years old, charged with a felony.[25] Information on the characteristics of potential clients missed is for the most part unavailable even at individual projects.

3. TASC's Effect on Jail Tensions. No TASC project has made a systematic study of whether its activities reduce jail tensions. However, in several of the TASC communities Lazar visited, the staff operating the jails reported that TASC's presence was beneficial. The possibility that drug abusers might create jail tensions and that TASC's activities, either treatment of persons within jail or removal of drug abusers from jail to

community-based treatment settings, might reduce those tensions was raised by experience at The Tombs in New York City. In that case the presence of addicted inmates not receiving medical assistance for withdrawal had contributed to sufficient unrest that jail administrators instituted a detoxification program to provide the needed medication. Subsequently, more communities began to consider the need for special programs to identify drug abusers.

4. Special Needs of Criminally Involved Drug Abusers. The TASC program is based on the assumption that criminally involved drug abusers need special attention. Information assessing the validity of this assumption comes from a variety of studies, including analyses of the relationship between drug abuse and crime. Such studies indicate that many drug abusers engage in crimes to support their drug abuse habits and will continue to commit such crimes during release pending trial on a charge, while on probation after trial, or after a period of incarceration. Therefore, reducing the criminal activities of such persons is thought to require provision of treatment to resolve the drug abuse problem which induced the criminality.

It is widely accepted that addicts are responsible for much of the nation's property crime. The American Bar Association Special Committee on Crime Prevention and Control estimated in 1972 that from one-third to one-half of all street crime in the nation's urban centers was committed by heroin addicts.[41] More recently, a 1975 study of the social costs of drug abuse considered $6.3 billion a relatively conservative estimate of the amount of property loss resulting from crimes committed by addicts.[67]

In addition to estimates of national levels of drug-related crime, several studies have assessed drug dependence among arrestees in various communities. For five TASC locations the percent of arrestees who were drug-dependent ranged from 16% to 55% and averaged 26%.[6, 14, 15, 21, 33] Four of these communities also analyzed the types of crime with which the drug-dependent arrestees were charged, as compared with charges against all arrestees. In all cities drug-dependent arrestees engaged in more property crime than total arrestees. Drug-dependent arrestees also tended to have higher crime rates for drug crimes and lower rates for crimes against persons.

Another study of the relationship between drug use and property crime used regression analysis to assess the effect of changes in the retail price of heroin on crime rates. The analysis indicated that a 10 percent increase in the retail price of heroin was associated with a 2.9 percent increase in the level of property crime.[45]

In addition to analyses of the relationship between criminality and heroin addiction, studies have assessed the association of criminality with other forms of drug abuse. Available data support TASC's assumption that crime is associated with the abuse of non-opiate drugs as well as opiates. Abusers of barbiturates and amphetamines (and alcohol) appear particularly likely to engage in criminal activities.[86]

Additional evidence of the relationship between drug abuse and criminality comes from studies of the prior arrest histories of entrants to drug abuse treatment programs. Selected findings include:

- Of approximately 1,000 people who entered the Beth Israel methadone maintenance treatment program between 1964 and 1968, all had criminal records, averaging 3.6 arrests in the three years prior to admission.[56]

- An analysis of a methadone maintenance program run by New York City's Health Services Administration showed that 40 percent of the clients had been arrested at least once in the year before entering the program.[78]

- A study of the Addiction Research and Treatment Corporation (ARTC) methadone program found that 89 percent of all program entrants reported at least one arrest in the period before entering the program.[82]

- Data from nineteen treatment programs in New Jersey indicated that 83 percent of the methadone clients and 57 percent of the drug-free clients had been arrested prior to beginning treatment.[72]

- An analysis of approximately 3,500 entrants to 31 treatment programs located around the nation found that 79 percent of the entrants had been arrested at least once, and 11 percent had been arrested more than 10 times.[68]

In summary, many studies have established a clear association between drug abuse and criminality. However, it is also important to consider whether addiction preceded criminality, since it would be difficult to contend that drug abuse "caused" criminal patterns which existed prior to drug use, even though addiction may have increased the level of any pre-existing criminality. Evidence on this point is, however, not conclusive.

A study of New Jersey treatment program clients found that 94 percent of total arrests and 91 percent of non-narcotics arrests of methadone clients had occurred during the period of heroin use.[72] Similar findings were reported in a survey conducted as part of the planning process for the San Diego TASC project. An analysis of admissions to the local jail found that two-thirds of the drug-dependent arrestees reported their first arrest occurred after drug use began.[21]

In contrast to these findings of drug abuse preceding criminality, a study of a sample of clients of the Addiction Research and Treatment Corporation (ARTC) program found that 42 percent of them engaged in crimes both before and during addiction.[81] This finding is consistent with certain earlier conclusions from the literature. For example, when Tinklenberg reviewed the existing work on drugs and crimes for the Marihuana Commission, he noted:

> "Blum, in summarizing the findings of the Crime Commission Task Force of 1967, found that the available evidence indicated that most known opiate addicts had been delinquent prior to their being identified as drug users and that most continued

> to be arrested after release from hospitals and prisons.... A number of observations support this thesis that generally opiate addicts have criminal predispositions that antedate their drug addiction; opioid use thus becomes a further expression of delinquent tendencies." [86]

Although there may be a substantial group of criminally involved drug abusers whose criminal careers began before their drug abuse problems and whose criminality may not therefore be strongly associated with their drug abuse, all studies have also identified a significant group of persons for whom drug abuse preceded criminality. Therefore, at least for these clients, TASC's underlying assumption that their criminality may be a partial result of their drug abuse cannot be invalidated. Consequently, it appears reasonable to provide treatment for drug abusing arrestees as one way of attempting to reduce their criminality.

This contention is also supported by a study of drug use and criminality in a birth cohort of approximately 10,000 males born in Philadelphia in 1945. On the basis of analysis of criminality data, the study concluded that intervention resources to reduce crime would be more effectively allocated if applied to any of the drug using groups than to any of the non-using groups. Moreover, among the drug-using groups it would be most efficient to apply intervention strategies to persons charged with drug offenses and to heroin users.[62]

Therefore, there appears to be considerable evidence supporting the assumption that criminally involved drug abusers need special attention. Consequently, TASC's efforts to identify such drug abusers, so that they can be referred to treatment, seem warranted. However, it should be noted that little is known about the retention rates or rehabilitation outcomes of drug abusers who are TASC participants, as compared with other drug abusers. Nor is much known about the outcomes of drug abusers, as compared with other criminally involved persons.

B. Referral to Treatment.

Referral to treatment usually involves conducting a socio-psychological interview and physical examination. In some cases psychological testing is also used to help assess the most appropriate form of treatment for a specific individual. More than one-half of TASC's clients have been referred to drug-free treatment, about one-fourth to methadone maintenance, one-tenth to jail treatment and a small percentage to detoxification.[34] Major issues related to the treatment referral function concern:

- whether differences in the length of the referral process are associated with differences in client outcomes;
- whether TASC's formal process for referral to treatment is more effective than informal mechanisms;
- the effect of TASC's relationship with treatment on the referral function; and
- the relationship of client characteristics to treatment outcomes.

1. Length of Referral Process. Concerning the relative effectiveness of short versus long referral procedures, a study of five TASC projects concluded that a lengthy process was unwise.[25] There were two reasons for this:

- For the projects studied, the longer process was associated with a concentration of professionals in intake to the detriment of other program components.
- The longer process created an interruption in therapy, when the client was transferred to a treatment program. A shorter diagnostic process required clients to adjust to only one set of counselors, rather than to TASC counselors and treatment staff both.

Although the study recommended that the diagnostic intake and referral process be completed within three days, there has been no systematic analysis of the relative effectiveness of short versus long referral processes across a wide range of TASC projects.

2. Effect of Formalized Referral Process. There is some evidence that formalized referral mechanisms are more effective than informal ones. The inadequacy of informal systems was documented in a study of court-based referral to treatment in the District of Columbia. The study analyzed the outcomes of 1,716 addicts who were processed through local courts in 1971 and had been released on bond on condition of outpatient treatment for addiction. Approximately 60 percent of the addicts released with condition of treatment either did not appear for treatment or dropped out before the pending case reached disposition. Notices of violations of release conditions were sent to the court in only about one-fourth of the cases, apparently because the local treatment staff had little interest in insuring that violations were systematically reported.[42]

Such limitations of informal referral mechanisms influenced the development of TASC's more formalized structure. However, no TASC project has analyzed its referral mechanism, as compared with less formal ones in the community (e.g., probation to treatment, pretrial release conditioned on treatment participation, the situation existing before TASC, etc.). Despite this lack of systematic analysis, members of the criminal justice system in many of the TASC cities Lazar visited commented that the TASC system was better than the less formal referral mechanisms which had existed in the past.

There is also evidence that TASC's formalized identification and referral mechanism is introducing a new group of drug abusers to treatment. For example, a study of five projects found that 55 percent of the TASC clients had no history of prior drug treatment.[25] A later analysis of approximately 8,500 TASC clients in seventeen communities also found that 55% had entered treatment for the first time through TASC, with percentages for individual projects ranging from 31% to 75%.[36]

3. Relationship with Treatment. A recurring observation by staffs at the TASC projects visited was the importance of having appropriate

treatment available for TASC referrals. The existence of adequate treatment within the community will, however, be of little value if the TASC project staff has inaccurate information about that treatment. Current information is particularly important, since treatment programs may change their specific therapies fairly often. A study of the Alameda County TASC project, at an early stage of its operations, found the diagnostic staff unfamiliar with the average length of stay required by the treatment programs.[22, 27]

In addition to the availability of treatment and TASC's knowledge of it, the importance of cooperation between treatment programs and TASC should be considered. Lazar's site visits found evidence of such cooperation in most places, although some TASC projects reported experiencing problems in obtaining the level of cooperation desired. In some cases, the problems arose because treatment programs resisted TASC's reporting requirements. In other cases, the problems reflected more serious differences in philosophy concerning the respective roles of TASC and treatment staffs in client rehabilitation.

4. Association Between Client Characteristics and Outcomes. The referral to treatment decision involves assessment of a client's characteristics and determination of the most appropriate treatment modality for such a person. Several studies have analyzed the relationship between client characteristics and outcomes. For example, analysis of the Alameda County TASC project found that clients living with a spouse/lover or a family member when they entered treatment programs were more likely to remain in treatment than clients living alone or with friends. The study also concluded that those who had finished high school or had some college in their background were more likely to remain in treatment than clients who had less than a high school diploma.[39] A study by the Indianapolis TASC project found that successfully terminated clients, when compared with all clients, were older, more likely to be male and more involved in criminality. In addition, analysis of age and early treatment failure suggested that older clients were more likely to remain in treatment.[8]

Additional analysis of the relationship of age to treatment outcomes is provided by studies of treatment program clients. For example, analysis of approximately one thousand clients of the Addiction Research and Treatment Corporation (ARTC) methadone maintenance program found that clients who were over thirty years old and had been addicted more than nine years were achieving the highest reductions in criminality. Related analysis found that younger clients who were arrested in the year prior to treatment were more likely to terminate in the year after admission than were older clients with arrests in the year before admission. Moreover, analysis of charges by age group showed that a higher percentage of younger clients were charged with crimes than older clients, for most charge categories.[81]

Such findings suggest that younger addicts may represent a more difficult rehabilitation problem than older drug abusers. Other research has also concluded that older addicts may be better treatment risks than younger drug abusers. Indeed, some addicts have spontaneously given up drug addiction in their late thirties, in a process Charles Winick called "maturing out."[70]

C. Monitoring of Clients.

Monitoring of clients includes such activities as tracking clients' treatment progress so that it can be reported to appropriate criminal justice system representatives and following clients' court dates so that clients can be contacted and encouraged to appear for court hearings. Monitoring of clients is assumed to have a favorable impact on client performance, since both success and failure would be promptly reported to interested parties within the criminal justice system.

TASC projects differ in their performance of this function in terms of the frequency (from very often to seldom), type (personal or mail/telephone), volume and tone (neutral or advocate) of the contacts. They also differ in terms of the cooperation received from the various organizations which exchange information with TASC. Such cooperation affects the accuracy of the information TASC transmits and therefore, TASC's credibility with the criminal justice system, treatment programs and clients.

Major issues related to the client monitoring function concern:

- whether client monitoring favorably affects client performance;
- whether client monitoring enhances TASC's credibility with the criminal justice system; and
- whether differences in the style of client monitoring are associated with differences in TASC's effectiveness.

1. Effects on Client Performance. A major issue concerning client monitoring is whether periodic reporting of treatment progress to the court improves client performance. One of the problems noted in a study of a District of Columbia court-based referral-to-treatment program, which predated TASC, was that the threat of court coercion was not a very real one: notices of violations of release conditions were sent to the court in only about one-fourth of the cases.[42] It was thought that more assured reporting might induce more clients to succeed in treatment.

Although TASC projects indicate that they report violations promptly, few studies have analyzed this issue. Denver TASC did, however, conduct a records search which showed that 81 percent of the treatment agreement violations had been reported to the criminal justice system referral source within 48 hours of occurrence.[5]

As important as TASC's reporting to the criminal justice system is that the criminal justice system act on the information provided. Although this has not been systematically studied for either client failures or successes, several TASC projects reported analyzing such data, so that they could conduct follow-up interviews with persons rejecting TASC recommendations.

A study of the court appearance performance of TASC clients, as compared with non-TASC addict-arrestees and non-addict felony defendants, found that TASC addicts did significantly better than non-TASC addicts.

TASC clients represented a bond risk more similar to non-addict felony defendants than to addicts released without treatment conditions.[40] That close supervision may have a favorable effect on performance is also supported by studies of the impact of parole supervision on treatment retention. Such studies conclude that close supervision seems to increase the likelihood that a client will remain in treatment.[63]

2. Effects on Relationship with Criminal Justice System. Several studies have reported that criminal justice system representatives often consider TASC's tracking of client progress an important activity. For example, a study of five TASC projects concluded:

> "The single TASC component most appreciated by criminal justice system officials was the tracking capability which TASC provides. Evidently, this tracking and periodic observation of clients was the one TASC function which served as the greatest inducement to criminal justice system personnel to utilize the TASC program."[25]

This finding was confirmed during Lazar's site visits to TASC projects. Many persons commented on the importance of TASC's role as an intermediary between the criminal justice system and treatment programs. In many places TASC was perceived by the criminal justice system as less protective than treatment programs of clients. Indeed, in some cases the existence of TASC seemed to have enhanced the credibility of treatment by insuring that clients could not use treatment referral to escape prosecution in the event of failure.

3. Differences in Style of Client Monitoring. Individual projects have vastly different monitoring styles, which are reflected in variations in the frequency, type, volume and tone of their contacts with different criminal justice and treatment system representatives. Despite these stylistic differences, little is known about their impact on TASC's effectiveness, either in establishing credibility with the criminal justice and treatment systems or in improving client performance. Moreover, there has been no study of TASC's effectiveness at the monitoring function, as compared with other groups which sometimes perform it. For example, treatment programs may report to the court on client progress, and probation officers may contact treatment programs concerning client outcomes.

