AMENDMENTS TO TITLE I (LEAA) OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

23, S. 1114, S. 1234, S. 1497, 1645 and S. 1796

JUNE 5 AND 6, 1973

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JUNE 5 AND 6, 1973

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BILLS TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT (TITLE I—LEAA)

TUESDAY, JUNE 5, 1973

U.S. SENATE,
SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES,
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m., in room 2228, Dirksen Senate Office Building, Senator Roman L. Hruska, presiding.

Present: Senators Hruska, Kennedy, Thurmond, and Mathias.

Also present: G. Robert Blakey, Chief Counsel; Dennis C. Thelen, assistant counsel; Kenneth A. Lazarus, minority counsel; Paul C. Summitt, deputy chief counsel; and Mabel A. Downey, clerk.

Senator HRUSKA. The hour of 10 o'clock having arrived, the subcommittee will come to order.

The first order of business will be to announce that the chairman of this subcommittee, Senator McClellan, is busy with official matters of another nature, to wit; presiding over the Subcommittee on Appropriations for the Department of Defense. He requested that I preside in his place. I am happy to do so as it eases his burden and at the same time allows the work of this subcommittee to proceed.

Today we shall consider the future of the Law Enforcement Assistance Administration as its current authorization expires on June 30 of this month.

The continuation of this agency and its various programs is of extreme importance to the future of our country. LEAA is the Federal Government's largest crime-fighting program, with a budget double that of the Federal Bureau of Investigation. It is also one of the first Federal programs to deal effectively with the problem of Federal aid to States and local units of government.

The Omnibus Crime Control and Safe Streets Act of 1968 was a major piece of legislation enacted in response to the violence and lawlessness that pervaded the country in the mid-1960's. Title I of the Safe Streets Act created the Law Enforcement Assistance Administration and gave it the funds and delivery system to assist State and local governments in strengthening and improving law enforcement at every level by national assistance.

We had a debate on the creation of the block grant system which is inherent in the program, as it now exists. It is designed to give flexibility to administer crime fighting funds as the States see fit and in accordance with their individual criminal justice needs.

At the time when the bloc-grant amendments submitted by Senator Dirksen were debated, this Senator was heard to observe that the bloc-

grant concept was completely consistent with the principles of our Federal republic. This approach is necessary if we are to maintain a workable Federal-State partnership to fight crime and to restore domestic tranquility to this Nation.

We do not need bureaucrats in Washington telling local law enforcement officials what types of programs are needed to better enforce our laws.

The Dirksen amendment was adopted and the bloc-grant system became the basis for LEAA programs. This concept of bloc-grants is now here to stay.

Attacks on the bloc-grant system by many critics have been more than adequately overcome by the many successes achieved by LEAA in its first 5 years of existence.

The question now before this committee is not whether LEAA should be continued, but rather, should we take the next logical step to special revenue sharing for law enforcement. This step may not be as difficult as many would have us believe. As a matter of fact the LEAA has already moved in that direction by decentralizing the approval of State plans.

A few years ago, LEAA established 10 regional offices and charged them with the responsibility of approving the plans of the States in their respective regions.

I have noted with qualified approval the House Committee bill to amend and continue title I of the Omnibus Crime Control and Safe Streets Act of 1968. Although the administration's special revenue sharing proposal was not included, the bloc-grant system was retained. Reflecting for a moment on the difficulty the bloc-grant system encountered in the original act of 1968, it is indeed heartening to now see the House Committee accept a system of allocating Federal funds which it had previously questioned.

There are many alternatives to consider for I am certain that none of us would argue that the existing law is perfect and that no modifications of the Safe Streets Act should be considered.

But I am equally certain that none of us wants to see this valuable and beneficial program come to an end, or would propose that LEAA should be abolished or even fundamentally changed.

Even those among my colleagues who have been the most forceful in calling for changes in the act have never suggested that LEAA should come to an end. Indeed, they have repeatedly asserted that LEAA should have a continued life.

There are a number of proposals to amend the existing act, as well as S. 1234, the bill for special revenue sharing for law enforcement, which I personally introduced on behalf of the administration. We must examine all of these proposals in light of the timing problems in determining the future of LEAA prior to the end of this month.

Before we proceed to our first witness, I submit for inclusion at this point in the record the following bills: [S. 977, S. 1023, S. 1114, S. 1234, S. 1497, S. 1645, S. 1796, S. 1930, and H.R. 8152 follows]:

93D CONGRESS
1ST SESSION

S. 977

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 1973

Mr. TAFT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the law enforcement education program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "the law enforcement agency employing such applicant" in the second sentence of subsection (c) and inserting in lieu thereof "a law enforcement agency".

93D CONGRESS
1ST SESSION

S. 1023

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 1973

Mr. HARTKE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide a program for the accreditation of law enforcement agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part E the following new part:

"PART F—ACCREDITATION OF LAW ENFORCEMENT AGENCIES

"SEC. 471. It is the purpose of this part to encourage the improvement of law enforcement agencies of the States and units of general local government on a voluntary basis

by providing for a program of accreditation and financial assistance to the States and units of general local government having agencies that are accredited pursuant to this part.

"SEC. 472. (a) There is hereby established in the Law Enforcement Administration a Commission on the Accreditation of Law Enforcement Agencies (hereinafter in this part referred to as the 'Commission') composed of nine members to be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are officials in the field of law enforcement for the Federal Government, for any State, for any unit of general local government, or experts and teachers in the field of law enforcement. In making appointments under this section, the President is requested to give due consideration to appointment of individuals who, collectively, will provide appropriate geographical balance on the Commission.

"(b) The term of office of each member of the Commission shall be six years, except that—

"(1) the members first taking office shall serve as designated by the President, three for a term of two years, three for a term of four years, and three for a term of six years, and

"(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

"(c) The President shall designate one of the members of the Commission to serve as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner and subject to the same limitations as the original appointment was made.

"(e) Five members of the Commission shall constitute a quorum.

"(f) In the exercise of its functions, powers, and duties, the Commission shall be independent of the Attorney General, the Administrator of the Law Enforcement Assistance Administration, and all other offices and officers of the Department of Justice.

"SEC. 473. (a) The Commission is authorized to—

"(1) establish criteria for the accreditation of law enforcement agencies of the States and units of general local government, including provisions for such criteria for each appropriate class and type of law enforcement agency, after giving consideration to the following factors—

"(A) recruitment and selection practices, including minimum educational qualifications, minor-

ity group selection allowances, and the criteria for lateral movement into the law enforcement agency;

"(B) the availability and quality of training programs for new law enforcement personnel, existing personnel of any such agency;

"(C) the quality of the physical facilities of such agency and the availability and the contemporary nature of the equipment and support services of any such agency;

"(D) minimum acceptable rates of compensation for such personnel, and the availability of workmen's compensation, health insurance, death benefits, and other benefits available to such personnel;

"(E) the number of on-the-line personnel of such agency in relation to the population of the State or unit of government which that agency serves;

"(F) minimum adequate management practices and a model of organizational structure for any such agency; and

"(G) the quality of the community relations program, including the amount of training of law enforcement personnel in such program and the accessibility of law enforcement personnel of the agency to the public;

"(2) establish national and regional accrediting associations composed of law enforcement officials who are representative of all levels of the work personnel of the agency being accredited;

"(3) provide for the establishment of accrediting boards by the regional accrediting association, one of whose members, in the case of a law enforcement agency of a unit of general local government, is representative of a law enforcement agency of the State in which that agency is located;

"(4) provide for the general policy with respect to accrediting such agencies, including the manner of establishing accrediting boards by regional accrediting associations and the daily rates of compensation to be paid association and board members, except that in no event shall such compensation exceed $100 per day;

"(5) make grants in accordance with section 475; and

"(6) perform such other functions as are necessary to carry out the purposes of this part.

"(b) The Commission shall submit interim reports to the President and the Congress as it deems advisable to keep the Congress fully informed of the establishment of criteria for, and the process of, accreditation under this sec-

tion. The Commission shall submit, as part of the report of the Administration as required under section 519 of this Act, a report setting forth the activities of the Commission and such recommendations including recommendations for additional legislation as it deems advisable in each calendar year.

"SEC. 474. (a) There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate to be fixed by the President not in excess of the rate prescribed for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the provisions of title 5 of the United States Code, and may procure services as authorized by section 3709 of such title 5 but at rates for individuals not in excess of the daily rate prescribed for GS–18 of the General Schedule.

"(b) The Commission may accept or utilize services of voluntary or uncompensated personnel.

"(c) The Commission may constitute such advisory committees within States composed of citizens of that State

and may consult with Governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

"(d) Members of the Commission, and members of any advisory committees shall, for the purposes of chapter 11 of title 18, United States Code, be deemed to be special Government employees.

"(e) All Federal agencies shall cooperate fully with the Commission in order to assure that the Commission may effectively carry out its functions and duties.

"(f) The Commission, or on the authorization of the Commission any subcommittee of three or more members, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 5 of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subsection, must be approved by a majority of the Commission,

or by a majority of the members present at a meeting at which at least a quorum of five members is present.

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant, and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(h) Each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation.

"(i) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this part.

"SEC. 475. (a) The Commission is authorized to make

grants to any State or any unit of general local government in accordance with the provisions of this section if such State or unit of general local government has been accredited pursuant to section 473.

"(b) No grant shall exceed 25 per centum of the amount of the funds received by such State for operating purposes and not for distribution to units of general local government, or received by such unit of general local government under part C of this title in the fiscal year preceding the fiscal year in which the grant is made. If a unit of general local government is accredited under this part and has not received a grant under part C of this title for that preceding fiscal year, the Commission shall determine the amount to which such unit of general local government is entitled under this part after giving consideration to units of general local government of a similar size that have received grants under such part C.

"(c) Any State or unit of general local government that has been accredited pursuant to section 473 and desires to receive a grant under this part for any fiscal year, shall submit an application to the Commission at such time, in such manner and containing or accompanied by such information as the Commission may reasonably require.

"SEC. 476. It is the intention of the Congress that the national and regional accrediting association and accrediting

boards established by such associations shall be totally independent of any officer or agency of the Department of Justice or any other department or agency of the Federal Government.

"SEC. 477. There are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1974, and $1,000,000 for the succeeding fiscal year.

"SEC. 478. Except the provisions of sections 510, 511, and 516(a) of title I, the provisions of part G of this title, relating to administrative provisions, shall not apply to this part."

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

"(m) The term 'law enforcement agency' means any police department, sheriff's office, or other similar law enforcement agency of a State or a unit of general local government as determined pursuant to criteria established by the Commission of Accreditation of Law Enforcement Agencies."

(c) Parts F and G of title I of such Act are redesignated as parts G, H, I, and J, respectively.

SEC. 2. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Members of the Commission on Accreditation of Law Enforcement Agencies."

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93D CONGRESS
1ST SESSION

S. 1114

IN THE SENATE OF THE UNITED STATES

MARCH 6, 1973

Mr. EAGLETON introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize assistance for demonstration projects designed to develop reforms in the criminal justice system in the United States.

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 "Criminal Justice Reform Act".

DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) in order to obtain effective control and prevention of crime, there is a need for demonstration projects to test within States and localities comprehensive criminal justice reforms, including reforms in recruiting,

training, compensating, and supervising police and other law enforcement personnel, expediting and improving criminal court procedure, and strengthening correctional systems; and

(2) the recommendations of the President's Commission on Law Enforcement and the Administration of Justice, together with the planning and recommendations of a number of State planning agencies and commissions and other agencies, provide an excellent basis for the adoption of such reforms.

DEMONSTRATION PROJECTS AUTHORIZED

SEC. 3. (a) The Administrator of the Law Enforcement Assistance Administration is authorized to make grants to and to enter into contracts with States and, where appropriate, with localities for the conduct of demonstration projects designed to test the effectiveness of comprehensive criminal justice reforms as described in subsection (b) of this section.

(b) A demonstration project assisted under this section may involve the testing of the following comprehensive criminal justice reforms:

(1) A State or, where appropriate, a locality will establish with respect to police and other similar law enforcement personnel—

(A) standards for recruitment which are uniform throughout the State;

(B) appropriate educational requirements for advancement which are uniform throughout the State;

(C) beginning compensation and increases in compensation which are appropriate for a professional, considering the size of the community and the cost of living in the community in which such personnel serve;

(D) a retirement system that is uniform throughout the State, and a statewide pension plan for such personnel;

(E) to the extent possible, uniform promotional policies for such personnel throughout the State;

(F) to the extent appropriate, standard operational procedures for such personnel throughout the State;

(G) lateral entry between law enforcement agencies of each locality within the State and between Federal, State, and local law enforcement agencies located within the State, with appropriate conditions on the period of initial service for such personnel; or

(H) facilities offering short-term mandatory training for all such personnel within the State.

(2) A State or a locality having jurisdiction over the trial of criminal offenses will implement such necessary reforms as will insure that (A) the trial of all such offenses (excluding juvenile offenses) will be commenced no later than sixty days from the date on which the defendant was arrested or from the date on which the defendant was charged by the authorities with such offense, whichever occurs first, and (B) the charges will be dismissed with prejudice for failure to comply with the requirements of this paragraph, except that the Administrator shall, by regulation, provide for the exclusion from such sixty-day period of any periods of delay that he designates as may reasonably be necessitated in the interest of justice; and reforms under this paragraph may include, without limitation—

(i) increasing the number of judges trying criminal offenses;

(ii) improving the efficiency of criminal court procedures;

(iii) appointing professional court administrators; and

(iv) increasing personnel engaged in prosecuting and defending criminal cases.

(3) A State or, where appropriate, a locality within such State--

(A) will establish a system for classifying persons charged with, or convicted of, criminal offenses so as to permit individualized treatment and security standards appropriate to the individual;

(B) will establish a range of correctional facilities that are adequately equipped and staffed to treat the particular classifications of inmates assigned there, including small-unit, community-based correctional institutions;

(C) will provide comprehensive vocational and educational programs designed for the special needs of rehabilitating each class of persons charged with or convicted of criminal offenses;

(D) will provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or runaway children;

(E) will establish standards applicable throughout the State for local jails and misdemeanant institutions to be enforced by the appropriate State corrections agency;

(F) will provide parole and probation services for felons, for juveniles, for adult misdemeanants who

need or can profit from community treatment, and supervisory services for offenders who are released from correctional institutions without parole;

(G) will establish caseload standards for parole and probation officers that vary in size and in type and intensity of treatment according to the needs and problems of the offender;

(H) will establish statewide job qualifications and compensation schedules for correctional officers, including probation and parole officers, along with a mandatory system of in-service training;

(I) will develop and operate programs of treatment and rehabilitation for persons suffering from alcoholism and drug abuse, available both to inmates and as an alternative to incarceration.

(4) A State will study by an appropriate and responsible group the consolidation of law enforcement agencies within such State best suited to the particular needs of that State; and will report to the Administrator on its findings not later than two years following the approval of its application;

(5) A State or a locality will study by an appropriate and responsible group the application of the crimi-

nal laws, as well as the propriety of the application of such laws to—

(A) alcoholism and drunkenness;

(B) narcotics addiction and drug abuse;

(C) gambling;

(D) vagrancy and disorderly conduct; and

(E) such other related areas which the State deems appropriate,

and will report to the Administrator on its findings with respect to such matters not later than two years after the approval of its application.

(c) No grant may be made and no contract may be entered into under this section unless an application is made to the Administrator at such time, in such manner, and containing or accompanied by such information as he may reasonably require.

LIMITATION

SEC. 4. No grant may be made and no contract may be entered into under section 3—

(1) for any statewide comprehensive criminal justice reform with more than ——— States; or

(2) with more than ——— localities located in any one State, or with more than ——— localities in all States, not covered by paragraph (1) of this section.

ADDITIONAL PROVISIONS OF AGREEMENTS

SEC. 5. Any agreement evidencing a grant or contract under this Act shall contain provisions adequate to assure that—

(1) Federal funds made available under this Act will not be used to supplant State or local funds for the purpose for which the agreement is made;

(2) whenever there is a failure to comply with the provisions of that agreement, the Administrator may withhold further payments, until there is no longer such a failure;

(3) in the case of the construction of any facility—

(A) the design and cost of construction will be reasonable; and

(B) all laborers and mechanics employed by contractors or subcontractors will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); and

(C) in any case in which—

(i) the ownership of the facility ceases to be a public agency, or

(ii) the facility ceases to be used for the purposes for which it was constructed unless

there is good cause for releasing the applicant from the requirement of this clause, as determined by the Administrator,

the interests of the United States will be protected.

TECHNICAL ASSISTANCE

SEC. 6. The Administrator is authorized to provide by grant, contract, or otherwise, technical assistance to a State or locality required to carry out the provisions of this Act.

PAYMENTS AND AUDIT

SEC. 7. (a) The Administrator shall pay in any fiscal year to each State or locality with which he has entered into an agreement pursuant to this Act for that fiscal year the Federal share of the cost of such agreement as determined by him.

(b) The Federal share for each fiscal year shall be 75 per centum of the cost of the programs and projects assisted under this Act.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records

of a grant recipient under this Act that are pertinent to the grant received.

DEFINITIONS

SEC. 8. As used in this Act—

(1) "Administration" means the Law Enforcement Assistance Administration;

(2) "Administrator" means the Administrator of the Law Enforcement Assistance Administration;

(3) "criminal offense" includes juvenile offenses, except as otherwise specified;

(4) "locality" means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision or State (or two or more acting jointly) having general governmental powers; and

(5) "State" means each of the several States of the Union, and the District of Columbia.

APPROPRIATIONS AUTHORIZED

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of the Act.

93D CONGRESS
1ST SESSION

S. 1234

IN THE SENATE OF THE UNITED STATES

MARCH 14, 1973

Mr. HRUSKA (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for special law enforcement revenue sharing.

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 Revenue Sharing Act of 1973".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to read as follows:

"Declarations and Purpose

"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 enforcemen

efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"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) authorize special revenue sharing payments to States and units of local government in order to reduce and prevent crime and delinquency; (2) 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; (3) encourage improved management of law enforcement activities; and (4) 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.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice under the authority of the Attorney General, a law Enforcement Assistance Administra-

tion (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate, and a Deputy Administrator.

"(b) The Attorney General may delegate, and authorize redelegation of all functions, powers, and duties created and established by this title so long as the Attorney General remains responsible for overall supervision, direction, and management of the programs authorized.

"PART B—STATE PLANNING PROCESS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement.

"SEC. 202. (a) Any State desiring to participate in the special revenue sharing program shall establish a State law enforcement planning process to be under the supervision and control of the Governor and including local government participation for the preparation, revision, and implementation of the State plans required under this part.

"(b) Any areawide planning shall be the responsibility of a multijurisdictional planning and policy development organization designated by the Governor pursuant to procedures established for implementing title IV of the Inter-

governmental Cooperation Act of 1968, a majority of whose policy board is composed of elected officials representing general local government. Such an organization may have an advisory body on matters relating to the purposes of this title to include representatives of law enforcement agencies and public agencies maintaining programs to reduce and control crime.

"SEC. 203. The State shall—

"(1) develop, after appropriate hearings and consultation with elected representatives of units of general local government, representatives of law enforcement agencies, and of public agencies maintaining programs to reduce and control crime and delinquency, a comprehensive statewide plan for the reduction and prevention of crime and delinquency;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for the reduction and prevention of crime and delinquency;

"(3) establish priorities for the reduction and prevention of crime and delinquency throughout the State;

"(4) adopt measures designed to bring to the attention of the citizens of the State the contents of the comprehensive statewide plan and any substantial modi-

fication thereof immediately following the adoption of such plan or any such modification by the State;

"(5) provide for the expenditure of amounts received under special revenue sharing in accordance with the laws and procedures applicable to the expenditure of its own revenues;

"(6) adequately take into account the plans, needs and requests of the units of general local government in the State and encourage local initiative and interlocal cooperation in the development of programs and projects for the reduction and prevention of crime and delinquency, 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 provide in the plan for the allocation of an adequate share of assistance for law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity;

"(7) provide for administration, fiscal control fund accounting, audit and monitoring and evaluation procedures as may be necessary to assure proper management and disbursement of funds received under this title;

"(8) provide for the submission of such reports in such form, at such times, and containing such information as the Attorney General may reasonably require to eval-

uate the overall impact of the plan and programs and to report to the President and the Congress on its priorities and effectiveness;

"(9) provide for appropriate review of procedures of actions taken by the State government disapproving an application for which funds are available or terminating or refusing to continue financial assistance to a State agency or a unit of general local government or combination of such units;

"(10) provide that all meetings of any planning organizations established under this title at which any final action is taken respecting the approval of comprehensive State plans (or regional or local components thereof), nonconfidential applications for or award of funds, and the allocation or expenditure of such funds shall be public meetings. Such meetings shall be preceded by a public notice giving the time, place, and general nature of business to be transacted;

"(11) provide for public access to all nonconfidential records; and

"(12) certify that financial efforts for law enforcement purposes by the State and the aggregate efforts by local units of government within the State (out of their own sources) during a fiscal year are not less than the effort in the preceding year or the average of the prior

three years. The Attorney General shall accept such a certification unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this title.

"SEC. 204. (a) Each State government which expects to receive funds under part C for any entitlement period beginning on or after July 1, 1973, shall submit a comprehensive State plan formulated pursuant to sections 301 and 303. Thereafter such plan shall be submitted every three years with an annual revision to reflect any changes necessary. Such revisions shall be submitted annually to the Attorney General.

"(b) The Attorney General shall review such plans and provide the State with such comments and recommendations as he deems appropriate. Within a reasonable time after providing the State with any such comments and recommendations, the Attorney General shall submit such comments and recommendations to Congress and publish them in the Federal Register.

"PART C—REVENUE SHARING FOR LAW ENFORCEMENT PURPOSES

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government or combinations thereof, through special revenue sharing payments and other forms of financial assistance, to develop and im-

plement programs and projects to reduce and prevent crime and delinquency.

"(b) The Attorney General is authorized to make special revenue sharing payments and other forms of financial assistance to States for law enforcement purposes including—

"(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) constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence;

"(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. In no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency;

"(8) the establishment of a criminal justice co-

ordinating council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement activities;

"(9) the development and operation of community-based delinquent prevention and correctional programs, emphasizing diagnostic services, halfway houses and other community-based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders;

"(10) the development and operation of justice reform programs, including improved court administration and law reform;

"(11) the rendering of technical assistance in matters relating to law enforcement;

"(12) the establishment of programs of academic educational assistance through contracts with institutions of higher education for grants or loans to persons enrolled in undergraduate or graduate programs in areas related to law enforcement;

"(13) the operation of State, regional, and local

planning processes for the preparation, development, evaluation, and revision of State plans; and

"(14) the improved management of law enforcement activities.

"(c) Any special revenue sharing payment made under this section may be used to pay up to 100 per centum of the cost of programs or projects specified in the comprehensive plan required to be submitted under this title.

"(d) No part of any special revenue sharing payment for the purpose of renting, leasing, or contructing buildings or other physical facilities shall be used for land acquisition.

"SEC. 302. (a) The Attorney General is authorized to obligate funds for the continuation of projects approved under title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, prior to the date of enactment of this title to the extent that such approval provided for continuation.

"(b) Any funds obligated and all activities necessary may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"SEC. 303. (a) The Attorney General shall make special revenue sharing payments to a State government if such State has on file with the Attorney General a comprehensive State plan which conforms with the purposes and requirements of this title.

"(b) To be comprehensive the plan should conform to the definition in section 601(m) and should consider Statewide priorities for the improvement and coordination of all aspects of law enforcement, the relationship of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement personnel. It shall thoroughly address improved court programs and practices throughout the State. It shall include a long-range all-inclusive program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State. Such programs must adequately reflect national and State standards for all functions of the correctional and court systems.

"SEC. 304. The State government shall receive applications for financial assistance submitted by heads of State agencies and the chief executive officers of units of general local government, combinations of such units and other applicants. When a State government 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 government is authorized to disburse funds to the applicant.

"SEC. 305. Where a State has failed to file a comprehensive State plan as required by this title, the funds allocated for such State under paragraph (1), section 306 (a) of this title shall be available for reallocation by the Attorney General under paragraph (2) of section 306 (a).

"SEC. 306. (a) The funds appropriate deach fiscal year for this part shall be allocated by the Attorney General as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States as special revenue sharing payments. The Attorney General shall make an initial allocation of $200,000 to each of the States for the support of the State, areawide, and local planning process. The Attorney General shall then allocate the remainder of such funds available among the States according to their relative populations. Of the amount allocated by population, 5 per centum of the total shall be made available for support of the State, areawide, and local planning process.

"(A) At least the per centum of the special revenue sharing payments made to the State under

this part for any fiscal year which corresponds to the per centum of the State and local law enforcement funds used in the immediately preceding fiscal year by units of general local government shall be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the reduction and prevention of crime and delinquency. Per centum determination will be applied to 70 per centum of the total special revenue sharing payment after reduction of the amount allocated for support of the planning process as specified in section 306 (a) (1) ; the remaining 30 per centum may be used by the State for local or State adult and juvenile correctional programs, court programs, technical assistance, and law enforcement education. Per centum determinations under this paragraph for law enforcement funding and expenditures for such accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available, and reflect adjustments for any major program responsibility shifts between State and local government. Upon application the Attorney General may waive the per centum requirements upon a finding that the planning process developed under

part B will assure that special revenue sharing funds for any fiscal year will be available to carry out the provisions of section 203 (6).

"(B) Of the funds allocated for the planning process at least 40 per centum of such funds for any fiscal year shall be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under the title. Upon application the Attorney General may waive this requirement in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this title. In allocating planning funds the State shall receive planning funds to develop comprehensive plans and coordinate functions at the local level.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant or revenue sharing payment of any

State, may, in the discretion of the Attorney General, be allocated among the States, units of general local government, or combinations of such units, and to nonprofit organizations according to the criteria and on the terms and conditions the Attorney General determines consistent with the title.

"(b) Any grant made from funds available under paragraph (2) of this subsection may be up to 100 per centum of the cost of the program or project for which such grant is made. No part of any such grant shall be used for land acquisition.

"SEC. 307. For the purposes of this title, the term 'special revenue sharing payment' means a grant of funds allocated to a State in accordance with section 306.

"SEC. 308. (a). 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 from the Law Enforcement Special Revenue Sharing Act.

"(b) Whenever the Attorney General determines that a State government or unit of general local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State of the

noncompliance and shall request the Governer to secure compliance. If within a reasonable period of time the Governor fails or refuses to secure compliance, the Attorney General is authorized—

"(1) to institute an appropriate civil action;

"(2) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d);

"(3) to exercise the powers and functions provided in section 509 of this title; or

"(4) to take such other action as may be provided by law.

"(c) Whenever the Attorney General has reason to believe that a State government or unit of 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 any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 309. The amounts appropriated and allocated for special revenue sharing payments shall be paid to the respective States at such intervals and in such installments as the Attorney General may determine, taking account of the objective that the time elapsing between the transfer

of funds from the United States Treasury and the disbursement thereof by the State shall be minimized.

"PART D—RESEARCH, DEMONSTRATION AND TRAINING

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals. These purposes will include—

"(1) 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 purposes described in this title; including the development of new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research

designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to prevent and reduce crime and delinquency;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to carry out a program of collection and dissemination of information obtained by other Federal agencies, public agencies, institutions of higher education or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency;

"(7) to establish a research center to carry out the programs described in this section; and

"(8) to cooperate with and render training and technical assistance to States, units of general local gov-

ernment, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement. While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 (b) of title 5 for persons employed intermittently in the Government service.

"SEC. 402. There is established within the Law Enforcement Assistance Administration a National Institute of Law Enforcement and Criminal Justice. It shall be the purpose of the Institute to encourage research and development to prevent and reduce crime and delinquency.

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Attorney General shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is sought.

"SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy

at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement personnel;

"(2) develop new or improved approaches, techniques, systems, equipment and devices to improve and strengthen law enforcement; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"PART E—ADMINISTRATIVE PROVISIONS

"SEC. 501. The Attorney General shall prescribe, after appropriate consultation with representatives of States and units of general local government, such regulations as may be necessary or appropriate to carry out the provisions of this title.

"SEC. 502. The Attorney General may establish, alter, or discontinue such organizational units of the Administration as he may deem necessary or appropriate.

"SEC. 503. Title 5 of the United States Code, subsection (c) (10) of section 5108 remains unchanged.

"SEC. 504. Upon authorization of the Attorney General, any hearing examiner assigned to or employed for the purpose of this title shall have the power to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States he may designate.

"SEC. 505. Effective January 1, 1974, section 5315 of title 5 of the United States Code is amended by deleting:

"(90) Associate Administrator of the Law Enforcement Assistance (2)."

"SEC. 506. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new subsection:

"(131) Deputy Administrator of Law Enforcement Assistance."

"SEC. 507. Subject to the civil service and classification laws, the Attorney General is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out his powers and duties under this title.

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"SEC. 508. The Attorney General is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Attorney General is further authorized to confer with and avail himself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.

"SEC. 509. Whenever the Attorney General, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Attorney General under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title,

the Attorney General 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 such failure), until there is no longer such failure.

"SEC. 510. (a) In carrying out the functions vested by this title in the Department of Justice, the determination, findings, and conclusions of the Attorney General shall be final and conclusive upon all applicants, except as hereafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Attorney General shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Attorney General on an application or a grant the Attorney General or any authorized officer thereof is authorized and directed to hold such hearings or investigations at such times and places as the Attorney General deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Attorney General with

respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Attorney General, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Attorney General may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Attorney General, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"SEC. 511. (a) If any applicant or grantee is dissatisfied with the Attorney General's final action with respect to the approval of its application submitted under this title, or any applicant or grantee is dissatisfied with the Attorney General's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of court to the Department of Justice. The Attorney General shall thereupon file

in the court the record of the proceedings on which the action of the Attorney General was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Attorney General to take further evidence. The Attorney General may thereupon make new or modified findings of fact and may modify the previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Attorney General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 512. (a) The Attorney General shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds received under this title by State governments and units of local government and other recipients of assistance comply fully with the requirements of this title. The Attor-

ney General is authorized to accept an audit by a State of such expenditures of a State government or unit of local government if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this title.

"(b) The Comptroller General of the United States is authorized to make reviews of the work as done by the Attorney General, the State governments, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this title.

"(c) The provisions of this section apply to all recipients of assistance under this title, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Attorney General is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Attorney General deems necessary to carry out the functions under this title. Each such department or agency is authorized to cooperate with the Attorney General and, to the extent permitted by law, to furnish such materials to the Attorney General. Any Federal department or agency en-

gaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Attorney General to insure fully coordinated efforts, and the Attorney General shall undertake to coordinate such efforts.

"SEC. 514. The Attorney General may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

"SEC. 515. The Attorney General is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under this title; and

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the United States.

"SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled 'Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551)."

"(b) Not more than 12 per centum of the sums appro-

priated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

"SEC. 517. (a) The Attorney General may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Attorney General is authorized to appoint, without regard to the civil service law, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Attorney General but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"SEC. 518. Nothing contained in this title or any other

Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof.

"SEC. 519. On or before March 31 of each year, the Attorney General shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"SEC. 520. There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all provisions of this title. Such sums shall remain available for obligation until expended.

"SEC. 521. (a) To implement the provisions of this title, neither the Attorney General, nor any other officer or employee of the Department, nor any recipient of assistance under the provisions of this title, may, except when expressly authorized under the provisions of this title—

"(1) use the information collected expressly for statistical or research purposes under programs assisted directly or indirectly by this title for any other purpose; or

"(2) make any publication whereby such informa-

tion furnished by any particular private establishment or individual can be identified; or

"(3) permit anyone other than the sworn officers and employees of the Department of Justice, a research grantee under the provisions of this title, or officers and employees of such research grantee under the provisions of this title to examine such information concerning particular private establishments or individuals.

No department, bureau, agency, officer, or employee of the Government, except as specifically authorized in this title, shall require, for any reason, copies of such information on establishments or individuals which have been retained by any such establishment or individual. Copies of such information which have been so retained shall be immune from legal process, and shall not, without the consent of the establishment or individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(b) Any person violating the provisions of this section, or any rule, regulation, or order issued thereunder, shall be liable to a penalty not to exceed $10,000, in addition to any other penalty imposed by law. The amount of any such penalty shall be payable into the Treasury of the

United States and shall be recoverable in a civil suit in the name of the United States.

"PART F—DEFINITIONS

"SEC. 601. (a) As used in this title—'law enforcement' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and Samoa.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as deter-

mined by the Secretary of the Interior or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia. Such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such

State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institutions as defined by section 801 (a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141 (a)), subject, however, to such modications and extensions as the Attorney General may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Attorney General may determine to be appropriate to

further the purposes of section 301 (b) (7) and this title.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) 'Comprehensive' means that the plan must be a total and integrated analysis of the crime and juvenile delinquency problem within the State; goals, priorities, and standards must be established in the plan and the plan must address (both short- and long-term) methods, organizations, 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.

"(n) 'Areawide' refers to the geographic scope of problems which transcend the boundaries of any single unit or units of general local government but do not encompass the entire State.

"(o) 'Multijurisdictional planning and policy development organization' is an organization which has responsibility for comprehensive planning and has planning and policy control over two or more functional planning and policy development programs.

"PART G—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or attempts to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, willfully misapplied, stolen, or obtained by fraud shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"Any law enforcement program project underwritten, in whole or in part, by any grant or contract or other form or assistance pursuant to this Act, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code."

SEC. 3. This Act shall take effect on July 1, 1973.

93D CONGRESS
1ST SESSION

S. 1497

IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 1973

Mr. TUNNEY (for himself and Mr. HART) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Safe Streets Act and to provide for an improved Federal effort to combat crime.

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 and Criminal Justice Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that:

(1) The Law Enforcement Assistance Administration, established by Congress in 1968, has provided important new directions in the effort of the Federal Government to assist State and local governments to reduce crime in America.

(2) Despite the efforts of the Law Enforcement Assist-

ance Administration, crime in America is still one of the most urgent concerns to the citizens of this land, and the high incidence of crime in the United States continues to threaten the peace, security, and general welfare of the Nation and its citizens.

(3) Congress reaffirms its earlier finding that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

(4) It remains, 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 Act to (a) provide a more effective and direct means of assisting the State and local governments in their law enforcement and criminal justice efforts; (b) require the Federal Government to assume a greater leadership role in the law enforcement and criminal justice area; and (c) encourage further research and development, educational improvement, and planning directed toward the improvement of law enforcement and criminal justice.

TITLE I—OMNIBUS CRIME CONTROL AMENDMENTS OF 1973

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. For the purpose of carrying out title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended, there is authorized to be appro-

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priated the sum of $850,000,000 for the fiscal year ending June 30, 1974, and $892,500,000 for the fiscal year ending June 30, 1975.

AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 102. (a) Section 201 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 201. It is the purpose of this part to encourage States, regions of States, and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State, regional, and local problems of law enforcement."

(b) Section 203 (b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the word "and" at the end of paragraph 2 thereof, by striking out the period at the end of paragraph 3 and inserting in lieu thereof a semicolon and the word "and" and by adding at the end thereof the following new paragraph:

"(4) develop procedures which will insure that all applications for funds pursuant to the provisions of this Act shall be approved or rejected within sixty days of the time that said application is received."

(c) Section 306 (a) (2) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end thereof the following new sentence: "In allocating

such 15 per centum, the Administration shall give special consideration to States, State planning agencies, units of general local government, or combinations of such units which have demonstrated to the Administration that they have developed and executed one or more projects or programs which has demonstrably improved its criminal justice system."

(d) Section 402(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by redesignating clauses (6) and (7) and all references thereto as clauses (9) and (10), respectively, and by adding after clause (5) the following:

"(6) to provide assistance to recipients of funds under this Act in preparing grant applications, determining program priorities, reviewing and evaluating annually the success or failure of all programs assisted under this Act, developing improved administrative efficiency in disbursing funds authorized by this Act, and assisting recipients to determine which programs will be responsive to their needs;

"(7) to develop a standard form by which the success or failure of programs and projects assisted under this Act can be evaluated, to make such form available to all recipients and, through the use of such form, to evaluate the success or failure of programs assisted under this Act;

"(8) to develop procedures for efficient annual review of each ongoing program or grant."

(e) Section 406(e) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the word "and" at the end of paragraph 3 thereof, by striking out the period at the end of paragraph 4 and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following new paragraph:

"(5) developing curriculums leading to a degree in the field of criminal justice planning."

(f) Section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end thereof the following new subsection:

"(g) The Administration is authorized to enter into contracts to make payments to individuals employed in law enforcement or committed to enter an occupation in law enforcement, for loans, not exceeding $3,000 per academic year if that individual is enrolled on a full-time or part-time basis in undergraduate or graduate programs approved by the Administration. Loans to individuals assisted under this subsection shall be made on such terms and conditions as the Administration may determine, except that the total annual amount of any such loan, plus interest, shall be cancelled for service as a full-time officer or employee of a law enforcement agency at the rate of 25 per centum of the total annual

amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration."

(g) Section 455 (a) (2) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end thereof the following new sentence: "In allocating such 50 per centum, the Administration shall give special consideration to States, State planning agencies, units of general local government, or combinations of such units which have demonstrated to the Administration that they have developed and executed a project or program which has demonstrably improved its correctional institutions or facilities."

(h) Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end thereof the following new section:

"SEC. 523. No person who has applied to any Federal, State, regional, local, or other agency or body for funds under this title or who represents an individual, group, or organization which has applied for funds under this title, shall be present or entitled to vote during the consideration of that application for funds."

REPEALER

SEC. 103. Effective July 1, 1975, parts B, C, and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended, are repealed.

TITLE II—LAW ENFORCEMENT AND CRIMINAL JUSTICE PROGRAM

AUTHORIZATION AND ALLOCATION OF FUNDS.

SEC. 201. (a) For the purpose of carrying out this title, there is authorized to be appropriated the sum of $937,125,000 for the fiscal year ending June 30, 1976, $983,981,250 for the fiscal year ending June 30, 1977, and $1,033,180,323 for the fiscal year ending June 30, 1978.

(b) The amounts appropriated pursuant to this title shall be allocated as follows:

(1) 10 per centum shall be for programs authorized by part D of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90–351, as amended by this and other Acts.

(2) 15 per centum shall be distributed by the Administration to:

(a) units of general local government which are identified by the Administration as high crime areas having a special and urgent need for Federal financial assistance in meeting law enforcement and criminal justice needs; and

(b) States and units of general local government as determined by the Administration, with special consideration being given to meeting the reasonable costs of programs or projects which

States and units of general local government have executed and which the Administration determines have demonstrably improved the criminal justice system of said State or unit of general local government.

(3) The remaining 75 per centum shall be allocated to States and eligible units of general local government according to their population in accordance with the provision of section 203 and subject to the following conditions:

(A) not less than 10 per centum and not more than 40 per centum of such remainder distributed to the States and eligible units of general local government pursuant to the provisions of this subsection shall be expended by such State or eligible unit of general local government upon programs related to each of the following areas:

(1) law enforcement;

(2) corrections;

(3) courts and judicial administration;

(4) juvenile justice; and

(5) criminal justice planning.

(B) if any recipient eligible unit of general local government does not exercise jurisdiction over programs in any area set forth in clause (1), (2), (3),

or (4) of paragraph (A) of this section, that minimum percentage of funds which must be allocated to that program area shall be allocated to programs in that area administered by the larger unit of government which exercises jurisdiction over that program area.

DISTRIBUTION OF FUNDS

SEC. 202. (a) The amounts made available by section 201 (b) (3) for any fiscal year under this title shall be distributed by the Administration, according to their population, among:

(1) Eligible units of general local government.

(2) States, for use in those areas of the State not within the jurisdiction of eligible units of general local government and for programs and projects subject to the general jurisdiction of a State or State agency.

(b) Whenever a unit of general local government either wholly includes another unit of general local government or is contiguous to another unit of general local government, the Administrator shall determine, based upon the population of the eligible units, how funds shall be distributed equitably among such units. In carrying out this subsection, the Administrator shall insure that no person shall be included in the population of more than one eligible unit and provide

that the funds shall be distributed directly to eligible units of general local government.