D. Direct Service Delivery.

Direct service delivery by the TASC staff can take the following forms:

- provision of treatment, in the community or in jail, through individual or group counseling sessions;
- provision of ancillary services, such as vocational rehabilitation assistance or medical attention, either in addition to or in lieu of similar assistance by treatment programs;
- routine client contact, through periodic meetings with clients; or

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- client contact during times of crisis, such as when a client drops out of treatment.

Major issues related to TASC's direct service delivery concern whether the provision of the service itself affects client performance and whether it is more effective for TASC to provide such services than for other organizations to do so.

1. Importance of Treatment. Studies of treatment outcomes have considered such topics as whether clients commit fewer crimes after entering treatment, whether longer participation in treatment is associated with lower criminality and whether patterns of crime (i.e., types of charges) differ before and after treatment. Selected findings include:

- An analysis of client outcomes for a methadone maintenance treatment program in New York City found a remarkable reduction in all antisocial activities, including criminality, after clients began treatment. These included a 98 percent decrease in incarcerations, a 90 percent decrease in convictions and a 94 percent reduction in arrests of clients.[43]

- A study of clients of the Illinois Drug Abuse Program found significant reductions in arrest rates during the period of outpatient treatment, as compared with the two years prior to admission. Moreover, people who stayed in treatment longer experienced lower arrest rates.[84]

- Analysis of the Phoenix House therapeutic community found that the program's graduates and dropouts both experienced reduced levels of criminal activity and that arrest rate reductions after treatment were greater the longer people had remained in treatment. The study also noted that the largest reductions occurred among involuntary residents.[49]

- A study of nineteen New Jersey treatment programs found significant decreases in arrest rates after treatment entry as compared with the pre-treatment period. Also, as clients stayed in treatment longer, fewer of them were arrested.[72]

- An evaluation of approximately one thousand clients in the Addiction Research and Treatment Corporation (ARTC) methadone program in New York City found that their arrest rates increased sharply in the period of addiction and decreased after program entry. Analysis by charge indicated that drug offenses showed the greatest decreases from the addiction period to the second year of treatment. However, there was no return to the pre-addiction charge rate levels, even two years after program entry, for any charge category.[81]

In summary, a number of studies have found that arrest rates decrease when clients enter treatment programs. In addition, several studies have indicated that reductions in criminality increase as people either stay in treatment for longer periods of time or graduate. However, analysis of arrest reductions by type of charge indicate that many of the arrests before entering treatment were for drug law violations and that much of the reduced criminality after entering treatment occurs for these offenses. In addition, some studies have found that treatment dropouts experience as much reduced criminality as clients remaining in treatment. Therefore, there appears to be a reasonable basis for the belief that the provision of treatment will result in reduced criminality. However, the level of such reduction and whether it should be attributed to the effects of treatment alone, cannot be precisely assessed.

Even if it could be conclusively demonstrated that treatment reduces client criminality, it would be necessary to consider whether treatment should be provided by TASC, rather than another organization. In most cases, however, TASC projects provide a specialized type of treatment unavailable at other local organizations.

2. Importance of Client Contact. The importance of client contact on either a routine or a crisis intervention basis has not been systematically addressed. A related issue is whether the frequency of TASC's contacts with clients affects the accuracy of the information clients have about the TASC program and its requirements. An analysis of five projects repeatedly found that clients had poor information about TASC.[25] However, no studies have assessed whether the accuracy of clients' information concerning TASC is associated with differences in client performance or other variables of interest.

E. Management.

Management of a TASC project can be accomplished in an active or a passive manner, as illustrated by:

- the extent to which management tries to change unfavorable environmental constraints;
- the types of evaluation accomplished and the uses made of results; and
- the extent to which management tries to encourage client rehabilitation, as compared with merely presenting clients with the opportunity for rehabilitation.

Although projects vary along a spectrum from very passive to very active, there is at present little information concerning which management style achieves the greatest results.

With regard to evaluation, although many projects have conducted such studies, little is known about the uses made of the results. A major problem with these studies, considered as a group, is that each tends to be

accomplished somewhat differently. For example, the type of evaluation may vary, the definitions used for the same types of evaluation may differ from project to project, or similar basic data may be collected but categorized in ways which preclude comparable analyses across projects. Therefore, although many of the existing evaluation studies are of value when considered for an individual project, they are of limited use when assessing the TASC program as a whole.

III. TASC CLIENT FLOWS

It is important to consider the interrelationships of TASC activities, as well as to analyze each function separately. One way to understand these interrelationships is to trace the client flow through a project, from the point of initial identification to final termination from the program. There are three conceptually different types of client flows at TASC projects:

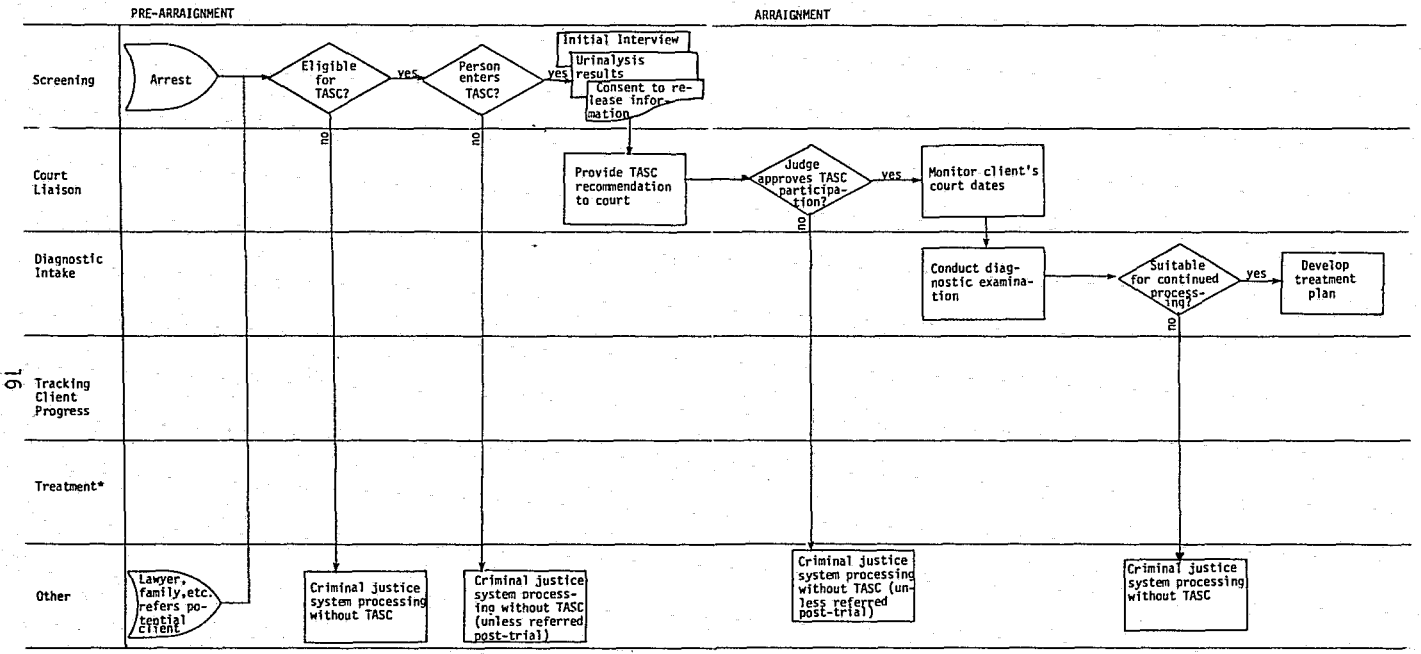
- pretrial intervention, in which a client is identified before trial, normal judicial processes occur and information on progress in treatment is provided to the court for use in the sentencing decision;
- diversion, which in some jurisdictions provides that the case will not come to trial if treatment progress is satisfactory; and
- posttrial processing, in which a client is identified and referred to treatment after the case has been adjudicated.

A. Pretrial Intervention.

Figures 2 through 4 show a typical pretrial intervention client flow. Usually, a potential TASC client is identified soon after arrest, screened for eligibility and diagnosed for referral to treatment. While in treatment, progress is monitored and reported to appropriate criminal justice system officials. If the client is brought to trial and found guilty, information on treatment progress is provided for use in sentencing. If continued TASC participation is sanctioned by the court, the client continues in treatment. TASC monitors treatment progress until the treatment requirements have been fulfilled, the TASC requirements have been met or the criminal justice system's hold on the client ends. At any point in this process, client failure can result in resumption of criminal justice system processing.

The client flow shown in Figures 2 through 4 is merely illustrative of TASC's processing activities. A specific project may have slightly different processing stages (e.g., more elaborate screening procedures), a different set of project components (e.g., court liaison and tracking may be combined), a different allocation of responsibility among components for the accomplishment of processing stages (e.g., the tracking component, rather than the court liaison unit, may provide treatment progress information

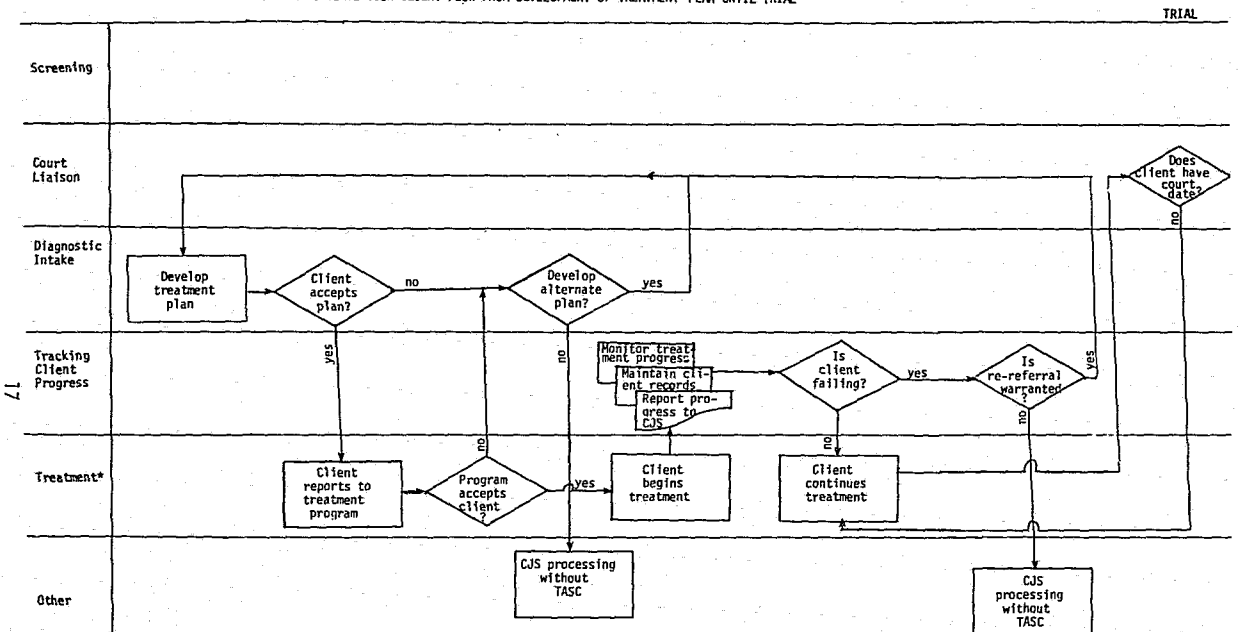
FIGURE 2. PRETRIAL INTERVENTION CLIENT FLOW FROM IDENTIFICATION UNTIL DEVELOPMENT OF TREATMENT PLAN



*Treatment may be provided (a) by TASC or other programs and (b) in the community or jail. Treatment includes provision of ancillary services.

Legend: Entry, Decision, Process, Document

FIGURE 3. PRETRIAL INTERVENTION CLIENT FLOW FROM DEVELOPMENT OF TREATMENT PLAN UNTIL TRIAL



*Treatment may be provided (a) by TASC or other programs and (b) in the community or jail. Treatment includes provision of ancillary services.

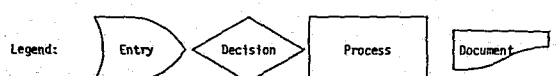
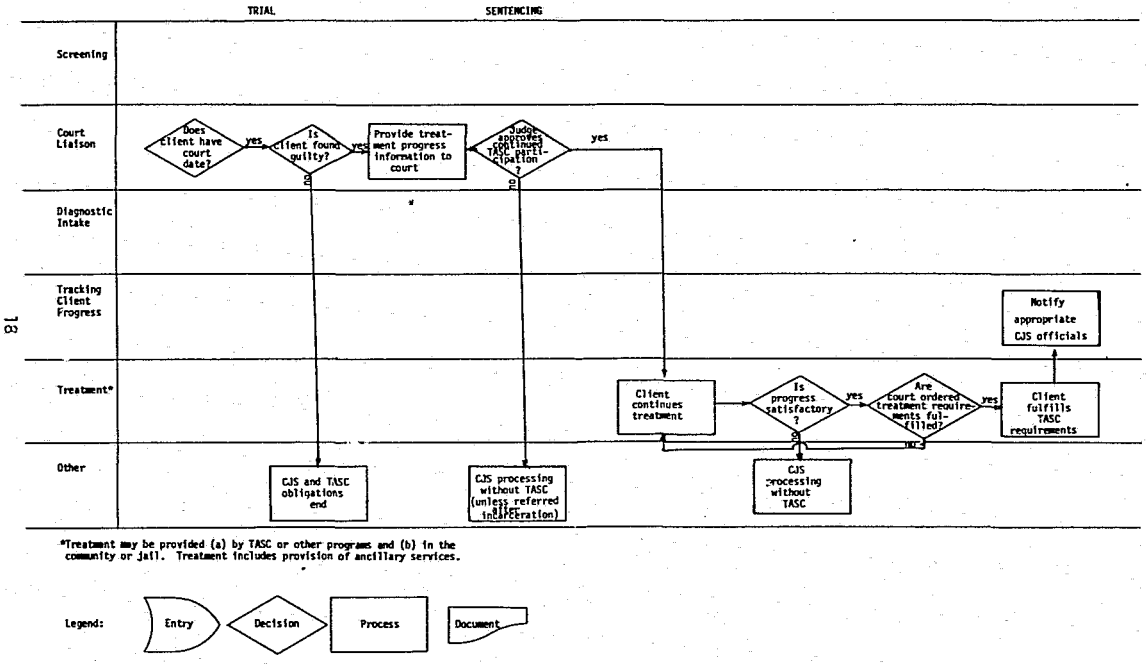


FIGURE 4. CLIENT FLOW AFTER TRIAL



*Treatment may be provided (a) by TASC or other programs and (b) in the community or jail. Treatment includes provision of ancillary services.

for the court's use when considering sentencing), or different timing of the activities shown (e.g., diagnostic intake may occur before arraignment).

B. Diversion.

In some communities diversion is also available to TASC clients. Eligibility criteria for diversion are usually more restrictive than for pretrial intervention, and the rewards for successful participation are greater: diverted TASC clients who succeed in treatment do not have to face trial. This outcome may occur in a variety of ways in different jurisdictions. For example, charges may be dropped, arrest records may be expunged or the case may simply not be prosecuted.

The specific TASC activities associated with diversion are similar to those for pretrial intervention, with the exception that successful clients do not come to trial. Potential clients are still interviewed for eligibility, diagnosed for referral to treatment, monitored while in treatment and have their progress reported to relevant members of the criminal justice system.

C. Posttrial Processing.

Posttrial processing is similar to pretrial intervention, except that all TASC activities occur after the client's trial has been completed. Potential clients may be referred to TASC for diagnosis and development of a treatment recommendation which the court can consider when making the sentencing decision; they may be referred by the court or probation department after sentencing; or they may be referred by the parole department after incarceration. In all cases TASC conducts its diagnostic activities, refers the client to appropriate treatment, monitors progress and reports on client performance.

D. State of Knowledge Assessment.

Major issues related to client flows concern:

- whether client losses occur primarily at certain points in the flow processes and the reasons for such losses;
- whether clients processed through the different flow mechanisms have significantly different outcomes;
- whether there is continuity of pre- and post-trial TASC processing;
- the effect of different termination criteria and procedures on program effectiveness; and
- whether clients' legal rights are being protected during TASC's various processing stages.

During the site visits to TASC projects Lazar found that individual projects usually possessed a substantial amount of information on client flows and losses. Table 1 summarizes the availability of specific items of

Table 1: Availability of Client Flow and Loss Information for Twelve TASC Projects

Information Item	Number of Projects Possessing Information Item
Arrests	10
Drug abusers	3
Drug abusers eligible for TASC	6
Eligibles interviewed for TASC	10
Eligibles not interviewed by TASC	8
- by reason	6
Arrestees released to TASC	10
- by release status	9
Eligible drug abusers not released to TASC	9
- by reason	3
TASC clients reaching Intake	12
- by referral source or release status	11
TASC clients not reaching Intake	10
- by referral source or release status	9
- by reason for failure to show	8
TASC clients not completing Intake	10
- by referral source or release status	9
- by reason	7
TASC clients referred to treatment	12
- by modality	9
TASC clients appearing at treatment	12
- by modality	9
- by referral source or release status	9
TASC clients not appearing at treatment	9
- by modality	9
- by referral source or release status	9
- by reason for failure to show	1
TASC clients in treatment at point in time	12
- by length of time	10
- by modality	12
- by referral source or release status	10
TASC clients leaving treatment	12
- by reason	6
- by modality	10
- by program	9
- by referral source or release status	10

flow information at twelve TASC projects, including the ten visited. Many projects had relatively complete information, with the major gap consisting of reasons for various losses.

Differences in outcomes of persons in the various flow processes have not been analyzed. It is not known whether diverted clients do best, since they appear to have the strongest incentives (i.e., the dropping of prosecution), or whether posttrial referrals do better than pretrial referrals, since their court outcomes have been determined and thus the incentives may seem more certain.

In addition, little is known about whether there is continuity of pre- and post-trial processing (i.e., whether pretrial TASC clients are probated to TASC posttrial, rather than receiving a sentence which disregards earlier TASC participation). The possibility that such continuity might not exist is raised by a study of a court-based treatment referral program in the District of Columbia. The study found that persons who had been conditionally released to treatment before trial were often not probated to treatment after trial. In fact, less than one-third of the persons who were identified as addicts prior to trial, referred to treatment as a condition of pretrial release and sentenced to probation actually remained in treatment as a condition of probation.[42]

Another important consideration with regard to client flow concerns the criteria and procedures for TASC termination, whether due to failure or success. Termination criteria are most commonly based on the client's attendance record, urine tests and rearrests. Some projects also include a clinician's evaluation of client progress in treatment or a change in legal status. Although substantial variation exists, little is known about the relative effectiveness of the different termination criteria and procedures.

TASC's various interventions have raised a number of legal issues.[9, 13, 80] These concern:

- identification of drug abusers, particularly whether TASC's screening interviews and urinalysis tests are conducted under truly voluntary conditions;
- selection and admission of drug-dependent arrestees into TASC, including whether eligibility criteria violate equal protection rights, whether treatment participation can be a condition of pretrial release and whether participants in diversion programs can be required to plead guilty as a condition of program admission;
- determination of points at which TASC clients are entitled to counsel, specifically, whether counsel should be present during screening interviews or when the option of diversion is presented; and
- termination of TASC clients, particularly specification of legally permissible grounds for termination, use

of proper procedures and determination of legally permissible results of termination.

Although these issues have been widely discussed, they have not been subjected to the court tests required to resolve them.

IV. AVAILABILITY AND USE OF RESOURCES

The resources of TASC projects should be analyzed, since different levels or types of funding, staff and facilities may be associated with different levels of project or client success. Moreover, resource estimates should be compared with project outcomes as part of assessing the project's value.

All TASC projects maintain data concerning funding. However, funding comparisons across projects must be made with caution, since the same budget level may support vastly different services (sometimes including treatment) at different projects. Despite these limitations on comparability, the cost per client served is often calculated for TASC projects. Findings include:

- A study by System Sciences, Inc. of five TASC projects found the cost per client ranged from $1049 to $2044.[25]
- An analysis by Abt Associates, Inc. indicated that cost per client ranged from $300 to $4900 and averaged $1900 for the 16 projects considered.[1]
- A Lazar telephone survey of TASC projects found that the cost per client ranged from $214 to $2055 and averaged $932 for 16 projects.

Although costs of TASC's services are not insignificant, whether these costs should be considered high or low depends upon the outcomes of TASC clients, as compared with likely outcomes in the absence of TASC intervention, and upon the costs which would have been incurred without TASC. For example, if most TASC clients who are released do well and would otherwise have been detained, the savings in detention costs would probably exceed TASC's costs. However, such studies have not been conducted.

Several relevant analyses concerning staff have been suggested. These include assessments of staff background, level and type of training received at TASC, turnover, vacancy rates and the staff-client ratio. Although much of the data required to conduct such studies is available at individual TASC projects, little systematic consideration of these factors has occurred. For example, Lazar's telephone survey of twenty-two projects found that staff-client ratios ranged from 1:1 to 1:61 and averaged 1:12. However, these data are somewhat misleading, since they cover projects in different stages of development and staffs with varying responsibilities for client service. In addition, there has been little analysis of the effects of different staff characteristics or TASC training procedures on projects' effectiveness. Nor has the impact of turnover and vacancy rates been addressed.

Two important measures concerning facilities are the adequacy of space and the appropriateness of the project's location. Presumably, a project with inadequate space will be hindered in its operations, and consequently, will do a less effective job. Project effectiveness may also be reduced if a component is located in an area relatively inaccessible to important groups with which it interacts. For example, a court liaison unit may be less effective when it lacks physical proximity to the courts with which it deals. However, there has been no analysis of whether facilities' adequacy in terms of space, or appropriateness in terms of location, has affected project performance or client outcomes.

V. EXTERNAL FACTORS

Two major types of external factors must be considered: the universe of possible clients and environmental factors. Although TASC can, to some extent, select from the universe of possible clients those which it will serve, it has relatively little influence on the overall size of that universe or the characteristics of persons within it. Similarly, although TASC may take actions designed to influence environmental factors, it still must operate under some constraints over which it has little control. These environmental factors include the nature of the criminal justice system and style of law enforcement; the type and quality of drug abuse treatment; and such other variables as the nature of the drug abuse and crime problems, economic conditions and the attitudes of important groups toward TASC.

In general, most information concerning the impact of external factors on TASC operations is impressionistic. Although individual TASC projects often identify such factors, assess the limitations they impose and try to change factors which impede operations, there has been little systematic analysis or documentation of this process.

A. Universe of Possible Clients.

The universe of possible clients must be considered in terms of the size of the universe and the characteristics of the persons within it. The size of the universe of possible clients depends both on the number of criminally involved drug abusers in the area and the eligibility criteria for TASC participation. The number of criminally involved drug abusers depends in turn on the number of crimes committed by drug abusers within the area and the aggressiveness of the local police force in making arrests.

Eligibility criteria for TASC participation usually include evidence of drug abuse and some restrictions as to charges. Typically, criteria are stricter for diversion eligibility than for other forms of TASC processing. TASC is assisted in establishing eligibility criteria for its various interventions by different groups within the criminal justice system, such as the prosecutor and judges. The resulting eligibility criteria in different communities may be very limited or quite broad and may be applied in a strict fashion or somewhat loosely.

The impact of differences in eligibility criteria on TASC project operations or outcomes has not been analyzed. Nor has the impact of

changes in eligibility criteria been assessed for projects experiencing such changes. Moreover, little is known about the universe of potential TASC clients, although individual projects often have procedures for estimating the overall size of this universe.

In addition to the size of the universe of potential clients, characteristics of persons within it must be considered. These characteristics can be analyzed in terms of background variables, such as age, race and sex; lifestyle variables, such as length and type of drug abuse or criminality; and prior treatment experiences. A general hypothesis concerning client characteristics is that persons who are initially either the "best off" or the "worst off" will have better outcomes than persons who are between those extremes. Such a hypothesis has been considered by a number of studies of treatment program effectiveness as well as by several analyses of TASC projects. Although these studies are not conclusive, there is some evidence that better educated clients having less severe drug and crime problems, with stable living arrangements and family/friendship patterns supportive of rehabilitation are more likely to succeed in treatment.[39] However, at the other end of the spectrum, there is some evidence that older "hard-core" addicts "mature out" of heroin addiction and, therefore, represent good treatment risks.[8, 70, 81]

B. Environmental Factors.

Relevant environmental factors include: the nature of the criminal justice system and style of law enforcement; type and quality of drug abuse treatment programs; and such other variables as the local drug and crime problems and economic conditions.

The nature of the criminal justice and treatment systems affects TASC projects by providing a positive, negative or neutral climate for their operations. The operating climate is influenced by such factors as:

- past experiences with similar organizations;
- assessment of the TASC staff's honesty and competence in monitoring and reporting clients' progress;
- the ways in which TASC's progress reports and other TASC information are used; and
- attitudes of the group involved toward changes in traditional handling of criminally involved drug abusers.

Although many TASC projects report excellent relationships with the criminal justice system, others have experienced a variety of problems. Examples of such problems include:

- An analysis of Denver TASC found that judges took action against only 6 percent of the violations reported by TASC.[5]

- At one project police clearance for TASC screeners was delayed for more than six months.

- In one city many potential clients were arrested for drug charges which had a low probability of ever being filed upon. Indeed, the study estimated that only about 35-45 percent of the identified drug users were ever filed upon for the arrest charge.[5]

- Some TASC projects reported that judges were reluctant to use treatment as a condition of release.

- Several TASC projects were having difficulty persuading prosecutors to relax eligibility standards, especially for prospective diversion clients.

- Some projects were unable to reach an agreement with the police concerning use of police records to analyze criminal history information.

TASC projects also reported use of a variety of techniques designed to increase cooperation and reduce problems. These included:

- funding parts of criminal justice system agencies, such as a staff person in the prosecutor's office or the probation department;

- visiting any judge who did not follow a specific TASC recommendation to discuss reasons for rejecting the recommendation;

- insuring that criminal justice system agencies were promptly informed of changes in TASC's procedures, either through periodic briefings or personal contact of a less formal nature; and

- including all concerned agencies in the early planning sessions in which the TASC project was designed.

Despite this variation in the range of problems identified, the level of cooperation received, and TASC's efforts to increase criminal justice system cooperation, there has been little systematic analysis of the impact of these differences on TASC's performance. However, a variety of analyses could be proposed to assess the nature of both the criminal justice and treatment systems as they affect TASC's operations. Such analyses could consider:

- the degree of cooperation by each major group, (e.g., judges, prosecutor, probation department, police, treatment, etc.) with TASC;

- the extent to which TASC has tried to influence each group to become more cooperative;

- the degree of TASC success in influencing each group to become more cooperative; and
- the accuracy of each group's information about the TASC program.

Other factors which affect TASC operations are: the nature of the drug abuse problem; the nature of the crime problem; economic conditions and the attitudes of important groups. Although individual TASC projects have sometimes analyzed the influence of these factors on their operations, and in some cases have acted to minimize any adverse effects, the overall impact of these factors on the TASC program has not been studied. Indeed, such a study would be a difficult, and probably costly, one to implement, since these factors not only vary widely among communities but also may vary considerably over time within the same community.

C. Concluding Remarks.

One way of viewing external factors is that they must have certain characteristics as pre-conditions for TASC success. For example:

- The local drug and crime problems must be such that many persons require TASC's services.
- Eligibility criteria must be broad enough to permit selection of an adequate client group.
- Criminal justice and treatment systems must at least not actively oppose TASC.
- There must be adequate treatment available to absorb TASC's referrals. In some cases, TASC may have to provide this treatment.
- The economic environment must be one which permits client rehabilitation.
- Projects must avoid active opposition by important groups in the community.

Although it is important for an individual project to assess external factors and try to change those which hinder its operations, it may be less important to study the impact of external factors on the TASC program as a whole. Evaluative priorities are probably higher for other areas, particularly analyzing the client outcomes which result from the interaction of TASC operations and external factors.

VI. OUTCOMES

A. Impact on Clients.

TASC participation is assumed to influence clients to enter and remain in treatment. Successful completion of treatment is in turn assumed to be associated with such outcomes as reduced criminality, lessened drug abuse, improved economic status and revitalized health, both physical and mental. These outcomes

will materialize because successfully treated clients will no longer be drug dependent, or need to commit crimes to obtain funds to purchase drugs. Moreover, they will be better able to hold a steady job or otherwise participate in the economy through legal means and will no longer be prone to a variety of drug-related illnesses.

Individual TASC projects report monthly on clients who are rearrested on new charges. As of October 1, 1975, eight percent of the TASC clients at 22 reporting projects had been arrested on new charges while in TASC. Only limited analysis has been done of the recidivism of different groups of TASC clients, such as those who completed TASC compared with those who failed to do so, clients participating in TASC for different lengths of time or clients with different characteristics.

In addition to arrest data, several TASC projects have analyzed other types of outcome information. However, these data are usually quite limited in scope, often consisting of the percent of clients retained in treatment or the percent of positive urine tests during treatment participation.

In assessing TASC's impact on client outcomes it is important to note that this impact occurs in part because of treatment programs' rehabilitation efforts. The overall TASC/treatment intervention must be considered, since TASC's value is obviously greater if clients experience long-run rehabilitation than if only short-term gains result. In addition, since a major assumption underlying the TASC program is that treatment will be beneficial, it is important to assess whether it has been. It is also important, however, to try to separate the effects of TASC from those of treatment to determine whether TASC's identification, referral and monitoring of clients produces significantly better results than less formal systems for treating drug-dependent arrestees. Although this issue could be partly assessed through analysis of TASC client outcomes vis-a-vis those of an appropriate comparison group, such a study has not been done.