(c) Not less than three months prior to the beginning of any fiscal year, the Administrator shall determine the units of government eligible for funding pursuant to this title during the subsequent fiscal year, and shall publish in the Federal Register the percentages each eligible unit is entitled to receive under the provisions of subsections (a) and (b) of this section and, as soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Administrator shall publish in the Federal Register the amount of funds actually appropriated and distributed pursuant to subsections (a) and (b).

(d) In the event that an eligible unit of general local government refuses to accept funds as provided by this Act, the funds to which it would have been entitled under subsections (a) and (b) of this section shall be disbursed by the State in which that unit is located for discretionary use in providing programs under this title.

(e) In the event that a State refuses to accept funds as provided by this Act, the funds to which it would have been entitled under subsection (a) of this section shall be available for expenditure by the Administrator for purposes of this title.

(f) If by reason of boundary line changes, by reason of

State statutory or constitutional changes, by reason of annexations or other governmental reorganization, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this title, the application of such provision shall be made, under regulations prescribed by the Administration, in a manner which is consistent with such purposes.

PROGRAM STATEMENTS AND OTHER REQUIREMENTS

SEC. 203. (a) In order to facilitate coordination among units of government, to permit public examination of the effectiveness of activities carried out under this title, to enhance the public accountability of recipients of funds distributed pursuant to this title, and to assure maximum effectiveness of the funds distributed, no funds may be paid under this title to any State or eligible unit of general local government for any fiscal year unless at least two months prior to the beginning of that fiscal year:

(1) each State and eligible unit of general local government makes available a statement of program objectives and projected uses of funds to the Administrator;

(2) each State and eligible unit of general local government has developed procedures by which all applications for funds under this Act are approved or rejected within sixty days of the time that application is received;

(3) policies and procedures have been established 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 law enforcement and criminal justice; and

(4) procedures have been established by each State and eligible unit of general local government to evaluate the success or failure of programs assisted under this title.

The Administration shall cause to be published the program statements prescribed in section 203 (a) (1) in the Federal Register and in at least one newspaper of general jurisdiction within the recipient State or eligible unit of general local government and the institute shall comment upon the contents of said program statements giving particular attention to the factors set forth in subsection (b) of this section as well to recommendations about duplication of services and capacity, coordination, and integration with State and local law enforcement and criminal justice programs and activities.

(b) Statements of program objectives and projected uses of funds shall describe:

(1) the current status of law enforcement, courts, corrections, and juvenile justice systems within the jurisdiction;

(2) the problems currently faced by each of the

elements of the criminal justice system in the jurisdiction;

(3) the priority attached to the resolution of each of the problems set forth in subsection (b) (2) of this section;

(4) the proposal for solution of each of the problems set forth in subsection (b) (2) of this section;

(5) the goal toward which each program or project is directed;

(6) the standards and criteria by which success or failure in achieving that goal will be measured; and

(7) whether each program or project is designed to reform any aspect of the criminal justice system in that jurisdiction and how such reform will be achieved by the proposed project or program.

(c) Each unit of government receiving funds under this title shall publish an annual report on the uses of such funds during the year then ending, which shall set forth expenditures made and the results achieved in relation to objectives, including the information required by subsection (b) of this section and three-year projections of needs and requirements.

RECORDS, AUDITS, AND REPORTS

SEC. 204. (a) All funds distributed to recipient units of government under this title shall be properly accounted for as Federal funds in the accounts of such recipients.

(b) In order to assure that funds distributed under this title are used in accordance with the provisions of this Act, each recipient unit of government shall:

(1) use such fiscal and accounting procedures as may be necessary to assure (i) proper accounting for payments received by it and (ii) proper disbursement of such accounts;

(2) provide to the Administrator, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require; and

(3) make such reports to the Administrator as he may reasonably require.

RECOVERY OF FUNDS

SEC. 205. (a) If the Administrator determines that a recipient unit of government has failed to comply substantially with the provisions of this Act:

(1) he may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or

(2) after giving reasonable notice and opportunity for a hearing, he shall notify the recipient unit of government that if corrective action is not taken within sixty days from the date of such notification, funds distributed to it will be reduced in the same or succeed-

ing fiscal year by an amount equal to the amount of funds which were not expended in accordance with the provision of this Act; or

(3) he may take such other action as may be provided by law.

(b) When a matter is referred to the Attorney General pursuant to subsection (a) (1) of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c) (1) Any recipient unit of government which receives notice of reduction of funds distributed, after notice and opportunity for hearing under subsection (a) (2) of this section may, within sixty days after receiving notice of such reduction, file with the United States court of appeals for the circuit in which such unit of government is located or in the United States Court of Appeals for the District of Columbia, a petition for review of the Administrator's action. A copy of the petition shall forthwith be transmitted to the Administrator: a copy shall also forthwith be transmitted to the Attorney General of the United States who shall represent the Administrator in litigation.

(2) The Administrator shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. No

objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Administrator.

(3) The court shall have jurisdiction to affirm or modify the action of the Administrator or to set it aside in whole or in part. The findings of fact by the Administrator, if supported by substantial evidence, shall be conclusive. However, if any finding is not supported by substantial evidence, the court may remand the case to the Administrator to take further evidence, and the Administrator may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

GENERAL PROVISIONS

SEC. 206. (a) The Administration shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this title.

(b) Funds distributed under this title shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964.

(c) As used in this Act—

(1) the term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands; and

(2) the term "eligible unit of general local government" means an existing unit of local government with a population of one hundred thousand or more persons.

93D CONGRESS
1ST SESSION

S. 1645

IN THE SENATE OF THE UNITED STATES

APRIL 18, 1973

Mr. JAVITS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs, 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 "Criminal Justice Professions Development Act of 1973".

II—O

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THE CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT ACT OF 1972—FINDINGS AND DECLARATIONS OF POLICY

SEC. 2. The Congress hereby finds and declares that (1) there is an urgent need to alleviate the critical shortage in qualified manpower for criminal justice systems at all levels of government, and most critically, in the corrections component of such systems; (2) personnel recruitment, training, and employment standards and programs within such systems must reflect the most advanced and enlightened practices and objectives; (3) immediate steps are required to devise new institutional means to accomplish this goal; (4) the need for trained criminal justice personnel is apt to increase as the population expands, and crime rates remain at unacceptable levels; and (5) regional crime and delinquency centers, providing broad based services to the entire criminal justice system, can reduce such shortages and promote the solution of critical problems that confront the various components of criminal justice.

SEC. 3. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (hereinafter referred to as the "Act") is amended by inserting immediately after part I the following:

"PART J—CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT

"SEC. 671. The Administration is authorized to make

grants to State and local governmental agencies and to institutions of higher education and private nonprofit organizations for the purpose of paying not more than 85 per centum of the cost of establishing, staffing, and operating regional crime and delinquency centers in various areas of the country. As used in this section, the term 'crime and delinquency center' means a public or private nonprofit agency, institution, or organization which serves as—

"(A) a training institution for students and practitioners of criminal justice;

"(B) a centralized channel for the recruitment of criminal justice personnel in conjunction with Federal, State, and local criminal justice agencies;

"(C) a consultation center for criminal justice agencies and relevant professional schools; and

"(D) a research center for basic and applied studies of criminal justice.

No payment shall be made to any State, local governmental agency, institution of higher learning, or private, nonprofit organization pursuant to this section, unless and until (1) the eligible grantee submits an appropriate proposal providing for the purposes, objectives, administration, staffing, organization, and curriculums of the proposed crime and delinquency center, consistent with criteria established by the Administration; *Provided*, That the professional staff of such

centers shall be composed of persons drawn both from practicing agencies of criminal justice, and from persons who have broad experience primarily in the fields of law, psychiatry, clinical psychology, social work, and public administration, and (2) the Administration finds that the eligible grantee will have available for expenditure an amount equal to not less than the non-Federal share of the costs with respect to which payment is sought. No part of any grant made pursuant to this section may be used for the acquisition of land or for capital construction.

"ACADEMIC ASSISTANCE FOR CORRECTIONS SYSTEMS PROFESSIONAL PERSONNEL

"SEC. 672. (a) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations, including regional crime and delinquency centers to assist them in planning, developing, strengthening, or carrying out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration and rehabilitative services.

"(b) There is authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year

ending June 30, 1974; and $15,000,000 for the fiscal year ending June 30, 1975.

"SEC. 673. (a) The President shall, within ninety days after the enactment of this title, appoint a National Advisory Council on Criminal Justice Professions Development (hereinafter in this section referred to as the 'Council') for the purpose of reviewing the operation of this part, and of other Federal programs for the training and development of criminal justice professional personnel, evaluating their effectiveness in meeting the purposes of the part and in achieving improved quality in such training programs, and personnel recruitment, training, and performance standards generally. The Council shall, in addition, advise the Attorney General, with respect to policy matters arising in the administration of this part and any other matters, relating to the purposes of the part, on which its advice may be requested.

"(b) The Council shall be appointed by the President, without regard to the civil service and classification laws, and shall consist of fifteen persons. The members, one of whom shall be designated by the President as Chairman, shall include persons broadly representative of any experience in the fields of law enforcement, courts, probation and parole, correctional administration, education, law, the social sciences, and the behavioral sciences.

"(c) The Council shall make an annual report of its

findings and recommendations (including recommendations for changes in this title and other Federal laws relating to criminal justice personnel training) to the President and the Congress not later than January 31 of each calendar year beginning after the enactment of the section. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

"(d) Members of the Council who are not in the regular full-time employ of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate per day specified at the time of such service for GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(e) There is authorized to be appropriated to carry out the purposes of this section the sum of $150,000 for the fiscal year ending June 30, 1973, and the sum of $250,000 for each of the two succeeding fiscal years.

"APPRAISING CRIMINAL JUSTICE PERSONNEL NEEDS

"SEC. 674. (a) The Attorney General shall, from time to time, appraise existing and future personnel needs of the

Nation in the field of criminal justice, and the adequacy of the Nation's efforts to meet those needs. In carrying out the provisions of this section, the Attorney General shall consult with, and make maximum use of statistical and other related information of, the Department of Labor, the Department of Health, Education, and Welfare, Federal and State and local criminal justice agencies, and other appropriate public and private agencies.

"(b) The Attorney General shall prepare and publish annually a report on the criminal justice professions, in which he shall present in detail his views on the state of the criminal justice professions, the trends and the future complexion of programs in the field of criminal justice, and the need for highly trained and qualified personnel to staff such programs.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF CRIMINAL JUSTICE

"SEC. 675. (a) The Law Enforcement Assistance Administration of the Department of Justice is authorized to make grants to, or contracts with, State or local criminal justice agencies, institutions of higher education, or other public or nonprofit agencies, organizations, or institutions, whenever the Administration, after consultation with the National Advisory Council on Criminal Justice Professions Development, considers that such contract will make

an especially significant contribution to attaining the objectives of this section, for the purpose of—

"(1) identifying capable persons in secondary schools and institutions of higher learning who may be interested in careers in criminal justice particularly in correctional administration and rehabilitation, and encouraging them to pursue postsecondary education in preparation for such careers;

"(2) publicizing available opportunities for careers in the field of criminal justice; and

"(3) encouraging qualified persons to enter the field of criminal justice.

The Administration is authorized to enter into contracts with private agencies, institutions, or organizations to carry out the purposes of this section.

"(b) There is authorized to be appropriated to carry out the purposes of this section the sum of $2,500,000 for the fiscal year ending June 30, 1973, and the sum of $5,000,000 for each of the two succeeding fiscal years.

"RECRUITMENT, EMPLOYMENT, AND COMPENSATION OF CORRECTIONS SYSTEMS PROFESSIONAL AND PARAPROFESSIONAL PERSONNEL

"SEC. 676. (a) The Administration is authorized to make grants to State and local corrections departments and agencies, including probation and parole agencies, to assist

them in the recruitment, employment, and compensation of professional and paraprofessional administrative, custodial, rehabilitative, medical, and other personnel, consistent with criteria established by the Administration.

"(b) Not more than one-third of any grant made under this section may be expanded for the compensation of custodial personnel.

"(c) No grant shall be made to any prospective grantee, unless and until such applicant—

"(1) provides satisfactory assurances that Federal funds made available pursuant to this section will be used so as not to supplant State or local funds, but to supplement and to the extent practicable to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes of this section;

"(2) provides satisfactory assurances that the personnel standards and programs of the applicant reflect the most advanced and enlightened practices and objectives; and

"(3) provides satisfactory assurances that such applicant is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including probation, parole, and rehabilitation.

"(d) There is authorized to be appropriated to carry out the purpose of this section $15,000,000 for the fiscal year ending June 30, 1973, and $20,000,000 in each of the two succeeding fiscal years."

93D CONGRESS
1ST SESSION

S. 1796

IN THE SENATE OF THE UNITED STATES

MAY 14, 1973

Mr. MATHIAS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to interstate metropolitan organizations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 206. (a) Notwithstanding any other provision of law, the Administration is authorized to make grants to organizations composed or predominantly composed of local elected officials from the general purpose governments within any interstate metropolitan area, which are capable of devel-

oping an effective comprehensive planning and coordination process to cope with the regional law enforcement and criminal justice needs and problems within such interstate area. Grants under this section for interstate regional planning shall include but not be limited to grants for the following purposes:

"(1) identifying general metropolitan needs, problems and resources to meet needs and problems on a metropolitan scale;

"(2) preparing, as an aid to State and local governments, comprehensive law enforcement and criminal justice plans for meeting regional problems;

"(3) developing physical and fiscal proposals for implementing plans and policies on which local governments in the metropolitan area agree;

"(4) proposing organizational systems and administrative machinery for implementing plans and policies;

"(5) coordinating related plans and activities of State and local governments and agencies concerned with regional planning; and

"(6) encouraging States and local governments to combine or provide cooperative arrangements with respect to services, facilities, and equipment.

"(b) The amount of any Federal grant made under

this section shall not exceed 90 per centum of the expenses for preparation, development, and revision of such interstate metropolitan planning and coordination. All interstate metropolitan plans developed under this section shall be consistent with the comprehensive State and local programs priorities developed under section 303 of this title.

"(c) (1) There are authorized to be appropriated for the purposes of this section an amount not to exceed $1,500,000 for the fiscal year ending June 30, 1974 and $2,000,000 for each of the fiscal years ending June 30, 1975 and June 30, 1976.

"(2) Any amount so appropriated for any such fiscal year may be allocated by the Administration among interstate metropolitan areas according to their relative needs and population, except that no such area to which funds are allocated shall receive a sum less than $25,000.

"(3) Any funds appropriated under this section and not expended during the fiscal year for which they were appropriated shall remain available for expenditure in subsequent fiscal years."

[STAFF NOTE.—Following is the text of the legislation now under consideration in the House of Representatives:]

Union Calendar No. 102

93D CONGRESS
1ST SESSION

H. R. 8152

[Report No. 93–249]

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 1973

Mr. RODINO (for himself, Mr. HUTCHINSON, Mr. FLOWERS, Mr. SEIBERLING, Ms. JORDAN, Mr. MEZVINSKY, Mr. MCCLORY, Mr. DENNIS, and Mr. SANDMAN) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 5, 1973

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—LAW ENFORCEMENT ASSISTANCE

"DECLARATIONS AND PURPOSE

"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 reduce and pre-

vent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice under the general authority of the

Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and a Deputy Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. The Deputy Administrator shall perform such functions as the Administrator shall delegate to him, and shall perform the functions of the Administrator in the absence or incapacity of the Administrator.

"PART B—PLANNING GRANTS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans based on their evaluation of State and local problems of law enforcement and criminal justice.

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement and criminal justice planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plan required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency and any regional planning units ~~(including any Criminal Justice Coordinating Council)~~ within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizen, professional, and community organizations.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice; and

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that

at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time

and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provisions of local, State, or Federal law.

~~"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part. The non-Federal funding of such expenses shall be of money appropriated in the aggregate by the State or units of general local government, except that the State will provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.~~

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part, and may be up to 100 per centum of the expenses incurred by regional planning units under this part. The non-Federal funding of such expenses, shall be of money appropriated in the aggregate by the State or units of general local govern-

ment, except that the State shall provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

"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 and criminal justice.

"(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 criminal justice and reduce crime in public and private places.

"(2) The recruiting of law enforcement and criminal justice personnel and the training of personnel in law enforcement and criminal justice.

"(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 and criminal justice agencies.

"(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

"(5) The organization, education, and training of special law enforcement and criminal justice 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 *and criminal justice* officers, special law enforcement and criminal justice units, and law enforcement reserve units for the prevention, detec-

tion, 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 and criminal justice 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 and criminal justice agency.

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities.

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based

rehabilitation centers for initial preconviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section 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 cost 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. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated

in the aggregate, by State or individual units of government, for the purpose of the shared funding of such programs or projects.

"SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan developed pursuant to part B of this title.

"SEC. 303. (a) The Administration shall make grants under this title 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) which conforms with the purposes and requirements of this title. No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency

under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year 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. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, 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;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law ~~of~~ 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 and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to

units of general local government or combinations of such units;

"(8) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(9) 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 law enforcement and criminal justice;

"(10) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(11) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National Institute for Law Enforcement and Criminal Justice may reasonably require to evaluate pursuant to section 402 (c) programs and projects carried out under this title and as the Admin-

istration may reasonably require to administer other provisions of this title; ~~and~~

"(12) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice~~.~~ *; and*

"(13) 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 sixty 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 sixty 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.

Any portion of the per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless

it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"SEC. 304. 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.

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the

funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a).

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, combinations of such units, or private nonprofit organizations, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. 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. In the case of a grant under such paragraph 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. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State or units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for

grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"SEC. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"SEC. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval) within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 302(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section,

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the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

"PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and criminal justice, and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

"SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to State and local governments, and to develop and support programs for the training of law enforcement and criminal justice personnel.

"(b) The Institute is authorized—

"(1) 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 purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs

provided, under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to assist in conducting, at the request of a State or a unit of general local government or a combination thereof, local or regional training programs for the training of State and local law enforcement and criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution or defense of those charged with crime, corrections, rehabilitation, probation and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of general local government. While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 (b) of title 5, United States Code, for persons employed intermittently in the Government service; and

"(7) to establish a research center to carry out the programs described in this section.

"(c) The Institute shall serve as a national clearinghouse for information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), shall describe *and* in such report the potential benefits of such activities of law enforcement and criminal justice and the results of the evaluations made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement and criminal justice personnel; and

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"SEC. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided*, That—

"(1) The Administration, or the Attorney General

until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

"(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

"SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice.

"(b) The Administration is authorized to enter into

contracts to make, and make payments to institutions of higher education for loans, not exceeding ~~$1,800~~ *$2,200* per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to law enforcement and criminal justice or suitable for persons employed in law enforcement and criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

"(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition, books and fees, not exceeding ~~$200~~ *$250* per academic quarter or ~~$300~~ *$400* per semester for any person, for officers of any publicly funded law enforcement

agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement and criminal justice or an area suitable for persons employed in law enforcement and criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement and criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement, in institutitons of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in

planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement and criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement and criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for grants not exceeding ~~$50~~ *$65* per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any

summer recess or for any entire quarter or semester on leave from the degree program.

"SEC. 407. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 (b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and fa-

cilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability 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;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; ~~and~~

"(9) provides necessary arrangements for the development and operation of narcotic treatment programs

in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts or drug abusers; and

~~"(9)~~ *(10)* complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government. No funds awarded under this part may be used for land acquisition.

"(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 for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"PART F—ADMINISTRATIVE PROVISIONS

"SEC. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local 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.

"SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval

of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

"SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

"SEC. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

"SEC. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"'(55) Administrator of Law Enforcement Assistance.'

"SEC. 506. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

"'(90) Associate Administrator of Law Enforcement Assistance.'

"SEC. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees,

including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.

"SEC. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title;

the Administration 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 such failure), until there is no longer such failure.

"SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropri-

ate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Ad-

ministration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section ~~1251~~ *1254* of title 28, United States Code.

"SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the ~~four succeeding fiscal years~~ *fiscal year ending June 30, 1975*.

"SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated maner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

"SEC. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

"SEC. 515. The Administration is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under this title;

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States; and

"(c) to cooperate with and render technical assist-

ance to States, units of general local government, combinations of such States or ~~unit~~ *units*, or other public or private agencies, organizations, or institutions in matters relating to law enforcement and criminal justice.

Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.

"SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551).

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate

authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"SEC. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) (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 dis-

crimination under any program or activity funded in whole or in part with funds made available under this title.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within sixty days after such notification the chief executive fails or refuses to secure compliance, the Administration shall exercise the powers and functions provided in section 509 of this title, and is authorized—

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

"(C) to take such other action as may be provided by law.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of 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 any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 519. On or before December 31 of each year, the

Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"SEC. 520. 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 $1,000,000,000 for the fiscal year ending June 30, 1974, and $1,000,000,000 for ~~each succeeding fiscal year through the fiscal year ending June 30, 1978~~ *the fiscal year ending June 30, 1975*. 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 purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"SEC. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Administration and the Comptroller General

of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"SEC. 522. Section 204 (a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting 'law enforcement facilities,' immediately after 'transportation facilities,'.

"SEC. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State or unit of general local government may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggregate by the State or units of general local government.

"SEC. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title—

~~"(1) shall use any information furnished by any private person under this title for any purpose other than to carry out the provisions of this title; or~~

~~"(2) shall reveal to any person, other than to carry out the provisions of this title, any information furnished under the title and identifiable to any specific private person furnishing such information.~~

shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title.

Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(b) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

"PART G—DEFINITIONS

"SEC. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction

or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia

and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title; provided, however, that such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State

and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institution as defined by section ~~501(a)~~ *1201(a)* of the Higher Education Act of 1965 (~~79 Stat. 1269;~~ 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301 (b) (7) and this Act.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) 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~~, the~~; adjudication ~~and~~ ; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures.

"PART H—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misapplies, steals, or ~~obtain~~ *obtains* by fraud or attempts to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen,

or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"SEC. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"SEC. 653. Any law enforcement *and criminal justice* program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

"SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within ninety days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered

in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act of 1968, the Gun Control Act of 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance).".

SEC. 2. (a) Section 5315 of title 5, United States Code, is amended by striking out the following:

"(90) Associate Administrator of Law Enforcement Assistance (2).".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

~~"(131)~~ *(133)* Deputy Administrator of ~~the~~ Law Enforcement Assistance ~~Administration~~.".

SEC. 3. The amendments made by this Act shall take effect on and after July 1, 1973.

97-296 O - 73 - 10

[STAFF NOTE.—Following is the text of legislation now on the Senate Calendar to extend the program for one year:]

Calendar No. 176

93D CONGRESS
1ST SESSION

S. 1930

IN THE SENATE OF THE UNITED STATES

MAY 31, 1973

Mr. MCCLELLAN (for himself and Mr. HRUSKA) introduced the following bill; which was read twice and, by unanimous consent, ordered to be placed on the calendar

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended as follows:

SEC. 2. Section 512 of part F of title I of the Act is amended by striking out the word "five" therein and inserting in lieu thereof the word "six".

SEC. 3. Section 520 of part F of title I of such Act is amended to read as follows:

"SEC. 520. There is authorized to be appropriated

$1,000,000,000 for the fiscal year ending June 30, 1974. Funds appropriated shall remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each of the following two fiscal years there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

The next to last bill is included in the form approved by the House Judiciary Committee.

Our first witness this morning is the very distinguished Senator from the State of California who has a proposal of his own which he has introduced, and which he champions. He will now testify in his own way in support of his views on this very important subject.

Senator Tunney.

STATEMENT OF THE HONORABLE JOHN V. TUNNEY, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator TUNNEY. Thank you very much, Mr. Chairman.

I sincerely appreciate the opportunity the Chair has given me to testify today. I know the constraints of time that you are operating under during these hearings and the fact that you have given me this opportunity is deeply appreciated.

Mr. Chairman, I want to commend the committee for beginning to explore this very important subject of the present structure and operations of the Law Enforcement Assistance Administration. The committee has before it a number of bills relating to this matter, one of which is S. 1497, the Law Enforcement and Criminal Justice Act of 1973, which I introduced in March of this year.

S. 1497 is the product of many hours of talking and listening to policemen, sheriffs, judges, DA's, prison officials, and many others in my State of California, here in Washintgon, and elsewhere who are vitally interested in our system of justice. These sessions have taught me much about the needs and priorities of the law enforcement profession and how the LEAA is responding to these needs.

One conclusion emerges clearly from these meetings: For LEAA to function in the most efficient manner, the red tape must be eliminated. The funding mechanisms must be streamlined. The money must start going directly to the local agencies.

The reasoning of these individuals, all respected and experienced professionals of the law enforcement field, may be summarized as follows:

LEAA is choking on its own paperwork. It is bogged down by layer upon layer of needless bureaucracy and involved in the wasted motion of processing grants through three, four, and five tiers of Government, with no discernible benefit to the ultimate consumer, the public, through the red tape.

I am not saying that LEAA has not been very beneficial to law enforcement, but the red tape certainly has not been at all beneficial.

Meanwhile, the most urgent problems go unsolved, crime rates keep rising while the municipal or county officials who know their communities best have little to do with the decisions about how the moneys will be allocated. Court systems with their very heavy growing calendars, cannot take the necessary first step to unclog the machinery. The smaller law enforcement agencies which lacked the planning expertise are unable to compete on an equitable basis with the larger departments. Allocations which could free up police to perform the more critical crime detection and control functions by training civilians to take over some of the less technical assignments have not materialized.

We may be writing out of our grant formulas and our delivery sys-

tems those people who are most competent to decide what is needed for the safety and welfare of their community. In so doing, we may be complicating our task, and while the LEAA is presently seeking to address itself to some of these problems, it is not, in my opinion, going far enough.

Therefore, as my principal objective, I introduced legislation which would seek to eliminate some of these wasteful delays and get the money directly to where it is needed, to be spent by those who best know how. And I would say, Mr. Chairman, parenthetically, that this rhetoric sounds very similar to the rhetoric used by the President and his spokesmen, when we were talking about our revenue sharing last year at the time that we passed the bill and, in effect, this is what my proposal is, revenue sharing.

In a nutshell my bill would unfold in two phases, and would seek during phase 1 to eliminate the bureaucratic red tape involved in applying for funds over the period extending from January 1 of next year, when the legislation would take effect through July of 1975.

At that point, phase 2 would go into effect, requiring the distribution of funds directly to county and to local governments.

During the first phase, application formulas would be standardized and LEAA would have to act upon all applications for grants within 60 days, and this is most important. The National Institute, the underutilized research and development of LEAA, would be asked to standardize its evaluation procedures and recommend the adaptation of successful law enforcement programs from one community to another.

The institute would also provide assistance to smaller law enforcement agencies which are at a competitive disadvantage in drafting grant applications.

Another major feature of my bill is the provision for direct grants to police officers and other law enforcement officials interested in gaining further education. They, themselves, could choose the universities and colleges which would best serve their professional needs.

My bill would also provide Federal credit funding which, in effect, would reimburse cities, counties, and States that undertake imaginative, effective programs. Such activities might include improved training programs, juvenile delinquency control, a more effective rehabilitation program, or successful efforts to curb organized crimes. These steps, hopefully, would lay the groundwork for the pressures to be eliminated in phase 2 beginning in July 1975, thereafter, 75 percent of all LEAA funds would be distributed to local jurisdictions and to States which would then pass them on to smaller counties and cities.

My bill as written establishes a population formula of over 100,000 for purposes of eligibility under this section. However, certain communities in my own State of California have voiced some reservations about this figure and it is always possible that a number of States might stand to receive a disproportionate share of the funds as well if this formula is retained.

Let me say for the record that I am not wedded to this number and I would welcome the suggestions of this subcommittee as to how this formula might be altered to give all recipients an equitable share.

The remaining 25 percent of the funds would be retained by LEAA itself to be allocated among vital programs such as extra money for high crime areas, continuation of credit funding for successful innovative programs, continuation of law enforcement education programs, and upgrading of the reporting functions to be carried out by the Institute.

One additional feature of major significance is built into phase 2, in recognition of the interdisciplinary nature of law enforcement. My legislation would require recipients to spend at least 10 percent of their LEAA funds on each of the following:

Law enforcement, the courts, juvenile justice, corrections and planning, and no more than 40 percent in any one of those fields. If a city could not make use of these funds, then they would be channeled to the next highest unit of government having such jurisdiction for that particular fuction.

And I am thinking in that respect that the courts would be as an example, where most local jurisdictions might have a police force but not a court system.

I am well aware that the subcommittee seriously entertains a 1-year extension of the present program, and I can sympathize with that, with the June 30 funding expiration rapidly approaching and quick action is needed to continue the basic action of the program.

I would, nonetheless, strongly urge that the following minimum changes be made to become effective in fiscal 1974.

One, approval of grant applications should be expedited and I have suggested that this be accomplished within 60 days of submission and I think this is a very reasonable period of time.

Two, ongoing program evaluation by the Institute should be instituted and uniform standards established leading to elimination of ineffectual programs and duplication of the good ones.

Three, the law enforcement education program is already a part of LEAA, and I am only asking that its goals be strengthened by providing direct grants to individuals.

I would finally urge that a much more comprehensive overhaul and remodeling of the entire LEAA program along the lines of S. 1497 be contemplated for fiscal year 1975 and thereafter. I view such actions as a prerequisite for continuation of an effective crime-fighting program. I think it is essential that we have additional hearings soon to give the most careful and thorough study to the actions which my bill recommends, as well as to any other bills on this subject before the committee.

I think that the proposals I have outlined represent the considered thought of the majority of law enforcement officers and law enforcement specialists who want to see constructive change in the administration of this program.

I would make one further point. At a time when our institutions of justice are being severely tested, and when public confidences in the processes of government have been badly eroded, it is essential that the Congress undertake these vital reforms.

I hope that we can accept this challenge and that this committee will give careful thought to the legislation which I have proposed.

I want to thank you, Mr. Chairman, again for giving me the opportunity to state my views on the LEAA program and my bill.

Senator HRUSKA. We appreciate your appearance here today, Senator Tunney.

It is a very laudable end to which you address yourself. The question of whether the means suggested will be employed is an open one.

Thank you very much.

Senator TUNNEY. Thank you, Mr. Chairman.

I might just point out finally, that I did outline this proposal before a convention of district attorneys that met in my State in Los Angeles. This represented the district attorneys from all over the country and I outlined in some detail my proposal about 3 or 4 months ago, shortly after I had introduced it, and there was not one of the district attorneys who disagreed with the basic thrust of this.

As a matter of fact, afterward, I must have had at least 40 come up to me. It was almost like a receiving line and they said that they thought that the goals that we were addressing in the legislation were excellent, and they felt that this was the way that the program should be directed.

So, maybe if the subcommittee could solicit the views of some of the district attorneys around the country I think it would be helpful insofar as giving a broader view of the legislation that I propose, broader than just my own statements in support of it.

Senator HRUSKA. Might I inquire whether your remarks to that body were formal so that they could be incorporated in the record?

Senator TUNNEY. Yes; they were.

Senator HRUSKA. We would be pleased to have them.

Senator TUNNEY. Thank you very much, Mr. Chairman.

Senator HRUSKA. And the fact that the district attorneys support your views is testimony to your persuasiveness.

Senator TUNNEY. I didn't say that they all did. I just said that I did not have anyone say that they did not. Thank you.

[The information referred to follows:]

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., June 8, 1973.

Hon. JOHN MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am happy to submit for the record as requested a copy of the statement which I delivered before the National District Attorneys Association in Los Angeles on March 6.

I appreciated the opportunity to appear before your Subcommittee in order to testify on my proposed legislation, S. 1497 and I look forward to reviewing any written questions which any Committee member might have with respect to my bill.

Thank you.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

A NEW STRATEGY IN THE WAR ON CRIME

(By Senator John V. Tunney)

Thank you for your invitation to be with you today.

For the past six months, I have been developing far-reaching legislation I'd like to discuss with you. This is the first time I've had the opportunity to describe publicly and in some detail what I propose to call the Law Enforcement and Criminal Justice Act of 1973.

The purpose of this act is simply, but I believe fundamental to improving law enforcement and the administration of justice in our nation. It can be tersely summarized: To reorganize the law enforcement assistance administration and to bring increased Federal funds directly into local communities for the fight against crime.

The headquarters for combating crime is in your hometown—not in some distant marble edifice in Washington, D.C.

To be sure, crime is a national phenomenon, and the funds in our cities and counties must be supplemented with Federal dollars if we're to curb and, hopefully, to control the shocking increase in crime across our land in recent years.

LEAA has been a helpful tool in that effort, but it is strangling in red tape; and money that might be used on the street or in our courts or jails or rehabilitation programs is gobbled up by an expanding bureaucracy.

Basically, my legislation would reform LEAA in two fundamental steps: (one) a phase-out, over the next year and a half, of present grantsmanship and other bureaucratic procedures and (two) the funneling of funds directly to county and city governments.

This legislation is the product of hours of meetings with California police chiefs, sheriffs, judges, D.A.'s, prison officials and others concerned with our system of justice.

Meetings with police officials were held in Los Angeles, the San Francisco Bay area, Riverside, San Diego and Sacramento, and the complaints were universal and blistering about how LEAA was choking on its own paperwork.

These meetings—and they were extraordinarily helpful to me—confirmed my resolve, as a member of the Senate Judiciary Committee, to initiate major and lasting reform of LEAA.

The criticism of LEAA by penologists and sociologists was just as hard-knuckled as that of the men from the patrol cars.

Not all the criticism can be overcome by new legislation, and not all apply equally in all States. Some—and California clearly is one—have made considerable strides in improving their enforcement, judicial and penal systems. Nonetheless, what I have learned from the lawmen and the lawmakers with whom I've worked on LEAA legislation, convinces me that broad national reform is necessary, and that major criticisms must be attacked.

Essentially, these can be summarized as follows: LEAA has layered itself with tiers of bureaucracy from locality, region, State, to Washington, D.C., and it has proliferated grants without being able to distinguish those that have really been effective.

Furthermore, it's really not done much to help energize our courts or provide more effective justice for young, first-time offenders.

Nor has it helped smaller police departments use manpower more effectively through the employment of civilians to replace patrolmen in desk jobs.

And, because of all the strata of agencies and commissions, politics has been able to intrude itself in deciding, in some cases at least, who gets what.

Favoritism has no place in law enforcement. Nor, I want to emphasize, does partisan politics, and it's for that reason, if I may digress for a moment, that the Judiciary Committee so scrupulously has questioned L. Patrick Gray about his qualifications to be Director of the FBI.

If the FBI—or any unit of law enforcement for that matter—becomes a political tool, then this country has taken a long, hobnailed step toward the terror of Orwell's 1984.

The best way that law enforcement remains impartial and just, it seems to me, is to assure that the major decisions affecting police and our judicial system are made at the local level where the average citizen can most effectively make himself heard.

Essentially, that's what my LEAA reforms are all about.

My act would provide that the bulk of LEAA funds would, after July 1, 1975, go directly to the boards of supervisors and city councils of larger counties and cities. They, on their own, would be able to use those funds in ways best suited to meet their local and individual problems in protecting the lives, the property and the civil rights of all Americans.

My act would go into effect on January 1st of next year, and the period between then and the date in 1975 should provide sufficient transition to phase-out the red-tape and to perfect the funding procedures.

Initially, for the first year, the act would duplicate the present appropriation, $850 million, but will provide an additional 5 percent a year over the next four years. At the end of five years, Congress then could review and, if necessary, revise the program.

There would be a minimum of Federal strings, and those specified in the law principally would be for the purpose of assuring sound auditing of the funds and of improved review and reporting to all agencies of particular local programs of unusual promise and effectiveness.

More specifically, here's how my legislation would work.

Phase I, the transitional period, beginning next January, would include the following reforms:

(1) Disbursing units within LEAA must act on applications for grants within 60 days. This will eliminate a lot of delay and procrastination. Application forms can be standardized for expeditious action.

(2) Get the National Institute of Law Enforcement and Criminal Justice, arm of LEAA, to standardize its evaluation procedures so that local programs can be held to a common measure and the better ones recommended to other communities.

(3) Require the Institute to provide assistance to smaller, local agencies in drafting grant applications.

(4) Improve the law enforcement education program by (a) providing direct grants to officers so they can choose the universities that will best serve their professional needs and by (b) providing funds to colleges and universities to encourage curricula in criminal justice planning. The Administration, I understand, may try to eliminate LEEP, which, to me, would be a senseless setback in efforts to provide better training and background to men and women in law enforcement.

(5) Provide Federal credit funding to programs that otherwise are not federally assisted but that prove themselves extraordinarily effective. In other words, States and communities would be repaid for imaginative programs. My legislation would not spell out what these would be, but they could include improved training programs, statewide crackdowns in organized crime, more effective rehabilitation programs.

(6) Prohibit persons on various LEAA disbursing units from passing on their own grants. This should help eliminate much of the internal politicking in these units.

(7) Make it clear that Congress intended that planning could be done at the regional and not exclusively at the State level. This already has been implemented in California, but other States apparently have hesitated, probably because of ambiguities in the law.

These preceding seven points are but stepping stones to the more significant phase II that would begin July 1, 1975, and would funnel most LEAA funds directly to local governments.

Here's how phase II would work.

(1) Seventy-five percent of all LEAA funds would be given to local jurisdictions of more than 100,000 population and to states for distribution to smaller counties and cities. Allocation would be proportional to population.

(2) Twenty-five percent of the funds would be retained by LEAA itself to be divided among four vital programs—first, extra money for high-crime areas; second, continuation of credit funding for successful innovative programs; third, continuation of the law enforcement education program; and fourth, for an improved national institute to carry on its review and reporting functions.

(3) In order to assure that Federal funds are used to affect all aspects of law enforcement and the administration of justice, my legislation would require recipients to spend at least 10 percent of their LEAA funds on each of the following—law enforcement, the courts, juvenile justice, corrections and planning; and no more than 40 percent in any one of those fields. If one of those fields weren't administered by a city, then funds would go to the county or the next higher level of government that might have jurisdiction. Corrections might be such a field.

(4) Recipients would be required to publish statements on objectives and use of funds.

(5) Additionally, recipients would be required to maintain their own level of financing for law enforcement.

(6) The legislation, of course, would be placed under Title VI of the Civil Rights Act of 1964 so that discriminatory programs are excluded from funding.

Together phase I and phase II will slice through redtape and give local

communities more money to set their own priorities in the fight against crime. It will be up to them—not some towering hierarchy of bureaucracy—to decide whether they'll put more men on the beat or more judges on the bench; or improve legal assistance or experiment with work-furlough programs for jail inmates.

Under my program, California, which now gets approximately $56 million through LEAA, will get at least $70 million in the first year of phase II.

I believe local office holders, under the close scrutiny of the local electorate, can best decide their own priorities, and I am confident, from all the meetings with police and others over all these months, that this is the direction LEAA reform should take.

Now, as the bill is put in final draft and introduced—which should be in the next week or so—and proceeds through hearings, the specific percentages and population requirements and other specifics may be altered. But I believe the principle of the legislation is correct in that it strengthens the hand of local government.

The FBI and the Secret Service are indispensable units in the war against crime, but the major battalions are the local deputies and patrolmen. And it's the local district attorney, judge, probation officer who will be able to give a helping hand to a young offender and assist him to rehabilitate himself.

So, I would like your recommendations—and, of course, your support—for the Law Enforcement and Criminal Justice Act of 1973.

The hours I've spent with California police—even riding patrol cars in Los Angeles and San Francisco to get a better sense of what men-on-the-beat face—and with DA's, judges, probation workers and others convince me of one thing: they are dedicated professionals.

I should like to see their experience, their commitment and concern and their professionalism prevail in legislation that I believe makes good sense.

Senator HRUSKA. Yes, sir.

Is Senator Mathias here?

If not, our next witness will be the Honorable James V. Stanton, a Representative from the 20th District of the State of Ohio.

Have you anyone here with you, Mr. Stanton?

STATEMENT OF HON. JAMES V. STANTON, A REPRESENTATIVE IN CONGRESS FROM THE 20TH DISTRICT OF THE STATE OF OHIO, ACCOMPANIED BY MR. SANFORD WATSON, ADMINISTRATIVE ASSISTANT

Mr. STANTON. Yes, I do, Mr. Chairman. My Administrative Assistant, Sanford Watson.