The present state of knowledge regarding TASC client outcomes consists of findings from studies of treatment programs, concerning their effects on client rehabilitation, and several analyses of TASC clients. One area of interest is whether retention in treatment and completion of it are associated with better client outcomes than lack of treatment or dropping out. Selected findings from the treatment literature include:

- Analysis of a methadone maintenance treatment program in New York City found progressively lower arrest rates in clients who stayed in treatment longer. For example, clients with thirteen or more months of treatment experienced an 82 percent reduction in arrests over the year before admission, as compared with a 57 percent reduction for all clients.[78]

- A comparison of client arrest rates for the two-year period prior to admission to the Illinois Drug Abuse Program and the period during treatment found a 36 percent reduction in arrests for all clients, a 45 percent reduction for persons retained in treatment

for at least 20 weeks and a 10 percent reduction for persons who stayed in treatment for five weeks or less.[84]

- A study of the Phoenix House therapeutic community found that arrest rate reductions after treatment, compared to pre-program levels, were greater the longer people remained in treatment. Persons who left within three months experienced a 7 percent reduction in arrests in the year after leaving treatment; those who left within three to eleven months had a reduction of more than 40 percent; and those who stayed more than 11 months experienced a 70 percent reduction.[49]

Although several studies have found sharp decreases in arrests after treatment, as compared with those before treatment, there is some evidence that the period immediately preceding treatment entry is a time of unusually high criminal activity. For example, a study of Addiction Research and Treatment Corporation (ARTC) clients, which found sharp increases in arrest rates in the period of addiction and decreases after program entry, noted that the year preceding admission was the peak year of criminal activity.[81] The researchers observed that, if this is a general pattern, past studies of treatment effectiveness may have overstated the impact of treatment on reducing criminal behavior. Some decline from the unusually high level of criminality at the time of program entry might have occurred even in the absence of treatment. To assess this hypothesis would require comparison with a similar group of people who did not receive treatment.

One type of arrest comparison was suggested in a study of 269 New York City addicts in the St. Luke's Hospital methadone program. Since it might be unrealistic to expect crime rates for treatment program clients to be substantially below those of the surrounding community, the study analyzed the arrest rates for the two police precincts in the vicinity of the hospital and compared them with those of the program's clients.

The study found that the general population averaged 3.35 arrests per hundred person-years while methadone clients had averaged 3.30 arrests per hundred person-years before starting to use heroin, 41.04 arrests during heroin use and 9.82 arrests during methadone treatment. Thus, the pre-addiction arrest rate of methadone clients had been approximately the same as that of other community residents. The arrest rates of methadone clients had increased sharply during the period of heroin use and, although arrest rates declined significantly after entering treatment, they did not fall to pre-addiction rates. This pattern held for various categories of offenses, as well as for overall arrest rates.[48]

The impact of criminal justice coercion on treatment performance has been analyzed only minimally. A study of Phoenix House clients noted that the largest reductions in arrest rates occurred among involuntary residents and suggested, therefore, that channeling heroin addicts from the criminal justice system to therapeutic communities might be an effective alternative to incarceration.[49] In addition, a study of Richmond TASC compared the retention rate of all clients admitted to TASC with that of clients sent

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by the court. Fifty-five percent of all clients and seventy-four percent of court referrals were retained.[31] Finally, studies of parole supervision also indicate that criminal justice system pressure may affect client performance favorably.[63]

Although there is some evidence that criminal justice system pressure may improve client performance, and additional evidence that treatment for drug abuse may be associated with reduced criminality, these studies cannot be relied upon to assess TASC's impact. Defensible statements regarding TASC's effect on client outcomes can only be made by conducting follow-up analysis of former clients after the period of TASC participation ends and comparing their outcomes with those of an otherwise similar group which did not enter TASC. Since such analysis has not been conducted, no conclusive statements regarding TASC's impact can be made.

B. Impact on Environment.

Issues to consider in assessing TASC's impact on the environment include:

- whether TASC changed the processing burdens of the criminal justice system;
- whether TASC projects were institutionalized, by obtaining alternate funding after Federal support ended;
- whether TASC served as a model for development of similar programs (e.g., for arrested alcoholics);
- whether TASC influenced the style of the criminal justice system or of treatment delivery with regard to criminally involved drug abusers; and
- the extent to which TASC's activities constitute interventions in drug abuse epidemics.

TASC's activities can affect the processing burdens of the criminal justice system in a variety of ways. Immediate impacts can be assessed by comparing client outcomes for the present charge with probable outcomes in the absence of TASC intervention and analyzing the implications of any outcome differences in terms of criminal justice system processing burdens. Ultimate impacts, as opposed to immediate ones, would require consideration of differences in long-term rehabilitation, including changes in criminal recidivism, and the implications of such differences for criminal justice system processing burdens.

In the assessment of either immediate or ultimate impacts, it is important to consider the varying effects of a given outcome on different parts of the criminal justice system. For example, if a TASC client who would otherwise have been incarcerated is probated and succeeds in treatment, there will be a reduced burden on corrections facilities but an increased burden on the probation department. If the client fails, there may be an increased burden on the police department, if additional crimes are committed before the person is apprehended. Although it is important

to consider the probable effects of TASC's interventions on the various parts of the criminal justice system, such analysis has not been conducted.

A second type of environmental impact is whether the TASC project becomes institutionalized, that is, whether local and/or State funding replaces the initial Federal funding. As of November 1975, nine TASC projects had either completed their maximum period of Federal funding (two grant years) or been terminated before completion of that period. Three projects had ceased operations: Wilmington, New York City and St. Louis. These projects were unable to obtain sufficient clients to warrant continuation of TASC activities and were terminated before completion of the Federal funding period.

The six projects which had completed their maximum period of Federal funding were institutionalized through State or local funding. Austin, Marin County and Philadelphia received continuation funding from LEAA bloc grants administered through State planning agencies. Cleveland received formula grant funds from the Ohio single state agency for drug abuse prevention. The Alameda County and Dayton projects were incorporated into broader pretrial services programs.

Aside from reporting projects' success or failure in achieving State and local funding, little else can be said about the institutionalization process. No analyses have considered whether institutionalization reflects the locally perceived value of the projects or merely the local financial situation. Nor have any analyses assessed the operations of TASC projects before and after institutionalization. In addition, there has been no systematic analysis of the process by which projects become, or seek to become, institutionalized.

A third type of environmental impact concerns TASC's use as a model for similar programs. Analogous programs in the same community could serve alcoholics, persons with mental health problems, or similar groups of arrestees. Indeed, during Lazar's site visits, several TASC communities reported that the TASC approach was being considered for use with other groups. In addition, TASC could serve as a model for similar programs in nearby communities. However, the extent to which TASC may have served as such a model has not been documented.

A fourth possible environmental impact consists of attitudinal or behavioral changes induced in the criminal justice or treatment systems which affect the ways those systems process criminally involved drug abusers. Although this topic has not been closely studied, a variety of comments obtained during Lazar's site visits indicated that members of the criminal justice system had developed a higher opinion of treatment as an alternative to routine criminal processing of addict-defendants. In addition, some criminal justice system members observed that TASC's monitoring of treatment progress had made treatment programs more accountable concerning accurate and prompt reporting of such information.

On the treatment side, some programs reported that TASC had freed them from the need to develop a detailed understanding of the operations of the criminal justice system. Programs could, instead, call upon TASC for advice in criminal justice system matters concerning clients.

However, all comments by both criminal justice system and treatment personnel were impressionistic ones. Although these comments, taken as a whole, support the beliefs that TASC has improved communications between the criminal justice and treatment systems and that each of these systems now has a better understanding of the problems of criminally involved drug abusers, no study has analyzed the extent to which these changes have occurred or the resulting differences in TASC's operations or clients' outcomes.

Another possible TASC impact on the environment is intervention in drug abuse epidemics, by identifying and referring to treatment persons who would otherwise not have been treated until a later date (if at all). It has been widely documented that TASC identifies a substantial number of drug abusers who have not received prior treatment. For example, two studies of TASC projects each found that 55% of TASC's clients had never before been treated for drug abuse.[25, 36]

C. Cost-Benefit Analysis.

Judgments about TASC's effectiveness should consider not only TASC's outcomes but also the costs of achieving those outcomes. Moreover, such analysis should assess the likely outcomes and costs in the absence of TASC's intervention. Several projects have attempted to estimate the probable savings to society in terms of property crimes not committed by TASC clients and to compare these savings to TASC's costs. Although such estimates usually show the TASC project to be remarkably cost-beneficial, the analyses are usually based on somewhat tenuous assumptions, such as:

- TASC clients would have continued to commit the same type and level of crimes as they did immediately before apprehension, if TASC had not intervened; or
- a certain percentage of the costs of TASC clients' heroin habits would have been supported by thefts of property, for which addicts would have received cash in accordance with an estimated "fence factor."

A more appropriate analysis would assess outcomes of a comparison group of persons who are similar to TASC clients in all important aspects except TASC participation. These outcomes, and costs of achieving them, could be compared with those of TASC clients to analyze the effectiveness of the TASC program. However, such analysis has not been conducted.

VII. MAJOR GAPS IN KNOWLEDGE

There are three major gaps in the present state of knowledge regarding the TASC program:

- the lack of data on client outcomes after completion of the TASC program, especially as compared with otherwise similar groups of non-participants;

- the absence of standardized information on project operations, which could be used for cross-project comparisons of such items as the number of persons processed through various TASC stages and the associated costs of that processing; and

- the lack of analysis of the institutionalization process by which projects obtain State and local funding to replace the initial Federal support.

Lazar recommends that these gaps be filled, so that TASC's value can be appropriately assessed.

A. Client Outcome Analysis.

The outcomes of TASC clients after leaving the program should be analyzed, since TASC is obviously more effective if it induces long-run changes in client behavior than if only short-term improvements in performance result. This analysis should consider whether the combined TASC/treatment intervention leads to significantly better outcomes than the lack of such intervention and whether TASC's activities alone are crucial for achieving improvements in client outcomes.

To address these issues, Lazar proposes conducting follow-up interviews with TASC clients from several programs selected to represent the full range of TASC interventions. These outcome data could be compared with those for groups which did not participate in TASC, such as drug abusers on probation in similar treatment programs or persons eligible for TASC who did not volunteer for it.

Outcomes to be considered include changes in criminality, drug abuse, employment and health. In addition to analysis of outcomes of TASC clients vis-a-vis those of comparison group members, outcome differences should be assessed for various TASC client subgroups, including those participating in pretrial intervention as compared with diversion and posttrial processing; those abusing heroin versus other types of drugs; and those charged with less serious crimes, as compared with clients charged with more serious ones.

The client outcome study could be supplemented with a brief analysis of TASC project operations and the external factors affecting those operations. This would permit consideration of whether significant outcome differences are associated with particular project or community characteristics. Issues of interest include whether TASC projects which operate most efficiently have the greatest impact on client outcomes and whether the projects which receive the greatest cooperation from the criminal justice and treatment systems are the most effective at client rehabilitation.

B. Standardized Information on Operations.

An important problem pervading past analyses of the various aspects of TASC's operations (e.g., functions, client flows, use of resources) is the lack of comparable information across projects. Since individual projects already collect much of the data required to analyze their operations, it should be relatively inexpensive but quite beneficial to design stan-

dardized ways of collecting and analyzing these data which would permit assessment of the TASC program as a whole. At present, definitions vary across projects, and analytical categorizations of TASC clientele and processing stages are made in slightly dissimilar ways which preclude such analyses.

Standardized information could be obtained on client characteristics, workload by function, losses in various stages of TASC processing and cost and other resource data related to TASC's operations. Discussions with staff of various TASC projects could probably lead to agreement on standardized ways of obtaining, classifying and reporting information which most projects are now collecting. Consequently, current data collection procedures could be made more valuable for cross-project comparisons, without imposing significant additional reporting burdens on individual projects. If comparable data were analyzed periodically, and the results provided to the various projects, the capability of identifying possible problems at an early date would be increased. Thus, such data could have important operational impacts as well as improve the state of knowledge regarding the TASC program.

C. Institutionalization Analysis.

Provision of Federal support for TASC is based on the assumption that projects will obtain State or local funding after the Federal demonstration period ends. Although achieving such institutionalization is a major goal of the TASC program, the outcomes of institutionalization have not been analyzed. Issues of interest include:

- whether the projects are preserved intact or whether some functions are dropped and others changed;
- whether there are major differences in the clientele served before and after institutionalization; and
- whether sharp differences in client outcome are noticeable before and after institutionalization.

In addition to the lack of analysis of the outcomes of institutionalization, there has been no study of the process itself. Important topics to consider include whether certain project or community characteristics are prerequisites for institutionalization, identification of important local groups and techniques used to obtain their support, time phasing of activities related to institutionalization, and the problems encountered during the process.

To fill these gaps in knowledge, Lazar proposes preparation of case studies documenting the process and outcomes of institutionalization in selected TASC communities. Such case studies would provide insight on the institutionalization process, which would be of value for TASC projects seeking State and local funding, as well as information on institutionalization outcomes, which would be of value to LEAA in assessing the long-run impact of initial Federal support for the TASC program.

If these gaps in knowledge concerning client outcomes, standardized information on operations and the institutionalization process were filled, more appropriate judgments could be made about the value of the benefits

accruing from the allocation of funds to the TASC program. Although TASC's short-term effects include an eight percent rearrest rate while clients participate in the program, the inducement of a large number of people (about 55 percent of all TASC clients) to enter treatment for the first time and impressionistic information that TASC's activities have improved the interface between the criminal justice and treatment systems, such findings cannot substitute for analysis of a program's long-range impact. The lack of client outcome analysis in particular precludes defensible statements regarding TASC's long-range impact on drug-related crime or the associated processing burdens of the criminal justice system.

APPENDIX J

THE SUBCOMMITTEE CONSIDERED THE FOLLOWING BILLS IN ITS DELIBERATIONS:

94TH CONGRESS
1ST SESSION

H. R. 8967

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1975

Mr. RODINO (by request) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Courts Improvement Act of 1975".

SEC. 2. Congress finds that the burgeoning workload of the State court systems as a result of the increase in both civil and criminal litigation threatens the rights of criminal defendants and hampers efforts to reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people. In order to insure a fair and speedy hearing

to criminal defendants and to society, State court systems must be modernized and improved.

Congress finds that the principles of federalism essential to the Constitution of the United States require that the State courts be improved according to plans developed by the States rather than the National Government. Congress finds further that the independence of the judicial branch is a vital aspect of the separation of powers embodied in the constitutions of the several States as well as that of the Federal Government. The State court systems can be improved only by both recognizing the essentially State and local nature of the problem and also respecting the division of authority among the coordinate branches of State governments.

It is therefore the declared policy of the Congress to assist the State court systems in improving the system of justice at every level in keeping with these findings and principles. It is the purpose of this Act to (1) commission a study and report to the Congress of the causes and remedies for delay in litigation in the State courts, (2) encourage the State judiciaries to adopt coordinated planning, (3) authorize additional grants to the State courts, to improve and strengthen their operations, and (4) encourage research and development directed toward improvement of the State judicial systems.

TITLE I—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

AMENDMENTS

SEC. 3. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended is amended by inserting immediately after part E the following:

"PART F.—GRANTS FOR STATE COURT ASSISTANCE

"SEC. 476. (a) It is the purpose of this part to provide for the independence of and necessary funding for improvement of the State judicial systems, and to encourage the State judicial systems to develop and implement innovative programs and projects.