Mr. HRUSKA. Thank you. You have submitted a statement, Mr. Stanton. You may either read it or highlight it as you choose.

Mr. STANTON. Fine.

I would like to read it to you, Senator.

Senator HRUSKA. Very well. You may proceed.

Mr. STANTON. Mr. Chairman and members of the panel.

I appreciate the opportunity to appear before you today on behalf of H.R. 5746, the Emergency Crime Control Act of 1973, a bipartisan bill whose principal co-author is my distinguished colleague from Ohio, Hon. John F. Seiberling. We offer H.R. 5746 as an alternative to the administration's H.R. 5613, the so-called Law Enforcement Revenue Sharing Act. We view our bill as more realistic, Mr. Chairman, because it zeros in on places around the country where more than half of the violent crimes occur—the large urban-suburban areas.

Ours, too, is a revenue-sharing bill. As a matter of fact, if we move far enough along on the road to revenue sharing—as far as the administration and Congress already have taken us in the General

Revenue Sharing Act of 1972, and as far as President Nixon would have us come with most of his special revenue sharing proposals—we arrive, Mr. Chairman, not at the administration bill, but rather at the Stanton-Seiberling proposal. Under the administration bill, the process of revenue sharing reaches a sort of dead end in the State capitals. The Stanton-Seiberling proposal keeps Federal funds for crime control on the move, so to speak. It routes the aid from Washington to the State capitals, and then on to what we define as "high crime urban areas."

I would like to make one additional point in these prefatory remarks. Mr. Chairman, you and others here of course are aware of the running controversy that began with the establishment of LEAA in 1968. Some Members of Congress wanted State-oriented legislation. Others wanted a city-oriented bill, with aid dispensed on a project-by-project basis. H.R. 5746 resolves this question with an even-handed approach. It does away with categorical aid, whether it be to States or cities. Our bill accords block grants to the States, to be used by each State for its own needs and for giving guidance and assistance to areas of relatively light population and comparatively low crime rates. The legislation also retains the fund pass-through provisions for these local areas. And the bill also awards block grants to the "high crime urban areas"—the large county-city-suburban complexes where the streets are particularly unsafe.

The fact that the streets are still unsafe is a point I did not think required emphasis. However, after reviewing some incredible testimony by the former Attorney General in the House, in which he boasted about a statistical form of progress by the Law Enforcement Assistance Administration, I must say that rebuttal is necessary. The fact is that, after 4½ years, the LEAA still is not effective. We must restructure that agency's program—not only to safeguard the $2.5 billion investment that the taxpayers have already made in LEAA, but also to justify any new expenditures on behalf of a program that heretofore has accomplished little more than to spawn a giant new bureaucracy in Washington, and a second generation of smaller bureaucracies at the multistate regional level, at the State level, and at the substate regional level.

If the present LEAA program were as effective as the former Attorney General would have us believe it is—and we must keep in mind that the administration's proposal hardly alters that program—then we would not have the Gallup organization rating crime, only last January, as the worst urban problem. Dr. Gallup reported that the "fear of crime has pervaded all levels of U.S. society," and that it heads "the list of concerns of residents of cities and communities of all sizes across the Nation." He continued—and I quote:

> Half of all persons interviewed (51 percent) think there is more crime in the areas where they live than there was a year ago. . . . A comparison of current survey findings with those . . . in early 1972 shows increasing pessimism. At that time, a considerably smaller proportion of citizens (35 percent) . . . said crime was on the increase.

Mr. Chairman, I have checked with the Gallup organization to determine how these findings were made. I think it is significant that, when interviewers asked the question: "What do you regard as your community's worst problem?" they did not hand the subjects a check-

list. Twenty-one percent—spontaneously—ventured that crime was the worst problem, an additional 10 percent said it was drugs and an additional 6 percent said it was juvenile deliquency. Other problems cited, but not nearly as frequently as crime and problems associated with it, were traffic, high taxes, pollution, and so forth.

Similarly, Mr. Chairman, a recent survey by Life magazine, with 43,000 readers who "approximate the national population distribution" responding, produced these findings:

—78 percent sometimes feel unsafe in their own homes.
—80 percent in big cities are afraid in the streets at night.
—43 percent of families were crime victims last year.
—30 percent keep a gun for self-defense.
—41 percent say their police protection is inadequate.
—70 percent would pay higher taxes for better protection.

I submit, Mr. Chairman, that these are the people whom we represent, and it is their feelings, rather than the administration's statistics, that reflect the true situation. In this connection, I would like to make two points.

First, statistical trends mean nothing to the man or woman on the street. Only sheer number of crimes has meaning. I present here an excerpt from an article in the Cleveland Plain Dealer of November 28, 1972. It is self-explanatory. I quote:

> Although crime in Cleveland is down 7.2 percent for the first 9 months of this year—a figure which itself, incidentally, has been challenged—the crime rate is five times what it was 10 years ago. Cleveland police reported 9,054 felonies in 1962. Last year there were 46,295. There are already 30,353 marked up for the first 9 months of this year. Robberies decreased 6.3 percent, but there were 3,939 committed. There were also 1,468 assaults.

Second, I wonder whether the former Attorney General—or the present Attorney General, for that matter—are so confident of progress in statistical terms that either of them, personally, would want to venture out alone at night on the streets of Washington, which, statistically, we are told are safer. I wonder whether either would care to walk the streets of Cleveland at night—or the streets of some other city. I don't think they would. I don't think you would, Mr. Chairman. I know I wouldn't—and neither do my constituents.

I say these things because I think it is vitally important that we begin here by rejecting bland assurances of progress, and that we draft new legislation that will protect and reassure our constituents. I am convinced that meaningful reform of LEAA can be achieved only through an honest appraisal of where we stand, and through some fresh thinking on where we ought to go. Despite the pressures of time, I am hopeful that the members of this distinguished panel will refuse to perpetuate the status quo, and will take concerted action to give us a new and effective program.

With all due respect, Mr. Chairman, to our own past efforts and those of two administrations, we ought to begin by acknowledging that, in Washington, we do not know the answers. After 4½ years of LEAA programs—and $2.5 billion later—we still do not know what causes crime—or, once crime occurs, how to cope with it in a manner that best serves the interests of society. These answers so far have eluded not only the Federal Government but also, we must confess, the 50 State governments.

It really is not surprising that this is so. Because of their limited jurisdictions, Federal and State officials concerned with law enforcement and administration of justice have had little or no experience in dealing on the streets with the kinds of crime that frighten people most—the muggings, the robberies, the rapes and other assaults. An infusion of Federal funds and the establishment of new bureaucracies has not measurably increased the capability of the Federal and State governments. This failure was inevitable. For we must keep in mind, after all, that we have not increased the operational responsibility of the Federal and State officials. It is the local officials who have remained on the frontline in the fight against crime. In the year 1973, we still look to our city and suburban police, to our sheriff's deputies, our trial judges, our prosecutors, our probation officers, our mayors, our county commissioners, our city and suburban councilmen, for immediate assistance when crime threatens, and when crimes occur.

H.R. 5746 accepts this reality. It recognizes that we do not want to change our laws to create, in a democratic society, new institutions that might start a trend toward centralization of police powers and functions at the National or State levels. We want this power dispersed—to be exercised, as it always has been in the United States, locally—by public officials who, for the most part, are elected by the people. We do not want to arm faceless bureaucrats with control of the police, nor do we want to trust them to dispense justice.

Our bill, then, provides the local officials who have such responsibility—and who, we insist, must keep it—with adequate financial assistance to carry out this mission. Our rationale is that somewhere out there in the big cities, there must be people with brains, experience and motivation sufficient to deal with crime at least as successfully—or no worse—than it is now being dealt with under State and Federal overseers. And if these local officials fail, H.R. 5746 will no longer permit them to pass the buck on up to the State and Federal levels of governments, as the habit has been of late. Rather, they would have to answer for it at the polls.

What I am preaching here, of course, is decentralization—the philosophy underlying revenue sharing. As Alice Rivlin of the Brookings Institution points out, there has been a conversion of liberals to this concept, because of "a new realism about the capacity of a central government to manage social action programs effectively." She adds, though, that we are not ready to give up entirely on the notion that there ought to be a Federal role, and that the States should not end up with everything—because "within States, resources are frequently concentrated where the problems are least acute." She continues:

> The intervention of the Federal government is required to channel resources to areas of need, a task that, fortunately, it is well equipped to handle. Two activities that the Federal bureaucracy carries out with great efficiency are collecting taxes and writing checks . . . Since the Federal government is tood at collecting and handing out money, but inept at administering service programs, then it might make sense to restrict its role in social action mainly to tax collection and check writing and leave the detailed administration of social action programs to smaller units. This view implies cutting out categorical grants-in-aid with detailed guidelines and expenditure controls . . . Lower levels of government would receive funds through revenue sharing or bloc grants for general purposes.

As to accountability, Mrs. Rivlin holds—and I agree with her analysis—that we ought to state it not "in terms of inputs—through detailed

guidelines and controls on expenditures"—but, rather, through outputs. In other words, our local law enforcement and criminal justice officials should be held accountable afterwards, in terms of their performance in bringing crime under control.

This is the kind of program contemplated by H.R. 5746. Through this legislation, as I envision it, the role of the Federal Government would be to give financial support, to engage in broad research into the cause of crime and means of coping with it, to disseminate nationally information about successful programs in specific places, and to perform such other functions as gathering statistics and assuring their veracity. The States would have the role of assisting smaller communities, coordinating crime-fighting efforts within the States and operating the one major program for which States have primary responsibility, that being the prison program. And the role of the cities, suburbs, and counties would remain what it now is—conducting the operations in the war against crime, but better armed financially to use the resources of the police, the courts, and a mix of social programs.

I submit, Mr. Chairman, there is another important reason for directing money quickly to the high crime urban areas in the form of block grants. The reason is that the pipeline for Federal assistance funds is so clogged with redtape that much of the money still is stuck there, 4½ years after the establishment of LEAA. We are in a position where the President has asked for money, Congress has appropriated it, LEAA has put it in the pipeline—but incredibly large amounts of it have moved not at all, or hardly at all. If the money leaving Washington is intercepted in the State capitals, becoming unspeakably tardy in reaching the large cities where most of the crimes are being committed, then what good is the money?

Late in 1971, when I first called attention to this fact on the House floor, I reported the General Accounting Office had informed me that fiscal year 1971 ended with 92.1 percent of the funds appropriated for that year still being held in State capitals. The money had not been spent because it had not been forwarded to the cities. Ten States had made no distribution at all of 1971 funds—Alabama, Alaska, Connecticut, Florida, Hawaii, Minnesota, Nevada, Oregon, South Dakota, and Virginia. Furthermore, more than half of the fiscal 1970 money still had not been spent at that time.

I have had the Comptroller General run a more recent check for me. Here are some of his findings—as of September 30, 1972, 3 months after the close of fiscal year 1972:

> Nearly 20 percent of the LEAA's fiscal 1970 funds still had not been disbursed to local governments by the State of New York. The figure for California exceeded 20 percent. For Alabama and Hawaii, it exceeded 10 percent.
>
> As to fiscal 1971 funds, more than half of them—and I cite here only a few examples—were still being held in the State capitals in Illinois, Virginia, Alabama, and Washington State, and nearly half had not moved from the State capitals in Pennsylvania, Florida, and Wisconsin.
>
> As to fiscal 1972 funds, more than 90 percent of the State's allocation still had not been distributed to the cities in Connecticut, New Jersey, Maryland, Virginia, Kentucky, California,

Oregon, and Washington State—again, to cite only a few examples.

Furthermore, I learned from the Comptroller General that as of a few weeks ago, some $12 million had to be returned to the LEAA in Washington by various States because red tape had prevented the States from spending the money fast enough, and the spending deadline had lapsed.

I know it seems incredible that this should happen, but I think I can illustrate why, I have here with me a scroll which bureaucrats refer to as a "Flow chart." It is from New York City. Municipal officials furnished me with this chart last year when I asked for an explanation of the snail's pace of LEAA funding. The chart depicts several hundred actions that must be taken at different levels of government, and in different district offices within each level, to move the money along. In other words, this is a "trip ticket" showing how spending authorizations are routed from the desk of one bureaucrat to another. You would never believe how many desks are involved.

That indicates over 220 steps that have to be taken to process an LEAA grant from the city of New York.

Senator HRUSKA. Mr. Stanton, how long is that flow chart? Perhaps 12 feet?

Mr. STANTON. I would say——

Senator HRUSKA. It is at least 10 feet long. I would also point out that it is about 10 inches wide and it seems to be a very imposing document.

Will you point out the point on the flow chart where the money reached the State Capitol and where it reached the city limits?

Mr. STANTON. Well, it started here (indicating).

Senator HRUSKA. At the left hand margin. Is that where it hit Albany, N.Y?

Mr. STANTON. No, this is the city of New York. The beginning of the application grant from the city of New York.

Senator HRUSKA. Is it at that point then that the city of New York took charge?

Mr. STANTON. Well, obviously it was initiated by somebody under the LEAA program in the city of New York, Senator and he started the proposal on its route toward the Federal Government, and after he had cleared the local constraints he was at this point, which is the regional area.

He then reached into here where he had a review, and it was at the sub-State level where the proposal went on, and then it goes on to chart it all the way through.

Senator HRUSKA. Well, then, the bulk of that flow chart deals with the funds after they have reached the city of New York. There are so many places in New York where they must be considered and, of course, each stop imposes certain qualifications. Is that correct?

Mr. STANTON. Well, a good portion of the procedure is between the city of New York and the State of New York, and then it goes on from Albany in the State of New York to the Federal bureaucracy here in Washington.

Senator HRUSKA. Well, I understand that you started about 12 inches from the left hand side of that chart where you reached the city limits

of New York and the rest of it was devoted to municipal hurdles and New York State government. Is that a fair characterization?

Mr. STANTON. I would not say that is a fair characterization, Senator. I think if you sound, if you came out of the city of Cleveland that you would find about the same problem.

This is an extreme——

Senator HRUSKA. I do not mean to say that it is unique, my point is this: If the money were sent directly from the Federal Treasury to the city of New York where on that chart would that bureaucratic level start?

As I understand you, it would start about 2 feet from the left hand side of that chart, would it not?

Mr. WATSON. Mr. Chairman, If I may, this chart was provided to us by Henry Ruth of the city of New York, who was formerly associated with the Law Enforcement Assistance Administration.

He pointed it out to the Congressmen as a horrible example and you are correct that some of this is the New York City's own bureaucracy. But, as he explained to Congressman Stanton and to me, too much of this, perhaps the majority of it, is the LEAA and the State's own bureaucracy.

And I am sure, Mr. Chairman, if you had any questions on this chart, on the specific things that it depicts, that Mr. Ruth would be happy to come in and answer those questions.

Senator HRUSKA. I think the question is where in that long chart which is some 10 feet long, the money hits the city limits of New York since by your proposal that is where the money would go.

Mr. STANTON. That is correct, Senator. What we really want to stop is the 92 percent of the money not being passed on to the local government over a year and a half's time.

Senator HRUSKA. Well, now, in all fairness that was the situation back in 1970, was it not?

Mr. STANTON. Right.

Senator HRUSKA. And that was the first full fiscal year of financing and funding. All of us who have been familiar with the history of this program know that at least the first 2 years were occupied principally with planning. We encouraged that. It was necessary.

Now, then, the reason the slow start was the fact that some planning had to be done first. Your exhibit is the best proof of that.

Look what they had to do in order to form a line of procedure before they could develop plans. I would bet it took at least a year to develop that chart. Wouldn't you think so?

Mr. STANTON. Let me say that we are here testifying about, Senator.

The Federal Government has succeeded in building up another bureaucracy.

Senator HRUSKA. And you are seeking to add yet another bureaucratic level with which to cope, are you not?

Mr. STANTON. No. I am seeking, I am seeking to have the Federal Government return to the things that it does best, writing checks and collecting taxes on the LEAA.

Senator HRUSKA. That is about all they do with the exception of the approval of plans since 85 percent of the total appropriation goes to the State capitals.

But it is available now and 75 percent of the funds that go to the State capitals go to the local subdivisions of government. It is from that point on that we encounter the trouble.

How would your plan obviate that difficulty?

Mr. STANTON. Well, we have a pass-through provision that causes the money to go directly to the cities. We think one of the major bottlenecks is the State, and we think the problem with the LEAA program and proposal of the administration is that it directs all of the money to the bottleneck, which is the State governments or one of the major bottlenecks.

Senator HRUSKA. But the statute already requires that 75 percent of the State's receipts must be channeled to the local subdivisions.

Mr. STANTON. The question is when does it get there, Senator? Our period in 1972 more than 90 percent of the State allocations still had not been distributed to a number of major States, including New York, the State of Maryland——

Senator HRUSKA. Exactly. But that is a State problem.

Mr. STANTON. You know the bureaucracy had held it up. I would be delighted to include this statement and then we will get into the questioning and answers.

Senator HRUSKA. At this point, it is still valid to observe that anyone who would advocate the literal shuttling out of money in an incompletely planned structure, would not be very responsible in my thinking.

You would have to consider this problem in the perspective of that long development of history.

Mr. STANTON. Let me tell you, Senator, after this tremendous effort having been taken of two administrations working on this great development you talk about, they walked into the city of Cleveland and gave them $20 million on an impact program last year, and they did not know what to do with it.

Senator HRUSKA. Who did not know?

Mr. STANTON. Let me tell you, they had a program devised——

Senator HRUSKA. Who did not know what to do with it?

Mr. STANTON. The local administration.

Senator HRUSKA. Exactly.

Mr. STANTON. But the Federal Government lavishly gave them $20 million after making this great structure that you talk about, and with this great structure that had been built up over 4 years, but the fact of the matter is that there was no basis upon which that grant should ever have been given, and it is to my own community.

Senator HRUSKA. That $20 million was a part of a discretionary grant pursuant to the special impact cities program. It was not given to them lavishly. There was a great deal of prior discussion and planning as to what should be done with these impact city dollars. Additionally, they still have their entire allocation from the regular 75 percent of the funds that hit the State.

That $20 million came directly from Washington. One of the most damning pieces of testimony you give here now is that they had $20 million and did not know what to do with it.

Mr. STANTON. That is correct.

Senator HRUSKA. So, you would seek to give them an additional $120 million?

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Mr. STANTON. They do not have a coordinated program in which to act, if the Federal Government gave them the money. Now, what we are asking for, and I would like to finish the testimony so that you arrive at my conclusion with me as to a coordinated program.

Senator HRUSKA. Very well.

Mr. STANTON. H.R. 5746 would purge the LEAA program of most of this red tape by doing away with the requirements for each separate application, planning papers and justification papers for each law enforcement and criminal justice project. The State capitals and the high crime urban areas would receive lump sums of cash from LEAA, and they would draw on these sums as they see fit. The make-work of paperwork would come to an end.

Mr. Chairman, in 1972 I wrote letters to mayors and other high officials in our 56 largest cities, asking them whether they were being allocated sufficient LEAA funds—that is, compared with areas of lesser population in their States—and whether the money that was allocated to them was timely in reaching them. I received a response from most of these cities—in some cases, lengthy letters of reply. Generally, the answer was no to both questions. I think these replies will prove helpful to this subcommittee, and you will find them reproduced in the published proceedings of House Judiciary Subcommittee No. 5, covering last March and April, starting on page 736.

I would like to move now to a brief analysis of the Stanton-Seiberling bill. However, I must point out that the bill, reintroduced this year, was drafted for the 92d Congress—at a time when the legislative authorization for LEAA was not about to expire, as it is now. Therefore, the bill as presently written retains certain cash-match and other provisions which, in my opinion, should not be in the law at all. If I were redrafting the legislation today, it would emerge as a clean revenue sharing bill. I have not done so only because I knew the House subcommittee and this committee are starting from scratch to mark up new legislation. Therefore, I offer H.R. 5746 primarily as a legislative vehicle. At this time, I would recommend that its central provisions be retained and enacted, but I would amend certain details, as I shall indicate.

These are the basic concepts:

First, the bill seeks to establish new entities for LEAA purposes, termed high crime urban areas. These are defined as any city with a population of not less than 250,000 and any counties, boroughs or parishes, if any, with respect to which such city substantially uses or shares services relating to law enforcement. In virtually all cases, we are speaking of large cities, their suburbs and the counties in which they are situated.

The figure of 250,000 obviously, is arbitrary, but it was selected for two reasons. First, I believe it is necessary to concentrate LEAA funds in areas of great need rather than to spread this money around the country in a thin dew, as one writer described it. Second, it happens that metropolitan areas of this size are precisely the ones that need this assistance most. These cities, while accounting for only 20 percent of the Nation's population, experienced 52 percent of the violent crime in the United States in 1972 including, for instance, nearly two-thirds of the robberies.

Now, as a practical matter, Mr. Chairman, I realize it is not likely we can prevail in the House with legislation restricted to cities of 250,000. Therefore, I would advocate an amendment redefining the high crime areas as those in which a central city of at least 100,000 is situated. Such cities—there are a total of 155 in the country—have 28 percent of the population and 60.8 percent of the violent crimes, including nearly three-fourths of the robberies.

In this connection, I would like to point out, Mr. Chairman, that my city, Cleveland, was chosen by LEAA, as one of the eight so-called special impact cities, which are receiving special LEAA grants of $20 million apiece over 3 years. Despite the generosity of the Justice Department for my bailiwick, I am critical of this program because the money is given only to the city, with the suburbs and the county being frozen out. I doubt that an effective crime-fighting program can be mounted in Cleveland for this reason. At this point, Mr. Chairman, I would like to point out that H.R. 5746 covers all the large cities, not merely eight, and it covers them as a matter of right. They are not selected for speical favors by political process.

Second, the bill asserts that each high crime urban area shall constitute a separate regional planning unit. This would preclude its becoming submerged in any larger intrastate region that might exist for LEAA purposes inside the States. In this connection, Mr. Chairman, I would like to point out that the substate regions created for LEAA purposes in many States have added a new layer to the bureaucracy. My bill would do away with these bureaucratic monstrosities that have served merely to hamper the flow of LEAA funds into high-crime areas.

Third, the bill provides that receipt of the bloc grant by high-crime urban areas hinges only on two simple conditions. One is that the area would have to submit a plan for use of the money, although there would be no requirement for awaiting review and approval of the plan. To impose such a requirement would serve only to retard the flow of funds. The second is that a criminal justice coordinating council would have to be established in the area, and notification would have to be given of its existence. The council would consist of represenatives of the city, suburban, and county governments—officials representing the police, the courts and corrections—and it would have complete control over all LEAA moneys allocated to the area. Its existence would assure a coordinated, comprehensive attack on the crime problem. Until such council is organized, the high-crime urban area would be ineligible to receive the LEAA bloc grant. These coordinating councils, consisting of persons already holding public office, would became a meeting ground for officials charged with responsibility for the administration of criminal justice, and would in no way constitute a new bureaucracy.

Fourth, the bill states that it is the intention of Congress that the bloc grants be used in addition to, rather than in lieu of, any funds budgeted locally for crime control and the administration of justice.

Fifth, the bill allocates to each high crime urban area a sum of money based on the area's population and crime rate, under a formula that weighs the crime factor twice as heavily as population. For example, my Cuyahoga County has 16 percent of Ohio's population but more than 23 percent of its crime. Therefore, the formula

would dictate for Cuyahoga County a bloc grant equal to 21 percent of the money allocated to Ohio by LEAA for distribution to local governments and combinations thereof.

Sixth, the bill does not change the formula under which States are allotted LEAA money. Population is the principal criterion for this purpose. Nor does it interfere otherwise with the pass-through of LEAA funds received by the State, to smaller units of local government.

I would like to suggest at this point, Mr. Chairman, a further amendment to my bill. It ought to provide that the formula for the passthrough of funds to high crime areas need not be followed in any State where the Governor publicly declares that to abide by the formula would result in an imbalance of fund distribution within his State. This would add flexibility to the new program I propose, and I think it is needed because, in some States from time to time, the most serious crime problems might occur in a smaller community. However, should the Governor issue such a declaration, it ought to be incumbent on him and the State planning agency to otherwise assure that substantial funds be channeled into the high crime areas, as defined in the bill, in the form of bloc grants.

Still another amendment that appears to be in order is one that would authorize the State planning agency, at its discretion, to direct additional funds into a particular high crime area, if a need is indicated. While it would be advisable to have this provision, I want to emphasize that what is important to a high crime area is not merely the amount of money it receives. Other crucial factors are the assurance of a substantial sum, whatever that sum might be; the receipt of it in the form of a bloc grant, which allows autonomy and flexibility in the handling of the money; and timeliness in arrival of the funds.

This completes my presentation, Mr. Chairman. I would be happy to answer any questions you or your colleagues might have.

Senator HRUSKA. Mr. Stanton, I want to compliment you on the thoroughness of your statement. It reflects a lot of work in gathering the figures and working out this concept that you have.

On a number of occasions you have stated that the Federal funds are being held up at the State level due to bureaucratic redtape. You want to get rid of this monstrosity of red tape at the State level, but as I understood your proposal, there would be created in the form of urban law enforcement councils still another level of bureaucracy. Is that not just another level of bureaucratic redtape that would have to be encountered?

Mr. STANTON. No, it would not be, Senator. First of all, and I would like to submit for your consideration that a coordinated council employs elected officials, the mayor, and the judges, and they meet on their program in their local community. And since they are on the grass-roots level, they are not in a level of bureaucracy. They are already there, they are already elected, they just have this additional responsibility. And I would point out that the city of Miami had waited almost 3½ years under this program that has been in existence before it got any aid in terms of Federal funding out of LEAA. And it only did so because LEAA—it was only stopped from getting it because LEAA had created a bureaucracy, a regional council that

met in Dade County, and did not really represent the interests of the high crime area which was Miami.

Senator HRUSKA. We are familiar with the Miami situation. I think most of us realize that the fault was not with LEAA. If the municipality did not know enough about complying with the statutory requirements of the law, that was their delinquency. It was not the delinquency of the national law with which all of the other major cities of America coped pretty well.

Mr. STANTON. Well, the statistics would not answer that or indicate that that is correct.

The statistics that I gave you, Senator, would indicate just the opposite, that still today a large bulk of the LEAA funds are still held up in the bureaucracy between the Federal and the State levels before ever getting into the local communities.

Senator HRUSKA. The figures speak for themselves. They are not yet quite complete. We will get the rest of them.

We should also not forget that in 1972 we had a nationwide reduction in the crime rate for the first time in 17 years. And the credit for that goes to local law enforcement, does it not?

Mr. STANTON. And I invite you to look at that statistic real thoroughly, Senator, because the streets are no more safe today. You have a percentage reduction that some people cite but I would submit that the streets are no safer today and, in fact, in the last 4 years since LEAA has been in existence, there are more rapes, more robberies, there are "more" muggings, and you and I do not walk the streets of Washington. I do not walk the streets of Cleveland, because we have ineffectively dealt with this problem.

And I think that we have got to start anew and recognize that this bureaucratic bungling that we have been going through for 4 years, if allowed to continue, or if transferred to a State operation where it is held up again in the State, will not meet the needs of the people in the local communities who are suffering the impact of crime.

Senator HRUSKA. There is no one that I know of who contends that the current statute or the bill that you propose will eliminate crime.

I do know, however, that the statistics were credible and generally accepted.

In the 1971 calendar year there was a 17-percent increase over the preceding year but in 1972, there was 2-percent net decrease. Thus, there was a 19-percent spread between 1971 and 1972. I do not think that was due only to LEAA. It was due to local law enforcement efforts.

Mr. STANTON. What we want to do, Senator, is to help increase their vigilance, to be able to strengthen their position to get this money to them faster, and I am sure you want to do that.

Senator HRUSKA. That is your declared objective, and your proposal will be examined very carefully to see whether it will effectively deliver the objective.

Let me ask you about your proposed urban law enforcement councils. Would not the creation of these separate units for each of the large city areas undermine the concept of comprehensive statewide planning?

Mr. STANTON. I do not think it negates comprehensive statewide planning. It assures continuity. For example, the past provision, the money goes through the State, but still a certain portion of the State money is held to complete those functions which the State does

best. The State cannot handle the problem on a planning basis of crime in Cleveland from Columbus, but it can handle the function of prisons, it can handle those functions which are inherently vested with the State historically.

I think that the coordinated council would be a planning agency of the State, it would be local officials working in conjunction with State officials on how they receive the money and, in a sense, they are the most responsive people because they are the closest to the electorate.

Senator HRUSKA. That is true, and there are those two areas of activity in law enforcement. Many aspects of law enforcement, as you point out, however, are not under the jurisdiction of cities. They are State functions. My question is whether those State functions might be impaired by the heavy preference for funds on behalf of the localities?

Mr. STANTON. No.

Senator HRUSKA. After all, many courts, correction systems, and probation and parole are State responsibilities.

Mr. STANTON. I would think that there would be sufficient funds in the allocation for the State to fulfill its function. I think, for example, you talk about parole and probation. That all comes generally under the court system.

Senator HRUSKA. The State court system?

Mr. STANTON. Yes.

But, the State court system is administered, for example, in Ohio on the county level. And because of that, the local officials would sit in on the coordinating council, the probation officers, and the other agencies that have to do with the total rehabilitation and the total assistance of helping people who are victims of crime, as well as perpetrators of it.

Senator HRUSKA. Well, therein lies a point that clears up the situation a great deal. In Ohio, on a county level you prosecute your felonies and you process cases through correction. In the State of Illinois, however, that is not true. In the State of Nebraska and all of the Prarie States with which I am familiar, that is not true.

It is done on the State level in the State courts.

Mr. STANTON. Well, that is correct. But, the State courts, for example, in Cook County, the State prosecutor is a local individual who would work, who would sit on a coordinating council. There would be no——

Senator HRUSKA. But, he is under State jurisdiction and must bring felony charges in State court.

Mr. STANTON. Obviously; they do in Ohio. They also bring it under statutory law of the State.

Senator HRUSKA. The question is whether there will be an impairment of comprehensive statewide planning. I raise it as a question so that my colleagues can consider it in the light of the record.

Now then, you give doubleweight in your plan to the crime rate in high crime urban areas. I can foresee some serious problems with that in due time.

With a very high efficiency, the plan that you propose would result in many cities reducing their level of crime and, therefore, obtaining less money.

Mr. STANTON. They will need less money if they have less crime.

Senator HRUSKA. They will need less money and that is fine. But, on the other hand, they will contend that it is only because of the additional money that they can keep crime rather low.

Mr. STANTON. Do you think they would tend to keep crime if they could ge more money?

Senator HRUSKA. Sir?

Mr. STANTON. Do you think they would try and keep crime if they could get more money?

Senator HRUSKA. No; but if they lower the crime rate within their city they will resist any effort to have money from Federal sources reduced and will contend that it is only because of that Federal money that they are able to maintain this lower rate of crime.

Mr. STANTON. The funding could be predicated on the formula, and if the statistics were reduced, then the flow of funds would reduce automatically.

Senator HRUSKA. Therefore, if you reduce your rate of crime you get less money.

Now, they would not increase crime or increase their statistics in order to get more money. But, mark my word, they will argue that they are only able to keep the rate of crime low because of this money. And then you are in double trouble.

Mr. STANTON. I would not think you would be in trouble as long as you could administrate the statistics properly, Senator.

Senator HRUSKA. Well the crime rates are not the only measure of serious law enforcement problems.

There are high arrest figures, congested court calendars, crowded and critically antiquated correctional facilities and so on.

Does your plan consider these factors in the allocation of funds, or does it consider only crimes?

Mr. STANTON. Well, let me say in reaching for a basis to deal with the national problem we find that crime is the one factor that has continuity all over the United States, and weighting that is a 2-to-1 as to population.

As you work the formula out it seems to arrive at a rather consistent application of funds, and we think it is a much better proposal than the administration's proposal which would just dump the money at the State level and depend upon the Governors to have the wisdom to implement it.

Senator HRUSKA. Now, your bill as introduced would apply to cities with populations of 250,000 or more. You say you would like to amend it to 100,000 to make it more politically acceptable. That brings to my mind the time about 20 years ago, that we passed a Federal assistance act for librarians. It was tremendously popular.

Initially, it embraced municipalities of 5,000 or less. But in keeping with the arguments advanced on the floor of the House, where I was then serving, in due time the little village of New York City was included in that library assistance program. So, you see, if you are going to try to limit this to 250,000 or 100,000, then the people at 50,000 will say, well, what about us.

Mr. STANTON. Let me say, Senator, that we fight that battle all of the time and the thin dew of the spread of LEAA funds throughout the United States, rather than directing it to the areas of crime, just directs it to the population. And we have seen time and time again

purchase of Motorola equipment, the purchase of sophisticated machinery that local law enforcement agencies oftentimes do not even need, but because the money is there they try and get it.

Now, the idea is to try and direct the money where the problem is, and nobody has made a serious attempt to do that to date.

Senator HRUSKA. Would the Stanton bill prohibit the purchase of Motorolas?

Mr. STANTON. No, but I would say this much: It would make the local communities responsive if they did nothing but go out and purchase equipment.

A criminal coordinating council composed of the sheriff, mayor, and people in the local community would have to answer to the people as to why they had taken that type of action, and also larger sums would be available to them than there have been in the past because the formula would weight crime twice as heavily as population.

Senator HRUSKA. Now then, with cities of 100,000 and over involved, what would be the proportion of the moneys devoted to those remaining communities which did not come under the beneficence of the Stanton bill?

Have you any percentage figured out?

Mr. STANTON. Well, under the proposal as we submit it, the State gets an allocation.

Senator HRUSKA. Yes, sir.

Mr. STANTON. And the local communities of 100,000, 99,000 or less would receive their money from the State, and it would be much the same way as the current proposal that the administration has. That would be at the direction of the Governor.

Senator HRUSKA. Let me ask you this.

Now that 75 percent of the money the States get must go to localities, would that formula be changed in your bill?

Mr. STANTON. No.

Senator HRUSKA. It would not?

Mr. STANTON. No.

Senator HRUSKA. Now then, if you are going to put more money into big cities over 100,000, wouldn't that mean less for those under 100,000?

Mr. STANTON. That is true; we are trying to direct the money where the problem is, crime, and we find in smaller communities the crime statistics are not nearly as serious as they are in the larger communities.

And the fact of the matter is, we are trying to direct our attention to the problem.

Senator HRUSKA. Very well.

I have more questions, but I will defer now to the distinguished Senator from South Carolina who has a record and history of interest in law enforcement that is well known.

Have you any questions of Mr. Stanton?

Senator THURMOND. Thank you very much, Mr. Chairman.

Congressman Stanton, we are glad to have you with us.

Now, as I understand, it is your position that the most crime occurs in the large cities and, therefore, the money should be channeled there?

I mean, that in brief is your position?

Mr. STANTON. In brief, I would say that we feel that most of the major crime occurs in the large urban areas, and we are trying to funnel more of the money to these areas than has been in the past.

Senator THURMOND. Now, suppose you have as large a percentage of crime in a city, say, of 40,000 or 50,000 as you have in, say, a larger city. Would such a city as that get some of the money?

Mr. STANTON. Well, in that case the Governor of the State could allocate what funds he has directly to a specific area of the State that does not meet the requirements of this bill. In other words, while generally cities of 50,000 do not have near the incidence of crime that they do in cities over 250,000, the fact of the matter is, if there was a particular city that had that problem, and the Governor wanted to address himself to that problem, he could.

There would be funds for that purpose.

Senator THURMOND. Then probably you would not have as many crimes committed in a city of 50,000 as you would a city of 200,000 because it is four times as big. But, suppose your percentage of crime is as great or greater, then what are you going to do about that?

Mr. STANTON. Well, the purpose of this bill is to try and get moneys to the cities. We find that under the statistics that we recited in our testimony that 60 percent of the crimes are in these large urban areas. We are trying to direct ourselves to that large population and to those large areas of crime.

Now, in dealing with the other resources, you would deal with them on the same basis that the administration proposes to deal with the whole problem, through the State level.

Senator THURMOND. Well, it is natural that the larger the population you have, the more crime you are going to have, I presume.

Mr. STANTON. But the statistics indicate that the crime rate is even higher than the ratio of population. For example, in the city of Cleveland, and I hate to continue to go back to my own city, there was almost a murder every day of last year, of 1972. And in many cities in Ohio with a population of 50,000 to 60,000, where the population was considered to be lower, there were only 2 or 3 or 4 murders in the whole year.

There was not the incidence of crime.

Senator THURMOND. I read last week when I was in South Carolina an article about a certain city in my State that had the largest murder rate in the whole United States.

Senator HRUSKA. What was its population?

Senator THURMOND. About 50,000.

Senator HRUSKA. Would you lower your bill to 50,000 population, Mr. Stanton?

Mr. STANTON. Well, I think the Senator might be citing an exception to the rule. I do not know the city or the statistics that he is referring to, but the fact of the matter is that our analysis of the cities in the United States would indicate that this formula would meet the large areas of crime on a general basis.

I am sure that you can find exceptions.

Senator THURMOND. Now, would you be discriminating against the smaller cities simply because more crime occurs in the bigger cities because it is a bigger city?

Mr. STANTON. I would say in the past——

Senator THURMOND. Why don't you distribute the funds according to the percent of crime and according to the population?

Mr. STANTON. Well, in the past there has been no particular formula for distributing the funds other than population to the States.

Now, the administration offers you a bill which will direct it to the Governor, based upon strictly population. We are trying to introduce, Senator, crime as a factor. If we are trying to solve crime, why not use it as a part of the test, as to where we are going to direct the money, as a part of the formula?

Senator THURMOND. Would you base it according to the population, and then the Governor can take his share and channel it to whatever community or area or city where crime is worse, could he not, instead of Washington trying to deal with every little problem in the States?

That is the trouble now. I think the problem is up here in Washington, Washington is trying to run the schools of the Nation. They are trying to run so many other things. Why not let the State people—surely, the Governor of your State and the membership of your legislature are as intelligent as we are, I imagine, or ought to be.

Mr. STANTON. Almost as bright as you are, Senator, but——

Senator THURMOND. And why can't you trust them with having enough wisdom to handle their local problem rather than have the whole Congress deal with it?

Mr. STANTON. Well, it is because, Senator, historically Governors have had a very, very poor track record in this area of administering to the needs, and that is why we are asking for a pass-through formula to the large cities.

Senator THURMOND. Well, the Governor, under the Constitution, is the chief law enforcement officer of each State. I was Governor of my State once, and I was right in touch with the sheriffs, the State highway patrol, the local chiefs of police, and we tried to pinpoint crime and take steps to prevent it, and to apprehend and punish it when it occurred.

Well, I think I was in a better position to do that than somebody sitting up here in Washington is.

Mr. STANTON. I agree, you are in a better position than somebody sitting in Washington. But, I think that the local mayor and the local chief justice is in a better position than you were as Governor to deal with it, and that is what we are trying to do. We are trying to get the local person to deal with it, not you as the Governor.

Senator THURMOND. That is right, and if they could convince the Governor that they needed more funds there, and would be allocated according to population, the Governor could do it.

Well, you have got 51 sovereign governments in this country. You have 50 State governments and you have a central Government here in Washington, and I do not think the central Government here in Washington ought to impose its will any more than necessary upon your sovereign governments of the States.

I would let the States run their own business as much as possible. My experience has been that if you give them the money, they know the problems better than the bureaucrats here in Washington do, and there will be less control, and less interference, and there is less redtape, and they can get the job done better if you let them do it.

Mr. STANTON. Well, President Nixon——

Senator THURMOND. This is from my experience as a Governor, and being up here 19 years.

Mr. STANTON. President Nixon says the local communities know how to address themselves better than the Governor, because he addressed the general revenue-sharing program directly to the local communities. What we are trying to do with the LEAA is direct it to the local communities through the Governor.

Senator THURMOND. But you are doing it on the basis of percent of crime, or at least on the number of crimes, are you not?

Mr. STANTON. We think that is the way to address the problem.

Senator THURMOND. And so one city in a State could have a tremendous crime rate, but if it is under 100,000 they would not get any funds, and if it is 101,000 they might get a lot of funds.

Mr. STANTON. Obviously, Senator, if you are going to deal with the incidences of crime, and in trying to address yourself to the problem, you will have to pick an arbitrary figure.

Now, the fact is that 100,000 is an arbitrary figure. We would rather have 250,000 because when we looked at the statistics we know that in cities of 250,000 or greater the percentage and ratio of crime is much, much higher than in the cities of 50,000.