"(b) The Administration is authorized to make grants to States in accordance with applications under this part for:

"(1) development, in accordance with this part, of a multiyear comprehensive plan for the improvement of the State court system, based on the needs of all the courts in the State and an estimate of funds available from all Federal, State, and local sources;

"(2) definition, development, and correlation of programs and projects for the State and local courts or combinations of State and local courts for the improvement of the court systems;

"(3) establishment of priorities for the courts of a State;

"(4) court improvement projects, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and improve the availability and quality of justice;

"(5) the hiring and training of judges and of court administrative and support personnel;

"(6) collection and compilation of statistical data and other information on the work of the courts and on the work of other agencies which relate to and affect the work of the courts;

"(7) examination of the state of the dockets, practices, and procedures of the courts and development programs for expediting litigation;

"(8) investigation of complaints with respect to the operation of courts and the development of such corrective measures as may be appropriate;

"(9) support of national organizations concerned with court reform and improvement of the State judicial systems;

"(10) revision of court rules and procedural codes within the rulemaking authority of courts or other judicial entities within the State;

"(11) exploration and resolution of conflicts among State and Federal courts;

"(12) the purposes set out in paragraph (4) of subsection (b) of section 301 of this title, insofar as they are consistent with the purposes of this part; and

"(13) such other purposes consistent with the objectives of this part, including such as also may be consistent with part C, as may be deemed appropriate by the State court of last resort or such other body as it shall designate or create pursuant to section 477 of this part.

"SEC. 477. Except as provided in section 478, a State desiring to receive a grant under this part for any fiscal year shall—

"(a) beginning with the fiscal year ending September 30, 1978, or such later time as may be determined by the Administration, have on file with the Administration a multiyear comprehensive plan for the improvement of the State court system developed in accordance with this part by the State court of last resort or such other body as it shall designate or create, and

"(b) incorporate its application for such grant, developed by the State court of last resort or such other body as it shall designate or create, in the comprehensive State plan submitted by the State planning agency to the Administration for that fiscal year in accordance

with section 302 of this title. Such application shall conform to the purposes of this part and to the multiyear comprehensive plan for the improvement of the State court system as set out in subsection (a) of this section.

"SEC. 478. The Administration shall make grants under this part to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) as required by section 302 of this title, including a multiyear comprehensive plan for the improvement of the State court system as required by section 477 (a) of this part and an application for such grant as required by section 477 (b) of this part. Notwithstanding any other provision of this part, the Administration shall make grants under this part to a State planning agency for the fiscal year ending September 30, 1977, and for a later fiscal year if allowed by the Administration, without such multiyear comprehensive plan for the improvement of the State court system, provided the application for such grant sets out in detail a process to insure development of such multiyear comprehensive plan as required by section 477 (a).

"Each application under this part shall—

"(1) provide for the administration of such grants by the State planning agency in keeping with the pur-

poses of this part, and the findings and declared policy of Congress;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiative by the appellate and trial courts of general and special jurisdiction in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts of general and special jurisdiction;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the court of last resort or such other body as it shall designate or create for approval or disapproval in whole or in part;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions of (a) general needs and problems; (b) existing systems; (c) available resources; (d) organizational systems and ad-

ministrative machinery for implementing the plan; (e) the direction, scope, and general types of improvements to be made in the future; and (f) to the maximum extent applicable, indicate the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(6) provide for research, development, and evaluation;

"(7) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the courts;

"(8) provide for such fund accounting, audit, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title;

"(9) provide satisfactory assurances that the avail-

ability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part. To this end, each application under this part shall include a computation of the average amount expended by the State planning agency under part C of this title, for activities within the responsibility of the courts, for the three most recent fiscal years for which data is available, and guarantee that such amount will be available for grants under section 479 of this part.

"SEC. 479. All requests for financial assistance from appellate and trial courts of general and limited or special jurisdiction and other applicants eligible under this part shall be received by the State court of last resort or such other body as it shall designate or create. The court of last resort or such other body shall review all requests for appropriateness and conformity with the purposes of this part, the findings and declared policy of Congress, the multiyear comprehensive plan for the improvement of the State court system, if on file with the Administration, and the application included in the State comprehensive plan under this part. The State court of last resort or such other body shall transmit requests approved by it along with comments to the State planning agency. The State planning agency shall make grants under

this part or under part C as provided in section 478 (9) for any request approved by the State court of last resort or such other body, provided that such approved request conforms with the State planning agency's fiscal accountability standards. Any approved request not acted upon by the State planning agency within ninety days of receipt from the court of last resort or such other body shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration.

"SEC. 480. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) 50 per centum of the funds shall be allocated among the States according to their respective populations for grants to State planning agencies; and

"(2) the remaining 50 per centum of the funds may be made available, as the Administration may determine, for grants to State planning agencies for courts as defined in section 601 (p) or combinations of such courts, or to private nonprofit organizations. Such funds shall be available according to the criteria and conditions the Administration determines consistent with this title, this part, any multiyear comprehensive plan for the improvement of the State court system and any applica-

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tion under this part in effect for the State where the grantee is located.

The portion of any Federal grant made under this section for the purposes of paragraph (12) of subsection (b) of section 476 may be up to 50 per centum of the cost of the program or project specified in the application for such grant. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. The portion of any Federal grant made under this part to be used for any other of the purposes set forth in this part may be up to 90 per centum of the cost of the program or project specified in the application for such grant. The non-Federal share of the cost of any program or project to be funded under this section may be of money appropriated in the aggregate or in segments by the State or units of general local government, or provided by a private nonprofit organization, as well as moneys appropriated to courts, court-related agencies, and judicial systems. The ratio that money appropriated by the State for purposes of this section bears to the total application by the State for Federal funds under this part shall be not less than the ratio that money appropriated by the State for purposes of part C, section 301 (c) bears to the total application by the State for Federal funds under part C.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant for the purposes of this part or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for expenditure by such applicant under subsection (a) of section 303 of this title.".

(b) Section 203 (a) of such Act is amended by adding immediately after the third sentence the following: "Not less than one-third of the members of such State planning agency shall be appointed from a list of nominees submitted by the chief justice or chief judge of the court of last resort of the State to the chief executive of the State, such list to contain at least three nominees for each position to be filled to satisfy this requirement.".

(c) The first sentence of section 301 (d) of such Act is amended to read as follows: "Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement and criminal justice personnel, not including court personnel.".

(d) Section 515 of such Act is amended by adding the following after subsection (c):

"(d) to provide $5,000,000 annually in support of the

National Center for State Courts. The National Center for State Courts shall—

"(1) maintain a continuing capability to render technical assistance, research and coordination, upon request to States developing or maintaining the court planning capability required by section 477 of this title, as well as to courts, court-related agencies and judicial systems within each State, and

"(2) conduct a comprehensive nationwide study and report to the Congress and to the Administration within twenty-four months of the date of enactment of this section. Such report shall detail planning, resources, and actions, recommended to reduce delay in State trial and appellate courts with respect to litigation and workloads in such courts.

Such operating support shall not preclude additional funding under this title for specific projects of the National Center for State Courts.".

(e) Section 601 of such Act is amended as follows:

(1) by deleting from subsection (a) thereof the words "courts having criminal jurisdiction" and substituting the words "courts as defined in subsection (p) of this section", and

(2) by inserting at the end thereof the following new subsection:

"(p) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two courts wth highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. The term 'court' shall mean a tribunal recognized as a part of the judicial branch of a State or of its local government units having jurisdiction of matters which absorb resources which could otherwise be devoted to criminal matters.".

(f) Part F, part G, part H, and part I of such Act are redesignated as part G, part H, part I, and part J, respective

ADMINISTRATIVE PROVISIONS

SEC. 4. Part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by section 3 (c) of this Act) is amended as follows:

(1) Section 520 is amended by adding the following after the last sentence: "Beginning in the fiscal year ending

September 30, 1977, and in each year thereafter there shall be allocated for the purpose of part F an amount equal to not less than 20 per centum of the amount allocated for purposes of part C.".

SEC. 5. For the fiscal year ending September 30, 1977, the Administration and State planning agencies are authorized and encouraged to make available to the State court of last resort or such other body as it shall designate or create a portion of Federal funds granted under part B or part C of the Omnibus Crime Control and Safe Streets Act of 1968 for the purposes set out in paragraphs (1), (2), and (3) of subsection (b) of section 476 of the Omnibus Crime Control and Safe Streets Act of 1968, as set out in section 3 (a) of this Act.

94TH CONGRESS
1ST SESSION

H. R. 9236

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1975

Mr. MCCLORY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1976".

SEC. 2. Section 101 (a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding after the word "authority" the words "and policy direction".

SEC. 3. Section 205 of such Act is amended by inserting the following new sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for

reallocation among the States as determined by the Administration.".

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 4. Part C of such Act is amended as follows:

(1) Section 301(b) is amended by inserting after paragraph (10), the following new paragraph:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and improve the availability and quality of justice including court planning.".

(2) Section 303(a)(13) is amended by deleting the words "for Law Enforcement and Criminal" and inserting the words "of Law and".

(3) Section 306(a)(2) is amended by inserting, after the words "to grant of any State," the following "plus any additional amounts that may be authorized to provide funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activity,".

(4) The unnumbered paragraph in section 306(a) is amended by inserting the following between the present third and fourth sentence: "Where a State does not have an adequate forum to enforce grant provisions imposing liability in Indian tribes, the Administration is authorized to

waive State liability and may pursue such legal remedies as are necessary.".

(5) Subsection (b) of section 306 is amended by striking "(1)" and inserting in lieu thereof "(2)".

PART D—TRAINING, EDUCATION, RESEARCH DEMONSTRATION, AND SPECIAL GRANTS

SEC. 5. Part D of such Act is amended as follows:

(1) Section 402 (a) is amended by deleting the words "Enforcement" and "Criminal" in the first sentence thereof.

(2) Section 402 (a) is further amended by deleting the word "Administrator" in the third sentence and adding the words "Attorney General."

(3) At the end of paragraph (7) in section 402 (b) delete the word "and".

(4) At the end of paragraph (8) in section 402 (b) replace the period with a semicolon.

(5) Immediately after paragraph (8) in section 402 (b) insert the following new paragraphs:

"(9) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the civil justice system, including the development of new or improved approaches, techniques, and systems; and

"(10) the Institute is authorized to conduct such research, demonstrations, or special projects pertaining to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen such Federal law enforcement and criminal justice activities as the Attorney General may direct.".

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 6. Part E of such Act is amended as follows:

(1) By inserting in section 455(a)(2) after the second occurrence of the word "units," and before the word "according" the words "or nonprofit organizations,".

(2) By further amending section 455(a) by inserting at the end of the unnumbered paragraph thereof the following new sentence: "In the case of a grant to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

PART F—ADMINISTRATIVE PROVISIONS

SEC. 7. Part F of such Act is amended as follows:

(1) Section 512 is amended by striking the words: "June 30, 1974, and the two succeeding fiscal years." and insert in lieu thereof: "July 1, 1976, through fiscal year 1981.".

(2) Section 517 is amended by adding a new subsection (c) as follows:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who by reason of their knowledge and expertise in the area of law enforcement and criminal justice and related fields are well qualified to serve on the Advisory Board.".

(3) Section 520 is amended by striking all of subsections (a) and (b) and inserting in lieu thereof the following:

"(a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed $325,000,000 for the period July 1, 1976, through September 30, 1976, $1,300,000,000 for the fiscal year ending September 30, 1977, $1,300,000,000 for the fiscal year ending

September 30, 1978, $1,300,000,000 for the fiscal year ending September 30, 1979, $1,300,000,000 for the fiscal year ending September 30, 1980, and $1,300,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from other sources. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30 1972, and in each fiscal year thereafter there shall be allocated for the purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"(b) Funds appropriated under this title may be used for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.".

SEC. 8. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 241 (c) is amended by deleting the words "Enforcement" and "Criminal".

(2) Section 261 is amended by deleting subsection (b).

(3) Section 544 is deleted.

94TH CONGRESS
1ST SESSION

H. R. 7411

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1975

Mr. BRECKINRIDGE (for himself and Mr. ROSE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for an improved method of selection of the State planning agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 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 or designated by the chief executive of the State and shall be subject to his jurisdiction, except that the legislature of any State may, after the agency is created or designated pursuant to this subsection, transfer the direction and control of such agency

to the attorney general of the State or any constitutional office of the State selected by the State legislature.".

94TH CONGRESS
1ST SESSION

H. R. 11251

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 1975

Mr. BLANCHARD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Local and State Government Speedy Trial Act of 1975".

SEC. 2. The Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.) is amended—

(1) by redesignating parts F, G, and H as parts G, H, and I, respectively, and

(2) by inserting immediately after part E the following new part:

"PART F—GRANTS FOR SPEEDY CRIMINAL TRIALS

"SEC. 471. It is the purpose of this part to provide grants to States, and to units of general local government with a population of over two hundred fifty thousand, to accelerate the disposition of criminal cases in their courts consistent with—

"(1) the time standards specified for Federal courts under the Speedy Trial Act of 1974;

"(2) the objectives of effective law enforcement, fairness to accused persons, efficient judicial administration, and increased knowledge concerning the proper functioning of the criminal law; and

"(3) avoidance of underenforcement, overenforcement, and discriminatory enforcement of the law, of prejudice to the prompt disposition of civil litigation, and of undue pressure as well as undue delay in the trial of criminal cases.

"SEC. 472. The Administration is authorized upon application to make grants to a State, or to a unit of general local government with a population (determined by the Administration) of over two hundred and fifty thousand, in accordance with this part—

"(1) for the design, study, testing, and implementation of programs and projects consistent with the purposes of this part,

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"(2) for the collection and compilation of information and statistics concerning the administration of criminal justice within the applicant's jurisdiction, and

"(3) for the development of comprehensive plans for the improvement of criminal judicial administration in that jurisdiction.

"SEC. 473. (a) Each application for a grant under this part shall include a description of—

"(1) the time limits, procedural techniques, innovations, systems, and other methods to be applied or used, and

"(2) the steps to be taken in developing reliable methods for gathering and monitoring information and statistics,

in expediting the trial or other disposition of criminal cases.

"(b) Each application shall further include such information, concerning the administration of criminal justice within the applicant's jurisdiction, as the Administration may require to carry out the purposes of this part and this title.

"SEC. 474. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated among the States and units of general local government according to such criteria and on such terms and conditions as the Admin-

istration determines to be consistent with this part and this title.

"(b) Any Federal grant made under this part may be in an amount up to 90 per centum of the cost of the program or project specified in the application for such grant.

"(c) The non-Federal share of the cost of any program or project to be funded under this part may be in the form of money—

"(1) appropriated in the aggregate or in segments by the State or units of general local government, or

"(2) provided by a private nonprofit organization.

SEC. 3. Section 520(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3768(a)) is amended by adding at the end thereof the following sentence: "Beginning in the transition fiscal period ending September 30, 1976, and in each fiscal year thereafter, there shall be allocated for the purposes of part F an amount equal to not less than 10 per centum of the amount allocated for the purposes of part C.".

94TH CONGRESS
1ST SESSION

H. R. 11194

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 1975

Mr. SCHEUER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to add a requirement that the comprehensive State plan include provisions for attention to the special problems of prevention, treatment, and other aspects of crimes against the elderly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 303 (a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the period a comma and the following: "and attention to the special problems of prevention, treatment, and other aspects of crimes against the elderly".