Knowing that, having that knowledge, we tried to address ourselves to how to get the money to those areas.

Senator THURMOND. Well, it might be more inducement to the local areas to tell them if they reduce the crime you will give them Federal money instead of the higher the crime rate is, the higher, or the more money we are going to give you.

Mr. STANTON. That is like trying to tell the blind person that if he learns to read without braille we are going to give him a reward. They need assistance, they need a way to help themselves out of their problem, and the way we can best help them is to direct the flow of dollars.

Senator THURMOND. In fact, as a matter of fact, is it not a State responsibility anyway, law enforcement?

Mr. STANTON. Law enforcement is a State and local common responsibility, but the people that are faced with it in Ohio, in the city of Cleveland is the chief of police, and while he is responsive under State law, he knows more about it than the Governor of the State, he can deal with it more effectively, and if he is a part of this coordinating council he can aid and assist the chief justice of the court system and all of the other people on the local level that have to deal with this problem.

Senator THURMOND. Well, if they have permitted that crime to exist down in Cleveland, or any other city, why should they not pay for it?

Mr. STANTON. Would you allow it to fester then?

Senator THURMOND. Why should the whole Nation have to pay for it?

Mr. STANTON. Let me say, I started out this program on the basis of solving the crime problem, not on a reward for those who did not have crime.

Senator THURMOND. Now, if we are going to do it from Washington, then why not do it on a State basis, on a formula that will be equitable and not just give it to a few big cities in the Nation?

We do not have any city——

Mr. STANTON. What is more equitable than directing it, Senator——

Senator THURMOND. South Carolina would not get any under this, and I would say three-fourth of the States in the Nation would not get anything under this, would they?

Mr. STANTON. I suggested in the end of my statement that if the Governor of your State wanted to declare himself, that the formula would not work, and set up his own policy, he could do so. Now, I grant you that there are areas like the State of Wyoming that are going to find the formula very difficult to work with. But, most States will find the formula helpful to address themselves to the big city problems.

Senator THURMOND. Well, what about Delaware, North Dakota, South Dakota, Montana, Hawaii, and Alaska, and I could go on and on, about three-fourths of the States under this would be excluded, would they not?

Mr. STANTON. Well, I would like to know of all of the States you mentioned, how many rapes, the number of muggings, what is their percentage of crime and how much is needed.

Senator THURMOND. Well, it perhaps might be just as great, but the number of crimes would not be as great, yet they would be excluded.

Senator HRUSKA. Would the Senator yield at this point? On page 8 of your statement, Mr. Stanton, you indicate that 52 percent of the violent crime is experienced in the areas of the cities that your bill would apply to, and they would get more money.

That means that the areas where 48 percent of the crime occurs would get less money. Is that not the point you seek to make?

When you provide more money to one segment, it creates the opposite, but equal, reaction in the competing segment.

Mr. STANTON. That is correct, Senator. That is correct.

And the fact of the matter is that what we are really trying to do is to address the problem of crime with this bill. I did not think the LEAA funds were for any other purpose.

Senator HRUSKA. Is there a great difference between 52 percent and 48 percent?

Mr. STANTON. Fifty-two percent of 56 major cities, and there is a considerable difference there. Forty-eight percent represents the rest of the Nation.

This is just cities over 250,000.

Sentator HRUSKA. Yes.

Senator THURMOND. Is it not a fact that what you are doing here is channeling moneys to the big cities of the Nation, and leaving out three-fourths of the Nation which are small States?

Mr. STANTON. No, Senator, that is not correct.

The fact of the matter is that this bill provides aid based upon crime to the major metropolitan areas where large crime exists, but the fact of the matter is that there is considerable aid under the formula for local communities of less than 100,000.

Senator THURMOND. Is it not a fact that the big cities are the richest parts of the Nation, they have more assessments, they have more industry, they have more money and are more able to pay than the little States?

Mr. STANTON. And they provide more tax dollars.

Senator THURMOND. And the little States would be left out, the little cities and smaller population areas would be left out, even if

their rate of crime might be larger in proportion, larger in percentage than in some of the big places.

Mr. STANTON. Senator, if you want to make the big cities a whipping boy for your constituency, that is fine with me. But, the fact of the matter is that it does not address itself to the problem.

Senator THURMOND. It is not a matter of making them a whipping boy. You do not think it is discriminating to the smaller States and cities?

Mr. STANTON. Senator, you have been discriminating against larger cities all of your life, and I am trying to defend the large cities.

Senator HRUSKA. We farmers out in Nebraska think we are discriminated against all the time. It has been said, Mr. Stanton, and I do not say this facetiously, I say it in all seriousness, that the approach you have citied is the big cities approach and, of course, the present plan which has been approved by the House and the Senate, and has operated as well for a long time, has been referred to as the Governors approach because it goes to the States and they call the shots.

Is that a fair characterization?

Mr. STANTON. No, I do not think it is. I think it is a bureaucracy plan where the money goes to the bureaucracy and never gets to the local government.

Senator THURMOND. We are glad to have you with us, and you have made a strong case for your cause, but your cause is weak.

Mr. STANTON. Let me say it is weak in South Carolina.

Senator HRUSKA. I would say that Mr. Stanton has demonstrated the powers of a good debater as well as a good legal thinker.

Thank you for coming, both of you.

Mr. STANTON. Thank you.

Senator HRUSKA. The next witness is a familiar figure in this committee room. The Attorney General, Elliot Richardson, has been here before. This is the first time, however, that he appears in this capacity to testify on behalf of something besides himself. We welcome him here on his first official visit.

STATEMENT OF HON. ELLIOT RICHARDSON, THE ATTORNEY GENERAL OF THE UNITED STATES, ACCOMPANIED BY MR. DONALD E. SANTARELLI, ADMINISTRATOR OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION; AND MR. RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR

Attorney General RICHARDSON. Thank you very much, Mr. Chairman and members of the subcommittee.

You see two other familiar figures on my left and right. On my left is the Administrator of the Law Enforcement Assistance Administration, Mr. Donald E. Santarelli, and on my right, the Associate Administrator of LEAA, Mr. Richard W. Velde.

It is a pleasure, Mr. Chairman, to appear here, as you have noted, for the first time as Attorney General. And I am pleased to have the opportunity to do so in connection with the extension of legislation in which I had a great deal of interest as attorney general of the Commonwealth of Massachusetts, at a period when it was being debated here in the Congress.

Senator HRUSKA. Your statement will be placed in the record in its entirety.

Attorney General RICHARDSON. I would like to have it appear as if it had been read in full, and I will skip through it.

Mr. Chairman, I wish to thank you and the members of this subcommittee for the opportunity to testify today on the administration's proposal for special revenue sharing for law enforcement, a measure which directly relates to the reduction of crime and the improvement of criminal justice throughout the Nation.

I would also like to discuss the achievements of the Law Enforcement Assistant Administration under the Omnibus Crime Control and Safe Streets Act, and other measures that have been proposed to continue LEAA.

The Congress created LEAA in 1968 to provide financial and technical assistance to the States and localities to help them reduce crime and improve criminal justice, and during the past 5 years the Congress has appropriated budgets totaling some $2.5 billion for the LEAA program.

We believe there have been substantial benefits for State and local governments as a result of the LEAA program, and they range from systematic criminal justice planning to carrying out action projects throughout the areas of police, courts, and corrections.

In 1972, serious reported crime declined nationally by 3 percent, the first such decrease in 17 years, and 94 major cities also reported fewer crimes. Many factors went into those achievements, and we believe the financial assistance provided by the Congress through the LEAA program was one of them.

The crime statistics show not only that crime can be reduced but also confirm the faith the Congress placed in State and local self-determination, for the results of the LEAA program to date indicate that special revenue sharing for law enforcement will work and work well.

The Safe Streets Act of 1968, a forerunner of special revenue sharing, established a system of bloc grants to the States to meet crucial crime control needs at the city, county, and State levels. The block grant concept gave the State and local governments a leading voice in how to set up their crime reduction programs and use the funds.

It was a major departure from the type of Federal categorical grant programs that had put a stranglehold on State and local initiative and had frequently failed to provide the desperately needed services—and it represented an excellent first step.

But another step must now be taken, one that will enable States and localities to fashion their own approaches in finding the most effective solutions to the problems of crime. Needs and problems differ from State to State, from city to city—and it is along the path of diversity and flexibility that the best results will be found.

While the bloc grant approach has worked well, it has at the same time left some fetters on States and localities, so that too much time still is spent on making certain that Federal regulations are met. When the States submit their annual plans to LEAA to obtain bloc grants, there are long checklists of required items, and this diverts both State and Federal manpower from more important crime reduction tasks.

The special revenue-sharing legislation will remove these vestigial remains of needless Federal involvement, freeing both the hands and the spirits of State and local governments in ways that will mean more effective leadership—and better results—throughout the Nation.

Federal financial resources alone do not make the difference in performance, for State and local governments must also have their full share of responsibility in order to create programs that will achieve the highest possible levels of public safety for their constituents.

The proposed Law Enforcement Revenue Sharing Act of 1973, which I believe will help us all achieve those goals, amends in its entirety title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize special revenue-sharing payments to States and units of general local government.

We have amended the declarations and purpose clause accordingly, so that the purpose of the program remains—to reduce crime and strengthen law enforcement. But it is made somewhat broader, to reflect the greater responsibilities of States and localities under special revenue sharing.

Special revenue sharing for law enforcement has specific provisions governing the manner in which the Federal assistance can be employed, and the money must be spent on crime-fighting projects and cannot, for example, be used to build parks or to reduce taxes.

Moreover, the bill contains substantive requirements that recipients place an emphasis on aid to high-crime areas and on improving courts and corrections—priorities with which I am certain we all agree, and which are consistent with the Federal leadership role.

Special revenue sharing would include those funds LEAA now awards for bloc action grants as well as the present special grants for planning, general law enforcement training, organized crime prosecutorial training, corrections programs, technical assistance, manpower development, and education.

Planning funds would be dropped as a separate category, though each State would get an initial allocation of $200,000 from revenue-sharing funds for State and local planning. The remainder of the revenue-sharing fund would be distributed among the States according to their population—but 5 percent of this distribution would also be earmarked for State and local planning.

Of the total planning funds, 60 percent would remain with each State government for statewide planning, and the other 40 percent would go to regional councils and major cities and counties. A waiver provision is provided in case the 60–40 formula would be inappropriate because a State's localities lacked criminal justice jurisdiction.

Planning funds, which totaled $50 million in fiscal 1973, would amount to $45 million in fiscal 1974, and it should be noted that a State may spend more on planning if it chooses.

Under LEAA's present rules, State comprehensive plans and planning operations must be approved before the Agency will award bloc-grant funds.

But the special revenue sharing would enable award of funds after a State plan is filed with LEAA. The special revenue-sharing allocation would be automatic, and actual payments would be made in increments and by letters of credit as the need for additional funds arose.

The administration bill would require each State and locality to appropriate the money from its law enforcement revenue-sharing allocation through the same procedures it now uses to appropriate its own revenues. This means that all State and local laws and procedures would be followed—including procurement regulations, fiscal integrity statutes, and personnel merit system requirements.

The bill also would require State and local legislative oversight of the law enforcement revenue-sharing program. As many legislatures, however, will not be in session when the first revenue-sharing allocation is made, the administration proposes that this provision's effective date be delayed until the first session of each State's legislature.

The proposed LEAA budget for fiscal 1974 is $891 million—an increase of $35 million—and there are these categories: $680 million for special revenue-sharing payments to the States; $120 million for discretionary grants; $91 million for research, statistics, and management.

Since special revenue sharing for law enforcement would merge several funding categories, there has been some concern that several States would receive less funds in fiscal 1974.

I want to stress that we have taken steps to assure there would be no possibility of such underfunding. Because States receive law enforcement education program funds on a competitive rather than a population basis, it became apparent when the 1974 special revenue-sharing allocations were drawn up that some States would lose funds.

To compensate, LEAA has committed approximately $5 million in fiscal 1974 discretionary funds for the "save harmless" provision. This commitment was specified in a letter to the Congress transmitting the bill.

Law enforcement revenue sharing would take into full consideration the national goals of reducing crime and delinquency, while keeping open the local options on the nature and adminstration of particular programs.

LEAA would retain authority over discretionary funding, national planning, auditing, research, statistics and civil rights compliance—and the very important areas of leadership and technical assistance. Cumbersome administrative regulations and matching requirements would disappear, and this would speed up the flow of funds so they can be put to work sooner in the problem areas.

Law enforcement revenue sharing would end many of the separate categories of LEAA funds, giving the States and localities all the money that are now separately supporting planning, training, corrections, technical assistance, and higher education.

It would let locally-controlled governments have even more authority in deciding their own priorities while requiring that all aspects of crime and delinquency prevention and control are addressed by each State.

The elimination of matching requirements is especially important, for under law enforcement revenue sharing, all match—that is, "soft-match," "hard-match," and so-called "buy-in"—would be dropped. Buy-in is the money each State must appropriate to match the total Federal contribution to the local units of Government, and as it is

now, match and buy-in requirements are a negative force—a drag on the safe streets program.

The lack of available match money has already prevented many good programs from getting the funding they deserve and has sometimes directed State and local efforts into less worthy channels.

Eliminating match requirements is also important because it facilitates immediate attention to crime fighting. Large amounts of State planning agency staff time now required to administer the intricate match regulations would be freed for direct application against crime.

The variable pass-through formula, which has proved itself to be quite effective, would be maintained. However, it would be revised to take into account the merging of special categories into the one revenue-sharing payment.

A portion of State corrections and courts programs, technical assistance, and all educational programs designed for local and State law enforcement personnel would be funded before the pass-through requirement is applied.

This would permit the funding of these programs at the State or local level to the extent of their needs and would give greater funding flexibility to those areas where there is the greatest impact potential.

Without a modified pass-through requirement, certain types of programs would lose funds, and approximately 30 percent of the law enforcement revenue-sharing payment should be available for optional use by the State for these projects. This is close to the allocating currently reserved for these corrections, courts, technical assistance, and higher education programs.

The remaining 70 percent will be distributed among local governments and State agencies in the same proportion that these units of government financed each State's total law enforcement and criminal justice budgets in the previous year.

The assumption-of-cost requirements and the nonsupplanting rules would be deleted in the administration bill and replaced by a standardized maintenance-of-effort provision. This would guarantee that Federal funds do not reduce State and local moneys previously budgeted for law enforcement and crime reduction purposes. The requirement that not more than one-third of any grant may be expended for the compensation of personnel has been deleted.

The addition of these provisions should greatly simplify the entire assistance procedure.

It also seems to me that the very important process of planning by the States would be simplified—and therefore improved—under the special revenue-sharing proposal. The planning aspects are consistent with the general approach of the bill that the States—and, through them, the localities—must be given greater freedom and flexibility in devising the criminal justice improvement programs that local experience shows will work best.

There would continue to be, under special revenue sharing, a provision that State plans must be comprehensive—that is, that they address all important aspects of criminal justice and crime control. Otherwise, it is possible that a State might neglect such an important area as courts or corrections, and we feel it is consistent with the Federal leadership responsibilities to help make sure that does not happen. But

this is a very wide framework for the States to work within, and they would have all the flexibility they need.

The exact nature and scope of the planning responsibilities would be left to the States, and it is our feeling that they will perform this task with a pattern of excellence, based upon the growing planning experience under the LEAA program during the past 5 years.

Under special revenue sharing, LEAA would be required to comment publicly on each plan, and if a plan showed an obvious misuse or misdirection of funds, LEAA would recommend that the Attorney General withhold part or all of the special revenue-sharing payment.

The Attorney General also would be authorized to impose sanctions upon any State which failed to properly fulfill its obligations under the act—including proper administration and fund supervision. The States would be required to evaluate their projects, audit them, and monitor the worth of their programs. I believe that the States will carry out their responsibilities, and where problems occur they will be responsive to calls for corrective action.

It also should be noted that some have called for a plan whereby cities would plan for their own needs, and be separated from the State planning process. I believe cities do need to plan carefully, but it should be in the context of a statewide plan, for cities often do not have control over courts and corrections, and fragmenting basic planning responsibilties can only harm the forward movement of the entire criminal justice system. The proper place for primary criminal justice planning responsibility should continue to rest with the Governor of each State.

Under the LEAA program to date, substantial progress has been made in the States with regard to effective planning, and that effort will be improved by the new flexibility of special revenue sharing.

I believe that fragmentation of the criminal justice system also would occur if funds were awarded directly to the cities from special revenue sharing, bypassing the State mechanisms. Such funding could undo much of the progress made to date under the LEAA program.

It is my deep conviction that the Federal Government must provide firm and effective leadership to assist the States in the vital task of reducing crime and improving the criminal justice system. In turn, the States must make their planning process dynamic and effective—not one which simply meets whatever statutory requirements as may exist, but one which sensibly allocates limited resources to achieve maximum results.

Too often, as sad experience dictates, there seems to be some sort of general allergy to wanting to know results—to finding out about things which don't work and those which do. But we must know the results of programs, and we should know them even if there were no statutory requirement to be so informed. The State plans must show where we are going, what we hope to achieve, and inform us every step of the way how well we are doing.

Under special revenue sharing, we do not abdicate Federal leadership, but rather enhance it, and helping the States improve their planning process is one of the key elements. The other is in setting up technical assistance programs to disseminate to every city, county, and State the results of those programs which have achieved success, those approaches that do work, so there can be general adoption of efforts

which will bring the fastest and most lasting success in crime reduction.

I would like to comment now, as requested by the staff of this subcommittee, on two other proposals to reshape the LEAA program.

I make these comments with awareness of the fact that the other bills are sponsored by Members of the Congress who fully share our own determination to help reduce crime throughout the Nation. Our common goal is a higher level of safety for our citizens. Our disagreement—and it is a significant one—is over the most effective way to reach this goal.

There is no doubt the other bills could achieve results, but I support S. 1234, the proposal for special revenue sharing for law enforcement, because I feel it will enable the Nation to take a greater step to fashion major and lasting reductions in crime.

Your subcommittee staff, as I mentioned, asked me to comment on both bills, and I turn first to S. 1497, which was introduced by Senator Tunney.

It contains a number of interesting suggestions and deserves serious study. The Department now has the bill for its review and comment, and that report will be given to you promptly so that it can be made a part of your hearing record.

On the basis of a preliminary examination, one of my concerns concerns the bill's proposal to establish a number of complicated formulas for direct funding that would bypass the State criminal justice planning agencies.

For example, the bill provides that of the remaining funds available to States and eligible units of general local government, up to 40 percent of those funds may be expended on programs related to each of five high priority areas: law enforcement, corrections, courts and judicial administration, juvenile justice, and criminal justice planning.

Thus, if an eligible unit of government, which is defined as having a population of 100,000 or more persons, deemed it desirable to expend the full 40 percent of funds in one or two of such high priority areas, other needs might go unmet. It would also result in an inequitable distribution of funds among the various criminal justice programs in the State. It would be contrary to the established notion of comprehensive planning and funding for the total criminal justice system throughout the State.

The bill would permit the Federal Government to give special consideration to States and local governments that have operated programs that the administration determines have demonstrably improved the State or local criminal justice system.

I've already stressed the importance of the Federal Government's evaluation of successful programs and assistance to the States and localities in the exchange of ideas and concepts as part of a technology transfer program. This is not to argue, however, that the Federal Government should be placed in the position of awarding funds to States and localities solely on the basis of what the Federal Government feels is successful or appropriate. Carried to its logical conclusion, such a system would mean that the Federal Government would soon begin to shape State and local crime reduction programs as it saw fit. Washington would be making the decisions that properly are the province of State and local officials. The concept of the new federalism—making

government responsive at the levels where it is closest to the people—would be converted rapidly to Federal domination.

It appears S. 1497 would diverge from the special-revenue-sharing approach and create special classes of recipients, and this could be detrimental to equitable assistance for States and their localities.

I turn now to the bill to continue the LEAA program that has been reported by the House Committee on the Judiciary, and frankly, I am disappointed that the House committee did not adopt the administration proposal for special revenue sharing. I am pleased, however, that the House committee did agree with some administration recommendations.

The House committee retained the block grant concept. On the whole, the block grant concept has worked well to this point in time, and it has produced beneficial results in helping the States and localities to develop more effective crime control programs. In addition, it has been productive in another way, for the block grant concept was the forerunner—in a sense, the pilot program—of special revenue sharing for law enforcement.

I strongly urge once more that the Senate take an additional major step—and the final one—in the bold course it charted nearly 5 years ago in shaping the original LEAA program. That step is a logical extension—moving from the block grant concept to special revenue sharing for law enforcement.

In its bill, the House committee extended the LEAA program for only 2 years and authorized appropriations of $1 billion a year. To extend the life of this vital program for only 2 years will, I fear, seriously retard progress in law enforcement, as State and local governments, unsure of Federal participation beyond 1975, will be understandably reluctant to embark on long range improvement programs which require a commitment or several years time. Since it may thus provide an incentive for the acquisition of "hardware" items which can be obtained in the short term at the expense of truly comprehensive criminal justice programs, we prefer an open-ended authorization as a more practical and realistic approach to future funding needs.

The House committee changed some definitions. References to law enforcement now read "law enforcement and criminal justice." And there are now specific references to prosecution and defense being part of law enforcement. We have no objection to those changes.

A new provision would require annual submission of State plans, with LEAA approval within 90 days. We favor the administration approach which calls for thorough and comprehensive planning on the part of the States. It does not require LEAA advance approval of plans but it does require the States to submit long-range, 3-year plans, and LEAA would comment on these plans in detail.

The assumption of cost provision is deleted in the House committee bill. This is virtually identical to the administration proposal.

The House committee changed the matching provision: to 90 to 10 from the current 75 to 25. It provided that all matching be in cash, and specified a 50 percent State buy-in. That approach tends to relieve somewhat the current fiscal and administrative problems posed by matching requirements but it doesn't relieve them enough, for the States and localities are hard pressed for both funds and manpower.

In view of that, we feel that the administration proposal to eliminate matching requirements is the wiser approach, and the approach that will yield the greater dividends in crime control.

Proposed elimination of "soft match" is obviously a step in the right direction, for there have been a number of serious and recurring problems with it. "Soft match" is the identifiable contribution of State or local resources to match the Federal grants—normally goods or services. But one of the problems is that States and localities often have no pool of resources on which to draw when they want to set up new or innovative programs. Not only are States and localities hard pressed to meet such matching requirements, but the amount of paperwork involved depletes manpower that would otherwise be devoted to crime control. Finally, soft match really adds nothing to the basic resources of State and local criminal justice agencies.

A proposal by the House committee that nonprofit organizations could be grantees or subgrantees would greatly simplify LEAA's funding of national-scope projects.

There is a proposed requirement that the National Institute of Law Enforcement and Criminal Justice, LEAA's research office, make an annual report to the Congress and describe State achievements in meeting the act's goals. We see no useful purpose to be served by another annual report by one of the offices of LEAA, when LEAA itself submits a detailed annual report to the Congress on all of its activities, including the work of the Institute.

The law enforcement education program would continue to be operated in its present form under the House committee bill and with modest increases in the levels of payment to the participants. But we prefer to see this program operated by the States, as the special-revenue-sharing measure proposes. The States are the greatest experts on their own law enforcement needs.

Citizen participation would be required on State and regional criminal justice planning boards. But the House committee bill does not require the boards to be composed of a majority of elected officials. The special-revenue-sharing proposal does have such a requirement, and we feel it is a crucial one. That view is shared by all of the major public interest groups—including the National Governors' Conference, the League of Cities, Conference of Mayors, and National Association of Counties.

This is a key to making certain that democracy flourishes at the grassroots level everywhere in the Nation, and we support it with enthusiasm.

The House committee deleted the one-third limitation on personnel salaries, except as it applies to police salaries. It approved open-meeting requirements proposed in the administration bill.

The House committee proposal includes a provision which insures that statistical and research data compiled for or by LEAA will not be utilized in any fashion that may constitute an invasion of personal privacy. The provision in the House committee bill is identical in intent to a similar provision in the administration proposal.

It also adopted a new definition related to comprehensive planning. This requires State plans to be "a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State." The administration has no objection to this provision.

That concludes my comments on the House committee bill, but before returning to a discussion of other aspects of special revenue sharing, let me emphasize that I am here today to support S. 1234.

It is a bill that has been constructed with care and patience over a considerable period of time, and one that is designed to meet the last remaining needs of the States and localities as they take new initiatives to reduce crime to an absolute minimum. This measure has the support of the Nation's Governors and the directors of the State criminal justice planning agencies. This is an important step to take, but it is not a radical step into uncharted territory. It is the logical place to go in the context of the block-grant concept begun by you 5 years ago, since the step from block grants to special revenue sharing is a relatively short distance compared to proposals made for other special revenue sharing programs.

Some observers have asked whether special revenue sharing means that there would be no more controls at all—whether the States and localities would be able to spend the money in any manner whatsoever, no matter how foolishly.

We are committed to the proposition that without strict program evaluation and audit, special revenue sharing could find itself in trouble, and I can assure you that the law enforcement revenue sharing control procedures will work—that they will be effective. The Federal Government is going to expend time and effort to get a full accounting of the decisions that States, counties, and cities make about that money, and in cooperation with State officials will ferret out any violations—and take the prescribed steps against the violators.

Continuous auditing and regulations enforcement would be used in monitoring revenue sharing operations. LEAA will order immediate audits whenever necessary, and each State will be audited at least once every 2 years.

There are currently 50 auditors on the LEAA staff. The fiscal 1974 budget would add 22 to assure a staff capacity to meet the auditing standards.

The conversion of the block grant program into special revenue sharing will result in a net LEAA staff reduction of 59 persons—after the audit, civil rights, and research staff additions have been taken into account.

In conclusion, Mr. Chairman, let me reiterate that I feel a great deal has been accomplished to date under the LEAA program, and I also am convinced that we face no more compelled domestic obligation than working with all the diligence we can muster to enhance the level of public safety throughout the Nation.

Success in the campaign against crime is vital to our Nation's future welfare—as well as the present safety of our citizens.

Since a number of important proposals have been put forth regarding the future of LEAA, we will be happy to work closely with you and the Congress in fashioning an aid program that produces a consensus on the best way to reach our common objectives. I know that we can all agree that heavy reliance on States and localities is particularly important in an area as sensitive as crime control and criminal justice, particularly since our traditions dictate that they have the basic responsibilities in these fields.

I now would like to submit to the subcommittee for its record some examples of LEAA-funded projects of particular interest, and I then

would be pleased to answer any questions from you, Mr. Chairman, or the other subcommittee members.

Senator HRUSKA. That will be accepted for the files of the committee and reference will be included in the record.

Attorney General RICHARDSON. Thank you, Mr. Chairman.

My colleagues and I would be pleased now, Mr. Chairman, to answer any questions you may have.

Senator HRUSKA. Well, thank you for your very thoughtful and helpful statement on these bills and this subject. In the latter part of your statement, at page 15, you consider the matter of matching provisions, specifically the so-called soft match and hard match.

There is in the administration bill a provision which would do away with all of that matching, is there not?

Attorney General RICHARDSON. Yes, Mr. Chairman, that is correct.

Senator HRUSKA. Would that apply to the new bill prospectively and could it be made to apply retroactively as well?

Attorney General RICHARDSON. Although this is most desirable, unfortunately, there is no provision for such retroactive application in the administration bill.

There would be questions of fairness, I suppose, as to communities that have dug hard to produce matching funds. However, a retroactive application of the new matching formula would, on the whole, be beneficial.

May I ask my two LEAA colleagues here if they can give any thought to that question?

Senator HRUSKA. May I state my misgivings about it, and then either Mr. Santarelli or Mr. Valde can comment.

There are currently funds that are available under certain matching conditions. If matching in the future were eliminated, could that not mean that as long as there are available nonmatching funds, they will be resorted to? This would then leave to accumulate those funds which are on hand and which have not been qualified for by any applicants.

It seems to me that this would result in due time. Would you care to comment?

Attorney General RICHARDSON. May I make one brief comment, and then these gentlemen can supplement it or correct it.

It occurs to me that a possible solution to the difficulty you raise, and it seems to me a genuine difficulty, is that you would operate on the basis that first appropriated, first obligated. Therefore, a State or locality would not be free to obligate nonmatching appropriations until they had first used up their allocation of appropriations under an earlier bill, and that then, as of the date of the appropriation, did require matching.

How does that strike you, Mr. Santarelli?

Mr. SANTARELLI. Mr. Velde testified on this in the Senate Appropriations Committee, I believe, and can express it better than I.

Mr. VELDE. Mr. Chairman, this is not a new problem. We faced a similar situation in 1970 when the matching formulas that were first established in the 1968 act were liberalized from a 60–40 matching ratio to 75–25 ratio. At that time there was a problem, and as you very properly pointed out, of the good money driving out the bad. The more liberal formula funds were utilized in several States before the money with the not so favorable ratio.

There is no provision in the administration's bill, S. 1234, to remedy this problem.

However, section 523 of the House committee bill, H.R. 8152, does provide that the new matching formula applies to funds previously appropriated, that have not been obligated by the State. So, there is an attempt in the House bill to remedy this situation.

Senator HRUSKA. Thank you very much.

Mr. Richardson, heretofore there has been one Administrator of the Law Enforcement Assistance Administration and two Associate Administrators. Now, you support that this be changed.

Would you care to comment on the change?

Attorney General RICHARDSON. In the administration bill, Mr. Chairman, there would be an Administrator and a single Deputy. There was a need, as I understand it, for two Associates at the outset because there was a need for a great deal of contact with the States, local governments, courts, correctional, and police communities. These demands necessitated at least two Associates of comparable level who worked with those and other groups in the criminal justice community.

Since the machinery for the development of State and local planning has now been set up, the judgment is, therefore, that one Associate or Deputy can effectively assist the Administrator in the policy development aspects of the agency's operations.

Senator HRUSKA. Would there be latitude in the Administrator to appoint Assistants as distinguished from an Associate Administrator for various aspects of the program?

Attorney General RICHARDSON. Not as Presidential appointees, but he could, of course, have top-level staff with the title of Assistant Administrator.

Senator HRUSKA. The present statute establishes within the Department of Justice, the Law Enforcement Assistance Administration.

Now, you suggest that LEAA be placed in the Office of the Attorney General. Will you tell us what that change means?

Attorney General RICHARDSON. This, Mr. Chairman, reflects the general policy being applied Government-wide to the vesting of authority in Government Departments. The approach rests on the basis that the head of a Government Department should have overall responsibility for what is done within that Department. Therefore, the statutory authorities should be vested with him, and subdelegated by him to the hands of the constituent agencies of the Department.

It is a view of public administration on which people can reasonably differ. So far as I am personally concerned, I would be happy with whatever results this committee believes to be appropriate.

Senator HRUSKA. I do not believe that anyone would quarrel with the idea that the ultimate responsibility for LEAA should be in the Attorney General. That has always been contemplated. But if the Administration's authority were placed in the Office of the Attorney General, it would seem, as a practical matter, that all of the authority in the LEAA Act would be vested directly in the Attorney General. This would then in turn be delegated to the Administrator and the Administration itself.

Is that a fair way of describing the change that is being effected?

Attorney General RICHARDSON. Yes, it is, Mr. Chairman.

It is comparable, for example, to a situation in the Department of HEW where the statutes have traditionally vested specific authorities in the Commissioner of Education.

The Administration's approach would vest those authorities in the Secretary of HEW, who would in turn delegate the same responsibilities to the Commissioner of Education. This leaves open, in addition, some opportunity for taking advantage of administrative arrangements that can reduce overhead.

In the case of LEAA the vesting of authority in the Secretary would mean that there could be reserved to the Department at the departmental level, various housekeeping activities such as printing, for example. Of course, that can be accomplished by agreement anyway, so we are really not talking about an issue that as far as I am concerned a great deal turns on.

Senator HRUSKA. Now, there are no ongoing special revenue programs that have been approved by Congress so far.

Would it be a fair statement to say that this committee can, to some extent, define the parameters of the special revenue sharing concept in this bill?

Attorney General RICHARDSON. Yes; I think that is true, Mr. Chairman. This committee has before it the opportunity to establish significant precedents for the Government as a whole by acting on this legislation.

Senator HRUSKA. Now, there seems to be, on analysis, three basic differences between the present block grant legislation and the Administration's special revenue sharing proposal.

One would be the merger of a number of separate authorities; the second would be the elimination of matching funds; and the third would be the elimination of prior plan approval.

Now, would you agree, Mr. Attorney General, that with these exceptions the current block program does not differ a great deal from the administration's special revenue sharing proposals?

Attorney General RICHARDSON. I would agree with that, Mr. Chairman. You, of course, having had a major hand in the initiation of the block grant approach, are fully familiar with it. I think it is fair to regard it as, in a true sense, a forerunner of special revenue sharing. Indeed, it might have been possible 4 or 5 years ago to use the term, special revenue sharing, instead of block grants.

The three significant points in which the special revenue sharing approach does differ from the block grants do carry further the process of vesting responsibility and giving flexibility to State and local governments.

Senator HRUSKA. Of course, part C of the current legislation is really the operating part of the present program. The others are supplementary to the operations part of LEAA which is contained in part C. Thus, if the necessary modifications were made, part C could be converted quite readily into a true special revenue sharing program, could it not?

Attorney General RICHARDSON. That's true, Mr. Chairman. Indeed, as I understand it, this was the approach taken by the administration in 1971. We would prefer, on the other hand, that the approach go farther than that and eliminate more of the categories that now exist in the LEAA program, even though they are concededly few in number.

Senator HRUSKA. Now, the present act expires on June 30. Last week the chairman of this subcommittee and this Senator introduced a bill for a simple 1-year extension.

Is there any other course that we could follow, if Congress does not take timely action by June 30, and if so, what would it be?

Attorney General RICHARDSON. I think by continuing resolution, Mr. Chairman, you could continue the existing authorities in effect, pending final action by the Congress on the bills now before you. The fact that a bill has cleared the House committee, that considerable thought has been given to legislation in this Senate committee would seem to me to make it important to sustain this momentum.

I would be concerned that a 1-year extension might have the effect of encouraging deferment of substantive legislation until next year.

Senator HRUSKA. Will there be impracticality in shifting from the old act under the continuing resolution to the new act with its new criteria and its new procedures?

Attorney General RICHARDSON. This would be a matter, Mr. Chairman, of the effective dates. I have not gone into that thoroughly, and Mr. Velde may want to supplement my answer, but I would assume in any circumstances that existing law would be continued to some point at which new provisions took effect. Even if you had a continuing resolution that maintained the present law for a limited period, then enacted a new bill, say, later on in the summer, you could provide in that bill for an administratively workable effective date such as July 1, 1974, for the new provisions to take effect.

Mr. VELDE. Mr. Chairman?

Senator HRUSKA. Well, there would be no difference except for a point of certainty. The basis upon which LEAA would proceed would be the same in a continuing resolution as it would be in a statutory extension.

However, a statutory extension would fix the term, and with more stability than if you had to function 60 days on a continuing resolution and then shift into a new program.

Attorney General RICHARDSON. Well, yes, you could do it either way. The difference would be that it has often happened that the Congress reaches the point of whether or not to substitute new legislation or simply to continue old legislation. It passes a bill to continue the existing legislation. This action in turn operates as a reason for deferring further consideration of new legislation. The only real difference is in whether or not what you are doing is recognizably a stopgap pending continuing work.

In other words, what could easily happen is that everybody would settle back with the thought that we have passed the 1-year extension and we do not need to worry about that again until next spring sometime. Then you have another 1-year extension.

Senator HRUSKA. Now, there are certain restrictions on racial quotas contained in section 518 (b).

Has the administration had any problems in which this provision has created a setback to the overall civil rights goals of the Federal Government?

Mr. SANTARELLI. No, Senator, we have not. I understand the history of the administration is that prior to my coming aboard, 5 weeks ago, that we have been in negotiations with civil rights groups successfully

resolving any complaints that have been registered against us. And this section was not at issue in these discussions.

We at the moment seem to be effectively discharging those obligations.

Senator HRUSKA. The House committee provision relating to civil rights seems to be quite detailed in terms of remedial action. Does the Department feel that enforcement activity could be restricted by the specificity of these provisions?

Mr. SANTARELLI. Yes, Senator. We favor the proposal submitted by the administration because it is a standard clause that is set out in the revenue sharing statutes elsewhere. And we would prefer to maintain that standard language and the options for remedial action set out in that standard clause.

Senator HRUSKA. Thank you.

Mr. Blakey has a question on this point.

Mr. BLAKEY. Mr. Santarelli, could you have prepared for the committee record a memorandum on the background of the guidelines governing height requirements issued by LEAA on March 14, 1973? Would you indicate on what basis they were issued, what problems prompted their issuance, and how they have been accepted in the community, both by the law enforcement agencies and those people whose wishes may have led to their adoption?

Mr. SANTARELLI. We will be happy to, Mr. Blakey.

Mr. BLAKELY. Thank you.

[See appendix for response.]

Senator HRUSKA. Does the requirement in the House bill for citizen representation on States and regional supervisory boards present any problem to the local governmental authority in the process of law enforcement planning?

As I understand it, citizens generally now would be required where they had heretofore not been, and the limitation regarding elected officials would apply. Is that the way it worked out?

Attorney General RICHARDSON. I believe that is correct, Mr. Chairman. As I understand it, a staff paper of the public interest groups working in this area has recommended changes in regional supervisory board makeup. These changes are contrary to the House committee revision requiring citizen representation. The administration attempt is to put the control of these regional boards, where they exist, in the local elected executive officials comprising the units of Government which make up the regions. We feel that the elected representatives must have this authority if they are to carry out their jobs for which the people have elected them.

Senator HRUSKA. There was a 40-percent planning fund pass-through, which was amended in 1971. Has the LEAA experienced any great problems following the adoption of that amendment?

Attorney General RICHARDSON. I think Mr. Santarelli is in a better position to answer that question, Mr. Chairman. May I ask him to respond?

Mr. SANTARELLI. In general, these amendments have worked well, and addressed the problems of funding imbalance which they were intended to address. There are some areas where that has not been the case. We are experiencing a problem in Philadelphia with respect to the Philadelphia Regional Council. The Governors Committee has

not properly taken into consideration the representation problem at the local level.

Our concern there is that we think we can work that matter out. We are proposing some guideline changes that would require regional planning boards to be appointed by the local governmental units comprising the region, rather than the State agency or the Governor. But, we do not seek any statutory amendments to accomplish this. We think we can do this internally.

Senator HRUSKA. Well, thank you very much.

Now I have several other questions which are addressed to technical aspects. I should like to submit them to you, Mr. Attorney General, for your reply and transmittal to the staff and we will incorporate them into the record.

Attorney General RICHARDSON. We would be very glad to do that, Mr. Chairman.

[See appendix for response.]

Senator HRUSKA. Well, thank you very much.

Senator MATHIAS. Would you like to make your statement now?

Senator MATHIAS. I have a brief statement that I would like to make on the subject that Mr. Santarelli just addressed, the question of regional planning, but I will withhold that until the Chair has finished.

Senator HRUSKA. Very well.

I understand another Senator is on his way who might have a question or two of you.

Senator MATHIAS. Might I leap into the breach, then?

Senator HRUSKA. You may. That would be helpful.

Senator MATHIAS. I have introduced a bill, which is S. 1796, which is to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to interstate metropolitan organizations, and it is a bill which provides that statutory authorization which Mr. Santarelli has already stated he felt they could perform without.

I would hope that he might reconsider that opinion in the light of the very serious problems which exist in metropolitan areas in many parts of the country. This bill would apply to 33 major metropolitan areas, and to many other jurisdictions.

And I might observe to the Chair that Omaha, Nebr., and Council Bluffs, Iowa, are among those that would be affected. The Washington area is, of course, the classic case where we have three State jurisdictions, Maryland, Virginia and the District of Columbia, with many subjurisdictions under that, the various counties and municipalities which create a major problem.

I believe that this is an approach to the interstate crime problem, and it is a provision for planning grants only. But, it very clearly expresses the interest of the Congress and delegates the authority to Congress to deal with the interstate crime problem. And I believe that it is more desirable from the point of view of the Justice Department and the Law Enforcement Assistance Administration, as well as from the point of view of the general public that we have this statutory authority rather than attempt to deal with it on an administrative basis.