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94TH CONGRESS
2D SESSION

H. R. 12362

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1976

MS. HOLTZMAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Crime Control Act of 1976".

PART A—AMENDMENT

SEC. 2. Section 101 (a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after "authority" the following: "and policy direction".

PART B—(PLANNING GRANTS) AMENDMENT

SEC. 3. Section 203 (a) of such Act is amended by inserting immediately after the third sentence the following: "Not less than two of the members of such State planning agency shall be appointed from a list of nominees submitted by the chief justice or chief judge of the court of last resort of the State to the chief executive of the State, such list to contain at least six nominees.".

PART C—(GRANTS FOR LAW ENFORCEMENT PURPOSES) AMENDMENT

SEC. 4. (a) Section 301 (b) of such Act is amended by inserting immediately after paragraph (10), the following:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the availability and quality of justice.

"(12) The development and implementation of programs and projects designed to reduce and prevent crime against elderly persons.".

(b) Section 301 (d) of such Act is repealed.

(c) Section 306 (a) of such Act is amended by striking out the sentence which begins "The limitations on the expenditure".

(d) Section 303 (a) of such Act is amended by—

(1) striking out "and" at the end of paragraph (14);

(2) striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and"; and

(3) adding at the end the following new paragraph:

"(16) provide for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice.".

(e) Section 303 of such Act is further amended by inserting after subsection (c) the following:

"(d) The requirement of paragraph (2) of subsection (a) shall not apply to funds used in the development or implementation of a statewide program of evaluation, in accordance with an approved State plan, but the exemption from said requirement shall extend to no more than 10 per centum of the funds allocated to a State under paragraph (1) of section 306 (a).".

(f) Paragraph (2) of section 306 (a) of such Act is amended by inserting immediately before the period at the

end thereof the following: ", but no less than one-third of the funds made available under this paragraph shall be distributed by the Administration in its discretion for the purposes set forth in paragraph (11) of section 301(b)".

(g) Section 307 of such Act is amended by inserting immediately after "dealing with" the following: "(1) the reduction and elimination of criminal case backlog and the acceleration of the processing and disposition of criminal cases, and (2)".

PART D—(TRAINING, EDUCATION, RESEARCH, ET CETERA) AMENDMENT

SEC. 5. Section 402(c) of such Act is amended by—

(1) striking out "to evaluate" in the second paragraph and inserting in lieu of the material so stricken the following: "to receive evaluations, and to make and authorize such evaluations as it deems advisable of";

(2) inserting at the end of the second paragraph the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate information about such criteria and procedures to State planning agencies.", and

(3) inserting immediately after the second paragraph the following:

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purposes of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and, upon request, to units of general local government.".

GRANTS TO COMBAT HIGH FEAR CRIMES IN HIGH CRIME AREAS

SEC. 6. (a) Title I of such Act is amended by inserting immediately after part E the following:

"PART F—GRANTS TO COMBAT HIGH FEAR CRIMES IN HIGH CRIME AREAS

"SEC. 476. It is the purpose of this part to encourage and enable areas characterized by high incidence of violent crimes and burglary to develop and implement programs and projects to reduce and prevent the crimes of murder, nonnegligent manslaughter, forcible rape, aggravated assault, robbery, and burglary.

"SEC. 477. The Administration shall make grants under this part to units of general local government or any combination of such units having a population of two hundred and fifty thousand or more which make application in accord-

ance with the requirements of this part and which demonstrate to the Administration a high incidence of the crimes listed in section 476.

"SEC. 478. In order to receive a grant under this part a unit of general local government or combination of such units shall submit an application to the Administration in such form and containing such information as the Administration shall require. Such application shall set forth a plan to reduce the incidence of crimes listed in section 476 and such plan shall—

"(1) provide for the administration of such grant by the grantee in keeping with the purposes of this part;

"(2) set forth specific goals for the reduction of any or all of the listed crimes; and

"(3) comply with the requirements of paragraphs (9), (11), (12), (13), and (16) of section 303(a).

The limitations and requirements contained in section 306 (a) shall apply, to the extent appropriate, to grants made under this part.

"SEC. 479. (a) The Administration shall give special emphasis, in allocating funds among units of general local government or combinations thereof under this part, to (1) the incidence of the listed crimes within such unit or combination, (2) the population of such unit or combination,

and (3) the likely impact of the programs or projects for which funding is sought on the incidence of the listed crimes within such unit or combination.

"(b) Upon receipt of an application under this part, the Administration shall notify the State planning agency of the State in which the applicant is located of such application, and afford such State planning agency a reasonable opportunity to comment on the application with regard to its conformity to the State plan and whether the proposed programs or projects would duplicate, conflict with, or otherwise detract from programs or projects within the State plan.".

(b) Parts G, H, and I of such Act are redesignated as parts H, I, and J, respectively.

ADMINISTRATIVE AND CONFORMING PROVISIONS

SEC. 7. (a) Section 601 of such Act is amended as follows:

(1) In subsection (a), by striking out "courts having criminal jurisdiction" and inserting in lieu thereof "courts".

(2) By inserting at the end thereof the following new subsection:

"(p) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two such courts, court of last resort

shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. The term 'court' shall mean a tribunal recognized as part of the judicial branch of a State or of its local government units having jurisdiction of matters which absorb resources which could otherwise be devoted to criminal matters.".

(b) (1) Section 512 of such Act is amended by striking out "June 30, 1974, and the two succeeding fiscal years" and inserting in lieu thereof "June 30, 1976, through the fiscal year ending September 30, 1977".

(2) Section 519 is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

"(1) an analysis of each State's comprehensive

plan and the programs and projects funded thereunder including:

"(A) the amounts expended for each of the components of the criminal justice system,

"(B) the methods and procedures followed by the State in order to audit, monitor, and evaluate programs and projects,

"(C) the number of programs and projects, and the amounts expended therefor, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

"(D) the number of programs and projects, and the amounts expended therefor, which seek to replicate programs and projects which have demonstrated success in furthering the purposes of this title,

"(E) the number of programs and projects, and the amounts expended therefor, which have achieved the specific purposes for which they were intended and the specific standards and goals set for them,

"(F) the number of programs and projects, and the amounts expended therefor, which have failed to achieve the specific purposes for which they

were intended or the specific standards and goals set for them, and

"(G) the number of programs and projects, and the amounts expended therefor, about which adequate information does not exist to determine their success in achieving the purposes for which they were intended or their impact upon law enforcement and criminal justice;

"(2) a detailed explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

"(3) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(4) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(5) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(6) the number of programs and projects with respect to which a discontinuation of payments occurred

under section 509, together with the reasons for such discontinuation;

"(7) the number of programs and projects funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

"(8) a detailed explanation of the measures taken by the Administration to audit, monitor, and evaluate criminal justice programs funded under this title in order to determine the impact and value of such programs in reducing and preventing crime; and

"(9) a detailed explanation of how the funds made available under section 306(a)(2), 402(b), 455(a)(2), and 477 of this title were expended, together with the policies, priorities, and criteria upon which the Administration based such expenditures.".

(3) Section 520(a) is amended to read as follows:

"SEC. 520. (a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed $337,500,000 for the period July 1, 1976, through September 30, 1976, and $1,350,000,000 for the fiscal year ending September 30, 1977. From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of part F, but

such sums shall not exceed $25,000,000 for the period July 1, 1976, through September 30, 1976, and $100,000,000 for the fiscal year ending September 30, 1977, and shall be in addition to funds made available for those purposes from other sources. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.".

(4) Section 521 is amended by inserting after subsection (d) the following new subsection:

"(e) Upon receipt of an application under section 306 (a) (2) or 455 (a) (2) the Administration shall notify the State planning agency of the State in which the applicant is located of such application, and afford said State planning agency a reasonable opportunity to comment on the application with regard to its conformity to the State plan and whether the proposed programs or projects would duplicate, conflict with or otherwise detract from programs or projects within the State plan.".

(c) (1) Paragraph (10) of section 453 of such Act is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (16)".

(2) Section 223 (a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (16)".

(d) Section 308 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "302 (b)" and inserting in lieu thereof "303".

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94TH CONGRESS
2D SESSION

H. R. 12364

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1976

MS. JORDAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the law enforcement assistance provisions of the Omnibus Crime Control and Safe Streets Act of 1968 to strengthen the enforcement of the nondiscrimination provisions thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Assistance Amendments of 1976".

SEC. 2. Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757) is amended by striking out "Whenever the Administration" and inserting in lieu thereof "Except as provided in section 518(c) whenever the Administration".

SEC. 3. Section 518(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766(c)) is amended to read as follows:

"(c) (1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

"(2) (A) Whenever there has been—

"(i) a finding of discrimination in violation of subsection (c) (1) by a Federal or State court or administrative agency,

"(ii) the filing of a lawsuit by the Attorney General alleging such discrimination, or

"(iii) an investigation resulting in an initial determination by the Administration (prior to a hearing under subparagraph (D)) that a State government or unit of general local government is not in compliance with subsection (c) (1),

the Administration shall, within ten days of such occurrence, notify the chief executive of the affected State, or of the State in which the affected unit of general local government is located, of the noncompliance, and shall request such chief executive to secure compliance.

"(B) In the event the chief executive secures compli-

ance, the terms and conditions with which the recipient agrees to comply shall be set forth in writing and signed by the chief executive (and by the chief executive and the chief elected official of the unit of general local government) in the event of a violation by a unit of general local government, the Administration and the Attorney General of the United States. Within fifteen days prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to all complainants, if any. The chief executive (or the chief elected official) shall file semiannual reports with the Administration detailing the steps taken to comply with the agreement. Within fifteen days of receipt the Administration shall send to all complainants, if any, a copy of such compliance reports.

"(C) (i) If, at the conclusion of sixty days after notification, such chief executive fails or refuses to secure compliance, the Administration shall—

"(I) notify the Attorney General of such chief executive's failure or refusal to secure compliance, and

"(II) suspend further payment of any funds made available under this Act to that State government, or to that unit of general local government: *Provided,* That, after a hearing, the Administration has not found that it has failed to demonstrate noncompliance.

Such suspension shall be effective for a period of not more

than one hundred and twenty days (or not more than thirty days after the conclusion of a hearing under subparagraph (D)) unless within such period there has been an express finding by the Administration, after notice and opportunity for a hearing pursuant to subparagraph (D), that the recipient is not in compliance with subsection (c) (1).

"(ii) Payment of the suspended funds shall resume only if—

"(I) such State government or unit of general local government enters into a compliance agreement approved by the Administration and the Attorney General in accordance with subparagraph (B);

"(II) such State government or unit of general local government complies fully with the final order or judgment of a Federal court; or

"(III) After a hearing, the Administration finds that it has failed to demonstrate noncompliance.

"(D) At any time after the notification under subparagraph (A), but before the conclusion of the one hundred and twenty-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall conduct within thirty days of such request. Within thirty days of the conclusion of the hearing, or, in the absence of a hearing,

within the one hundred and twenty-day period referred to in subparagraph (C), the Administration shall make an appropriate finding. If the Administration makes a finding of noncompliance, the Administration shall continue to suspend the payment and shall—

"(i) notify the Attorney General in order that the Attorney General may exercise his responsibilities under subsection (3);

"(ii) terminate payment of funds made available under this Act; and

"(iii) if appropriate, seek repayment of such funds.

"(E) Any State or unit of general local government aggrieved by a determination of the Administration under subparagraph (D) may appeal such determination as provided in section 511.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of general local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, including the termination or repayment of funds available under this Act, or placing any further payments under the Act in escrow pending the outcome of the litigation.

"(4) (A) Whenever any State government or unit of general local government has engaged in any act or practice prohibited by subsection (c) (1), a civil action for preventive relief, including an application for a temporary restraining order, preliminary or permanent injunction or other order, may be instituted against the State government or unit of general local government or its officials by the person or persons adversely affected or aggrieved on his or her behalf or on behalf of those similarly situated. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

"(B) The court may allow the prevailing plaintiff other than a State government, or unit of general local government, or the United States, reasonable attorney fees as part of the costs.

SEC. 4. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3769) is amended by redesignating subsection (d) as subsection (e) and inserting immediately after subsection (c) the following new subsection:

"(d) Within one hundred and twenty days after the enactment of the Law Enforcement Assistance Amendments

of 1976, the Administration shall promulgate regulations establishing—

"(1) reasonable and specific time limits for the Administration to respond to the filing of a complaint by any person alleging that a State government or unit of general local government is in violation of the provisions of this Act; including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint, and

"(2) reasonable and specific time limits for the Administration to conduct independent audits and reviews of State governments and units of general local government receiving funds pursuant to this Act for compliance with the provisions of this Act.".

APPENDIX K

REPORT OF THE TWENTIETH CENTURY FUND TASK FORCE ON THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

INTRODUCTION

During the 1960s, the crime rate in the United States began to rise dramatically. In the space of that decade, the number of robberies committed per year tripled, and the number of murders increased by 75 percent; the statistics on other crimes were equally alarming. These figures reflected, to some extent, improved techniques of crime reporting. But the actual number of crimes—especially violent crimes—committed each year increased sharply. And it is still increasing.

By the late 1960s, soaring crime rates had become a public issue, not only because of the direct harm suffered by victims but also because the police, courts, and correctional programs were overwhelmed by the numbers involved. During this period, delays in police response to crime, uneven law enforcement, overcrowded courts, and inhumane and ineffective prisons came to be acknowledged generally as public ills, and the outcry against crime in the streets became impossible for government to ignore. Both civil libertarians and advocates of "law and order" called for the federal government to assist the states and localities in their efforts to combat crime.

In 1965, in an effort to provide assistance and leadership to state and local criminal justice agencies, the federal government established the Office of Law Enforcement Assistance, which provided money, in the form of grants, to help local law enforcement. That same year, President Lyndon Johnson created the President's Commission on Law Enforcement and the Administration of Justice. In 1966, the

Commission published a report that recommended the establishment of a federal agency within the Justice Department to support local law enforcement and criminal justice efforts.

In 1968, Congress passed the Omnibus Crime and Safe Streets Act, creating the Law Enforcement Assistance Administration (LEAA) as the principal federal agency dealing with the problem of crime at the state and local levels. This agency would function, according to the provisions of the act, in five ways: (1) by supporting statewide planning in the field of criminal justice through the creation of state planning agencies; (2) by supplying the states and localities with block grants of federal funds to improve their criminal justice systems; (3) by making discretionary grants to special programs in the field of criminal justice; (4) by developing new devices, techniques, and approaches in law enforcement through the National Institute of Law Enforcement and Criminal Justice, LEAA's research arm; and (5) by supplying money for the training and education of criminal justice personnel.

The agency has now been in operation for seven years, and despite the size of its budget (it has spent $4.5 billion), the controversial nature of its programs, and continuing public concern about crime, there is no up-to-date, independent evaluation of LEAA and its effectiveness. Now Congress has before it proposed legislation to reauthorize the agency. This Task Force was established to assess LEAA's record and to make recommendations regarding its future.