Senator HRUSKA. Did you have a statement on any other bill that you wanted to insert into the record or to comment upon?

Senator MATHIAS. That is the principal interest, my principal interest at the moment.

Senator HRUSKA. Well, I think the Attorney General would not mind waiting a little while until another Senator arrives.

Attorney General RICHARDSON. May I just say for the record, Mr. Chairman, that we will, of course, be glad to analyze and comment on the proposal that Senator Mathias has just outlined.

Senator MATHIAS. I can add this amount of explanation to this bill. We were very fortunate in having the assistance of the Law Enforcement Assistance Administration in sponsoring a metropolitan crime conference, which evoked the interest and participation of a very large number of local law-enforcement officers. And this bill is one of the results of that conference, and it represents not only my own thinking on it, but I think fairly the consensus of a number of senior and highly experienced law-enforcement officials, and law-enforcement officers at various levels. And the record of that conference, and the recommendations that it arrived at, I think, would be pertinent, and I will ask unanimous consent to also include that as a part of the record at this time.

Senator HRUSKA. Very well.

Senator KENNEDY. Thank you very much, Mr. Chairman. I appreciate this opportunity. We are having a series of rollcall votes in the Labor and Public Welfare Committee, and I have just a very brief area of questioning for the Attorney General.

I want to welcome you back to the committee.

I think all of the members of the committee and people across the country have been terribly interested in what the situation is going to be at the FBI—the directorship of the FBI—and that there have been news reports that Chief Clarence Kelley of Kansas City was being considered for that post at the present time. Is there anything you can tell us about that?

Attorney General RICHARDSON. No. I do not think it would be appropriate for me to use this opportunity, Senator Kennedy, to respond in detail on that question. There has, as you know, been underway a very extensive search for the best possible candidate for the job. People from many types of qualifying experience have been considered and the field has been substantially reduced. I am hopeful that we will be able to announce his nomination soon.

Senator KENNEDY. Can you give us any more about the time frame, when the announcement might be made?

Attorney General RICHARDSON. Well, you know how it is with these things, Senator Kennedy. The process involves a number of people, including this prospective nominee. It could be within a matter of days.

Senator KENNEDY. In the Criminal Laws Subcommittee, of course, we have a special interest in this area, and I think it is important that we have at least the current thinking of the administration. Are you looking for a full-time appointee or an interim Director?

Attorney General RICHARDSON. We certainly are looking for a full-time appointee.

Senator KENNEDY. As I say, there are news reports that the field has been reduced to four possible candidates.

Attorney General RICHARDSON. I have not seen the reports.

Senator KENNEDY. Well, can you tell us whether Mr. Kelley is one of the finalists?

Attorney General RICHARDSON. I would prefer to leave that as neither confirming or denying. He is certainly one of the people who has been considered for the job. He does have outstanding experience both in the FBI itself and as one of the most forward-looking chiefs of police in the United States.

Senator KENNEDY. Have you been talking with prospective appointees to that position?

Attorney General RICHARDSON. Yes.

Senator KENNEDY. Has one of the points been, in your conversation with the appointees about their relationship with the Congress, the need to work with the Congress assisting Congress in its oversight responsibility as to the FBI?

Attorney General RICHARDSON. No; that has not been. No, discussions have focused largely on the background and experience of the individual, and his approach in general to the job. I have not specifically reached that particular question.

Senator KENNEDY. How do you see the relationship between the new FBI Director and this committee, to begin with? After Mr. Gray's name had finally been sent up to the Senate and our hearings began in his opening statement I thought that Mr. Gray had been, to his credit, enormously forthcoming in indicating a willingness to work closely with the committee. Mr. Gray tried to open up to the committee a number of the procedures that were being followed by the FBI, and its functionings and workings, to the extent possible—and sort of open the window, so to speak. At least this was an impression that he gave us in his opening comments——

Attorney General RICHARDSON. I would hope that would be the approach of any appointee to the position, Senator Kennedy. It seems to me beyond question that the Congress has the right to know what procedures are being followed, how the agency is being administered.

I know of no area of sensitivity as between the Congress and the FBI, other than that of access to raw data in individual files or reports on the current status of an investigation. That kind of problem can always raise difficulties. With respect to the way the FBI goes about its business, its policies, both for dealing with other law-enforcement agencies, State and local, as well as Federal, its recruitment policies, training policies, all of that kind of thing, I think should be fully available to Congress.

Senator KENNEDY. Well, that is very helpful.

During the course of Senator Ervin's surveillance hearings—the hearings that took place almost 2 years ago—I requested the FBI manual, training manual, to be made available to the committee, and was denied to us. The request was seconded by Senator Ervin, and the information was denied to the members of the committee.

Do you see any reason why even a training manual ought to be denied?

Attorney General RICHARDSON. No; not only do I see none, I cannot offhand even think of one.

Senator KENNEDY. The manual covered the process of how they recruit informants, the role of informants, how they function, how they work, exclusive of any particular case or any particular investi-

gation. Would that be an area where the Congress ought to have some indication of how the FBI is functioning?

Attorney General RICHARDSON. Well, I think in general, yes. I can imagine this instance, that there might be some considerations that militated against publication of this information, but very sensitive matters are made known to the Congress in other areas, Defense policy, for example, or intelligence, or nuclear weapons, under appropriate safeguards. I do not know. Whether there is a reason or need for safeguards in this instance, I do not know, but I am sure that if there were the Congress would respect and understand them.

Senator KENNEDY. Well, just——

Senator HRUSKA. Would the Senator yield?

Senator KENNEDY. Yes.

Senator HRUSKA. Do you have reference, Mr. Attorney General, to the expression often used by CIA that they do not care to participate either in testimony or in discussion of those matters which could result in the disclosure of its "assets and resources"?

When you get into such a disclosure of "assets and resources," it is felt that there could be a prejudice to their operation.

Attorney General RICHARDSON. That is the kind of thing that I was referring to; yes, Mr. Chairman.

Senator HRUSKA. And conceivably, with respect to the training manual, on the use of electronics, there might be something which could be in that field. Is that conceivable?

Attorney General RICHARDSON. That is conceivable, yes, sir. I have not seen the training manual, so I do not know whether that could have been. I would have supposed, offhand, that they would have been likely to put any specific type of training as to which it was important not to have outside dissemination in a different publication.

Senator HRUSKA. Well, we have Mr. Blakey with us, if the Senator would not mind, who has done much of the staff work on our oversight consideration of the wiretapping statute. In that connection, I should like to ask you, Mr. Blakey, did you have occasion to consult with the FBI, and if so, what was your experience in that regard?

Mr. BLAKEY. Senator, this subcommittee has never experienced any difficulty in dealing with the Federal Bureau of Investigation in its oversight functions, particularly in the electronic surveillance area. As you may be aware, the subcommittee has been pursuing on the staff level an examination of practice and procedure in the electronic surveillance area with the FBI for about 2 years. One thing or another has just put off the public hearings. But, in that connection, we were made privy to all practices and procedures, and even given case studies on how the system works and related matters. The same kind of cooperation has always been extended to this subcommittee and the staff in dealing with the Law Enforcement Assistance Administration. I cannot remember one request we have made of either LEAA or the Department that has been denied.

Senator HRUSKA. I thank the Senator.

Senator KENNEDY. Well, the only point that I make is that we have the correspondence with the Justice Department where it is quite clear that there are a number of instances in the whole wiretap area which were not revealed, and were completely misleading in the correspondence that I have made. I will be glad to make that a part of

the record. Maybe they are giving different information to the staff members of this subcommittee than they are giving to the members of the committee or the chairman of the Administrative Practice Subcommittee.

But, in any event, I just, in conclusion, Mr. Attorney General——

Senator HRUSKA. Will the Senator yield? A roll call is in progress.

Senator KENNEDY. I will only be a minute, if I could. I would be glad to just finish up.

Senator HRUSKA. May I proceed to vote and I will come right back so that we can hear the additional witness.

Senator KENNEDY. Yes; and I again thank the Chair for permitting me to ask these questions.

I had sent over to the Attorney General—I believe it was the second week in April—a letter which outlines in some detail the kinds of requests we have made of the Department of Justice. It goes into and gives the background on the request for the FBI manual we discussed here. I know you are planning to appear before my subcommittee on June 26, on issues relating to Government secrecy and the Freedom of Information Act, and I hope that perhaps prior to the time that you come up here, you might review that correspondence, or I can give your staff additional copies for the parts for which you can supply a response. We would appreciate it.

Attorney General RICHARDSON. I will make a point of doing that, Senator Kennedy.

Senator KENNEDY. I want to apologize to you for missing the earlier part of your testimony and statement.

Attorney General RICHARDSON. Oh, I certainly forgive you for that, Senator Kennedy, understanding all of the pressure you are under, subject only, however, to the understanding that you will read my testimony in full.

Senator KENNEDY. Well, that is a good place to recess the hearing. I thank you.

[Brief recess.]

Senator HRUSKA. The subcommittee will reconvene after its brief recess for voting purposes.

Our next witness is Mr. Charles Owen, executive director of the Kentucky Crime Commission. He represents Hon. Wendell H. Ford, Governor of the State of Kentucky, for the National Governors' Conference.

Mr. Owen, we welcome you here, and have you a statement?

STATEMENT OF CHARLES L. OWEN, EXECUTIVE DIRECTOR, KENTUCKY CRIME COMMISSION, REPRESENTING HON. WENDELL H. FORD, GOVERNOR OF THE STATE OF KENTUCKY, FOR THE NATIONAL GOVERNORS' CONFERENCE

Mr. OWEN. Yes, Senator, I do, and I appreciate the opportunity to appear here before you today on behalf of Governor Ford and the National Governors' Conference.

Mr. OWEN. Thank you, sir.

I would like to say just very briefly, Senator, for the purposes of this record and you and the members of the committee, that in the past 5 years since LEAA was begun, there has been a significant turn-

around in the crime rate in the country from approximately a 16-percent increase yearly to a 3-percent decrease last year.

I cannot attribute all of that to the Safe Streets Act, but I cannot disassociate it from the activities of the State Planning Agencies and the innovation as well as the standards created by those agencies over these past 5 years.

It seems to me that very probably the cause of the significant amount of this decerase in the crime rates, which seems to us a real decrease, and not simply a reported decrease, is the efforts and the initiatives of the State planning agencies that were made possible under the Safe Streets Act.

Now, I have heard this morning several things that were said, proposals that were submitted, that are based on unsubstantiated facts, and I would like right now to briefly tell you some of those facts as we will present them in our "State of the States" report, which has been prepared by the States on the activities and the accomplishments of this program over the past 5 years.

First of all, Representative Stanton's bill and Senator Tunney's bill are based upon the assumption that the States are not taking care of the urban areas in the United States insofar as the crime problems are concerned. That, sir, is on page 8 of the "State of the States." We present now for the first time the facts in terms of how the States have responded to the urban areas, and I want you and the members of the committee to know that there are areas of this country containing 48 percent of our population, and these are the largest urban areas, where 48 percent of the people live, and they report 70 percent of the serious crime that we see in the country.

The States have devoted over the first 5 years of our program 65 percent of all local funds available to those areas. It seems to me that this formula produces a larger contribution to those urban areas than called for in Representative Stanton's bill, and it seems to me shows the responsibility of the States and their ability to respond to the urban areas.

Senator HRUSKA. And would you include their receptiveness to the conditions with which they meet in their own States?

Mr. OWEN. Absolutely, Senator. And I might say that a guarantee of any formula percentage to those larger urban areas would present the leverage that is necessary to achieve some of the changes that our criminal justice system must have if we are going to cope with the crime problem.

The fact is that the criminal justice system has changed about as quickly as the rules of chess and we need an overview in each State through the State planning agency in order to effect the changes necessary at the local level.

I want to give one example of that in my home State of Kentucky where Governor Ford, in fact, saw a merger of city and county police departments in Lexington and Fayette County for one reason and one reason only. It was not requested by the localities. It was made possible, though, because they had no guarantee percentage of the funds coming into Kentucky. We had a pool of money set aside for consolidation of major law enforcement functions. It was only by consolidation that they could acquire a part of that State block grant, and it was because of the leverage factor and the State plan-

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ning agency, which is made up of over 70 percent local people, that that merger occurred in Lexington and Fayette Counties.

That leverage factor will be reduced to the point where we, as States, and as State planning agencies, with nationwide, over 60 percent of the State planning agencies are local people. They cannot achieve and cannot have the leverage and the possibility of achieving the results needed unless they are not forced to guarantee a certain percentage of money to each of these major urban areas.

So, it seems to me that it gives the best possibility of State planning agency effective organization and operation by setting a planning grant for the States and letting them respond to their urban areas, but not by requiring a percentage to those cities.

Senator HRUSKA. With your permission, Mr. Owen, there will appear in the record at this time a paragraph contained on page 8 of this analysis under the caption "Urban Impact: Put Money Where Crime Is." The text following that caption, down to the recitation of statistics, will be printed in the record at this point.

[For information above-referred to, see appendix.]

Mr. OWEN. Thank you, sir.

If I may, one or two other quick pionts that were made this morning. There was a criticism of the State planinng agencies insofar as they had put money into hardware throughout the country. That also is not founded in fact and the first idea we had of total expenditures for hardware, again, is presented in the "State of the States" on page 34. You will find there that over the first 4 years, that we have facts that only 15 percent of the money put out in the country has gone for hardware and police, courts, and corrections, and you would also find that in the first year when planning was insubstantial and was only being begun, at that time you will find that there was 28 percent commitment to hardware, and that has declined steadily to a 10.6-percent commitment to hardware last year.

So, I think you find a rather logical progression. First, there was a basic need at the local level and the State level for equipment. Those needs were met more at first than later, and as planning took effect, the hardware expenditures are not continuing at that level, and they never were inordinately high, if you will look at the system as it existed in 1968.

Senator HRUSKA. With your permission there will appear at this point in record the text of that material found on page 34 of the same report, appearing under the caption, "Total Expenditures for Hardware," over to, and including, the two paragraphs on page 35.

[For the information referred to above, see appendix.]

Mr. OWEN. Thank you, Senator.

One further fact on fund flow. It was stated by Representative Stanton that, in fact, the States are the bottleneck in this program. I want to submit to you, Senator, that the facts again on pages 32 and 33 of the "State of the States" speak to that point directly. And as we show there, and particularly on the top of page 33, the percentage of funds awarded is the only way that you can measure whether the SPA, the State planning agency, is meeting its responsibility, because the awards money does not immediately disburse to the locality. That is required now by Federal law and OMB regulations.

The money is disbursed by the State planning agencies as requested by localities, and you will see, sir, the funds awarded are substantially more than the funds requested by the localities because the request is over, usually, a 12-month period.

And so you will also have to make this distinction to understand fund flow, that the States should be measured by the funds awarded at any given period of time, that are requested by localities, and then the disbursements, and finally the expenditures are very much less to those localities. And to blame the States or the SPA's for holding at the State level money which has already been committed and awarded, is simply unfounded and illogical.

Senator HRUSKA. At this point, the staff will select relevant material from page 32 and page 33 which shall be printed at this point in the record.

[For the information referred to above, see appendix.]

Mr. OWEN. May I say, in conclusion, Senator, one last thing, and this is presented on page 22 of the "State of the States."

Overall, while LEAA has grown from $63 million to $891 million in this current year, we are not, and the Congress has not put into the program and made available to the SPA's more than something like 6 percent of the total criminal justice expenditures actually being incurred each year.

To expect revolution from the 6-percent contribution is unrealistic, and yet terrific gains have been made, innovations started, standards set, priorities determined by State planning agencies that do, in fact, represent localities as well as State agencies. It seems to me that that local input on the State planning agency board is overlooked by those who would like to call it simply a State program.

It is one of the most innovative governmental acts that has come down the road in a long time. It is making a difference in State and local cooperation, not only in my State of Kentucky, but throughout the country. And I think you will find continued progress and revitalization, both State and local communications, and State and local interaction as a result of the Safe Streets Act.

I would be glad to answer any questions if you have them on the current House bill or on the Revenue Sharing Act, as you choose.

Senator HRUSKA. The staff will direct its attention to page 22 and those parts of page 23 which are relevant to the point just made by Mr. Owen, and incorporate in the record at this point pertinent parts thereof.

[For the information above referred to, see appendix.]

Senator HRUSKA. Do I understand, Mr. Owen, referring to page 22, that in fiscal year 1972 the figure of $11,750 million includes all criminal justice system expenditures, Federal, State, and local?

Mr. OWENS. Yes, sir, it does, and the figure under it is just State and local.

Senator HRUSKA. And the figure of $10,434 million for 1972, appearing below that, represents the expenditures for direct State and local sources alone; is that right?

Mr. OWENS. That is correct, Senator.

Senator HRUSKA. So the amount that was contributed overall by the Safe Streets Act was 5.95 percent in fiscal 1972 for the grand total of expenditures. Additionally, during that same year for total State

and local expenditures, for criminal justice, the LEAA contributed only 4.46 percent; is that correct?

Mr. OWENS. That is correct, Senator.

Senator HRUSKA. Your point is well made.

I doubt very much that anybody would have expected that perfection would result in such a short space of time, by the arrival into the total expended in the field in America of such a relatively small percentage of money, but we have done well.

Mr. OWENS. I would certainly agree.

Senator HRUSKA. Where does the value lie of the Federal contribution to State and local law enforcement?

Mr. OWENS. It seems to me that the national strategy outlined in 1967—the Presidential Commission Report—is on target when it says first, let's have federally encouraged State and local planning. It does not say, create State planning agency boards with State and local representation, but that was partly due to you, Senator Hruska, and others who brought forth the Safe Streets Act. It seems to me to be innovative in this essential, it seems to me the first value in the Federal area is the legislation itself that has mandated a different kind of State and local participation in trying to cope with crime, and the second part is certainly in money, and I think increasing the expenditures for the act, which would make me now refer to the House bill which has a $1 billion ceiling for the next 2 years.

It seems to me that the level of expenditures under the Safe Streets Act, in whatever form it takes, is not justifiable at this point in time. And the State agencies have now planned for much more money than has so far been received. I think those expenditures—and hopefully the resources available from the Federal level—will continue to increase and the ceiling will not be set.

Senator HRUSKA. So, State planning indeed is a result of the LEAA program. Isn't it significant and highly meaningful that every State in the Union now has a State planning agency and that every State has a crime commission?

Mr. OWENS. That is correct, sir.

Senator HRUSKA. What comment would you have on the authorization for a 2-year period as opposed to authoriaztion for a 5-year period?

Mr. OWEN. Senator, with respect to that I also in my capacity here today represent the State planning agency directors as their chairman, and I have talked with them at length about the possibility of the 1-year extension or 2-year continuation, as proposed in the House, or the 5-year continuation. That is a critical issue to us and it seems to me the 5-year continuation is essential to give a stability to the program for some of the reasons the Attorney General mentioned early this morning, that is, in terms of long-range planning and the willingness of getting State agencies and localities to really plan and commit their resources, their matching funds, commit themselves and their personnel they hire to a longer term program than 2 years will permit.

It has a gambling effect when you say this act is just authorized for 2 more years and some people wouldn't take jobs when they really should have; some better people that would do so if they thought it was a longer term commitment. Now, I don't see any evidence here

myself that there would only be a 2-year national commitment to the problem of crime and justice, but that is not the way it seems when many people are making decisions about their lives and also some of the State planners would tend to look at capital expenditures rather than longer range reforms.

It also implies, it seems to me, the 2-year extension in the House implies an unjustifiable criticism of the State planning agencies. And if there has ever been a program that with limited resources has produced results under very difficult criticisms and problems, this Safe Street Act has done it. And it seems to me that the 2-year extension implies an unjustifiable criticism of the act and those who administer it.

Senator HRUSKA. Now, then, some objection has been registered to a 5-year authorization starting out with the $1 billion a year for the first year on the grounds that it would not be sufficient as we approach the third and fourth and fifth year. Could that not be remedied by providing that for the following 5 years the authorization is at a minimum of $1 billion a year?

Mr. OWENS. It would solve it, Senator, and it seems to me at this point the current act has an authorization of $1 billion and three-quarters, I believe, for fiscal year 1973 and to cut back now to an authorization figure of $1 billion again seems to me not to be coming closer to the reality of what is needed but rather an implied criticism and a step back from at least the authorized levels that I don't think this Congress wants to take.

Senator HRUSKA. Dr. Blakey, any questions?

Dr. BLAKEY. I have no questions.

Senator HRUSKA. Thank you very much. Give our compliments to your Governor and tell him that he was well represented here today.

Mr. OWENS. Some of the assistants go to Lake Tahoe and some do not. You got one that did not.

Senator HRUSKA. The subcommittee will stand in recess until 10 o'clock tomorrow morning in this same room.

[Whereupon, at 1 o'clock p.m. the subcommittee recessed, to reconvene at 10 o'clock a.m. Wednesday, June 6, 1973.]

BILLS TO AMEND TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACTS OF 1968 [S. 977, S. 1023, S. 1114, S. 1234, S. 1497, S. 1645 AND S. 1796]

WEDNESDAY, JUNE 6, 1973

U.S. SENATE,
SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 9:55 o'clock a.m., in room 2228, Dirksen Senate Office Building, Senator Roman L. Hruska, presiding.

President: Senator Hruska.

Also present: G. Robert Blakey, chief counsel; Kenneth A. Lazarus, minority counsel; and Mabel A. Downey, clerk.

Senator HRUSKA. The subcommittee will come to order.

The record showed yesterday that the chairman of the committee, the Senator from Arkansas, was otherwise occupied, presiding over sessions of the Subcommittee on Defense Appropriations. He has asked me to continue to Chair this hearing.

Our first witness this morning is Mr. Edwin L. Griffin, Director of Law and Order Planning of the Western Piedmont Council of Governments, Hickory, N.C.

Mr. Griffin, will you step forward, please, and favor us with your testimony on this subject?

STATEMENT OF EDWIN L. GRIFFIN, DIRECTOR, LAW AND ORDER PLANNING, WESTERN PIEDMONT COUNCIL OF GOVERNMENTS, HICKORY, N.C.

Mr. GRIFFIN. Thank you.

Senator HRUSKA. You have supplied us with a statement. You may proceed to testify in your own fashion, either by reading the statement or by highlighting it.

Mr. GRIFFIN. Mr. Chairman, I would prefer reading it.

Senator HRUSKA. Very well. Before you start, I might say that it was Senator Ervin who interested you in coming here and you are here at his invitation. Is that correct?

Mr. GRIFFIN. Yes, sir, that is.

Senator HRUSKA. Well, we are grateful to him.

Mr. GRIFFIN. Thank you very much.

I would like to begin my presentation by expressing my appreciation to you for allowing me to comment on these proposed bills and the LEAA program as we now know it.

It is my firm contention that I not support specifically any legislation introduced, but instead comment on specific items that I believe to be pertinent to any changes in the program. I have had the opportunity to briefly study the proposed bills and to speak with the State Administrator in North Carolina and several planning directors concerning amendments to the program. Although each State, and likewise each region, has unique characteristics, I am sure that they, too, have common perspectives toward the administration of the LEAA program. Although my remarks are directly influenced by the structure within North Carolina and the composition of my particular region, I also am sure such comments would manifest the opinions of others in similar capacities.

I shall try to address my remarks to those items which necessitate legislative decisions as opposed to administrative decisions. I find it difficult to differentiate the two at times in a program as complex as this. In order for legislative decisions to be most meaningful, perhaps it is in order to touch on some of the administrative problems.

I congratulate each author of the bills I have studied, as they all indicate a strong emphasis on the development of professionalization among the criminal justice agencies and personnel.

In North Carolina and in region E, the region which I am concerned with, the initial thrust of the program was to provide standard operational equipment to the law enforcement agencies. Although not as meaningful in a long-range scope as other projects, the funds served a very credible purpose. They helped to facilitate equipment needs of departments, especially smaller departments, that were drastically ill-equipped. It helped also to encourage interest in, and support for, the LEAA program among the rank and file of law enforcement. The North Carolina Governor's Committee on Law and Order has now gone on record as not favoring funding these projects in the future, but addressing other areas of critical concern.

Program areas which are now being explored and successfully undertaken are youth programs, police legal advisors, rehabilitation, public education, and crime prevention. In North Carolina and in region E, the emphasis now is on programs that not only meet the needs at present but will make a contribution to the future.

I should like to comment on a bill introduced by Senator Tunney. I believe he referred to it yesterday in his testimony.

(1) I would heartily encourage States, regions, and local governments to define their needs and adopt a comprehensive law enforcement plan. I must note that it is my most emphatic belief that the State plan should reflect a composite of local and regional plans, rather than a State staff's perspective of a State plan. This has not been the case in North Carolina and perhaps in other States as well. To be more specific I would endorse the concept of the submission of a State comprehensive plan, with amendments to the plan submitted every 2 years unless drastic changes occur which necessitate an amendment for an annual assessment.

(2) A 60-day evaluation and approval period would certainly seem to be adequate. As projects are submitted to the State, no particular

time is announced as to when the project will be decided upon. I submitted a juvenile project for review in September of 1972 and received notification of its award in February of 1973. A great deal of strategic time was lost in the implementation of the project due to the excessive time in evaluating the project and the unwillingness of the Governor's committee to meet.

Senator HRUSKA. Mr. Griffin, was that juvenile project to which you refer an award from discretionary funds?

Mr. GRIFFIN. No, sir. That was an award through the action grants program under the block grant program. It was not discretionary.

Senator HRUSKA. Why do you have to get an award? After all, the funds are under the jurisdiction of the State planning agency, are they not?

Mr. GRIFFIN. No, sir. The process in North Carolina is that the regions develop specific projects. Those projects are approved within the region by a policy board, from there forwarded to the State capital and the State planning agency for review and comment. The State planning agency then forwards recommendation to the Governor's committee on law and order, who makes the final approval or disapproval of every project. The Governor's committee is supposed to meet monthly to make such approvals, but they have not in the past.

Senator HRUSKA. Well, does the Governor's committee then send it to Washington for approval?

Mr. GRIFFIN. No, sir. The Governor's committee on law and order makes the final approval for awarding the money under the block grant program.

Senator HRUSKA. Then they make an allocation of funds for it?

Mr. GRIFFIN. Yes, sir.

Senator HRUSKA. An award.

Mr. GRIFFIN. Yes, sir.

Senator HRUSKA. Well, that would not be covered by Federal law, would it? That is a matter of internal, intrastate practice and procedure. It is within the State.

Mr. GRIFFIN. Yes, sir.

Senator HRUSKA. So it is a situation that North Carolina could correct if it wished.

Mr. GRIFFIN. Perhaps so. I would suggest that some influence by LEAA might stimulate interest on the part of North Carolina Governor's committee to meet annually. Once again, what I am trying to point out is some of the problems we have had in administering this program. I do not believe or I am not sure that any Federal regulation would be in order to facilitate this particular problem.

Senator HRUSKA. Mr. Griffin, would you mind stepping aside briefly while we hear from Senator Eagleton?

Senator, would you like to step up and make your statement.

Senator EAGLETON. Thank you, Mr. Chairman.

STATEMENT OF HON. THOMAS F. EAGLETON, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator EAGLETON. Thank you, Mr. Chairman. I will be brief so you can get back to the witness, I understand who is a holdover from yesterday.

I ask consent that a full statement of some seven pages in length be printed in the record as though given. If I may have 2 minutes to highlight it.

Senator HRUSKA. It will be printed in the record as though read in full.

Senator EAGLETON. Mr. Chairman, my bill, S. 1114, is before this committee. This bill is grounded on the principle that what we call the criminal justice system must be viewed in its entirety, for if any one part malfunctions, the effectiveness of the whole is impaired. An excellent police force is hampered in preventing crime if there are long delays in bringing a defendant to trial. A criminal court system that disposes of cases quickly and fairly cannot salvage a convicted defendant who is sentenced to an institution which is only a breeding place for more crime.

The bill authorizes LEAA to make grants to States and localities which elect to participate, on a strictly voluntary basis, for the purpose of demonstrating the feasibility and—we trust—effectiveness of comprehensive reform. Initially, grants would be limited to a few States and localities as pilot programs, with the hope that these will point the way toward implementing the program nationally.

Goals which we seek to accomplish in this which encompass the entire criminal justice system, are drawn from a variety of sources, ranging from the findings of President Johnson's Crime Commission to Chief Justice Burger's recommendations regarding the speedy disposition of criminal cases.

I am pleased to note that the goal-oriented approach embodied in S. 1114 has received wide acceptance since I first introduced a similar bill more than 2 years ago. The Department of Justice has now endorsed this concept and an advisory commission appointed by the Attorney General has been working at the task of formulating standards and goals for law enforcement of the kind that are expressed in my bill. It is my understanding that this advisory commission has now completed its work and its final report should be out soon.

I will not attempt to enumerate all of the standards contained in this bill but they cover such things as the recruitment, training, pay and retirement benefits of law enforcement personnel—criminal court operations, including the mandatory disposition of criminal cases within a fixed period after arrest, the extension of probation and parole services, correctional facilities, from local jails to State institutions, juvenile offenders, treatment of narcotics addiction, and alcoholism. For the most part, these are performance standards—that is, each State would be free to devise the most suitable way for it to meet the goals set out in the bill without Federal dictation at each step along the way, so long as these goals are being attained in general precept.

I thank you, Mr. Chairman, for the opportunity of appearing before the committee.

Senator HRUSKA. Thank you for your contribution. The statement will go into the record.

Senator EAGLETON. Thank you.

[Senator Eagleton's statement follows:]

STATEMENT OF SENATOR THOMAS F. EAGLETON (D-MO.)

Thank you, Mr. Chairman, and members of the Subcommittee for your kindness in permitting me to come before you and discuss with you some of my

thoughts regarding the enormous problems posed by crime which our country faces.

In every public office I have held prior to coming to the Senate, matters relating to crime have been a central concern. As the chief prosecuting official of a large city (St. Louis), as Attorney General of Missouri, and even as Lieutenant Governor when I served as chairman of the Governor's Crime Commission, I dealt with these issues on a regular basis.

I know of no other major problem that so troubles our people. By every measure I know, people rate crime as among the most serious domestic problems and among those that should be given top priority by government. Not only do I read of this result emerging from major polls, more importantly to me, I hear it from my constituents as I travel throughout Missouri and read it in their letters. Moreover, there is evidence that the American people are willing to back their concern with their pocketbooks—willing even to support increased government spending for measures to oppose crime.

Aside from these practical considerations, there is the certain knowledge of the debilitating effects of crime on the quality of life in this country and on the confidence and esteem accorded the government by its citizens. If government cannot protect us in the streets and in our homes against assault, and robbery, and rape, and murder, it might reasonably be asked, then of what value are the other accomplishments of the government here, or abroad, or in space.

It has to stop. We simply cannot go on being the prisoners of crime—working behind locked doors in offices and even in retail establishments where customers must ring for admission—fearing to venture out to cash pension checks—living with the terror that any one of us may be the next victim. And no one is immune. Certainly the recent assault on Senator Stennis, like the shooting of Governor Wallace, and like the assassinations of major public figures in the 1960's, must have taught us that we are all vulnerable to the threat posed by crime and violence.

There are those who say that crime can be dealt with effectively only by attacking the underlying problems—lack of job opportunities, inferior education systems, discrimination against minorities, and a host of other social inequities. Improvements in these areas necessarily involve massive programs of social reform, taking many years to influence the makeup of our society. I do not believe we have to wait that long. I believe we can start now.

We can begin by making improvements in the criminal justice system which we rely upon to deal with crime problems as they exist today. There is no need to wait for the millennium to reform the criminal justice system. Its deterioration has long been noted that there is a broad consensus on the need for improvement. But this system does not have an alumni body, or a parent-teachers association, or a lobby that can be depended upon for a forceful and timely presentation of its interests. It is largely dependent upon a public awareness of its needs, and a public concern that it be equipped to deal with modern criminal problems.

Given these circumstances, there is a great deal that can be done by the federal government to aid local law enforcement agencies—without absorbing them. It can offer financial support and technical assistance. Perhaps most importantly, it can provide leadership to point the way for the comprehensive reforms needed to equip the entire criminal justice system to combat crime more effectively.

Substantial financial assistance is already being provided. As a nation, we are now spending close to $10 billion annually for law enforcement purposes at all levels of government. Nearly ten percent of that amount is dispensed by the Federal Law Enforcement Assistance Administration—LEAA—in the form of grants to states and communities under the authority of the Safe Streets Act of 1968, as amended.

More money will help, and I support President Nixon's efforts to allot additional federal funds for law enforcement. But money alone will not suffice in the absence of imagination and leadership for reform.

It was hoped that such leadership would be forthcoming from LEAA, but the track record of LEAA shows this not to be the case. LEAA has functioned largely as a disbursing agent, with relatively little influence on the manner in which funds have been used. These conditions were perhaps inevitable, given the block grant approach and the unwieldy administrative structure for LEAA contained in the original Safe Streets Act. Improvements have been made, both in revising LEAA administration through subsequent legislation and, it is my understanding, in the imposition of better fiscal controls.

Nevertheless, the fact remains that LEAA has not served as a necessary catalyst for reform of the criminal justice system; rather, it has tended to reinforce the existing system in its traditional modes of operation.

There are exceptions to this pattern. Among the most noteworthy have been a number of programs funded through the Missouri Law Enforcement Assistance Council. This is not just my opinion as a booster of the state I represent—it is drawn from the observations of experts who do not have a parochial view.

When we speak of reform, we are talking about some of the very things that are being done in Missouri. Such things as statewide police recruitment and training standards, support for training of law enforcement officers of all kinds, extension of parole and probation services, revision of the state's criminal code, and supplying alternatives for the care and treatment of juvenile offenders.

But, again, the experience in Missouri is an exception to the national rule. Even authorities within LEAA concede that disproportionate amounts of federal funds have gone for arms and other equipment, or for construction of facilities that are not essential to the immediate task of reducing the amount of crime.

I am convinced, Mr. Chairman, that no substantial improvements will come about until we approach the problems of law enforcement on a systematic basis.

My bills, S. 1114, represents an effort to do just this. This bill is grounded on the principle that what we call the criminal justice system must be viewed in its entirety, for if any one part malfunctions, the effectiveness of the whole is impaired. An excellent police force is hampered in preventing crime if there are long delays in bringing a defendant to trial. A criminal court system that disposes of cases quickly and fairly cannot salvage a convicted defendant who is sentenced to an institution which is only a breeding place for more crime.

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Senator HRUSKA. Thank you, Mr. Griffin, for extending the courtesy that you have to the Senator. You may proceed with your statement.

STATEMENT OF EDWIN L. GRIFFIN, DIRECTOR, LAW AND ORDER PLANNING, WESTERN PIEDMONT COUNCIL OF GOVERNMENTS, HICKORY, N.C.—[Recalled]

Mr. GRIFFIN. I was making a few comments with reference to certain sections of Senator Tunney's bill. I can once again endorse, due to personal experience, the concept of an evaluation procedure of projects. North Carolina was one of the first, if not the first, to implement a comprehensive evaluation program to give vital feedback as

to the impact and effectiveness of the projects. I would encourage such an undertaking by each State planning agency.

(4) "Federal Credit Funding" as noted in part C, section 102 of Senator Tunney's bill, would seem to provide the kind of local government that the supplanting stipulation now prevents.

(5) To say the least, the provision to authorize funds to institutions of higher education "in an effort to develop curricula leading to a degree in the field of criminal justice planning" is imperative if we can expect professional program development and administration. It is extremely difficult to find qualified persons in this field.

(6) I would take issue with part H, section 102 of Senator Tunney's bill which is entitled "Prohibition of Conflict of Interest." The bill excludes parties from being present and voting upon an application in which he has an interest. Although the theory behind the stipulation is most commendable, and I, as a planning director, would highly encourage the elimination of politics from project assessment, I would equally encourage that a representative of a project be allowed to speak on the issues raised in evaluating and approving any project.

Concerning Senate bill 1023, introduced by Senator Hartke, I would express an interest in the formation of a Commission on Accreditation of Law Enforcement Agencies. However, as its initial purpose, I would be more supportive of the Commission addressing agencies needing assistance in ascertaining the standards and criteria set forth to be certified as an accredited agency. The incentive, I am sure, in the bill is worthy; however, I believe that more departments could and would be helped if steps were taken to at least begin them on their way to accreditation. Otherwise, perhaps large, well-to-do agencies which already have many resources available to them will have even more, while the smaller departments will once again be limited.

North Carolina has authorized, by legislative enactment, the North Carolina Criminal Justice Training and Standards Council to determine the qualifications which will certify each law enforcement officer in the State. In addition, it will provide the statute regulations for minimum training for each officer. Although the logistics of administering the laws are very difficult, cooperation among agencies and local units of government has allowed for a demonstrably effective program.

I believe the bill introduced by Senator Eagleton reflects the intent and purpose of the council and is a national effort to assure more qualified personnel in law enforcement.

The basic concept which originated the LEAA program, as I understand it, was to provide, through Federal assistance, funds to the States and local units of government to help in the development and improvement of their respective criminal justice systems. As a means for continuation, funds could be allocated to re-fund a project with, in most cases, the acknowledgement being that future funding will be the responsibility of that agency, unit of government, or State, which we call the subgrantee. It appears that the LEAA program has provided counterproductive measures which have created problems in future funding. The first match ratio was 60 to 40 percent; secondly, 75 to 25 percent; and now in North Carolina, with a State buy-in, it is 81.25 percent and the locals providing 18.75 percent. Instead of the locals assuming more responsibility, they are assuming less. Although this provides for a greater distribution of funds, it does not necessitate

a great deal of commitment on the part of local units of government.

Senator HRUSKA. Mr. Griffin, is that State buy-in of 81.25 and 18.75 percent a creature of State statute?

Mr. GRIFFIN. Yes, sir, it is—75 percent of the 81 percent is Federal assistance. The 6.25 percent is in addition to the Federal assistance. So there is only 6.25 percent that will be State.

Senator HRUSKA. So there is a retainage of 18.75 for State purposes?

Mr. GRIFFIN. No, sir, 75 percent is the LEAA Federal funds. In addition to that, 6.25 percent is North Carolina State buy-in to that, and 18.75 percent is the amount of local match that must be brought up by local units of government.

Senator HRUSKA. I see; so that is a State formula.

Mr. GRIFFIN. Yes, sir.

I, like many others, do not fully understand the revenue-sharing concept and how it specifically differs from the existing LEAA program, with the exception of no local match. Certainly, this will eliminate many hours of accounting and will be a giant step in simplifying a complex program. Perhaps if the local units of government knew of the specified amount of money that would be allocated to their government, they would use the funds wisely. Until such time as small cities and towns can and do acquire some help and guidance in the preparation of plans to expend money, I would encourage the continuation of a program similar to the one in existence. From the knowledge I presently have of revenue sharing, the idea is most commendable and the process most welcomed by a majority of the people now wrestling with individual bureaucracies to ascertain funds.

As indicated in the bill by Senator Hruska, as well as other bills, the control and responsibility of the program will rest with the Governor. I strongly urge the continuation of this procedure, as it is working well in North Carolina at the present time, and seems to offer no difficulties in the structure of State government.

In the revenue sharing bill, and most others, particular attention is being given to crime prevention. I commend you for this. I believe Florida has experienced a great deal of success with their statewide program. North Carolina is now making plans to develop a similar program which we believe will be equally successful and will be a great asset to the deterrence of crime.

Although I have spoken on many issues with which we share a common concern, I am sure that I have not addressed all of the questions you might have of a regional planning director. I shall be glad to entertain any questions you might have.

Thank you.

Senator HRUSKA. Thank you very much, Mr. Griffin.

EXECUTIVE COMMITTEE

Donald C. Lambeth . . . . . Chairman
Charles W. Johnson . . . . . Vice Chairman
Glenn P. Deal. . . . . Secretary
Ralph I. Starnes . . . . . *Treasurer*

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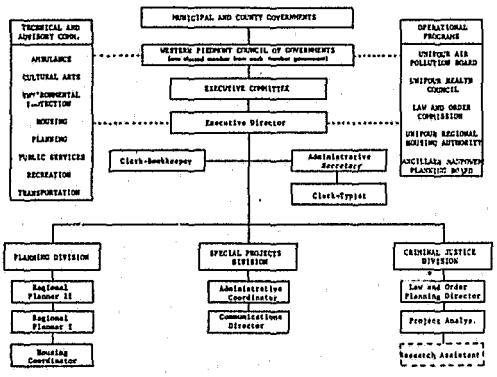
R. Douglas Taylor . . . . . Executive Director
Ed Griffin . . . . . *Law and Order Planning Director*
Lennie Sever . . . . . Project Analyst
Teresa Evans . . . . . Clerk-typist
Marjorie Lail . . . . . Law and Order Financial Officer
WPCOG Comptroller
Marvin Vierra . . . . . Administrative Coordinator
Ken Pruitt . . . . . Regional Planner II
Bill Buchanan . . . . . Regional Planner I
Thomas H. Crumpler . . . . . Communications Director
Charles Jeffers . . . . . *Housing Coordinator*
Dana Bolch . . . . . Administrative Secretary

MEMBERS

Alexander County	*Conover*	*Longview*
Burke County	Drexel	Maiden
Caldwell County	Glen Alpine	Morganton
Catawba County	Granite Falls	Newton
Brookford	Hickory	Rhodhiss
Catawba	Hudson	Taylorsville
Claremont	Lenoir	Valdese

WHAT RELATIONSHIP DOES THE COMMISSION ON LAW AND JUSTICE HAVE TO WPCOG?

WESTERN PIEDMONT COUNCIL OF GOVERNMENTS ORGANIZATION STRUCTURE



The bylaws of both the Western Piedmont Council of Governments and the Commission on Law and Justice structure the Commission under the direction and leadership of the COG. The purpose of such a structuring is to provide coordinated and unified efforts in planning for Region E (Alexander, Burke, Caldwell, and Catawba Counties).

WHO IS THE COMMISSION?

The members of the Commission represent a diverse cross-section of the population that deal with and work for the criminal justice system. Membership includes: a public official representing each unit of government; a representative of each law enforcement unit; representatives of the Judiciary, solicitors, and local bar associations, representatives of the Departments of Human Resources, and Social Rehabilitation and Control, and "interested citizens."

The Staff works in accordance with the wishes and desires of the Commission. Their primary responsibilities are developing, administering, and analyzing projects based on the expressed needs of the departments, units of government, and affected people thereof. A major part of such activities is developing a Regional Plan that satisfies the local needs and that is consistent with State and National priorities.

WHO IS SERVED BY THE COMMISSION?

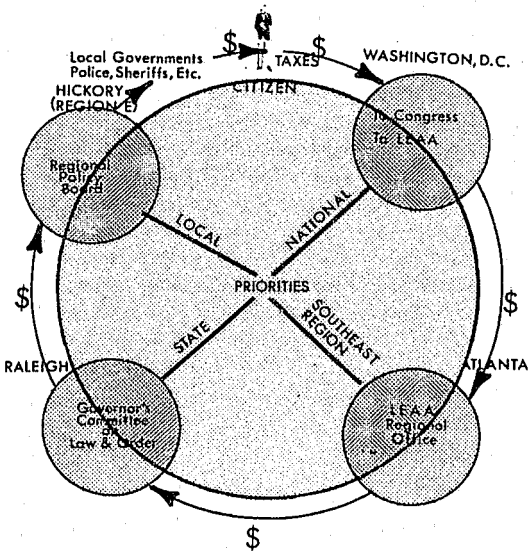
All law enforcement departments participate in some way with the activities of the Commission. Projects are developed by the Planning Director for individual departments, a consortium of departments, and on a regional basis. Although the major portion of the activities deal directly with Police and Sheriff Departments, some ongoing and future programs will be inclusive of the courts, educational programs, correctional programs, etc.

HOW ARE THE PEOPLE SERVED?

Although some coordinative assistance is made to those requesting it, the bulk of service is provided by obtaining grant funds for projects. The funds are made available to the Region, on approval, from Raleigh, for each project separately. LEAA began financing projects on a 60% basis leaving the local units to match it with 40%. Later, the ratio changed to 75% - 25%. Now the State is contributing 6.25% which provides an 81.25% - 18.75% match.

As projects are initially approved, funds are allocated in local budgets so as to provide the matching funds when the project is implemented. After initial approval, a more detailed project description is submitted for final approval.

WHERE DOES THE MONEY COME FROM?



EXPLANATION:

A. Taxes are paid by each citizen.

B. Congress appropriates funds to LEAA.

C. LEAA disburses funds on a national basis to regional offices.

D. Regional offices redistribute funds to the states.

E. States allocate funds to their individual regions in accordance to whatever procedures have been established within the state. In North Carolina, the State Staff recommends projects to the Governor's Committee on Law and Order.

F. Regional policy boards approve projects for submission to the state and also set their regional priorities.

G. Local units of governments (Police and Sheriff Departments, courts, corrections, etc.) receive funds to help educate and protect each citizen.

H. The diagram illustrates that each project represents at least four sets of priorities. Each bureaucratic contact that the money passes through emphasizes their priorities for expenditure of funds.

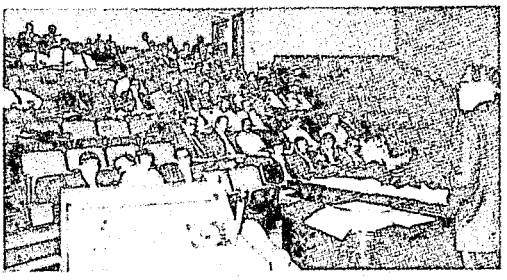
HOW DO WE SPEND THE MONEY?

Any money allocated to the Region for LEAA projects is sent to the COG. Upon receipt of the money, local units of government contribute their proportionate matching shares. Disbursements are then centrally controlled by the Staff.

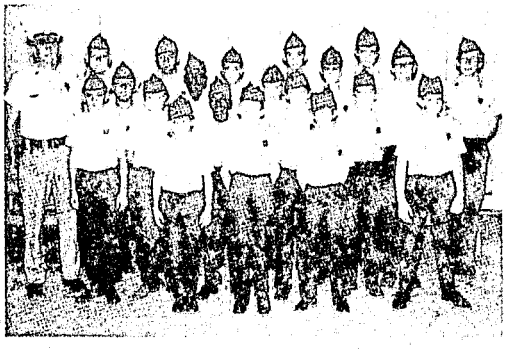
The grants are awarded in a number of different categories so as to provide financial support to projects in various areas. Although members of the Commission represent, primarily, their own background and profession, the efforts on the part of the Commission, as a whole, is to improve the entire Criminal Justice System. In so doing, projects are actively involving young children, pre-delinquents, delinquents, and adult criminals. A broad spectrum must be reached in order to be effective in efforts to improve the whole system.

A significant number of projects in the past have dealt with the purchase of equipment of all varieties. Basic standard operational equipment was purchased (guns, riot batons, mace) so that each department could be provided with adequate equipment. Communications equipment was purchased for the departments so that better interdepartmental and intra-county service could be accessible. Other areas that have been and will be emphasized are training and standards for each officer.

The picture of the jeep illustrates one of the larger purchases through the S.O.E. Project. This jeep was purchased for the Alexander County Sheriff's Department so that they could provide service to areas that are inaccessible to cars due to weather conditions or hazardous terrain.



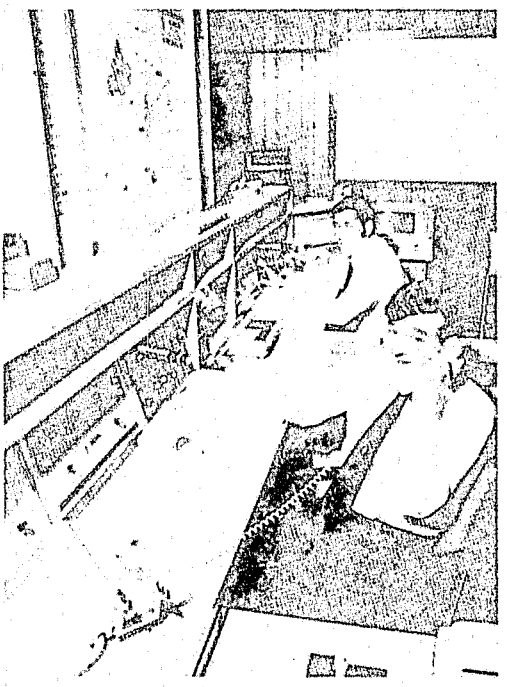
The above picture shows actual training of law enforcement officers in the legal aspects and technicalities associated with arrest, search and seizure, gathering of evidence, and preparation of cases. Programs of this nature will continue and be emphasized greater in the future. An intense effort is being made to obtain and train officers that are professionally skilled and acutely aware of the need for continued refinement. An officer, and likewise a department, is only as good as the knowledge he has, the skills he has developed, and his ability and willingness to put the knowledge and skills to use.



The Commission believes for a program of this nature to be effective, it must be preventive as well as prepared. The Junior Police Programs that are going on today illustrate a sincere desire on the part of the Commission to stress the need for cooperative youth involvement and a need for understanding, on the part of youths, the law enforcement officer and his duties to protect and render service to his community. The photograph above illustrates an initial meeting of the Junior Police as they are informed of the activities in which they will be participating over the next several months.

COMMUNICATIONS

The largest amount of federal funds awarded for one project in Region E was for the Communications Project. The contract for the purchase, installation, and maintenance was awarded to the Motorola Corporation for $465,400. The equipment to be purchased ranged from handie-talkies to elaborate communication centers. Each participating department received equipment that was necessary in order to have the communications network that would be satisfactory to not only the department, but to the county and Region. The system can be utilized by local heads of government and law enforcement for direct communications in lieu of using land line facilities during times of emergency.



The results of the installation of the communications control center in Catawba County have proven beyond a doubt the effectiveness and efficiency of the consolidation and single coordination of law enforcement agencies and emergency services of the county.

A LOOK TO THE FUTURE

Planning ahead, if done effectively, is a difficult and complex task. It is the responsibility of the Staff and Commission to coordinate not only present efforts, but activities of the future so that needs of the entire region may be fulfilled. In order to coordinate and plan effectively, cooperation and interest by departments and agencies in the Region must exist.

It seems the major emphasis for the next couple of years will be on the recruitment, training, upgrading standards, and minimum salaries for law enforcement officers. In the past a great deal of money has been allocated to purchase equipment and "brick and mortar" projects. It is the present feeling of the Governor's Committee on Law and Order that we must now train the officers to know how to use the equipment and how to become more professional and efficient in their work. Other areas such as court, juveniles, technical services, corrections, and records will continue on a list of priorities, but will probably be secondary to Training, Standards, and Pay.

For further information on this pamphlet or the Commission on Law and Justice, contact:

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February, 1973.

The preparation of this pamphlet was financed partly through a Planning Grant from the Law Enforcement Assistance Administration.

Senator HRUSKA. Dr. Blakey, have you any questions?

Mr. BLAKEY. No, sir.

Senator HRUSKA. Thank you very much for coming.

Mr. GRIFFIN. Thank you, sir.

Senator HRUSKA. Our next witness is Mayor Cohen of St. Paul, Minn.

Mr. Mayor, I extend greetings to you on behalf of the committee and note for the record that Senator Mondale had hoped to be able to introduce you, but was unfortunately called away.

You have a statement which you have submitted. You may proceed with your testimony.

STATEMENT OF HON. LAWRENCE COHEN, MAYOR, ST. PAUL, MINN., ON BEHALF OF THE NATIONAL LEAGUE OF CITIES

Mayor COHEN. Mr. Senator, the last time that I saw you was when you were addressing us in this city at the Hilton on the national goals and standards.

Senator HRUSKA. Oh, yes.

Mayor COHEN. And I was taken at that time by the progressive attitude that was shown by you toward those goals and standards which we hope can start to be implemented on a national basis and on a statewide level as well as in our city.

Senator HRUSKA. Well, fine. Thank you very much.

Mayor COHEN. I want to thank you for this opportunity to speak to you on behalf of the National League of Cities and the U.S. Conference of Mayors, and also in my several capacities as mayor of the city of St. Paul, and chairman of the board of supervisors of Ramsey County, and also as chairman of the criminal justice advisory council of our community.

I want to address myself, Mr. Chairman, to a series of issues which are crucial to the improvement of the capacity and capability of local governments to impact upon crime in the streets of this country. The issues upon which I want to focus in our opinion, are not adequately addressed in at least two of the bills proposed for this subcommittee's consideration, the administration's Law Enforcement Revenue Sharing Act of 1973, nor H.R. 8152, the House bill of amendments to title I, Omnibus Crime Control and Safe Streets Act of 1968. I took office in January of 1971 as a county commissioner. I took office just 1 year ago, June 6, 1971, as mayor of the city of St. Paul, and in that capacity I remain on the county board but I remain on it in an ex officio capacity as chairman.

I have also practiced law in my community for better than 13 years and I had extensive practice in the area as a defense attorney.

Knowing that the people look to their locally-elected officials for relief from crime, and attribute full responsibility to those same officials when services are inadequate to their needs, I took office facing a substantial dilemma which I am sure is very familiar to all of you. The city and county were not adequately combating crime. The problem was much more pervasive than the headlined murders, robberies, rapes, and burglaries. Juvenile drug experimentation, older citizens in fear of life and limb, refusing to leave their homes; storeowners

unable in their judgment, to remain open after dark, or worse, some of them during the day; all these and other desperately serious feelings conditions, and actions, seemed to be increasingly everyday things, that we were starting to take for granted. I thought surely, Mr. Chairman, that the Omnibus Crime Control Act of 1970, and the Law Enforcement Assistance Administration must be a godsend for the cities and urban areas of the country.

After working very closely with this program, and I have been involved with it virtually from the day I took office as a county officer and as chairman of the criminal justice advisory council, I can say that while perhaps things are not getting worse at a rapid rate, they are not getting better. They are not getting better at at least what we would hope would be an adequate rate of speed.

Mr. Chairman, what exists in our State is a massive amount of red tape. What exists in our State is the inability for cities to plan and to deliver services because we are consistently second-guessed by several levels of government above us who think they know considerably more about our communities than we know, and I submit, Mr. Chairman, that they are dead wrong.

We at the local level of government have a high degree of competence in planning for our cities and a high degree of competence in delivering services. When we have troubles in our cities, when we have threat of civil disobedience, when we have threat of increased crime, it is the chief of police that is called to take care of the situation. It is the mayor under our form of government that is called to take care of the situation. The head of the Governor's Crime Commission is not called by the citizens of my community nor is the Governor of the State of Minnesota. And yet, Mr. Chairman, those at the State level set standards for us at a local level that are not consistent with our needs, and I might add the problem in St. Paul, Minn., is not unlike the problems in a considerable number of municipalities and communities throughout the United States of America.

What we need is an opportunity to get at funds without all of the bureaucratic massage and the top-down service delivery syndrome that has developed.

Local people are capable and competent of delivering services and planning at a local level of government, Mr. Chairman, and we want to see a bill that gets us some money so that we can do the job.

Now, I would like to request, Mr. Chairman, if we could submit the total statement that I have here. I wanted to throw out the basic thrust of our position and I stand ready to answer any questions.

Senator HRUSKA. Fine. The entire statement will be placed in the record.

Mr. Mayor, in Minnesota you say it takes 338 days for the State to make a decision and approve or disapprove a proposal. What seems to be the problem? Are the mails that slow?

The money is there from Washington. Now, what happens within the State of Minnesota?

Mayor COHEN. Mr. Chairman, you have asked an excellent question that I can try and give the answer to. The question is that the mail service, Mr. Chairman, is probably too good. There are too many requests for questions and answers. There is probably too much red tape that goes by way of the U.S. mail service. It takes 245 days over and

above the local period of time that it takes us to plan and to set our priorities for us to get an answer yes or no, and, Mr. Chairman, I submit that is all we want, really, is to get a yes or no answer so that local people can start planning and delivering services.

I will tell you. The present LEAA legislation allows that to take place because what it does is say these are Governors' programs. Then we also have Federal regions with staff. We have State regional bodies that have been created, I believe some seven of them, with paid executives and staff. In our area we also have a governmental body called the Metropolitan Council, which is in addition to region G. And then, at the bottom of the list are the local officials called the Criminal Justice Advisory Council. We call them the CJAC's.

We have to go through approximately three levels above us with our people testifying a minimum of four times at each one of these levels. We have some police departments, Mr. Chairman, that are getting mighty frustrated, frustrated to the point that a great deal of consideration is being given to not even going after the LEAA funds that exist because by the time programs get back to us they do not look anything like the programs the local areas requested.

Senator HRUSKA. Well, now, Mr. Mayor, the administration bill provides that when that money is sent to the State it is subject to disbursement and to expenditure pursuant to the regular procedures of the State with its own funds.

Now, Congress is a mighty organization and the Federal Government is a fine organization but they do not meddle with State procedures yet, thank God. Would you have them do so? Would you have the Congress say that they must disregard State procedures and do it in a different way? What is there that we can do that will simplify your problem?

Mayor COHEN. This problem is not a problem that only exists within the State of Minnesota, Mr. Chairman. This problem——

Senator HRUSKA. I do not mean that that is the only place it exists but the difficulties yuo describe, are they capable of solution by Federal legislative action?

Mayor COHEN. Mr. Chairman, you can help us in the following manner. You can help all the cities. We realize that crime crosses city boundaries. We realize that crime is a metropolitan problem, is a statewide problem. We realize also that the State has a legitimate concern in the planning process for the entire State, whatever that State may be. And we feel that there should be State guidelines and State plans to deal with statewide issues and problems.

Now, we also have local problems that the State does not know a darn thing about, Mr. Senator. We have local problems that might call for a foot patrol to be detailed on the corner of Selby and Dale in my city, and the city of St. Paul has to have the opportunity and the right to have funds available for local planning and local operations.

We desire to cooperate and work within the framework of a statewide plan but, Mr. Chariman, that is different than having the State do our local planning. We will conform with a State plan without the State planning for our local planning or our local operations. And I would have a formula devised based on incidence of crime and population where direct block grants would go to the cities.

I would have, incidentally, the State takes funds off of the money, the LEAA funds that come to the State, for the purpose of its planning, for the purpose of its services that are truly of a coordinating nature and of a statewide nature.

Senator HRUSKA. Well, we know of no better way here to deal with the State as the overall planning organization. There has to be a coordination of all the law enforcement programs within a State.

Mayor COHEN. Mr. Senator, I might ask you a question. Do you feel that the State should control the planning and delivery of services of my city or any other city, and who would be best prepared to represent my voters, my citizens?

Senator HRUSKA. You know, in our State we have what we call a Home Rule Charter for metropolitan cities.

Mayor COHEN. So do we.

Senator HRUSKA. You have that system?

Mayor COHEN. We do, sir.

Senator HRUSKA. The city is a creature of the legislature and whatever it prescribes and whatever it decides is pretty much up to the people of Minnesota. They elect representaitves to the legislature. Thus, when you ask me should the State interfere or try to operate the functions of the city, I say that is something that the legislature has to decide. I would hope that they would recognize the virtues and the merits of a home rule charter and let the city operate within that charter. I would hope so. We do it pretty well in my State and in the surrounding States that I am familiar with down our way.

Mayor COHEN. Our legislature deals with us pretty much in that manner, Mr. Senator, and what we want to do is maintain the ability to deliver services in our cities, and I submit, Mr. Chairman, that under the present legislation as it now exists, we are losing the ability to fight crime effectively in our cities.

Senator HRUSKA. Well, that is a problem that Minnesota has.

Mayor COHEN. And a great many other cities.

Senator HRUSKA. It is capable of dealing with it if it wants to deal with it. Now, if it does not, I am sure you would not want a Federal law that would tell Minnesota what to do in its city governments.

Mayor COHEN. No, you are wrong, Mr. Senator. I would like a law that says that money must go directly to the cities so that we can start getting down to the business of fighting crime on the streets of the cities.

Senator HRUSKA. Well, we have gone as far as we can when we say we will give x dollars to a State, and 75 percent of those dollars goes to the local political subdivisions of that State. We do not want federalism to be construed as a dictatorial system of telling the States any more than that. From there on it is up to them.

Mayor COHEN. Of course, Mr. Senator, I submit the question is whether we are going to fight crime, eradicate crime where it is, in the cities of the United States, or we are not. And I have absolutely no compunction against the Federal Government mandating that money goes to the cities where the crime is.

Senator HRUSKA. Well, I tell you, during the fiscal years 1969 through 1972, the State planning agencies allocated almost 65 percent of all local funds to high crime areas.

Mayor COHEN. But under whose plan, Mr. Senator?

Senator HRUSKA. State planning agencies.

Mayor COHEN. And I submit to you that people in the cities know best how to deal with crime and how to deliver the services for eradicating crime on the streets of the cities and not——

Senator HRUSKA. Well, it is being done now. In 1972, 71.3 percent of the funding for localities went to high crime areas. Now, the rest of it, 30 percent of the money that is distributable, goes to nonhigh crime areas.

Now, how much more do you want?

Mayor COHEN. We are not talking about amounts. Mr. Senator, I would submit that the city of St. Paul is not questioning amounts, although we do not get very much through the State. Most of ours comes by way of discretionary funds. I submit that the importance is not the sum of money but how we get the sum of money and the purposes that we can use it for, and who sets the priorities for how that money is used. And I submit we are a heck of a lot smarter than many of the people at the State level in dealing with crimes on the streets of our cities, and that is not happening now.

Senator HRUSKA. I submit again that maybe you should go to your State legislature and make the case that you are presenting here.

Mayor COHEN. No. I have no problem with our State legislature.

Senator HRUSKA. You must have because you say you cannot spend the money in the way you wish.

Mayor COHEN. I would say that this is caused by the very nature of the present LEAA law which does not look to the cities and I do not share your same fear about federalism, about dealing with the cities. Mr. Senator, cities are part of this Nation and they are a very real part of this Nation.

Senator HRUSKA. Well, let me say again that in 1972, 71.3 percent of the funds went to high crime areas.

Mayor COHEN. But under the plans of the States and not under the plans of the cities, Mr. Chairman.

Senator HRUSKA. Well, that is your problem.

Mayor COHEN. Well, that is your problem also, Mr. Senator.

Senator HRUSKA. The money is there and it goes to high crime areas. Now, if the State makes you spend it for police uniforms instead of something else, your grievance lies with them. Now, under the law you can spend up to one-third for police salaries, for example.

Mayor COHEN. Mr. Senator, for the record, I would like to tell you that our dealings with LEAA, the Federal administration of LEAA, have been excellent. We have received nothing but the finest, most courteous conduct from them and cooperation from them. The problem does not lie with the administration of LEAA which I think is as fine as any administrative body here in the city. The problem lies with the law and what happens when you give the money to the State where you have a large city or two large cities.

Senator HRUSKA. Well, how much further can we go?

Mayor COHEN. Give the cities some money, Mr. Chairman.

Senator HRUSKA. Seventy-five percent of grants must go to the local political subdivision and you get your share.

Mayor COHEN. No, we do not, Mr. Senator, not in St. Paul, not in a considerable number of other cities throughout this country, and

what money we get—I will take less if you will let us spend it according to our plans and according to our needs.

Senator HRUSKA. Very well.

Mayor COHEN. Thank you very, very much.

Senator HRUSKA. Thank you for appearing.

[Mayor Cohen's statement and attachments follow:]

TESTIMONY OF HON. LAWRENCE COHEN, MAYOR OF ST. PAUL, MINN.

Mr. Chairman and members of the Subcommittee, I thank you for the opportunity to speak to you on behalf of the National League of Cities and the U.S. Conference of Mayors, and also in my several capacities as Mayor of the City of St. Paul, and Chairman of the Board of Supervisors of Ramsey County,

I want to address myself, Mr. Chairman, to a series of issues which are crucial to the improvement of the capacity and capability of local governments to impact upon crime in the streets of this country. The issues upon which I want to focus in our opinion are not adequately addressed in at least two of the bills proposed for this Subcommittee's consideration, the Administration's Law Enforcement Revenue Sharing Act of 1973, nor H.R. 8152. The House Bill of Amendments to Title I, Omnibus Crime Control and Safe Streets Act of 1968.

In early 1971, I took office as an elected County Commissioner in Ramsey County, Minnesota. In June of 1972 I became the Mayor of St. Paul, and, *ex officio*, the Chairman of the Ramsey County Board of Supervisors. Before 1971, I was a practicing attorney, handling every kind of case that one could imagine. Over a period of thirteen years, I acquired some substantial knowledge of and experience with the criminal justice system. I have spent the whole of my professional life in and around the criminal justice system.

Knowing that the people look to their locally elected officials for relief from crime, and attribute full responsibility to those same officials when services are inadequate to their needs, I took office facing a substantial dilemma which I'm sure is very familiar to all of you. The city and county were not adequately combatting crime. The problem was much more pervasive than the headlined murders, robberies, rapes and burglaries. Juvenile drug experimentation, older citizens in fear of life, limb and refusing to leave their homes; store owners unable in their judgment to remain open after dark, or worse, some of them during the day; all these and other desperately serious feelings, conditions, and actions, seemed to be increasingly every day things.

I thought surely the Omnibus Crime Control Act of 1970, and the Law Enforcement Assistance Administration must be a godsend for the cities and urban areas of the country.

After working very closely with this program, for some time now, it is clear that a number of good and important things have been done. A technical paper prepared by the National League of Cities and the U.S. Conference of Mayors, dated June 6, 1973, on the subject of the Administration's proposed bill, lists and directs attention to a number of these improvements, and I will offer that paper to the Subcommittee in addition to this prepared statement.

In my own city, with Omnibus Crime Control and Safe Streets Act funding, we are:

Creating a city-wide system of youth service bureaus where families, teachers, police and welfare workers can all obtain services and resources to divert a child from an otherwise likely confrontation with the criminal justice system. I believe this different attack on an age-old problem will prove successful.

Using the old concept of the cop on the beat as the central theme of Project HELP, and have drastically reduced the incidence of serious crime in our public housing as a result.

Diverting some carefully selected accused felony offenders from trial and punishment into a rehabilitation course, and with the approval of the court and District Attorney, removing for some the stigma of a permanent felony record. There are other examples where credit is due.

However, there remains a crucial problem with this program, and the two proposals before you which I mentioned earlier also fail to address this problem. I applaud the sentiment especially of the Law Enforcement Revenue Sharing proposal, to eliminate red tape and make funds more accessible. I can see, however, no substantial relief from the red tape, uncertainty, delay, and bureaucracy created within each State by the present bill, in either the Administration or House proposals.

In Minnesota it takes the state 338 days from the date of submission of a proposal to make a decision and approve or disapprove that proposal. Local comprehensive planning for these funds is impossible. We are beggars, not partners.

The simple fact is that the red tape and delay is heavily concentrated within the states.

I would like to paraphrase for you an article written by David Kennedy, a legislative counsel for the Minnesota State Senate on the subject of federal grant-in-aid programs. Mr. Kennedy uses Rat Control funding as his example, but I will substitute "crime" for "rat."

Let's assume that my city has a serious crime problem in a two square block residential area near its center, and that current funds are not sufficient to solve it.

HERE IS WHAT SHOULD HAPPEN

I telephone a federal administrator about the problem and am informed that funds are available under an L.E.A.A. program and can be used by the city to solve this problem. I then send a letter requesting the amount needed and a statement from my city attorney that the city has the legal authority to accept the funds and spend them for that purpose. The federal administrator mails a check for the amount requested. As my solution, I hire six additional foot patrolmen to eradicate the problem.

This case is idealized, since it depicts the three levels of government exercising only the authority necessary to accomplish the objective sought: the protection of public safety by the elimination of criminal activity. Note that each level assumes the others to be competent, trustworthy, and exercising an appropriate role. Such conditions are not, of course, obtained in the present intergovernmental system.

HERE'S WHAT MIGHT HAPPEN NOW, GIVEN THE SAME SITUATION

The Federal Administrator notes my request, but decides there is no present authorization for funds of this sort. He then calls a meeting with administrators of other agencies who have had similar requests for assistance. It is decided collectively that crime control in central cities is a problem of national significance, and at least $10 billion is necessary to mount an effective program.

In due course, Congress authorizes a $5 billion program, directing grants to cities to be administered by yet another federal agency.

An appropriation of $1 billion is made and the administration now must choose between competing applications from a number of cities. To administer the program, a stall is created to prepare guidelines to insure that the funds are properly spent. The State of Minnesota learns of the program when a State cabinet officer, presenting his budget request to a legislative committee, is informed by his staff that an unidentified contingency item is actually to be used to match federal funds for a state plan for crime control, required by the Congressional Act.

Subsequently, the State decides that the problem is not confined to my city and that the state should establish a crime control program and demand that Congress convert the grant-in-aid to a "block" grant program for distribution to state determined priorities.

Meanwhile, I become vexed by conditions attached to the program by bureaucrats who don't know much about running a city, and am convinced that the State ultimately will divert the funds for B–B guns. I don't apply for the funds.

By now, the criminals have infiltrated the central business district, and I must establish a felony squad program that requires five times more money than the original estimate for additional foot patrol.

WHAT WENT WRONG?

Administrators at each level of government have decided that their level was the most appropriate to deal comprehensively and effectively with a two square block crime problem. Each views the other levels as incompetent, ill-equipped, and/or unwilling to handle the problem, in each case a very narrow view indeed.

Depending on your viewpoint, this example is humorous, or in my city's case, painfully close to the truth.

Let me explain. In 1968, in Minnesota, the disbursement of federal safe street dollars was handled by a multi-purpose state planning agency in coordination with local units of government. It was a straight-forward and simple process.

The 1968 program was a taste of revenue sharing with monies moving rapidly through the system with a minimum of bureaucratic massage and constraints.

A subsequent State Executive Order created a crime commission, an executive director and provided for hiring a staff. In turn, intra-regions were created for regional planning. Each of seven regions created advisory councils, executive directors and hired staffs.

Shortly thereafter, inter-state federal regions were developed, and executive directors and staff were hired.

In St. Paul and Ramsey County, beseiged by a series of instructions from all sides as to what we had to do to improve ourselves—and what we would and would not be funded to do—the officials with policy, operating and budgetary responsibility for criminal justice agencies all decided to get together and form a Criminal Justice Coordinating Council, spanning the functions and geography of both city and county, to set our own policy and priorities. We too, selected an executive director and staff. Many other cities and their counties did the same thing.

Finally, large police, correctional, court and other agencies had to expand their own planning activities to keep abreast of the burdens of new departmental activities . . . grant writing and rewriting, reporting, defending each application at least four times at three distinct levels, and other related chores.

In four years, Minnesota moved from a straight-forward process to an incomprehensibly complicated, five step process characterized by the traditional top-down service delivery syndrome.

In the program's existence in Minnesota huge sums of money have been spent and none of the basic traditional methods employed by criminal justice agencies have been changed. It is true that we have more equipment and hardware, and most of it is technologically superior to the old.

We have generally not been able to develop a useful analysis of the traditional "system roles," or to understand the actual cost of delivering services. We have used experimental programs, but failed to analyze their effect to gain knowledge applicable to the whole system. We have dealt with problems instead of dealing with the causes of problems.

Local governments are compromised in most of their attempts to cooperate and be partners with state and federal agencies. The city is not a planning partner. The state decides what the problems are, and what solutions will be attempted according to how much the federal government makes available to the states. Local bodies spend most of the available time and effort responding to demands for information so that other levels of government may set priorities.

In 1971, we created a city-county Criminal Justice Coordinating Council. It was composed of elected city and county officials, police, sheriffs, corrections, prosecuting and defense attorneys, probation officers, judges, ex-convicts and citizens. In addition, we included representatives from the Welfare Department and the Department of Education.

The initial few months were spent getting to know one another, and trying to relate our specific problems to one another. With the help of a good staff, each of us became more knowledgeable about the functions of the criminal justice system. We have managed to set up a line of communications between both governmental and community agencies. There is for the first time in this country, a cooperation on long range planning at the operating level, rather than simply in abstract or solely grant-related activities.

Our success, however, has not affected our reputation with other levels of government. The regional planning body still wants us under their direct control, instead of wanting our cooperation on planning. The state refuses to utilize our work-product and is constantly changing time schedules and policies without consulting us.

In fiscal year 1972, the City of St. Paul and Ramsey County received $634,000, or 8 percent of the $8 million in Part C funds received by the State. Not a great deal, I think, for the second largest urban area in the state, with 13 percent of the State's population in the county.

Somewhere between the region and the state our judgments about our priorities are so modified, or dropped, as to make much of what the state does for us useless. The St. Paul Police Department—while participating in planning—will no longer apply for L.E.A.A. funding due to the vagaries of this situation.

In Minnesota now there are no fewer than ten large committees who meet regularly to improve the criminal justice system (most of them without any func-

tional jurisdiction of their own) by the curious process of arguing among themselves, and from committee to committee, about who will get what money. It is almost a parallel legislative process, for 10 percent of the annual cost of criminal justice. There are about two hundred members in total on these committees, and they are supported, in total, by a staff of seventy-five which is paid for predominantly by Omnibus Crime Control and Safe Streets Act funds.

At the same time it is harder than ever to obtain funds to implement programs at the neighborhood level. And, I repeat, it takes 338 days!

I must tell you that while I have described *our* situation, the general problems inherent in the description are by no means unique to us. With the exception of those few states where there is an exceptional degree of communication and trust between the state and its local governments, the problems are inevitable within the present structure of the legislation and L.E.A.A.'s past difficulties. Neither is relief promised by the two proposals I have mentioned.

If we do not do something now, the flight to the suburbs will continue, and our cities will be left only with those minorities and senior citizens who cannot afford the suburbs. The economic implication should be enough to frighten any of us into action. The irony is that almost certainly the same crime-related problems will exist in the suburbs. We must change the criminal justice system, and to do that we need money unhindered by red tape and duplicative bureaucratic layers of planning bodies which exist solely to second-guess each other.

I urge you to adopt the following principles in whatever bill you may choose to report out. The principles are covered in substantial detail in the technical paper I mentioned earlier, and I will only summarize here.

First, there must be much stronger support of planning and coordinating at the local level. Local governments must be included as full partners. We bear setting priorities for crime control monies in their own jurisdictions, and of of the administrative responsibility for its operation. Local officials should be setting priorities for prime control monies in their own jurisdictions, and of course, be held accountable for those decisions.

Second, the appropriate role for the State Planning Agency is to provide leadership and support to the local governments and criminal justice agencies within its state. I believe that the State Planning Agencies should be removed from the grant award process where there is a coordinated local effort. There is a need, simultaneously, to strengthen the capability of the states to plan, and give assistance, leadership, advice and support to state and local criminal justice agencies.

Third, the grant award process must be vastly simplified. We no longer can run the risk of waiting one year to find out whether or not our top local priority will be funded. If it is funded, a year is wasted, and if it is not funded, then local funds must be committed in a haphazard fashion, rather than through the normal local budget and planning cycle.

The new Act must provide that local governments receive funds directly from the States or Federal government based upon a formula incorporating both population and crime bases, which formula must apply not statewide, but to individual jurisdictions with serious crime problems where there is a coordinated local effort. The grant award process should involve a single yearly application, describing planning activities and planned program activities, which application would be approved or disapproved by the state.

Fourth, the match requirements should be eliminated altogether. Local governments applying for funds make very substantial investments in overhead and indirect costs to obtain and administer federal funds.

Finally, I believe the states should be encouraged to develop wide standards for criminal justice. Local governments must have a solid base for change. The National Conference on Criminal Justice Goals and Standards was a good start. As a participant in the Conference held in Washington, D.C., in January of 1973, I feel that L.E.A.A. must continue with this work. The inclusion of these five principles, in my opinion, would vastly increase the impact of federal dollars on crime. These changes would make local governments full partners in the war on crime, without pre-empting appropriate state authority or responsibility.

Mr. Chairman, and members of the Subcommittee, thank you for the opportunity to speak to you, and thank you for your kind attention to my comments. I know you share my concerns and in your wisdom will bring about an improved crime control bill.

THE CITIES AND LAW ENFORCEMENT ASSISTANCE—A REVIEW OF THE NEED FOR FEDERAL ASSISTANCE TO CITIES

I. INTRODUCTION

We believe that the Law Enforcement Assistance Administration, in five years of operation, has done a number of extremely good and important things. Because much criticism of the Administration has been aimed at complete repudiation of the Act and LEAA, and because the Administration has at times interpreted all criticism as completely negative, we begin by reviewing what we regard as a few of the best activities under the Omnibus Crime Control and Safe Streets Act of 1968 and 1970.

At the same time, we also believe that the LEAA program, in its present form, is very seriously bogged down in red tape, multiple reviews, delay, and uncertainty; and that much of the promise of the "Safe Streets Act" program has been lost in that process.

Given this set of contrasting factors, we offer a series of suggestions in parts IV and V of this statement which we believe will substantially improve the ability of this program to impact on the crime problem in this country.

Positive Aspects of the Program

To begin, it is important to describe a few of the successes of the LEAA program which we believe have a long-term national significance. These include:

At present there are in *all* of the nation's largest cities, full-time staffs devoting themselves to planning, research, and program development, for the purpose of reducing crime and improving criminal justice for those cities. A very major part of the credit for this fact is attributable to the "Safe Streets Act" program, and funds made available by LEAA for this purpose. Concurrently there have been established planning and research staffs in essentially all of the nation's large and medium-sized police departments (to which, of course, most of the crime in the nation is reported), either in the form of specific units with planning as their dedicated function, or in the form of executive and staff assistants to chiefs of police.

At least two very important positions in criminal justice which are essentially new since 1968 have been firmly established and have demonstrated their value. We refer to court administrators and police legal advisors (other positions can also be cited). LEAA has underwritten at substantial cost the development of these two professional activities, and deserves credit for their substantial benefits to criminal justice.

In the area of education we note with pleasure that across the country individuals who were substantially assisted in their dramatic rises in criminal justice agencies by LEEP, LEAA's education program, are just now emerging as chief executives and key policy officials in the top managements of criminal justice agencies. The chiefs of police of Madison, Wisconsin; Richmond, California; Birmingham, Alabama; and many others are examples. These individuals are manifest signs that some of the promise of the Safe Streets Act has been fulfilled by LEAA. In addition, there is excellent reason to believe that the LEEP program, taken together with other LEAA-sponsored training programs, is currently achieving a large-scale and highly significant rise in the educational levels and professional backgrounds among middle management personnel in our nation's criminal justice agencies. The Detroit Police Department currently has almost 1,000 officers attending college.

We have to look directly at the fact that the crime rate nationally is climbing less rapidly, and the absolute level of reported crime is lower this year than last in a significant number of crime-ridden cities. Quite aside from very complicated and basically correct criticisms regarding reported crime rates,[1] the rate of crime growth does appear to be abating, and some LEAA programs have had some influence upon that abatement, although only a few have had demonstrably large effects. We are rather more circumspect than LEAA in claiming direct credit for the reduction overall, however, and would prefer to say, more candidly, yes, the LEAA program has undoubtedly helped, but by and large we don't know why crime growth is slowing; and we wish someone would look at the question longer before we jump at the first self-serving conclusion.

[1] Including (1) the susceptibility of reported crime rates to intentional and unintentional abuse, and (2) the weak relationship of reported crime rates to actual crime, assuming minimal abuse.

With regard to the dramatic decreases reported in most major crimes in the District of Columbia recently, there are several significant points to keep in mind. First, the reported decreases do tend to demonstrate that a massive, concentrated spending effort can affect crime rates within a single major city. Second, the amount of funds being expended in D.C. on this crime reduction effort are far greater than those available to any normal city in this nation, whether through its normal budgetary, process, through LEAA funding, or through a combination of the two. To the extent that this is a success story of national significance for LEAA, it can be repeated in other cities only if the Administration's proposal is amended to provide both the immediacy and magnitude of funding currently found in the District. This is not an easy task.

In 1968 the annual budget of the D.C. Metropolitan Police was about $49 million. In 1973 it will be about $96 million (for a current population of 740,000), largely due to the special appropriations increases the Attorney General mentioned in his recent testimony. To put these numbers in perspective, Dallas, population 861,000, has a police budget of $27,123,000 in 1973; Boston, population 630,000, has a police budget of $46,394,000; Phoenix, population 705,000, has a police budget of $28,813,000; San Diego, population 773,000, has a police budget of $17,076,000; and San Francisco, population 715,000, has a police budget of $48,736,000. The *increase* alone in the D.C. police budget since 1968 is greater than the total current police budget of any city of comparable size in this country; and the current D.C. budget for police is $19 million larger than those of San Diego, Phoenix, and Dallas put together. LEAA proposes to distribute through the variable passthrough about $340 million directly to local governments. To achieve a similar sum of money in each city as has been received by the District of Columbia Police alone (not paying attention to courts and corrections), all the money would be used entirely in seven cities. This simply is not what LEAA is about.