THE PURPOSE OF THE AGENCY

Since LEAA's establishment, crime rates—especially for violent crime—have continued to soar (except for a brief and unexplained respite in 1972). Last year alone, reported crimes went up 18 percent, the largest increase since the Federal Bureau of Investigation (FBI) began collecting statistics almost 50 years ago. Meanwhile, all the manifest ills of the criminal justice system persist. State and local criminal justice systems

remain as fragmented as ever. The courts are still overloaded; jails are still crowded; prosecutorial offices are generally underfunded; and sentencing and parole procedures and decisions remain arbitrary and uncoordinated. Nor do we know any more about the causes of crime than we did before LEAA came into being.

It would be naïve to blame LEAA for not solving these problems. Crime, after all, results from a variety of social, economic, political, psychological, and institutional forces, the relative importance of which is very hard to assess and which together resist even the most intelligent attempts at social control. It is both unrealistic and unfair to expect an agency whose budget represents only 5 percent of all state and local expenditures on law enforcement to have a significant impact on the crime statistics. But LEAA certainly is responsible for the confusion that its own rhetoric has generated regarding its purpose.

In the early 1970s, Jerris Leonard, then LEAA's administrator, proclaimed that LEAA's High Impact Cities Anti-Crime program, which involved an expenditure of $160 million in eight cities, was going to reduce crime in those cities by 5 percent in two years and 20 percent in five years. In 1972, when the national crime rate took a slight dip, LEAA did not hesitate to take the credit. In 1973, a report published by the LEAA-funded National Conference of State Criminal Justice Planning Administrators paraded charts, facts, and figures, all designed to demonstrate that "since the passage of the Safe Streets Act, the rampaging annual increase in crime has been halted and reversed."[1]

Subsequently, of course, the crime rate resumed its climb. In a recent speech, the director of the National Law Enforcement Institute observed: "Today, virtually no one—scholars, practitioners, and politicians alike—dares to advance a program which promises to reduce crime substantially in the near future."[2]

Donald Santarelli, another former LEAA administrator, has expressed the view that LEAA's purpose should be to improve the criminal justice system. It is easy to dismiss this

view as a justification for institutional self-perpetuation, but it is undeniable, too, that the system has room for improvement. Police, courts, and corrections could all be both more humane and more efficient. And all could coordinate their activities more effectively than they now do. To the extent that LEAA has pursued the mirage of crime reduction, it has nurtured wishful thinking in others and has itself been diverted from the useful and critical task of discovering and promoting ways to improve and coordinate the various elements of the criminal justice system.

Implicit in all the Task Force's deliberations has been the shared assumption that, in spite of the problems that LEAA has encountered, the federal government can serve the public interest by playing a role in criminal justice and law enforcement at all levels.

Given the limitations on both the resources and the properly used powers that the federal government can bring to bear in the area, we have sought to determine what functions can be performed most effectively and constructively at the federal level, rather than at the state or local level. The recommendations that follow are based on these considerations.

At the outset, *the Task Force recommends a basic clarification of the agency's legislative mandate, eliminating the false promise of crime reduction and clearly establishing that LEAA's primary purpose is to enable the states and the local units of government to improve the effectiveness of their police, courts, and corrections agencies in dealing with crime.*

With this mandate, LEAA can begin to stimulate creative approaches at the state and local levels, where the problem of crime in the United States must ultimately be addressed. It is the hope of the Task Force that improving the criminal justice system can also have an impact on the crime rate—if not in lowering it, then in keeping it from rising more than it otherwise would. But we cannot rely on any agency or procedure specifically to reduce crime; whereas, we can rely on some measures to solve the administrative and other problems of the criminal justice system.

THE BLOCK GRANT PROGRAM

For the past two hundred years, a consensus has existed in the United States to the effect that the federal government should have a severely limited role in domestic law enforcement. The criminal justice system therefore consists, for the most part, of state and local government agencies. Accordingly, LEAA has distributed most of its money in the form of block grants so that states and localities might address their own programs in their own way.

The legislation that created LEAA required each state to establish a state planning agency (SPA) in order to participate in the program. Each year, the SPAs receive a certain amount of money ($200,000 plus an allotment based on population) to finance preparation of a plan for the use of funds in the state's criminal justice system. The plan must then be submitted to federal LEAA for approval. When the federal government certifies that the plan conforms to the criteria set forth in the legislation, it makes a block grant, based on population, to the state, which then makes its own grants to state and local agencies in its criminal justice system. The block grant system represents an attempt to reconcile the objective of enabling states and localities to control their own criminal justice programs with the objective of ensuring that federal monies are spent in accordance with certain minimal standards and program goals.

In pursuit of these objectives, LEAA has encumbered the planning process with red tape. The printed guidelines for state plans are 200 pages long. The agency has spent hundreds of thousands of man-hours and millions of dollars in bureaucratic hairsplitting with 55 state and territorial planning agencies over the adequacy of the plans. The SPAs themselves have spent hundreds of thousands of man-hours in preparing plans that, while they may or may not meet the complicated LEAA

guideline requirements, frequently have little or nothing to do with the way in which the funding boards ultimately allocate the funds received from LEAA. Some state plans are the work of outside consultants who have written them to conform to LEAA guidelines rather than to the real needs and priorities of the respective states.

Viewing its primary function as passing on the block grants to the states, LEAA is reluctant to withhold funds from a state for failing to submit an adequate plan. Instead, its regional office sends the plan back to be rewritten, attaches special "conditions," or delays funding, inconveniencing all concerned. Ultimately, except in one or two cases, the federal monies have flowed forth, even for defective or inadequate plans. Thus, the federal and regional apparatus is something of a paper tiger, its negotiations with the SPAs a sort of ritualized bureaucratic dance, its threats a charade.

Moreover, instead of planning for an entire state's criminal justice budget, most SPAs plan only for the federally provided 5 percent. Instead of spending their time setting priorities and encouraging a comprehensive, coordinated approach to the problem of crime and its control at the state level, SPAs prepare paper plans and administer grants. Mayor Harvey Sloane, M.D., of Louisville, Kentucky, speaking on behalf of the National League of Cities and the United States Conference of Mayors, has testified that the red tape imposed on the current planning process has undermined the goals of that process. By the time local plans have been cleared at the substate, state, regional, and federal levels, "the whole process can take months, and more importantly, the end product often scarcely resembles the 'needs and priorities' identified by the local planning agency and local government."[3]

Improving the criminal justice system—through better trained police; speedier and fairer trials; better staffed, administered, and conceived correctional institutions and programs—is at the heart of the effort this nation needs to make in dealing with the problem of crime. The LEAA bureaucracy has contributed little to this end; in fact, a considerable body of evidence, presented during hearings held by the Task Force, indicates that LEAA's administrative maze serves, for the most part, to frustrate this objective.

The designers of LEAA's block grant system intended to stimulate statewide comprehensive criminal justice planning and to support worthwhile projects without taking criminal justice out of the hands of state and local governments and without generating the cumbersome bureaucracy that characterized most other federal grant-in-aid programs. These objectives are certainly desirable, but the block grant program has failed, for the most part, to achieve them. This failure suggests that it may be impossible to devise an administrative structure that can effectively police thousands of agencies and projects without infringing on states rights, misconstruing local priorities, invading civil liberties, or maintaining a vast, expensive, and ultimately counterproductive staff.

The Task Force, therefore, recommends that the regional bureaucracy of LEAA be dismantled and that one-half of the monies available under the law enforcement assistance program flow directly to state, county, and municipal units of government as special revenue sharing dollars to improve the criminal justice system. The money would be appropriated either to the federal agency itself or to the Treasury Department and would be distributed to the recipients according to a statutory formula. (The formula might take into account population, population density; criminal justice expenditures in the previous year, and/or crime rate.*)

The legislation that established LEAA also imposed matching requirements on the states and localities. The purpose of these requirements is to ensure that the project for which the federal funds are to be used is the object of a commitment on the part of the source of the matching funds and is not viewed merely as a way to get money from the federal government. But the requirements have served only to distort state and local priorities without furthering LEAA's purposes. *The Task Force, therefore, urges that no matching requirements be imposed on the use of these special revenue sharing funds.*

Under the Task Force proposal, states and localities would be free to spend their special revenue sharing dollars on their

*Some members of the Task Force, concerned that the inclusion of "crime rate" might lead jurisdictions to inflate their figures, would prefer to omit this element from the formula.

own criminal justice priorities without interference from the federal government.* Governors, mayors, and county executives would be accountable for the expenditure of those dollars, as they are for other expenditures under their jurisdiction. The actions of these chief executives may receive closer scrutiny from the public than those of state and local planning boards and agencies, which, under the current system, are largely invisible. The publicity to which chief executives are subjected and the public's ability to hold elected officials to account are probably the best safeguards available for the proper use of funds in the criminal justice system.

The sole condition attached to the special revenue sharing funds would be the recipients' agreement to give the federal agency access to their programs for the purposes of evaluation. The federal agency would publicize the findings—both positive and negative—of such evaluations for the benefit of agencies in other jurisdictions that might be contemplating similar programs.

THE STRUCTURE AND FUNCTIONS OF FEDERAL LEAA

The Task Force recommends that the national functions of LEAA should be performed by an entity that might be called the Law Enforcement Assistance Institute (LEAI). This agency would have as its primary function research, experimentation, and evaluation at the national level. The director of LEAI should be appointed by the President and responsible to the Attorney General. The agency would directly control 50 percent of the federal appropriation for law enforcement assistance (the other 50 percent going for special revenue sharing), and the law should provide that LEAI would invest at least one-half of this amount in research, evaluation, and demonstration projects.

*The federal government would, however, be charged with enforcing Title VI of the 1964 Civil Rights Act (see p. 21). And, of course, the use of these special revenue sharing funds would be subject to audit by the General Accounting Office (GAO).

At present, most of LEAA's staff in Washington is involved in keeping track of the bureaucracy it has created. The National Institute of Law Enforcement and Criminal Justice is the one part of LEAA charged specifically with research, experimentation, evaluation, and technology transfer. Yet it accounts for less than one-twentieth of LEAA's total budget, and little attempt has been made to incorporate its findings into the criminal justice system at state and local levels.

Research and evaluation, through carefully designed demonstration projects, should be at the core of a program intended to make the criminal justice system more effective. The Task Force urges that a reorganized and restructured federal agency devote itself to a national program of criminal justice research and experimentation. *In particular, the proposed LEAI should concentrate on evaluating selected state programs in progress and should make a special effort to develop more precise techniques and strategies for this purpose.*

On the basis of the findings of its evaluation projects and other in-house research, this agency would provide basic, reliable information to state and local units of government concerning what works and what does not work in law enforcement and criminal justice. It would make technical assistance available to state, local, and regional planning agencies seeking to upgrade their own planning and evaluation capacity, and it would offer incentive grants to induce states and localities to undertake carefully designed demonstration projects with built-in data-collection features to facilitate evaluation. It would undertake to publicize and circulate throughout all the states and territories the results of its evaluations in terms of which programs were successful under what conditions. In addition, LEAI would be empowered to make incentive grants or offer technical assistance to jurisdictions that wished to set up projects patterned after those that had proven successful elsewhere. And LEAI would actively promote the use of such funds and assistance by the states and localities through field visits and a variety of outreach efforts.

In other words, the Task Force believes that LEAI should provide leadership for all the agencies of the criminal justice system. It would not *require* the states and localities to do anything other than administer their grants in accordance with

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the statutory provisions regarding discrimination. But through evaluation, education, example, incentives, demonstration projects, publicity, and technical assistance, LEAI would attempt to lead the way.

An example of such leadership from LEAA's own history is the independent National Advisory Commission on Criminal Justice Standards and Goals, created and funded in 1971 to develop a set of guidelines for the improvement of the criminal justice system and the reduction of crime at the state and local levels. In 1973, the commission published seven reports: *Police; Courts; Corrections; Community Crime Prevention; The Criminal Justice System; A National Strategy to Reduce Crime;* and *The Proceedings of the National Conference on Criminal Justice.* Although LEAA has disseminated the reports widely, its policy is not to endorse the specific reports or to require the states to adopt the standards and goals the commission has proposed. *The Task Force recommends that LEAI selectively endorse portions of these standards and goals reports and provide incentives for states and localities to implement them.**

COMPREHENSIVE PLANNING

Although, for practical reasons, the Task Force opposes a federal requirement that the states engage in comprehensive criminal justice planning, it endorses the idea of planning at regional, state, and local levels. Because state governors are in the best position to bring together and coordinate the various elements of the criminal justice system within their states, the Task Force especially endorses the idea of comprehensive, coordinated criminal justice planning on a statewide basis. Such planning should involve the state's entire criminal justice budget—not just the use of the proposed special revenue sharing funds.

Most experts involved in planning in the area of criminal justice believe that the present one-year planning cycle (which

*Some members of the Task Force believe the *Police* report, for example, to be inadequate but many of the other recommended standards and goals to be quite useful.

often, due to LEAA's changing guidelines, turns out in practice to be a six-month planning cycle) is not long enough. The Task Force agrees. So many worthwhile projects take more than a year to conceive, try out, and implement that the requirement of "annual planning" is generally counterproductive. The Task Force, therefore, endorses the idea of five-year comprehensive plans and recommends that, rather than prepare an annual comprehensive plan, those states that continue to support such planning work with the localities prepare five-year comprehensive plans and offer annual statements relating to the implementation of these plans for LEAI to consider as part of its evaluation process.

The Task Force also recommends that the proposed LEAI encourage comprehensive planning by providing funds for this purpose to those states that undertake such planning. These state plans would not be subject to prior federal approval, but from time to time during the five-year cycle of the plans, the agency would review and evaluate their implementation and provide additional funds to expand successful programs.

EARMARKED FUNDS

Although LEAA is referred to as a block grant program, Congress has required that special funds appropriated for the agency be earmarked for corrections and for juvenile justice. Under legislation currently being proposed, additional special funds would be earmarked for the courts. The Task Force believes that such earmarking is inconsistent with both the principle that states and localities should determine how their criminal justice dollars are spent and the ideal of comprehensive planning. Accordingly, *the Task Force recommends the elimination of all specially earmarked funds.*

Over the years, the police have gotten far more than their share of LEAA dollars. Congress resorted to earmarking special monies in order to redress the balance in the criminal justice system. But the validity of the end does not justify this means. Other approaches must be explored to assure that each

component of the system gets fair consideration in the funding process and its fair share of funds. The Task Force believes that the federal government's role in the achievement of this goal should be the provision of education and incentives at the national level and a special revenue sharing program that locates accountability in elected officials at the state, county, and local levels.