The Administration Proposal

There is much that is very good, and with which we heartily agree in the Administration's Law Enforcement Revenue Sharing proposal. The proposal would greatly decentralize federal authority to the states, and reduce the oversight and over-the-shoulder functions of the Administration. However, beyond the state level what is proposed is, in effect, a state-administered categorical grant program. The proposal fails to address the most important problem of the existing program: red tape, uncertainty, delay, and a many-layered bureaucracy. Further, in some respects the proposal is, we believe, inimical in its practical result to the concepts of New Federalism and special revenue sharing. Two examples suffice for now:

The Administration Bill states as purpose number (2): "[It is the purpose of this title to] . . . encourage states and units of general local government to prepare and adopt comprehensive plans . . ." That is, paperwork, as opposed to planning.

The proposed bill sets out roles for state and "area-wide" planning bodies, but not for local units of government.

The Attorney General, in his recent testimony and answer to questions before Congressman Rodino's Judiciary Subcommittee, said that the red tape will be cut by the Administration proposal by cutting out the federal layer. He anticipates a 10% cut in staff immediately as a result of this bill. There are approximately 400 employees at LEAA headquarters and regions, and more than 1000 employees of state planning agencies. A cut of 40 persons, 10% of the federal complement, amounts to a reduction of much less than 3% of the bureaucracy through which the money must sift before it reaches local governments. We agree with the Attorney General's objectives completely, but this bill does not address the red tape problem.

The Attorney General also said in his answers to the Congress' questions that the funds have flowed slowly for two reasons: because the Administration wanted to do the job carefully, and because the Congress has been very late in appropriating funds. Indeed, that may be so, but it doesn't address the question of why, after the states receive both money from the federal government and input from the cities it typically takes six months to one year for the state to put the two together and send a check to the local government applying. It takes that time because each state, under both the existing and proposed legislation,

must set up what is in effect a unique and tailored categorical grant program within its boundaries in order to spend the money. This is extraordinarily wasteful, and its practical result is lost time, uncertainty, and, all too often, the very real subverting of the local effort to set local priorities.

Consequently, in the sections which follow, major problems with the existing program which are not addressed in the proposed bill, and the National League of Cities and United States Conference of Mayors' proposed remedies, are outlined.

II. PROBLEMS WITH THE STATE GRANT PROGRAM

State grant review and administration is a time-consuming and bureaucratic process which has tended to discourage, confuse, and frustrate local officials seeking LEAA funds for the reduction of crime and improvement of their criminal justice systems. Several factors common to almost all states largely account for this current dissatisfaction with the state grant review process.

A Multi-layered Bureaucracy

Local grant applications are subject to review and comment by several review agencies (and staffs of these agencies), resulting in a great duplication of effort on the part of both the applicants and the reviewing agencies. The time lag between submission of an application and receipt of funds to begin a program is typically 6–12 months. There is no evidence to show that close scrutiny of grant applications by as many as ten different review levels does anything to improve and strengthen programs to reduce crime. There is reason to believe, to the contrary, that such scrutiny at so many different levels has had a negative effect on the development of innovative crime reduction programs at the local level. One negative effect is to skew city applications towards "hardware" programs.

Programs for training, education, improved services, and new services usually require a great deal of time and effort on the part of a local government and have to be carried out within a specific time frame. Given current funding uncertainty and long delays, it often makes more sense to some criminal justice agencies to submit equipment and hardware applications to the state for LEAA funding. Many police agencies which are generally viewed as very progressive have used LEAA funds primarily for hardware and supplementary activities. Kansas City, Missouri, and Oakland, California are good examples. Hardware applications do not require an agency to expend a great deal of personnel time and cities do not have to worry about their ability to carry new employees on a non-existent city budget surplus while awaiting grant approval or funds. If a hardware application is denied, it does not represent as great a loss in personnel time and energy as do those applications which require a great deal of work prior to implementation. This process gives a distorted picture of what local criminal justice agencies really need and want and provides ammunition to critics of LEAA.

It makes no sense to design a program which calls for innovative thinking and progressive planning on the parts of local governments, and then to provide machinery for planning which deliberately eliminates effective local input into the program. This state-dominated planning approach of the administration's bill, in combination with the bill's continuation of an uncertain funding process, will insure that no wise man would risk his best thinking to its delays and uncertainty, unless he has an extraordinarily good relationship with his Governor.

Superimposed Priorities

With the current fiscal problems of most large metropolitan areas, the identification of priorities is an essential component of the planning process. The priorities actually funded in most states, however, are a reflection of what state planners think local units of government should be doing to reduce crime and improve the criminal justice system, rather than a consideration of real local needs, aspirations or capabilities.

The language in the Administration's proposed bill would exacerbate the problem by further undercutting the input of locally-articulated priorities. The stated purpose of Part B of the bill, mistakenly, is encouragement to states and locals to prepare and adopt comprehensive plans—not to do planning, perhaps the least important form of which is the final printed document. The state alone is given responsibility to "define, develop, and correlate programs and projects" for both states and locals, and to "establish priorities' for the whole state, presumably including locals. This does not sound to us like a partnership of federal, state, and local governments.

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The Administration bill claims to alleviate the problem by removing the top layer from decision-making. The top layer never has been involved in individual grant decisions from the state block grants, which constitute 85% of the program funds involved in the Act. The remaining several layers are untouched in the Administration's proposal.

Guidelines and Information Flow

States have been largely unable to establish information flows that provide strong leadership, or that benefit potential applications for funds. Information about LEAA and SPA budgetary and other guidelines is usually gained through a process of trial and error. An applicant is told very quickly if something is inconsistent with the guidelines, and thus, he eventually gains some familiarity with the correct procedures to follow by the process of elimination. Often, however, information about deadlines for submission of grant applications, reports, etc. is not widely disseminated, leading to further frustration and confusion. Imagine, as happened to many potential applicants in the Metropolitan Region in Minnesota this year, calling the state in January of 1973 and being told it was too late to submit an application for 1973, but to call again in 1974.

The LEAA guidelines have never clearly delineated how the requirements of the Act are to be met. Some responsibility for this must come back to rest with the Congress. The current legislation is contradictory and rather vague on several key points. Most responsibility for the continuing uncertainties in the Act must, however, be put with LEAA—specifically in its failure to develop workable guidelines. For example, the Act specifies that state plans must "provide for the allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity." The purpose of this clause is clear. Its specific implementation could have been readily defined in LEAA guidelines. However, the guidelines do not specify in any greater detail what constitutes adequate assistance. As a result, confusion exists at both the state and local levels. Local officials believing that this provision in the Act guaranteed a certain level of funding to localities with high crime incidence are in some cases upset with the way these funds have been allocated, even where the absolute amounts allocated are substantial. Many feel that their states have not lived up to the intention of the Act. In an attempt to resolve this and other guidelines problems, NLC and USCM submitted a very long and detailed comment on LEAA guidelines on March 10, 1972. To date, LEAA has been unable to respond, either in rebuttal or by clarifying the guidelines.

The vague interpretations of the Act by LEAA have served, in short, only to further the dissention and division between state and local governments.

III. THE PROBLEMS OF LEADERSHIP

There has been, as numerous critics have claimed, a serious lack of leadership on the parts of federal and state governments under this Act. Those who would claim a universal lack of leadership are patently exaggerating—the written output of the National Commission on Criminal Justice Goals and Standards is a recent and good example to the contrary. Although not perfect, large portions of this work are fresh and excellent guidelines for improvement. Unfortunately, there has not been nearly enough of this kind of work done.

Information

At the federal level, LEAA has been unable to identify and disseminate information about program activities, or even to capitalize upon those project successes they have by informing others about them. The National Criminal Justice Reference Service, after five years, is still not in full operation. Baseline statistical studies planned by the National Institute are not completed, and areas of clear need for information exchange, like training and diversion programs, have not begun to be formalized. Planning leadership has consisted exclusively of painful and elaborate reviews of mountains of paper, called "plans", required of and submitted by states. The states themselves have at times been vociferous critics, along with cities, of LEAA guidelines.

Technical Assistance

LEAA has had great difficulty in administering its technical assistance program, and as a result of poor dissemination of information about assistance available, very little—with the exception of the Impact program—has been delivered to local governments. Nevertheless, technical assistance presents a power-

ful opportunity for LEAA to exert cooperative and noncoercive leadership with governments and criminal justice agencies. The Administration's proposal would distribute most of this function to the states. We believe that the majority of this function ought to be continued at the federal level, but agree with the Administration that the National Institute may well be a logical administrative location for technical assistance.

Guidelines

Guidelines are also a powerful opportunity for leadership. However, vague, ambiguous, or late guidelines detract immeasurably from the ability of the federal government to exert that leadership. For example, no discretionary guidelines were issued in 1972 or 1971 until after all funds were committed. Although an administrative issue, this is partial cause to a lack of trust, confusion, and uncertainty, exaggerated and exacerbated at lower levels in the multi-tiered bureaucracy.

The Role of the State

At the state level, partially because of the administrative burden of an elaborate planning and grant award process, the states have failed to address, almost entirely, at least three functions which are greatly needed by local governments in their efforts to combat crime and improve criminal justice.

State Standards and Goals

The first of these functions in the setting of standards and goals for criminal justice. Some states, including California for example, have set standards on court delay: felony indictments must be brought to trial within 60 days, or a similarly reasonable period. Most such standards have been the result of legislative initiative, and state planning agencies have most often not been involved in the research leading to their adoption.

Because he grasped this problem and the consequences of criminal code revision not keeping apace of changes in the criminal justice system and crime, Jerris Leonard spent a great deal of money and time in 1971 and 1972 addressing and working with state legislators around the country.

Other states' planning agencies have attempted to set standards administratively through their grant processes. The Maryland Crime Commission—the LEAA State Planning Agency for the state—has a policy of not granting funds to assist any police department having less than 10 full time officers. The intent of the "standard" is too force police consolidation. The effort of the standard is to pre-empt the judgment of local elected officials as to whether or not they wish to spend extra money for extra services. Fortunately, as LEAA funds constitute less than 10% in the aggregate of local criminal justice expenditures, the effect of such "standards," as set by many state planning bodies is not as coercive as it might be.

However, the point is that to the extent that such a standards are set, (and standards *are* needed, though not the kind represented by this particular example), they need to be developed through the political process, with the consent of elected local and state officials. State planning agencies should assist in their development and should work with their Governors and state legislatures to that end. They have iot generally done so. Where standards are set and enforced through the grant process, they are a bureaucratic coercion of the democratic process. This function cannot be carried out in isolation from the political process (and, incidentally, as a result we are pleased to see the Governor made more directly responsible for state staff activities in the Administration proposal), and state planning activities need to more directly and emphatically address the need for state criminal justice goals and standards.

State Training and Education

The second state function urgently needed by local governments and largely undone by the states, is training and education. Many states have attempted to impose *uniform* training programs on their local governments (an action with which we disagree), but almost none have moved to provide comprehensive recruit and in-service training for those local governments which are not of a size sufficient to economically provide solid training for all their personnel.

The State Criminal Code

The third function—much more controversial, but also more basic than the foregoing two—is that of research and review regarding the obsolete criminal codes under which almost all states and localities now operate. Some states—

notably Louisiana, Massachusetts, and California, among others—have recently made important revisions to their criminal codes. nI most cases, state planning staffs have been involved not at all, or only peripherally in initiating and researching this need.

IV. SUGGESTED NEW DIRECTIONS

Five years experience under the Safe Streets Act has indicated to local government officials and local criminal justice agencies the benefits of criminal justice planning—consciously engaging all pertinent elements of the criminal justice system in programs to reduce crime and improve the system. That same five years' experience has also convinced localities that the Safe Streets planning process, as currently legislated and administered, is actually often detrimental to the efforts of those charged with controlling crime.

We will urge the Congress to make three major changes in the Safe Streets Program.

Provide for a Specific Local Role

First, there must be stronger support of planning and coordinating efforts at the local level. It is true that there are some areas (e.g., probation subsidy) where state-wide planning is useful and some (communication systems) where it is essential. But it is unrealistic and unworkable to ask one agency at the state level to develop one or many plans for, for example, police-community relations for all the cities—large and small—in the state. The point is to have those most deeply affected by police-community relations in a particular local government—citizens, policemen and local officials—look at their problem and develop a plan of action—not simply a plan document—to improve it. In short, appropriate jurisdictions, at the local and state level ought to be setting priorities for Safe Streets monies in their jurisdictions and, of course, ought to be held accountable for those decisions.

Provide a Strengthened and Redirected State Role

Second, the appropriate role for the State Planning Agency is to provide leadership and support to the local governments and criminal justice agencies within its state. As it stands now, the SPA—while required by the current Act to take a leadership role in improving criminal justice—is so embroiled in the development of a planning document, in trying to second-guess local priorities, and in the grant award process that it has little time to undertake this essential leadership task. We call, then, for removing the SPA from much of the grant award process and strengthening its capabilities to plan, give assistance, advice and support to state and local criminal justice agencies.

Simply the Grant Process

Third, the grant award process itself must be vastly simplified. The basic intent of the Safe Streets Act is, and should remain, to provide federal assistance to state and local crime control and improvement efforts.

The Act simply is not providing what could be the critical impetus to creating real improvements when a local official says—as more and more local officials are saying—"If it's a top local priority, we simply cannot risk waiting for Safe Streets funding." These local officials want to eliminate extensive pre-grant award reviews and interruptions of project operations, and to substitute for those performance evaluations of their use of federal monies.

Specifically, the new Act must provide that local governments receive pass-through funds based upon a formula incorporating population and crime rate bases, which applies, not statewide, but to individual jurisdictions with serious crime problems, where normal city and county criminal justice functions are brought together to work jointly on their local crime problems. For example, the effect of the following specific language sections is to provide direct formula grants jointly to cities of over 50,000 population and their counties, to coterminous city-counties, to urban counties, and to cities which have under their jurisdiction all functions normally contained in city-county criminal justice systems—courts, corrections, and police. The grant award process would involve a single yearly application, describing planning activities and planned program activities, which application would be approved or disapproved by the state.

LEAA discretionary funds should be earmarked for two purposes: national scope programs, and impact and improvement programs at the State and local levels, as the Administration proposes.

Match requirements should be eliminated altogether. Quite aside from the Attorney General's correct observation that match is a bureaucratic nightmare, the fact is that any local government applying for funds makes a very substantial investment in overhead and indirect costs to obtain and administer those funds. The amount is not 5 or 10%, as allowed by Office of Management and Budget Circular A87, but 50–100% in real costs.

The Administration bill proposes a 30% state "categorical" program. We have already suggested that the education and technical assistance funds in that amount ought not to be allocated in this way. For the remainder, we believe that a 10–15% state discretionary program, for state allocation to state and local governments would be more appropriate. It could still be used for the pressing problems of courts and corrections, but in the spirit of revenue sharing, rather than another categorical program.

Finally, to the degree that local government proposals are reviewed and approved or disapproved by states, so too must state proposals be reviewed by the federal government. The foregoing proposal would take most of the complication out of state proposals, as they would not be required to second guess and report on all local priorities in the state, as at present. Review could be much simpler, and would not be subject to as much controversy.

These changes would vastly increase the impact of federal dollars on the crime problem. Those who have to cope with the problem would be required to set priorities, would get monetary assistance when they needed it, and would be properly held accountable—by the Federal government and by their own constituents—for how they used it. The State Planning Agency and the Law Enforcement Assistance Administration would be providing the types of assistance that now are generally unavailable.

What follows below are the specifics of our proposal:

V. SPECIFIC LANGUAGE SUGGESTIONS FOR THE ADMINISTRATION'S PROPOSED BILL

The following proposed changes are intended to accomplish the objectives outlined in the foregoing, in the context and spirit of the Administration Special Revenue Sharing Bill.

A. Emphasize planning, rather than paperwork:

Change Section 201 to read:

"It is the purpose of this part to encourage states and units of general local government to plan and set priorities based on their evaluation of state and local problems of law enforcement and criminal justice."

B. Create a specific role for local governments in this partnership:

1. Add a new paragraph, Section 202(c), to read:

"Any city with a population above 50,000, together with any county with such a city within its boundaries, or any county with a population above 350,000 or any city with a population over 50,000 which has jurisdiction over all normal county criminal justice functions shall be designated a special impact area within its state if the share of the total state reported crime within the city or the county is equal to or greater than the share of the total state population; and if the boards of supervisors of the applicable counties, together with the city councils of any cities within those counties with populations above 50,000 and high crime as described above determine that they wish to do law enforcement and criminal justice planning on a unified basis within that county, and pass a resolution or ordinance to that effect, creating a unified planning process and identifying a unified planning entity which shall be located in general local government and not in a functional criminal justice agency."

2. Change the heading of Section 203 to:

"Section 203 (a) The State shall—"

3. Add a new subsection, Section 203 (b), to read:

"Section 203 (b): Special impact areas shall—

"(1) develop, after appropriate consultations with law enforcement agencies, and public and private agencies maintaining programs to reduce and control crime and delinquency, jurisdiction-wide plan for the reduction and prevention of crime and delinquency, and for the improvement of criminal justice;

"(2) define, develop, and correlate programs and projects with the local law enforcement agencies, and for public and private agencies maintaining programs to reduce and control crime and delinquency within their jurisdiction;

"(3) establish priorities for the reduction and prevention of crime and delinquency, and for the improvement of criminal justice, throughout their jurisdiction;

"(4) adopt measures designed to bring to the attention of citizens of the area the contents of the jurisdiction-wide plan and any substantial modification thereof, together with priorities for crime control;

"(5) provide for the expenditure of amounts received under special revenue sharing in accordance with the laws and procedures applicable to the expenditure of its own revenues;

"(6) adequately take into account the plans, needs and requests of all law enforcement functions, and of all major classes of public and private agencies maintaining programs for the prevention and control of crime and juvenile deliquency within their jurisdiction;

"(7) provide for administration, fiscal control, fund accounting, audit and monitoring and evaluation procedures as may be necessary to assure proper management and disbursement of funds received under this title, in cooperation with the state;

"(8) provide for the submission of such reports in such form, at such times, and containing such information as the Governor may reasonably require to evaluate the overall impact of the special impact area program;

"(9) provide that all meetings of any planning organizations established under this title at which final action is taken respecting the approval of local plans, non-confidential applications for or award of funds, and the allocation or expenditure of such funds shall be public meetings. Such meetings shall be preceded by a public notice giving the time, place, and general nature of business to be transacted; and

"(10) provide for public access to all non-confidential records."

4. Change Section 203(2), as follows:

Delete "and the units of general local government in the state" and "or units."

5. Change Section 203(3), to read:

"Establish priorities for the reduction and prevention of crime for the state."

6. Change Section 203(6), as follows:

Delete the phrase "and provide for an appropriate balanced allocation of funds . . . and high law enforcement activity;"

7. Delete Section 301(b)(8), which is redundant to the changes above.

C. Provide for review and approval of both state and special impact area plans.

1. Change Section 204(b) to read:

"The Attorney General shall review and approve such plans . . ."

2. Add a new paragraph to Section 204, to read:

"(c) Each special impact area within each state shall submit an annual jurisdiction-wide plan to the Governor, and shall be awarded funds upon the approval of that plan by the Governor."

D. Provide for local determination of areawide plans and priorities.

Add the following to Section 202(b):

"Where such organizations exist or are created within the areawide planning organization's jurisdiction, whose memberships are appointed by the local governments involved for an express purpose including that of criminal justice planning, the Governor should designate such bodies, in preference to other bodies whose members are not appointed locally.

E. Provide for direct participation of local governments in this special revenue sharing program:

1. Replace the second sentence of Section 306(a)(1)(A) with the following:

"Per centum determination will be applied to 85 per centum of the total revenue sharing payment after reduction of the amount allocated for support of the planning process as specified in Section 306(a)(1); the remaining 15 per centum may be used by the state for local or state adult and juvenile corrections programs, court programs, technical assistance, and law enforcement education, or for other programs as described in Section 301 and other parts of this Act."

2. Delete the waiver clause at the end of Section 306(a)(1)(A).

3. Add a new paragraph, Section 306(a)(1)(C), to read:

"Special impact areas shall be allocated a share of the local per centum funds described in Section 306(a)(1)(A), above, based upon an equal weighting of the population within the area and the reported crime in the area, as they relate to total state reported crime."

F. Note that specific language to implement our recommendation with respect to new emphasis for the state role have not been supplied here.

Senator HRUSKA. Mayor Seibels. You are mayor of Birmingham, Alabama?

Mayor SEIBELS. Yes, sir.

Senator HRUSKA. That is a mighty fine city.

Mayor SEIBELS. Thank you, sir.

Senator HRUSKA. Will you sit down and give us your testimony on this subject?

STATEMENT OF HON. GEORGE G. SEIBELS, JR., MAYOR OF BIRMINGHAM, ALA.

Mayor SEIBELS. Thank you very much for having me in. This is a subject very close to my heart. I went to Birmingham some 35 years ago. I am not going to give you a life history but I got started in law enforcement. I am not a law enforcement officer. But as a Jaycee former president, that was the thing I got after and I have been with it ever since.

I think LEAA was a very, very fine move and I support it 100 percent. What is the time element here, Senator?

Senator HRUSKA. We will give you a reasonable chance to express your views. We have four other witnesses. We must hear them by 12:00.

Mayor SEIBELS. All right. I have got 20 minutes.

Senator HRUSKA. That is fine.

Mayor SEIBELS. I will be watching the clock.

Senator HRUSKA. Very well.

Mayor SEIBELS. I want to read a few remarks and then I would like to give some testimony. I was listening to you with the other mayor and I may give some input on that.

I say to you that I would not be much of a mayor—I do not think I would—if I did not clearly and sincerely and honestly tell you the conditions as I see them, for I consider, and this is something close to all of us, the ravages of crime the most devastating of all of our social problems and we are not moving as aggressively as I would like to see us, for we do in this Nation have the brains, the ability, and the know-how to more effectively combat this ever-increasing problem which is costing billions of dollars and thousands of lives each year.

I think there are needed legislative adjustments to be made in LEAA, and those adjustments can go a long way in improving the total criminal justice system.

I say again that I think the Congress took a bold step in 1968. I had just been elected mayor, some 6 years ago this coming October, when LEAA got started. I think the first funding was 1969–70.

I am not up here to crucify the State of Alabama. I appeared before their advisory committee on the 12th of March and told them my story as I shall tell you.

In Birmingham, we employ 12.7 percent of the State's police officers and have 21.3 percent of the State's crime. We operate a jail. We have a probation and parole office and a court.

I am mayor today because I was committed to better law enforcement. That was the plank in my platform and I am seeing it through and we have put up millions of dollars in Birmingham—not matched funds—this is before LEAA came along—and we continue to spend money which I will tell you about.

We were putting young men out untrained, with badge and gun, the same day they were hired. This was a very poor practice. We have made many, many improvements, in planning and research on turnover, security and inspections, deploying our men and equipment on a basis of good reporting and not just putting them out there when you hear that a lot of crimes are happening in a certain area.

I say that because I feel that much more can be done that has not been done, and the mayor and the councilmen and the chiefs of police have got to be very much involved. Of course, the chief would be, but he must be a very intelligent administrator and the mayor and that council must face up to the realities because so many people think that law enforcement people can do no wrong. We are seeing the very bad mistakes that have been made in many parts of the country where mayors and other lawmakers did not try to get more performance and more efficiency out of their police departments.

I will read this:

In the 2 years following the enactment of the Omnibus Crime Control and Safe Streets Act, the city of Birmingham received $90,000, or less than 1 percent. I happen to be a member of the same party you are and I am not here to talk party politics. But I will say this, that we have had it rough in my city trying to get our share.

I am not going to introduce here any testimony, any other statement than that. Whether the money is being held back because of politics, that certainly should not exist and that is not your problem here today. I think across the country it has had something to do with it, though.

In the last 2 years following enactment of the Omnibus Crime Control and Safe Streets Act the city of Birmingham received only $90,000, or less than 1 percent of all block grant moneys available to the State of Alabama. We received no planning moneys whatever. We protested this inequitable treatment to LEAA and the Members of Congress. Our complaints and those of dozens of other cities across the country, prompted the enactment of the 1971 Amendments to the Safe Streets Act. In the following fiscal year Birmingham received $484,000 or 9.3 percent of the safe streets funds. We had hoped to have received approximately $600,000 of the block grant funds by the end of this fiscal year. For the fiscal years 1973 and 1974 the Alabama Law Enforcement Planning Agency has told Birmingham we can expect to receive approximately $365,000 for the city projects, which is a considerable drop out of a total State grant of $8 million.

This will be a reduction of $235,000 over fiscal year 1972–73. We received only $18,000 in planning money. In fact, in the history of Alabama law enforcement they have made planning money available to local units of government in only 1 year and in that year they passed through less than 4 percent of the State's allocation. These are records which I can document. This was despite the congressional requirement that 40 percent of all planning moneys be passed through to local units of government.

The city of Birmingham has never waived its right to planning funds. The State planning agency has spent virtually all of the planning money for State operations. I would like to point out that the State agency does not have one professional planner on its pro-

fessional staff and a number of the professional staff do not possess college degrees.

You might debate that point with me but I think that there should be a planner in charge. Some half million dollars, I am told, will be spent in the coming year, contracting it out to other planners when actually three or four or five planners within LEAA, that is, within ALEPA, would, I think, correct that.

LEAA guidelines published in March of 1971 require that regional planning boards must include a representative of the largest city and county in the region and any units of government of more than 100,000 population. The guidelines further state that this may either be senior officials of the unit of government or a representative by him.

I have been mayor nearly 6 years. I have never been contacted by anyone from the State of Alabama ever about being on any boards or about anyone that I would want on a board up until 2 months ago.

You may say, well, Mayor, what have you done about it? I brought this to the attention of Mr. Jerris Leonard and he looked at Mr. Bo Davis, who is the man in charge. We will do something about it.

That has been 4 months; nothing has been done.

I am supposed to be on that regional committee or my appointee. I have never received a reply to the letter that I wrote and again several months later followed by public appeal to the Alabama Planning Agency's executive board in March 1973. None of these requests have ever been answered.

In February of 1972, I received a letter from the State planning agency director that the city of Birmingham could expect—I would appreciate it if you could tune in particularly on this—stating that the city of Birmingham could expect to receive $762,000 in block grants for the next fiscal year. We were encouraged. The letter further stated that we were entitled to receive $672,000 in Federal funds for citywide projects and $100,000 Federal benefits for regionwide projects. We submitted the citywide projects requesting Federal funds totaling $590,000 and requesting the additional city funds be allocated to the regional projects we submitted. The regional projects submitted total $389,000. We were hopeful that our willingness to contribute 44 percent of the cost of these projects from our high crime allocation plus providing more than 60 percent of the match, the regionwide projects, would be included in the State plan.

When the Alabama State plan was published in August of 1972, every single regionwide project we submitted, including the region 3 police training academy, was cut from the plan without regard to the order of priorities that we had attached to our programs.

In July or August when I was in Miami Beach for the convention, I received a long distance call that we had 4 days to get to Montgomery to submit our plan for a regional training academy. We already funded. We were the first city to have it, the only one. Not only was ours liquidated, our funds were liquidated, but we were told that it would not be liquidated and we were told that we had until November 1 to submit our plan. Those are facts in the record.

The State agency also altered several of our citywide projects. One project designed to provide professional training for our court staff was dropped completely. Other projects received budget cuts and one project received $30,000 more than we requested. The request that the

State agency may take 60 to 90 days to be answered—we have an alarming number of letters which are never answered.

In March of this year I made a personal appeal, as I told you a little while ago, sought supervisory board of the State agency in which I listed specific letters and projects that the State agency was holding up or refusing to answer.

Now, I would like again to give you specifics. The 1972–73 planned program A–2 project 10 was earmarked for a firing range for the region 3 training academy. We had been attempting to get this money released since August of 1972. The Alabama Law Enforcement Planning Agency requested additional information on the project and that was supplied on August 29, 1972, and again on November 20, 1972. We received a reply to our November 20 letter on April 3, get that, April 3. We still have not succeeded in getting the funds released despite the fact that the project was included in the State plan as part of our high crime allocation.

On February 9, 1973, the city of Birmingham received a subgrant award for a project originally filed for in February of 1971. The subgrant award contract stated mainly that the money awarded the city could be spent between January 1972 and January 26, 1973. In short, the grant expired 15 days before we ever received it and we applied for it in February, back in 1971.

How can a local unit of government effectively use Federal funds under such conditions? Frequently we do not know what we will receive, nor do we know which projects will be funded. Once we have an indication which projects the State agency likes, it may be 9 or 12 months before the State actually makes the Federal funds available to us. We cannot plan a project which is necessary to improve the criminal justice system and hope to fund it with Safe Streets money because if you do, you must often automatically plan for a year's delay in startup time and it may not be funded at all.

From November 1971 until November 1972 the city of Birmingham received $18,000, as I pointed out to you, in planning money. We hired two people and when the State refused us additional funds in November 1972, those people had to be paid by the city. When the city of Mobile, Ala., did not get any more planning money it simply released its two staff members.

I do not believe, sir, and the rest of you, you intend the Omnibus Crime Control and Safe Streets Act to be administered in such a way. Congress does not intend, I hope, that cities of less than 5,000 receive $50,000 police radio complexes or cities of 500 receive funds for a man and a car while a city with 25 percent of the crime in the State is often ignored.

I submit to you that if a State agency intends to prevent a city from obtaining its share of Federal law enforcement funds, the legislation which is being considered hopefully can do something about it.

If the Congress determines that cities cannot receive funds directly, and we must contend as we have with these interminable delays up to 1 year, unanswered correspondence, and no representation on policymaking boards, up until recently, then please at least insure that we receive adequate funding. That means funding which takes into consideration our level of expenditures, law enforcement activity, crime index, and population.

I call to your attention that in 5 years the city of Birmingham has never had an unfavorable audit on a Federal grant. In fact, we have never had an unfavorable audit on any Federal grant ever. In 1971 when the State Enforcement Planning Agency was audited the Law Enforcement Assistance Administration reported thousands of dollars spent by the agency to which LEAA did take exception.

The cities can and do manage Federal money wisely. We have to. The local people are close enough to face us immediately with our mistakes.

I hope that population and the incidence of crime jointly will be taken into consideration. We actually, members of the committee—we have no way to go. I have been before the advisory committee and I am coming to you, not shedding crocodile tears but I have told the story. I can document it. I have got all kinds of evidence. And I am interested and I support LEAA.

Things like this are what disillusion members of the Congress when they hear things like this, and I am not saying this with any political overtones at all. I do not mean it that way.

We have got a good thing in LEAA but I think some changes are necessary as I have indicated today, more money coming to the cities. I know, Senator, you said 71 point something percent was going to the centers of crime. I am aware of that. But if it does not get back to the city, that does not do us a great deal of good.

I will say this. Just getting money is different from getting it for what you need it for. A city such as mine, and many others, has no recourse to do anything about it. I have as clearly as possible told you of the frustrating experiences that my city has endured.

I am here, ladies and gentlemen, and ask you to consider our plight. It is tough, real tough. We put up the money, our own money, Birmingham money, by the billions. We put our money where our mouth was for better law enforcement which benefits all. Then to run into these problems that we have is getting us nowhere. Federal lawmakers, I think, can make a difference. We do need your assistance and we are not trying to get it all.

The time is now 11 o'clock. I could go on and tell you more, read you more. Perhaps you would like to ask me some questions about my situation.

True—let me get this figure right here. The State of Alabama in 1973–74 will get $8,588,000. The city of Birmingham will receive $365,000. That is what we are told. We have never gotten what we were told we would get. I told you about our regional training academy being phased out when we were told that we would not be phased out. I told you that we had 4 months to make our plans for a regional academy and then before we could ever make the plans, we were told that the jig is up, we are not going to have a regional academy in Birmingham. So that is the way it stands today.

I think many other cities across America are in the same situation and yet certainly, I cannot criticize the Congress to such a degree as indicating that they are not interested in what our problems are crimewise. I do submit that some adjustments in legislation could be made that would make it so that somehow, for instance, I could be appointed to this regional committee instead of being ignored. I do not want to go to court and have to sue these people on different let-

ters that I have written and never gotten answered, taking over a year, 2 years—I have read it to you. I am going to give you a copy of it.

How do I put up with situations like this? I think with legislation on the part of the Congress that these injustices can be corrected, and they are injustices. That is the thing about it. As I said, I am not considering myself an expert on the subject but this happens to be the closest thing to me. As I said in the very beginning, the ravages of crime—I think we could have the brains and ability to eliminate a lot of it but I do not think we are doing much of a job. We have got money. You all, the Congress, saw fit to create the LEAA. It has done good. It really has. I stand up for it all the time. But I do not want to see it abused. I do not want it like a shopping list.

I told you about planning money, how much of it should be planning. I have told you about the interminable delays, and I think, Senator, you have been very gracious in giving me these 22 minutes. I could say a lot more.

Senator HRUSKA. I am sure you could. You have a lot of material to work with.

Mayor SEIBELS. I am happy to field any questions.

Senator HRUSKA. Mr. Blakey, have you any questions?

Mr. BLAKEY. No.

Mayor SEIBELS. I had one point that I did want to bring to your attention. We are not asking for a lot of laws, but beefing up some of the things that we have. New legislation must stimulate a specific role for cities and counties. Our priorities must be directly considered and included in the statewide planning process. I think that is very important. Cities, after careful planning, should be told precisely what to expect as a result. We have not been told. We have made our plans.

I want you to know, gentlemen, that I have three people that spend their entire time as planners. One of them is a professional planner for the city of Birmingham. And we have done everything that human beings can do to cooperate, to work with the ALEPA in Montgomery, but we have not gotten what we should have gotten. And we are not trying to grab it all. That is the point I am trying to make.

For instance, we are dropping from last year where we got $600,000 down to $365,000. Now, I think that is a pretty good drop. Where you have an increase in crime, population is going up some, not as much as you would like in the big cities, and yet $600,000 down to $365,000. That is what we have been notified that we will get. That is the city of Birmingham. And we train police officers from all around our area. We have about 30 cities around us, and free of charge we have those officers in for training in this academy. I am continuing the academy on our own money. I am not getting any funded money. This was phased out.

I thank all of you very much for this opportunity to be with you.

Senator HRUSKA. Thank you for your appearance.

[Mayor Seibel's statement follows:]

STATEMENT OF HON. GEORGE G. SEIBELS, JR., MAYOR, CITY OF BIRMINGHAM

Mr. Chairman, Members of the Subcommittee, I wish to thank you for the opportunity to speak to you on a subject of concern to the city of Birmingham and the State of Alabama.

As Mayor of Birmingham, and a supporter of the law enforcement and criminal justice program since its inception, it is important to me that whatever changes we propose to LEAA for FY'74 be in the spirit of improving the entire criminal justice system. Improving it in such a manner as to enhance the ability of public officials like myself to fight crime.

Gentlemen, I firmly believe that the legislation proposed by this Administration in the form of its so-called Law Enforcement Special Revenue Sharing falls short of that objective. Certainly, I am a supporter of revenue sharing to States and localities and believe that this Administration feels as I do, that local officials must be delegated greater responsibility for local decision making. The manner in which this authority is given, though, is as important to local officials as is the authority itself. For example, my colleague from Minnesota suggested earlier that LEAA was initially conceived to be invaluable to those of us who are on the firing line from our constituents to make the cities of America safe. As mayors, we welcome the challenge and are anxious to be responsive to these demands.

Similarly, State governments, I feel, have a genuine concern for improving the criminal justice system as a whole. Gentlemen, that seems to be where our agreements end on this issue and I feel that new legislation must clearly provide guidance to localities on several points:

How monies might be distributed to areas of greatest need within a State on the basis of crime and population.

It seems apparent that after five years of experience with this program, it will be a disservice to the system to refer to "comprehensive planning" in new legislation and ignore a major requirement for accomplishing this desirable goal—simply, letting cities and counties know the ball park figures to expect for their localities. I offer the following examples of this problem which have repeatedly characterized our experiences in Birmingham.

We employ 12.7% of the State's police officers and have 21.5% of the State's crime. We also operate a jail, probation and parole office in court. In the two years following the enactment of the Omnibus Crime Control and Safe Streets Act, the City of Birmingham received only $90,000 or less than 1% of all block grant monies made available to the State of Alabama. We received no planning monies, whatsoever. We protested this inequitable treatment to LEAA and members of Congress. Our complaints and those of dozens of other cities across the country prompted the enactment of the 1971 amendment to the Safe Streets Act. In the following fiscal year, Birmingham received $400,084 or 9.3% of Safe Street funds. For FY '73, '74, the Alabama Law Enforcement Planning Agency has told Birmingham that we can expect to receive approximately $365,000 for city projects out of a total state grant of $8 million. In the entire history of the Safe Streets Act, Birmingham has received only $18,000 in planning money. In fact, in the history of the Alabama Law Enforcement Planning Agency, they have made planning money available to local units of government in only one year, and in that year they "passed through" less than 4% of the State's allocation. This was despite the Congressional requirement that 40% of all planning monies be passed through to local units in government.

The City of Birmingham has never waived its right to planning funds, and most Alabama cities and towns are not even aware that they are entitled to planning money. The State Planning Agency has spent virtually all of the planning money for state operators. I would like to point out that the State Agency does not have one professional planner on its whole professional staff. And a number of the professional staff do not possess college degrees. LEAA guidelines published in March of 1971 require that regional planning boards must include a representative of the largest city and county in the region and of every unit of government of more than 100,000 population. The guidelines further state that this may be either for senior officials of the unit of government or a representative named by him. By March of 1972, the State had not allowed the City of Birmingham to name a representative to our regional board, until I wrote the State Agency and government citing the guidelines and requesting a representative. I never received a reply from that letter, so I write again several months later, followed by a public appeal to the Alabama Planning Agency Executive Board in March of '73. None of these requests have ever been answered. The Governor named several new members to the regional and State boards in May and those appointments are acceptable representatives, but I have yet to be asked to name my representatives to those boards. In February of 1972, I received a letter from the State Planning Agency Director, stating that the City of Birmingham could expect to receive $762,000 in block grant funds for the next

fiscal year. We were encouraged. The letter further stated that we were entitled to receive $672,000 in federal funds for city wide projects and $100,000 in federal benefits for region wide projects. We submitted city wide projects requesting federal funds totaling $590,000 and requested that the additional city funds be allocated to the regional projects which we submitted. The regional projects that we did totaled $300,089 in federal funds request. We were hopeful that by our willingness to contribute 44% of the cost of these projects from our high crime allocations, plus providing more than 6% of the match, the regional projects would be included in the State plan.

A second point which must be covered in new legislation must be a particular role for cities and counties insofar as to having their priorities articulated and considered before or during the preparation of the State plan. For example, when the Alabama State Plan was published in August of 1972, ever single region-wide project which we submitted, including the Region Three police training academy, was cut from the plan without regard to the order of priority that we had attached to our program. Furthermore, we were never consulted as to which project we would prefer to have deleted. The State Agency also *altered* several of our city wide projects. One project, designed to provide professional training for our court staff was dropped completely. Other projects received budget cuts and one received $30,000 more than we had requested. Again, letters were written and no reply was received.

New legislation must also address itself to requiring the approval of applications and grants within a certain period of time. Otherwise, an inordinate amount of effort in preparing the application is wasted and 6 to 12 months later, a contract is awarded much to the frustration of local criminal justice planners. Of those projects included in the 1972 State Plan, the State Agency still has not funded two very important projects. Two others involving computerization of our police department, were not funded until 9 months after the State plan was approved by LEAA. Request that the State Agency may take 60 to 90 days to be answered and we have an alarming number of letters which are never answered. In March of this year, I made a personal appeal to the Supervisory Board of the State Agency in which I listed specific letters and projects that the State Agency was holding up or refusing to answer. When I completed my presentation, the Board thanked me and then awarded the State Agency's staff for a vote of confidence. I would like to point out that only one member of that Board ever lived in the City of Birmingham and he is a County Official. Incidentally, I have copies of my appeals and supporting evidence if you would care to see it. How, I ask you, can our local unit of Government effectively use federal funds under such conditions. As I stated earlier, we never know how much money we will receive nor do we know which projects will be funded.