CORRUPTION AND ORGANIZED CRIME

Precisely because it cuts across state lines and is remote from local influences, the federal government is better equipped than other levels to perform a few specific criminal justice functions. For example, organized crime is often committed on an interstate basis, and efforts to combat organized crime may be most effective if they are national in scope. The investigation of official corruption is another area in which the federal government may make a contribution. Even those state and local criminal justice officials who have nothing to hide cannot reasonably be expected to fund investigations of which they might be made targets. *The Task Force recommends that LEAI make special provision for direct federal funding of projects in these two areas.*

THE GRANTING PROCESS

The Task Force recognizes that the Justice Department and its constituent divisions and agencies are and ought to be responsive to policy initiatives from the White House. But policy initiatives are one thing; interference in the granting process is another. The Task Force has heard testimony regarding improper interference on the part of the White House in grants to a community organization in the Philadelphia area; according to this evidence, a $1 million grant, which normally might take nine months or more to negotiate and process, was put through in one day on White House orders in an attempt to

secure the support of the mayor, a Democrat, for the Republican candidate in the 1972 presidential election.[4] Moreover, it is generally believed that, in both the Impact Cities and Pilot Cities programs, some demonstration sites were selected for purely political reasons, in spite of the inappropriateness of the cities for the programs, and that the programs suffered as a result of this bias in site selection.[5]

The Task Force recommends that applications for incentive awards to expand existing programs be subject to stringent and independent review procedures. Such procedures should include on-site review by LEAI research personnel as well as review by independent panels consisting of social scientists and criminal justice professionals. Proposals for research and for research-oriented demonstration projects should be subject to peer review procedures similar to those followed by the National Institute of Mental Health, whose granting process many social scientists regard as exemplary.*

IN-HOUSE RESEARCH

Although LEAA-sponsored research, particularly when university-based, has contributed to a better understanding of crime and the criminal justice system, too much reliance on outside research has made LEAA's research program diffuse and unmanageable.

The Institute of Law Enforcement and Criminal Justice,

*This process includes three elements: first, a number of units comprised of experts in a specific area, who have their own budget and help shape as well as administer research; second, decision-making groups referred to as "study sections," each composed of about a dozen social scientists and practitioners, who meet three or four times a year, review applications, and decide which ones should be recommended to the advisory council (in addition to the recommendation, these sections provide a detailed evaluation explaining the design of the study, the significance of the problem, and the study's relationship to various problem areas; they also make site visits where necessary and assign a priority to each proposal); and third, an advisory council made up of citizens, policymakers, and senior researchers, which undertakes final review of research projects and has virtual veto power over those that do not measure up.

LEAA's research arm, has not functioned in coordination with the rest of the LEAA program. Little institute-sponsored research has found its way down to the states, far less to the streets. In seven years, although it has sponsored some valuable ad hoc research, the institute has found out little about the causes of crime that were not known when LEAA was founded. This failure may be traced to a number of causes: the state of the art of research in the social sciences; the complexity of the problem; the already-mentioned confusion of goals; the lack of an overall research strategy; and, perhaps, the personal tensions between various directors and administrators. It must also be noted that the institute has been reluctant to build up a staff of in-house researchers, on the theory that first-rate talent will not want to work for the government. *But it is the opinion of the Task Force that the proposed LEAI can attract the high-quality personnel it needs to carry out its mandate only by establishing its own research program with its own research agenda. In addition to providing grants to outside experts for research and evaluation purposes, LEAI should expand and upgrade its own research staff so that it can evaluate state and local programs and conduct research on crime, its causes, and its prevention.*

THE LAW ENFORCEMENT EDUCATION PROGRAM

At present, LEAA spends over $40 million per year paying for the education of approximately 100,000 individuals "employed in or preparing for employment in criminal justice agencies." The agency's Law Enforcement Education Program (LEEP) conducts this education effort through payments to institutions rather than to individuals. The statute requires participating institutions to establish or maintain programs leading to a degree or a certificate in areas directly related to law enforcement and criminal justice. Given this opportunity to obtain funds at a time of fiscal crisis, many educational institutions have hurriedly established a series of jerry-built programs "related" to law enforcement and criminal justice. Although LEAA has formulated criteria involving such mat-

ters as the size and location of the institution and although LEEP funds have led to the creation of some good programs, the agency has certified and financed the LEEP programs without auditing them for quality. According to a report by the GAO, on one occasion nine people processed 900 institutional applications in three days.[6]

The average policeman who participates in one of these special educational programs frequently finds himself segregated from the non-law enforcement students at the institution in which he is enrolled. At best, participants in LEEP programs get law enforcement training, but they do not really get the benefits of either a college education or a learning experience in a context that might broaden their intellectual perspectives and alert them to concerns not generally associated with the law enforcement community. The Task Force believes that special education in criminal justice is best left to the regular training programs of criminal justice agencies and that the purpose of sending people to college should be to provide them with the education that they desire. *The Task Force, therefore, recommends that LEEP's provisions be revised so that payments are made directly to individuals instead of to institutions, enabling those individuals to attend the college and pursue the curriculum of their choice. Such a program should be available to all individuals who make a commitment to a career in criminal justice.**

The Task Force makes this recommendation not because it considers criminal justice personnel entitled to a special break but because the education available at a liberal arts institution can enhance the sensitivity and competence of personnel in the criminal justice system and, hence, improve their work.

President Ford has recently proposed elimination of LEEP's budget allocation. This proposal is a response to valid criticisms of the program. But despite its failings, the program has been one of LEAA's most constructive and successful efforts. Many of its former participants feel strongly that the

*Apart from limiting participation in the program to individuals already employed in the criminal justice system, the Task Force has not dealt with the criteria that should be applied to potential recipients of LEEP funds.

education they received has improved their job performance.[7] The proposal to eliminate LEEP threatens to curtail the educational opportunities of police officers and other criminal justice personnel at precisely the time when the complexities of their jobs demand the breadth of exposure available only through continuing education. Therefore, *the Task Force opposes the abolition of LEEP.*

CRIMINAL JUSTICE STATISTICS

One of the positive results of the LEAA-SPA funding process is the development of a community of criminal justice planners and researchers. A recurrent theme in the literature of this community is the inadequacy of existing criminal justice statistics. For years, the FBI has compiled annual Uniform Crime Reports, but the utility of these figures as an index of real crime is in doubt. The Uniform Crime Reports are based on local police reports, which vary in quality and integrity. Recently, LEAA has sponsored victimization surveys, which have provided yet another perspective on the dimensions of crime in the United States but do not come close to satisfying the need for a systematic, regularized, reliable set of criminal justice statistics. As a general proposition, the Task Force believes that it is unwise to place the responsibility for collecting and auditing statistics in agencies whose performance and/or funding may be affected by them. *The Task Force, therefore, recommends that the agency analyze the quality, methodology, categories, and validity of existing crime statistics and give high priority and devote increased resources to the development of a more reliable and regular set of criminal justice statistics.*

INFORMATION SYSTEMS AND THE AGENCY

In 1969, LEAA organized Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories), which

underwrote and standardized the adoption of computer technology and information systems by the states and localities. At the time, only 10 states had such systems. By 1973, LEAA had spent over $50 million for this purpose, and in 1974, over 400 different systems were in use in all 50 states and at all levels of government, slightly over half of them operating at the local level. These systems have enabled police in Iowa to find out quickly and easily whether or not a person in custody has a criminal record in Georgia. They are helping to solve many other administrative problems of the criminal justice system.

The idea of using computers to streamline some of the operations of the criminal justice system was both sound and useful, and LEAA deserves credit for the resulting improvements in record keeping and enhanced access to information. But the systems now have a vast potential (which has never been systematically explored) for abuse and privacy invasion on a nationwide scale. One watchdog group has commented:

> Computer systems are characterized by central storage, efficient linkage to other agencies and data bases, and rapid and widespread access. The tendency toward central storage magnifies the consequences of damage to, or destruction of, storage facilities, and the improved efficiency of the system greatly increases the danger that inaccurate data will be widely disseminated, or that data will become available for a purpose other than that for which it was appropriately collected. Thus, although security and privacy problems existed and still exist in manual systems, there is no question that the growing use of computers and other automated processing equipment produces a fundamental change in both the likelihood and consequences of these problems.[8]

Although Project SEARCH included a program that drafted guidelines for the protection of privacy in the collection and dissemination of arrest and conviction records, LEAA has not required state and local agencies to adopt these procedures as a prerequisite for getting LEAA funding for communications systems, nor has it indicated any other steps that it might take to enforce compliance.

Because LEAA was instrumental in creating this potentially dangerous national information network, it has a special obligation to take action to see that the information is not abused. *The Task Force urges the agency to promulgate and enforce the strictest possible privacy and security safeguards and to prevent the misuse of these data by potential employers, schools, creditors, credit agencies, and insurers. The Task Force further recommends that LEAI play a leading role in educating the public as to the issues involved in this highly complex and volatile field.*

But LEAA is not the only agency in the field. The FBI has been setting up a computer system. The two agencies are now vying for control of the nationwide computerized criminal histories network. The Task Force takes no position on which agency of government should be responsible for this network. But it is obvious that these data are highly vulnerable to exploitation and abuse. Accordingly, *the Task Force recommends that a review board be established to monitor the uses, practices, and policies of the operation. It is critical that the review board be truly independent of the operating agency so that it will have the distance and freedom it needs to perform its oversight function without constraint.*

THE AGENCY AND DISCRIMINATION

At present, members of minority groups are overrepresented in the criminal justice statistics as both victims and perpetrators, relative to their share of the general population, and underrepresented among personnel at all levels of the criminal justice system. But although LEAA has one of the strongest antidiscrimination mandates of any agency in the federal government, it has been slow to act in this area. At present, for instance, the agency requires grant recipients to file an equal employment opportunity plan but makes no effort to see that such plans actually are put in operation.

The agency has yet to terminate grants on its own initiative to any of the agencies it funds for reasons of discrimination. When asked why LEAA does not pursue its antidiscrimination

mandate more vigorously, LEAA officials say that their primary job is to get the money out to the states, not to withhold it, that the Civil Rights Compliance Office is understaffed, or that LEAA cannot be expected to alter local practices when its grants are so small a fraction of local spending.

The Task Force believes that funding policies that support discriminatory enforcement agencies and practices are incompatible with the goal of improving the criminal justice system. *The Task Force recommends that LEAA (1) set an example by hiring more minority group members and women; (2) supply technical assistance to those agencies claiming an inability to recruit among these groups in adequate numbers; (3) enforce Title VI of the 1964 Civil Rights Act with regard to those state and local agencies that maintain patterns and practices of discrimination, invoking, where appropriate, its ultimate weapon, grant termination; and (4) encourage states and localities to develop programs located in and dealing with the problems of high-crime, inner-city areas, taking advantage of minority expertise and personnel and providing information about the causes, costs, and prevention of crime.*

REAUTHORIZATION OF THE AGENCY

Congress has never conducted a thorough investigation of LEAA. And no reliable inventory now describes with accuracy the nature, far less the degree of success or failure, of the 105,000 grants LEAA has funded to date. In response to earlier criticisms, LEAA set up a Grants Management Information System (GMIS), which is now the primary source of information about what LEAA has funded. But the GMIS figures are of questionable utility; grant descriptions on the GMIS are written by the grantees and not checked for accuracy; the categories into which projects are divided are imprecise and overlapping; and the same grant is frequently (but not invariably) listed in more than one category. Moreover, the system's coding procedures are informal, subjective, and unreliable. The agency does not require states to supply data for the

system. And the National Center for State Courts has demonstrated that the GMIS information is incompatible and inaccurate. As of February 14, 1975, LEAA could account for only 39.9 percent of its fiscal 1974 Part C (action, as opposed to planning) block grant funds and for only 75 percent of its 1973 Part C block grant funds, although 90.2 percent of the money had been spent.

Because of its failure to monitor or investigate the agency and its activities thoroughly, Congress must bear its share of the responsibility for LEAA's problems. As yet, no independent congressional fact-finding has established the degree to which LEAA's policy goals have been flouted, compromised, or realized. Yet, independent of Congress, there is substantial evidence that LEAA, as currently structured and administered, has generally failed to carry out the mission Congress gave it. On the basis of this evidence, and whether or not its other recommendations are accepted, *the Task Force urges that Congress exercise more vigorous oversight regarding LEAA.*

The administration has proposed that LEAA be authorized in 1976 for five years at a budget of $1.3 billion per year. *The Task Force opposes five-year authorization at this time without a thorough restructuring of LEAA to eliminate its serious problems and weaknesses.* The Task Force has designed its recommendations to bring about such restructuring.

If LEAA and its program are restructured, Congress should carefully monitor the operations of the federal agency and review the findings of its evaluations of state and local programs. *If the agency is not restructured, then this Task Force urges only a one- or two-year authorization, a cutback in the proposed level of authorization, and a thorough congressional investigation of LEAA.*

CONCLUSION

In the seven years it has been in operation, LEAA has been the object of considerable criticism. Although some of this criticism is politically inspired or simply unfounded, LEAA's performance has left much to be desired. Nonetheless, the Task

Force believes that the federal government can plan a positive role in nationwide law enforcement.

Ensuring that each of the numerous state, county, and local agencies responsible for criminal justice spends the federal funds it receives wisely and well is probably impossible, but the Task Force believes that the criminal justice system urgently needs money, assistance, and information and that the states and localities should not be hindered in setting their priorities.

The Task Force would prefer, of course, that federal funds be used for constructive programs rather than, as too often in the past, for showy but unnecessary hardware. The Task Force also would prefer the states and localities to make a serious commitment to comprehensive planning. But since the federal government cannot effectively enforce compliance with these objectives, it should do what it can—supply the funds and the intellectual leadership that are necessary to improve the criminal justice system and may be sufficient for that purpose if the states and localities have the will to use them effectively. Without this will, even the most interventionist federal program cannot succeed.

Until relatively recently, it was fashionable in some circles to treat law enforcement as a dirty business involving the persecution by uniformed "hard hats" of those poorer and weaker than themselves. Today, the realization has dawned that crime has victims and that the function of law enforcement and criminal justice is as much to protect the innocent as to punish the guilty. Consideration of the broader issues of this function is difficult for those who are caught up in its daily routine and struggling to handle the problems they face in the most expedient and familiar way. The federal government has a role to play precisely because it is distant from this daily routine and can make available without coercion—to the typical overworked, understaffed police chief, for example—fresh perspectives and the financial means to apply them. The Task Force has devoted its efforts to outlining a federal program that would serve both the law enforcement community and the American people as a force for both humaneness and efficiency.

NOTES

[1]National Conference of State Criminal Justice Planning Administrators, *State of the States on Crime and Justice: An Analysis of State Administration of the Safe Streets Act* (Frankfort, Ky.: National Conference of State Criminal Justice Planning Administrators, June 1, 1973), p. ii.

[2]Gerald M. Caplan, "'Losing' the War on Crime," Address at the Town Hall of California, Los Angeles, Calif., Dec. 9, 1975, p. 2.

[3]Testimony of Mayor Harvey Sloane, M. D., on behalf of the National League of Cities–U.S. Conference of Mayors, before the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee, Oct. 9, 1975.

[4]Testimony of Egil Krogh in hearings held by the Twentieth Century Fund Task Force on the Law Enforcement Assistance Administration, New York, N. Y., Jan. 9, 1976.

[5]General Accounting Office, *The Pilot Cities Program: Phaseout Needed Due to Limited National Benefits*, B-171019, Feb. 3, 1975.

[6]General Accounting Office. *Problems in Administering Programs to Improve Law Enforcement Education*, GGD-75-67, June 11, 1975.

[7]Ibid.

[8]SEARCH Group, Inc., *Standards for Security and Privacy of Criminal Justice Information*, Technical Report No. 13, Sacramento, Calif., Oct. 1975, p. 1.

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