I believe it is also important for States to have a single set of priorities as well as standards. Presently, we have no indication of which projects the State Agency sees as priority or on what criteria that decision is based upon. It may be nine or even twelve months before the State actually makes the Federal funds available to us. You cannot plan a project which is necessary to improve the criminal justice system and hope to fund it with Safe Streets monies without automatically planning for a year's delay or may not be funded at all. From November of 1971 until November of 1972, the City of Birmingham received $18,000 for planning money. We hired two people and when the State refused to give us additional funds in November '72, those people had to be paid out of overhead. When the city of Mobile did not get any more planning, it simply relieved its two staff members. I ask you, is this the way you intend the Omnibus Crime Control and Safe Streets Act to be administered? Does Congress intend that Cities of less than 5,000 receive $50,000 police radio complexes when cities of 500 receive funds for a man and a car, while the city with 23% of the crime in the State is virtually ignored.

I submit to you that if a State Agency intends to prevent a city from obtaining federal law enforcement funds under the present legislation for whatever purpose, the State can rather easily accomplish this. I believe that this must be changed.

Gentlemen, these are all abuses possible under the current act and are not intended to bore you with the particulars of Birmingham, Alabama, especially. Frankly, they are examples common to cities throughout the entire country.

It is important that you as members of Congress recognize the massive delays and layers of bureaucracy which now exist in evaluating the legislation now before you in this perspective. If it is your determination that cities and counties

should not receive funds directly or without some assurance in a State block grant arrangement, we must continue to contend with delays, levels of bureaucracy, and limited representation on State and regional boards. If such a decision is made we would ask you to at least consider adequate funding—funding which takes into consideration our levels of locally initiated expenditure on law enforcement, crime and population index. It is my feeling that the Special Revenue Sharing Bill, S. 1234, does not satisfy this requirement. Similarly, I would have some reservations about any other amendments to Title I of the Omnibus Crime Control and Safe Streets Act of 1968 which provides no solution to this serious fund flow problem, regardless of the sincerity of their sponsors.

Thank you.

I will be happy to answer your questions.

Senator HRUSKA. The committee will stand in a brief recess and upon resuming we will have Mrs. Spellman, president of the National Association of Counties, as the next witness.

[A recess was taken.]

Senator HRUSKA. The subcommittee will come to order and reconvene.

We welcome you here, Mrs. Spellman.

STATEMENT OF GLADYS NOON SPELLMAN, COUNCILWOMAN, PRINCE GEORGE'S COUNTY, MD., ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES, ACCOMPANIED BY JOHN MURPHY, LEGISLATIVE REPRESENTATIVE FOR THE NATIONAL ASSOCIATION OF COUNTIES

Mrs. SPELLMAN. Thank you, Mr. Chairman. I am delighted to have the opportunity to appear before you.

Senator HRUSKA. You may proceed with your statement.

Mrs. SPELLMAN. I am Gladys Noon Spellman. I am a member of the county council of Prince George's County, Md., and a former member of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice. I am also president of the National Association of Counties. Accompanying me is Mr. John C. Murphy, the legislative representative for the National Association of Counties.

Now, NACO, as we fondly call our national association, represents over 1,100 county governments which together comprise approximately 70 percent of the Nation's population. Counties, of course, are deeply interested in Federal programs pertaining to the reduction of crime and delinquency and the improvement of the criminal justice system at all levels of government.

Since a large share of the States' criminal justice functions are conducted at the county level, county governments have a huge stake in the future of the Law Enforcement Assistance Administration (LEAA) program created by the Safe Streets Act. According to the 1970 LEAA summary report of "Criminal Justice Agencies in the United States," 47 percent of all State and local courts are county administered, and at least one-third of the prosecutors' offices are county administered. In addition, 68 percent of the adult corrections agencies, 44 percent of the juvenile corrections agencies, and 70 percent of the probation offices are administered at the county level. Many counties, such as my own, provide countywide police protection and centralized services such as communications, recordkeeping, crime laboratories, and so forth. Closely allied to these activities, counties provide the lion's share of health, welfare, and social services. Of

course, we should be involved in crime prevention programs if we are ever going to attack the root causes of crime.

All of these functional responsibilities are especially important in urban counties where population and crime is on the increase.

NACO strongly supports the block grant program authorized by the Congress under the Omnibus Crime Control and Safe Streets Act of 1968. This act for the first time provided Federal assistance for criminal justice activities to States and through them to local governments relatively free of excessive Federal control. The act was predicated on the philosophy that crime is essentially a State and local problem and that with financial assistance from the Federal Government, State and local governments were in better position to develop methods aimed at solutions.

The LEAA program has begun to foster systemwide planning and coordination at the State, county, and local levels. The more than 4,000 projects funded through the block grant process—although subject to criticism by opponents of decentralized authorization—have increased the capability of State and local governments to deal with the crime problem.

Thus, it is NACO's belief that the LEAA block grant program ought to be continued beyond its June 30 expiration date. While many criticisms have been leveled at it, the program, we believe, is basically sound. Congress, therefore, should resist attempts to dismantle the program by categorizing it into narrow functional programs strictly controlled by a Federal agency. Instead, the Congress should look to ways of improving the program and we would like to suggest some to the committee.

You have before you a number of bills one of which is the administration's law enforcement special revenue sharing proposal, S. 1234. Although the administration's proposal is termed special revenue sharing, it is essentially revenue sharing for the States, since each automatically receives a proportionate share of funds based on a formula. Block grants or special revenue sharing, however, must go further to afford the same advantages of flexibility and certainty of funding to units of general purpose local governments as well. NACO, therefore, suggests that block grant allocations be extended by each State to local governments or combinations thereof. You had a speaker here this morning who told you of the frustrations of trying to get those moneys passed through to the local government.

Testimony before the committee yesterday suggested a manner of extending block grants to local governments. I am referring to Congressman J. W. Stanton's proposal, which would mandate a specific formula for all of the States. Under this bill cities over 250,000 in population, together with their counties, would be eligible for block grant funding. While we recognize the need for intergovernmental cooperation between cities and counties, we seriously doubt that a specific formula for block grant allocations should or can be developed for all of the States, irrespective of their unique differences. The suggested indices of crime rates, population distribution, and criminal justice expenditures vary considerably from State to State. Additionally, the availability and reliability of these indices also varies considerably even within a given State. Thus, no nationwide formula can be developed guaranteeing a reasonable degree of equity in fund dis-

tribution among diverse units of local government. Therefore, NACO urges Congress to require each of the States to develop its own formula for block grant allocations of funds to local units of government or combinations thereof, after consultation with the elected officials of such units of local government. We think that is important, that elected officials be involved.

Let me explain in a little more detail what we are proposing. Under the current act, local governments apply to the State for a share of the State's block grant which has been split by the variable passthrough equating the aggregate local criminal justice expenditures to those of the State. Once this delineation of the local share has been established individual units of local government submit project applications which are then individually approved or disapproved. Such a system precludes any certainty of funding or the flexibility with which to use such funds.

Under our proposal cities and counties, collectively or through their State associations of cities and counties, would meet with the State agency to negotiate an appropriate block grant distribution to individual units of local government. Any number of criteria could be employed which were acceptable to the parties, such as, but not necessarily limited to, population, crime index, rate of crime increase, criminal justice expenditures or criminal justice functional activities. The State legislature might also be drawn into the process if the parties deemed it appropriate.

However, if the parties were unable to agree as to the block grant distribution mechanism, and so certified to the Administrator of LEAA, then the variable passthrough would apply.

Providing for the negotiation process we believe would allow the program to be tailored to the individual needs of the States and their units of local government, while at the same time, providing the fallback protective mechanism of the variable passthrough.

NACO also supports the provision in the administration's bill requiring that regional criminal justice planning bodies be composed of at least a majority of elected officials representing general purpose local government. The present act requires that regional and State planning agencies include representation from law enforcement agencies, local governments, and others conducting crime prevention programs. But, too often in the past, crime prevention programs have been designed and approved in such a manner as to lack coordination with other services and only local general purpose government units can provide that. Accordingly, it is imperative that these planning bodies, which not only plan, but coordinate programs as well, be responsive to the elected officials of general purpose local governments, who bear major responsibility for the health, safety, and welfare of their communities. This would help insure that such officials, who have overall responsibility for coordinating criminal justice or crime prevention programs with other programs which impact on crime prevention or reduction, would be granted an effective voice in determining regional policies which affffect their jurisdiction. I might add that the citizens would know to whom they should be turning and on whom the blame should fall instead of some faceless group that they do not know how to approach.

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The administration's proposal, however, is silent on the composition of whatever policy and planning body is to be established by the Governor to formulate the State comprehensive plan and to provide projects for LEAA assistance. Here again, local elected officials should have a strong voice in the formulation of the State comprehensive plan since these officials are best able to determine local needs and priorities. Thus, such officials should constitute a majority on the State planning and policy board.

NACO, likewise, lends its support to the administration's proposal which would authorize 100 percent grants under the LEAA program. The current requirements for local cash match for crime programs is not only an administrative nightmare but is stretching already strained local financial resources. With local governments now in the position of having to absorb a large amount of Federal budget cuts—both actual and proposed—their ability to fund the local share for necessary crime prevention and control programs is really extremely difficult.

And so, finally, we in NACO are grateful to the Congress for the financial commitment it has made over the last 5 years to the LEAA program. We are hopeful that the upward trend of authorizations and appropriations will continue as the program is extended.

I might say in closing, that Prince George's County which, of course, is a neighbor to the District of Columbia, the District of Columbia having been cut out of the Prince George's, our county has received substantial benefit from the LEAA program. During the last 5 years our county has received some 30 grants totaling approximately $3.5 million. Most of these grants have aided county departments such as police and prosecutor's office and the court system. While the population of Prince George's County has more than doubled in the last 10 years—we have gone from 350,000 to over 750,000 people—the number of reported index crimes has more than doubled within the past 5 years. We have doubled our population in 10 years, crime in 5 years. We are doing better in that field. And so from 10,537 crimes reported in 1966 we have gone to 21,209 crimes reported in 1971.

Now, the increase in crime is a serious problem, as the committee well knows. Its abatement will only occur with a continued Federal financial commitment coupled with the resources of State and local governments. We believe that an extension of the LEAA program together with the improvements in it, suggested in this statement, will help greatly in this abatement.

Thank you very much for the opportunity to appear before you and we will be glad to answer any questions.

Senator HRUSKA. This is a very well-structured statement and we thank you for it. You know I used to be a member of your association.

Mrs. SPELLMAN. Well, we are very proud of you.

Senator HRUSKA. In fact, many years before you got into the business I was its first national vice president.

Mrs. SPELLMAN. Is that right?

Senator HRUSKA. And then I ran for Congress and my fellow county commissioners accused me of being a coward. They claimed that I could no longer face the problems of the county and was seeking refuge in the Congress.

Mrs. SPELLMAN. There are times I think I would have done the same thing.

Senator HRUSKA. I served for 8 years in the Metropolitan Council of Governments.

Mrs. SPELLMAN. You have never hesitated in the Federal Government to stay on the firing line either, so I will not say you retreated.

Senator HRUSKA. Well, let me ask you this. There is the alternative of extending the authorization for LEAA for 5 years. The House only approved a 2-year extension. What comment would you have on these alternatives?

Mrs. SPELLMAN. You know, the longer we can look ahead, knowing that there will be funding, the better job we can do. If we are constantly afraid that funds are going to be pulled out and that the rug will be pulled out from under us, there are many programs we are afraid to get started on. So that that kind of degree of assurance would be awfully important.

Senator HRUSKA. I take it you favor a longer period than 2 years.

Mrs. SPELLMAN. Right. Yes, I certainly would.

Senator HRUSKA. Now, there is provided by the administration bill an organization designated by the Governor for areawide planning. Of course, a majority of that policy board would be composed of elected officials representing general local government and the counties, of course, would qualify under that designation.

As I read your statement, you would like to have a body of that kind composed entirely of elected officials?

Mrs. SPELLMAN. The majority.

Senator HRUSKA. The majority.

Mrs. SPELLMAN. The majority of that board would be elected officials. That is terribly important because while the policeman is concerned about his role in crime prevention, and the State's attorney is concerned about his role, we elected officials have got to look at the whole picture and we, I think, are the best coordinating factor. I am sure, as you know from having worked on the local level, that we have to be generalists. We have to pull all these people together and make their ideas jell. So it is very important that elected officials be involved.

We, too, have to be the people with the sense of practicality on what can be done and what cannot be done and how best to go about selling programs. Again, I think that elected officials are terribly important in that whole process.

Senator HRUSKA. How many members does your State planning agency have?

Mrs. SPELLMAN. I am not sure I know what the number is. I have forgotten.

Senator HRUSKA. Is it a substantial number?

Mrs. SPELLMAN. Yes.

Senator HRUSKA. Twelve, 15?

Mrs. SPELLMAN. Larger than that. I would say we are close to about—as I picture it around the room, about 30, I would think.

Senator HRUSKA. About 30.

Mrs. SPELLMAN. Unfortunately, in our State, not enough elected officials are on the agency's planning board. As a matter of fact, I think I was the first local elected official on that commission.

Senator HRUSKA. Mr. Blakey, have you any questions?

Mr. BLAKEY. No, sir.

Senator HRUSKA. We thank you for your appearance.

Mr. Murphy, have you anything that you would like to add to the statement made by Mrs. Spellman?

Mr. MURPHY. No; I do not, Senator. I would be glad to answer any questions.

Senator HRUSKA. Thank you very much for coming, and give Mr. Hillenbrand my very best regards.

Mrs. SPELLMAN. I certainly will do that. We look forward to the next time you come to be with us. It is always very enjoyable.

Senator HRUSKA. Our next witness is Hon. David H. Shepherd, mayor of Oak Park, Mich., representing the National Association of Regional Councils. Will you come forward, Mr. Shepherd?

STATEMENT OF HON. DAVID H. SHEPHERD, MAYOR OF OAK PARK, MICH., REPRESENTING THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS; ACCOMPANIED BY JOHN BOSLEY, GENERAL COUNSEL, NATIONAL ASSOCIATION OF REGIONAL COUNCILS

Senator HRUSKA. You have with you a gentleman that we should like to have you identify for the record.

Mayor SHEPHERD. I have with me Mr. John Bosley, general counsel of the National Association of Regional Councils.

Senator HRUSKA. And where are you from?

Mr. BOSLEY. I am from Maryland, Mr. Chairman.

Senator HRUSKA. We are pleased to have you.

You may proceed with your statement, Mr. Shepherd.

Mayor SHEPHERD. Thank you very much.

Mr. Chairman, it is a great privilege for me to have the opportunity to testify before the distinguished members of this subcommittee. I am here today as a member of the board of directors of the National Association of Regional Councils. Also, for the record, I have the pleasure of serving as mayor of the city of Oak Park, Mich., and have served either as mayor or councilman in that city since 1957. In addition to this, I served as a member of the county board of supervisors. I am a member of the municipal league board of trustees, and a member of the executive committee of the Southeast Michigan Council of Governments, which is in the Detroit metropolitan area. The city of Oak Park is located within that metropolitan area of Detroit's boundaries.

Let me begin with some introductory comments about our organization which will serve to make clear our point of view. The National Association of Regional Councils was initiated jointly by the National League of Cities and National Association of Counties in 1967 to assist the rapidly growing number of regional councils in setting up and improving their programs and activities.

Simply summarized, regional councils are areawide organizations which involve more than one local government and encompass a total regional community. Regional councils exist both in densely populated metropolitan areas and in sparsely populated rural areas. Their prime purposes are to increase communication, cooperation and co-

ordination among local governments; to review certain Federal grant applications, and to develop policies and programs to meet mutual problems and to guide orderly development.

The term regional council encompasses several different types of organizational structures—the three most prominent being councils of governments, economic or local development districts, and regional planning commissions.

Close to 600 such regional councils have been established to deal with areawide problems. Their governing bodies are composed primarily of local government elected officials.

In the last 2 years the continued growth of regional councils has been encouraged by the actions of the States. Forty-four States have initiated the process of establishing districts; 22 have completed the process for their entire State. One thing I have noticed in my tours throughout the country is that the regional councils, council of governments—whatever you want to call it—provide the only formal place where representatives of all units of government can sit down and discuss a particular problem. The people from the Federal Government, State government, counties, city, village, township, can all sit down to discuss a problem which may exist within a region and possible solutions to them.

Most regional councils serve as the basic coordinative device for Federal funding of local government activities. This function is performed as a result of the review and comment requirements of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. This provision was subsequently expanded by the Intergovernmental Cooperation Act of 1968 and implemented through circular A–95 of the Office of Management and Budget. Regional councils, designated as A–95 agencies, review Federal aid applications of local governments prior to submission to the Federal funding agencies. The review is an assessment of the application's consistency with the regionally adopted plans and priorities.

NARC is a membership association of regional councils throughout the country. Its board is composed of local government elected officials and other regional councils' policy members, as well as representatives of the boards of the National League of Cities and National Association of Counties. I might say here I served on the board of directors as a representative of the National League of Cities and Mrs. Spellman, preceding me, served on the same board as a representative of the National Association of Counties.

We know that crime is a part of the real community. It does not respect political boundaries; it functions in that social and economic unit we call a metropolitan area or region. This was brought home very forcefully to the city of Oak Park on the 21st of last month when for the first time we had two officers shot at—one officer was killed—and the matter of regional crime is becoming better recognized by the citizens of our community.

Consequently, law enforcement and criminal justice planning is an integral part of the program of most regional councils. But it is a component of a comprehensive approach in dealing with areawide problems; it is premised on the region's articulated goals, objectives, and policies which reflect the community's social, economic, and environment concerns. And because this decisionmaking process is

condutced through agencies primarily composed of elected officials of city and county governments, we believe that it can and does provide the basis for regional governance without regional government. One example I might use of areawide concern, one I am sure, Senator, you are aware of, is the implementation of the emergency telephone number, universal emergency telephone number, 911, and in Omaha we have probably the prime example of an areawide implementaion. The city of Omaha takes 911 emergency telephone calls for itself and 37 suburbs and transfers the calls to them. 911 is a particular hobby of mine, if you can call it a hobby, and it is something which will assist greatly in the protection of people and any law assistance to them.

Senator HRUSKA. It is working very well and it is highly appreciated in that area.

Mayor SHEPHERD. We do have it in Oak Park and it works very, very well.

NARC wishes to build on and strengthen local government by providing the means, through regional councils, to make decisions on such areawide problems as law enforcement and to make certain they are implemented.

The basic decision before the subcommittee is to determine whether title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, should be extended beyond June 30, 1973. We believe it should, but with some changes. For the purpose of describing our preferred modifications, we have developed our proposals within the framework of the pending "Law Enforcement Revenue Sharing Act of 1973", S. 1234. This is the administration's adaptation of the existing safe Streets Act into special revenue sharing. It also raises the salient points on the regional dimension of law enforcement and criminal justice planning and programs.

Many aspects of S. 1234 represent significant improvements over the existing law. And the treatment of local and areawide law enforcement planning falls within this category.

Section 201(b) provides that any areawide planning shall be the "responsibility of a multijurisdictional planning and policy development organization designated by the Governor pursuant to procedures established for implementing title IV of the Intergovernmental Cooperation Act of 1968, a majority of whose policy board is composed of elected officials representing general local government." The necessary special interests of others in the law enforcement and criminal justice system would be reflected through an advisory body composed of representatives from these special purpose agencies.

NARC believes that this is an enlightened approach. It is an affirmative policy that recognizes crime is essentially a regional problem and should be approached within that context. But, at the same time, it perceives that local government—cities and counties—have the basic law enforcement responsibilities and, therefore, should plan and program cooperatively for exercising these responsibilities through their regional councils. Moreover, this policy further responds to another vital need—planning within a comprehensive framework. NARC has continuously called for the proper perspective to regional decisionmaking. One of the great dilemmas of our complex society is that everything is related to everything else. We cannot completely cope with this phenomenon. Special purpose agencies, however, are not the answer. The better solution is to look to institutions that

have larger concerns. And section 201(b) moves in that direction by, in essence, identifying regional councils as the appropriate agencies for areawide law enforcement and criminal justice planning.

While we agree to the basic thrust of the bill on areawide planning, we urge the subcommittee to consider two modifications.

The bill does not mandate statewide planning; it merely presents a policy if the State decides to do substate planning. This is not enough. In our opinion, the legislation should either require such planning or provide a financial inducement to those States and local governments that adopt such an approach. This latter point is probably preferable. And we feel that a proper inducement would be to apply or fasten the discretionary funds held by the attorney general under section 306 (a) (2) for this purpose. This would result in the State and local governments having more funds for substantive project and program purposes.

Our other recommended change would be to require the State to pass through more than 40 percent of the allocated planning monies to local governments and regional councils. NARC believes that the States have an obvious role in establishing policies and statewide priorities. But we do not believe that this planning responsibility should entail up to 60 percent of the available planning monies. As a minimum, the allocation should be the reverse; the States should have no more than 40 percent and the remaining funds should go to local and regional efforts.

Moving to areawide planning and coordination, we note that S. 1234 does not provide for the plans, projects or programs funded under the bill to be reviewed under the A–95 process. As you know, such reviews are required for physical facilities under the Safe Streets Act. Plans and programs were later encompassed within this review by the policy of the Office of Management and Budget.

NARC feels that this requirement should be maintained. We know that the administration's special revenue sharing approach vests the final program and project decision in the States and local governments. This makes sense; we endorse it. At the same time, there should be some review process to ensure that State and local plans, programs and projects are consistent with comprehensive regional development plans and policies. This is especially urgent in those areas where there is no areawide law enforcement planning.

We are of the opinion that the A–95 process could be maintained without thwarting State and local action. The review would be provided to the State law enforcement planning agency and the Law Enforcement Assistance Administration. As you know, the A–95 review is not a project veto. It simply is a mechanism to assess the compatibility of a program or project with the policies and plans of other interested governmental units. This type of governmental coordination is salutary and should be continued.

One final point. There are 33 interstate metropolitan areas in the United States, for example, St. Louis, Washington, D.C., and Kansas City. These areas with the aggregate population of over 40 million are not adequately considered in the Safe Streets Act of S. 1234. Present areawide plans for law enforcement are usually done on a whole State basis. Planning for these interstate areas stop at the State line. Fortunately, Senator Mathias of your subcommittee proposes to do

something about this problem. On May 14, 1973, he introduced S. 1796. This bill would provide planning grants to interstate regional councils. And it is with great enthusiasm that we support this bill.

The task of planning and coordination in interstate metropolitan areas for the control and reduction of crime has hardly begun anywhere. It is severely hampered by the absence of Federal support for the kind of effort which must be made. Only in a few interstate areas has there been a strong and sustained effort, with the cooperation of local and State governments, to plan and develop a coordinated approach to the problem of crime at the metropolitan level.

A survey of regional councils in these areas undertaken by NARC shows that most of them are eager to move forward with planning and cooperative action in this field, if there were funding to do it. The survey shows that only six of these organizations currently receive public safety or criminal justice planning grant funds from any source. Five receive such funds from the Law Enforcement Assistance Administration, largely for research programs. One receives grant funds through the programs financed under the Highway Safety Act. These figures, however, seem less than startling when one considers the fact that only seven respondents currently possess a department of public safety or criminal justice planning. This is a far lower percentage than their intrastate counterparts.

With the availability of earmarked planning moneys for interstate councils, however, it is anticipated that functional public safety components will become more widespread. Such increased capability in this regard is desirable. Some may argue over the causes and the extent of interstate crime in these metropolitan areas, but there is no argument that the amount of such crime is substantial and the problems in enforcement are complex. As a consequence, there is a need for continuing staff planning and coordination efforts that can best be supplied through an interstate metropolitan agency properly supported with planning funds.

It is true that many metropolitan areas which fall entirely within State boundaries have obtained grants from the LEAA-funded State planning agencies (SPA's) for the purpose of undertaking regional planning and action programs for law enforcement and criminal justice. However, interstate regional councils have never been eligible for direct planning grants, although in some ways the need for funding in these interstate metropolitan areas is far greater. It is currently the case that LEAA-funded State planning agencies can make planning grants available to interstate councils if they feel that they have funds in sufficient quantity for this purpose. Most State planning agencies, however, have not felt comfortable with the level of funding available, funding which largely sustains the operation of the State planning agency itself. Consequently, and justifiably, the SPA's are not normally willing or able to subgrant portions of these funds to interstate agencies for interstate planning. Even if the States found it appropriate to subgrant portions of their planning funds to these interstate agencies, they could do so only on a piecemeal basis. Each State would only be able to make such grants for planning in that part of the metropolitan area falling within the State's boundaries. Needless to say, this would be at best, awkward.

The answer is direct funding, as called for in S. 1796. This would permit interstate metropolitan councils to develop comprehensive planning processes and plans of action for their regions as a whole. Further duplication and disparate planning would be prevented under Senator Mathias' proposal. It requires that an interstate agency's plans would have to be consistent with the State plans and would be specifically aimed solely at metropolitan problems and concerns. Without question, this arrangement would assist substantially the criminal justice planning in the Nation's many interstate metropolitan areas, and would strengthen the present impact of the bill on the Nation's crime problems.

I wish to thank the chairman and members of the subcommittee for the opportunity to appear and provide the subcommittee with our views. Of course, we will be available to answer any questions you might have on our presentation.

We have also attached four documents which describe NARC and its goals and policies.

Senator HRUSKA. Thank you, Mr. Shepherd.

What are your thoughts on the term for which this act should be reauthorized?

Mayor SHEPHERD. I am wholly in favor of a longer term than 2 years. The necessity for long-range planning is there. Many programs cannot be accomplished within 2 years. They do need the funding over a longer period of time. I would be in support of the 5-year extension.

Senator HRUSKA. You did not comment on the current match and the proposed elimination of matching. Would you have some thoughts on that subject?

Mayor SHEPHERD. Yes; I will switch hats for a moment, if I may, and put on my hat as a mayor instead of a representative of NARC.

I am always for the elimination of the match. The problems of the cities and the local units of government, the financial problems, are getting so huge that any effort that can be made by Congress to assist here would be most greatly appreciated. The availability of funds for matching is becoming less and less.

Senator HRUSKA. There have been some proposals for direct grants or allocation of funds tc cities of, in one instance, 250,000 population and over, and in the other instance, 100,000 and over. Would you have any thoughts on that?

Mayor SHEPHERD. Well, I am sure that in some cases this may be necessary. However, I do believe that the grants should be used to reach regional priorities, regional plans. You know, we are separated by as small a width line as you can imagine from a core city and we are a city of 40,000. There is no possibility of our getting the direct funding. We are willing to accept this but we do feel that we should have a voice in how the funds are spent on a very broad scale.

I will revert back to 911 for a moment. I believe if a 911 program is instituted it should be reviewed by the region, at least as to the region. I frankly am not comfortable with the fact that the city of Oak Park is the only city in Metropolitan Detroit—I am sorry, there is one other now—in Metropolitan Detroit with 911. I am not comfortable with that at all. I believe efforts should be made to have

programs of this nature on a regional level and supported by regional councils.

Senator HRUSKA. The element of comprehensive planning would be somewhat frustrated, would it not, if we had a fragmentation of funds?

Mayor SHEPHERD. There is no question but that the fragmentation would occur. I believe there should be a State plan. I sometimes question how much detail the State plan ought to go into, whether it ought to be a matter of guidelines or actually a plan. I do believe in regional review as we go along. Our particular region encompasses seven counties and again, all of our problems are interrelated. To state that problems of law enforcement are not related to problems of transportation or housing or anything else is not correct. We find the regional councils are involved in al ltypes of regional planning and they are comprehensive and interrelated and law enforcement is one component of this.

Senator HRUSKA. Mr. Blakey, do you have any questions?

Mr. BLAKEY. Mayor, I have one question for you. You raised the possibility of adoption by the subcommittee of S. 1796.

Would it not be possible for LEAA in the discretionary grant program on a case-by-case basis to do everything now that the adoption of S. 1796 would authorize?

Mayor SHEPHERD. Possibly it could be but, however, I have felt, and I am going back now over 17 years of experience in government, that a law has a lot more effect than a guideline and I am totally in favor of this being passed as an amendment to a law. These interstate units really need to have content.

Mr. BLAKEY. You do not have any doubts of the power of LEAA to do it now in the discretionary grants program and perhaps do it with more flexibility than a statutory program?

Mayor SHEPHERD. I really do not have—John, do you have a comment on that?

Mr. BOSLEY. I would have just two comments on that, Mr. Blakey. I also serve as counsel to the local Council of Governments here which, as you know, is an interstate group.

My reaction to that is two-fold. Number 1, "Yes," they do have the authority but will they exercise it? My answer to that is they probably will not. They have not in the past.

And the other comment that I might have is, I do not see the basic difference between need to do this in an intrastate situation and interstate legislation, and that indeed, at Federal regulation and direction has been the experience in almost every functional area of the Federal Government that requires areawide coordination, that unless this is mandated by Federal agencies, the States themselves, as we pointed out in Mayor Shepherd's statement for very good reasons, will not lend support to this type of activity.

I think this is an anomaly in our Federal System and I think it is justified for the Federal Congress to take a position on it. I might say that there are companion-type areas like comprehensive health planning where the same problem exists. The only time that the problem is coped with at all is where there is a requirement that all metropolitan areas have to undertake some sort of plan and coordination such as in Section 34 in the Federal Highway Act. There you have

such institution creating interstate cooperation, but only because the Federal law requires it and does not in any way exempt States from participation. So that would be my own personal opinion on the matter and from the experience that I have had in working with one of my clients.

Mr. BLAKEY. Thank you.

Mayor SHEPHERD. If I might add to that, there are many of the 33 interstate metropolitan areas that exist in two States. Some exist in three. And there are even some that exist in two Federal regions. If you are going to depend on guidelines and administrative decisions, especially in those areas where you have two Federal regions to contend with, you may have some very serious problems.

Senator HRUSKA. Thank you very much.

Mayor SHEPHERD. Thank you.

Senator HRUSKA. Mr. Ronald Weber will appear now on behalf of the National Association of Urban Criminal Justice Planning Directors.

STATEMENT OF RONALD WEBER, ON BEHALF OF THE NATIONAL ASSOCIATION OF URBAN CRIMINAL JUSTICE PLANNING DIRECTORS, LOS ANGELES, CALIF.

Mr. WEBER. Thank you, Mr. Chairman.

Senator HRUSKA. Have you furnished the subcommittee with a copy of your statement?

Mr. WEBER. It is available for the committee, Mr. Chairman.

Senator HRUSKA. You may proceed.

Mr. WEBER. Mr. Chairman, I am the executive director of the Los Angeles Regional Criminal Justice Planning Board. I also serve as the president of the Regional Criminal Planning Directors Association of California and as indicated by your introduction, I also serve as the chairman of the National Association of Urban Criminal Justice Planning Directors. It is in the interests of these professional planners and their counterparts thoughout the Nation that I appear before you today.

The associations I mentioned are voluntary in nature and were founded, in part, to serve as vehicles to bring to you in the Congress professional input so necessary for your legislative decisions but so often ignored or obscured in the interest of political balance.

The professional planners have read with great interest the many bills introduced during the course of the past few months to reform the existing legislation. I am confident the authors acted in good faith based on various reports citing many deficiencies or alleged deficiencies in either the administration or level of accomplishments of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351).

I think, however, the testimony of the previous witnesses has only validated and reinforced the major points that I will address in my brief presentation. I think a basic point at the outset that must be faced from the outset is that there is no way for the Congress to structure legislation for a criminal justice delivery system so that its benefits and dysfunctions will be uniformly felt across the country. The formula for Boston, Mass., certainly cannot serve as the prototype for

Valentine, Nebr. or Paris, Ky., yet the crime problems, although not as statistically significant, are just as real to the local citizenry. This point is validated if we examine the legislation submitted to date. The obvious result, from the perspective of those professionals who have worked on this problem for the past 5 years, is that as we see it, there is no existing bill, including the legislation before you today, proposes to ensure or mandate the development and continuation of the kind of intergovernmental relationships that will engage all the criminal justice resources necessary for comprehensive solutions. For example, as was pointed out earlier, there exists in most jurisdictions city police agencies and courts, county sheriff and probation departments and, of course, a variety of prosecutorial functions not to mention statewide justice agencies at work at the local level.

Each of these services is obviously responsible, in part, for the local justice clients. All have an interest in part of the problem, but none of them under any bill currently being considered are required to coordinate their activities. There must be a way to address this need.

Obviously, the task of Congress in this matter is not an enviable one. With nearly $1 billion to spend that is certainly significant, but an even more critical issue is the awesome responsibility of selecting the best course of action to be followed in solving undoubtedly the most complex social problem ever to confront the Congress and the Nation you serve.

The current dialog, it seems to me, by some in the Congress seems to be centered on "who will control the program, will it be Governors? mayors? supervisors?" While others are interested in functional emphasis—put it with the police, courts, corrections.

These are, indeed, important considerations but, in addition, Congress should include two important questions being raised by the justice planners, namely, "What is it we are trying to accomplish and, secondly, what must we do to get there?" The concluding pages of my testimony will address those concerns as well as, hopefully, offer tangible solutions. It is our sincere hope these observations will offer a new dimension to your deliberations.

There can be no argument that the effects of crime touch every American. Its root causes, and ultimately its control, are not confined to what we know as the justice family. It is, instead, deeply imbedded in our educational, health, employment and housing systems as well. Yet, we have focused on the so-called criminal justice system for the initial relief and this is probably and obviously, an appropriate point of departure. However, it must be recognized that, in recent years, every national commission examining the matter has concluded that we do not in fact have a criminal justice "system," rather, we have a disparate group of agencies at the Federal, State and local levels each operating in isolation and often at cross purposes.

I am not sure I would concur with the harshness of that conclusion but, I would agree that at the very least during the past century it has indeed been:

A system where there exists marked disagreement in the causes of and solution to crime and juvenile delinquency;

A system where some 40,000 law enforcement agencies operate with less than full knowledge of one another. The problems range from out-

dated communications equipment to the lack of training and professional standards, as was pointed out by Mayor Seibels.

A system where Federal and State statutes and local ordinances, long outdated, continue to be the operating rules, and, finally,

A system where our Federal, State and local correctional and rehabilitation efforts are having marginal effect on the Nation's rising recidivism rate.

To the credit of the author and supporters of the 1968 legislation, positive changes have occurred and are continuing.

Changes wherein agencies who traditionally have not sought mutual programs are now doing so.

Changes where units of government long guilty of "problem transfer" are beginning to talk about "problem solutions."

Changes that, in effect, are demonstrating that we at the State and local levels are in fact responding to the challenge.

Mr. Chairman, local relationships such as these do not occur overnight, but, rather, are developed over time out of mutual trust, respect, and concern for solutions. This, I believe, was and continues to be the long-term intent of the Congress and not Federal intervention and infinitum.

It seems to me this intent should be foremost in the thoughts of this committee and the Congress itself. No one will disagree that we have in fact seen some abuses during this first phase, the Congress should instruct the Law Enforcement Assistance Administration to correct them. For example, time constraints could be built into the legislation to avoid unnecessary delays currently existing between grant applications and the actual awarding of funds.

However, caution must be exercised in the planning for the continuation effort, so as not to lose the momentum we have begun by replacing it with a different program which undoubtedly will bring forth a different set of administrative and operational problems.

With these points in mind and in light of the anticipated shifts in other Federal programs, your action will indeed shape the course of the war on crime.

In short, the professional criminal justice planners feel that under the Law Enforcement Assistance Administration, the safe streets program has had a number of successful effects and has, in fact, aided localities in their efforts to reduce crime and make improvements in their criminal justice system.

We further agree that a program of continued Federal criminal justice assistance must be enacted. However, in order to build on these past 5 years and reasonably assure the continuation of programs after Federal subsidy has ceased, it is recommended Congress strongly consider the inclusion of the following nine changes:

1. Local criminal justice planning units should be required and provided with funds to ensure comprehensive planning.

The need for defining and providing local planning units is made necessary by the uncertain status of these bodies at the present time. Such a requirement would greatly strengthen the act since it now allows for their creation but does not give definitive guidelines for their formation.

This could be accomplished by either mandating them in the act itself; or, instructing the States to do so and thereby satisfying the

individual State needs and circumstances. Either way, the important issue is that this program cannot succeed under an "either-or" control solution but rather, a mandatory nonpermissive "partnership" of the appropriate Federal, State, and local entities charged with solving criminal justice problems.

2. Such units should be permitted to develop their own plans and priorities in the allocation of Federal funds.

3. Such units should have designated for use in their jurisdiction a certain minimum amount of Federal funds to be determined using population and FBI part I crime statistics.

The committee might note of the fact that several States including California and Ohio, have initiated such activities. Although still undergoing refinement, they do point to a possible model or models.

4. Planning and action funds should continue to be separate. However, further categorization such as present part E should be eliminated.

Maintaining this separation is vital if comprehensive planning is to be continued and refined. We have heard many pleas today for that requirement. Unfortunately, there is ample evidence of program failures that could be directly attributed to inadequate planning.

These past 5 years have proven beyond a doubt that the "system" as a system has been ignored too long, and that the components are so interdependent that only long-range coordinated planning will ever accomplish the desired and necessary improvement.

It appears once again, Mr. Chairman, to become a question of recognizing this need and requiring it be addressed.

5. State planning agencies (SPA's) should be retained in order to maintain comprehensive statewide planning.

The role of State planning agencies should be clearly delineated, and authority circumscribed to avoid duplication of effort, confused lines of responsibility and wasted planning funds.

One obvious need to be channeled to that level is that of audit service. Impartial auditing of local planning efforts must be performed by State agencies so as to avoid possible conflicts of interest at the local level. There is also, of course, the need to have State level planning capability for statewide agency operations.

6. Annual plan requirements should be eliminated in favor of multiyear plans.

As State and local planning units display a capability to meet established LEAA standards for multiyear plan certification, the requirement of an annual plan would be replaced by an annual implementation plan which would be subject to, and approved, on a basis of review and comment only. State planning agencies and local planning units acquiring certification would afford LEAA the opportunity to work closer with those State planning agencies and locals which have not been certified, and assist them in developing that capability. As all States become certified, LEAA would be able to fulfill its declared intention of gradually phasing out the structure of LEAA to accommodate their remaining roles and responsibilities. Accomplishment of multiyear certified plans would also allow local planning units more time for development of good projects each year as well as preparation of better long-range programs.

7. All local match requirements should be eliminated.

Eliminating all local match requirement—planning and action—could satisfy and simplify many of the problems presently encountered in grant applications as well as project implementation.

Numerous fiscal problems concerning eligible match arise during budget preparation of grant applications * * * during life of project; and, at conclusion of final audits when so-called unauthorized match expenditures have been discovered. Mr. Chairman, another major budgetary obstacle is the "soft match" requirement. Not only is this a meaningless fiscal exercise, it does not or will not commit local government to continuation funding of projects as was its intent. These, together with the need for local governments to provide evidence of budgeted match during the fiscal year in which their budgets have already been completed, ignore local budgetary cycles and taxing constraints and have created almost insurmountable problems resulting in major local criticisms of the program.

One way to address the congressional intent and still provide this local flexibility would be to allow local planning units to develop their own formulas for allocation of Federal funds. This would have the twofold effect of involving them directly in this budgetary commitment process and also provide local government with a keen awareness of the need for good local planning to supplement their own budgets with these available Federal funds.

As already mentioned, the taxing abilities of local units of government are clearly limited by city charters and State constitutions. State governments obviously have more latitude in this respect and can, if justified, find additional revenue to support continuation efforts.

8. LEAA discretionary funds should be reduced to 10 percent of total act funds.

All match should be eliminated and such funds should be limited to national scope and demonstration projects. To provide continued leadership in program research, it seems appropriate that these funds should be administered by the National Institute of Law Enforcement and Criminal Justice.

9. The law enforcement education program [LEEP] should be retained and administered on a national level.

Conclusion. We realize, Mr. Chairman, the hour is late and complete change may take additional time. It might well be only partial implementation is possible in 1973, and that full and open congressional hearings may continue on through next year to provide this kind of input to help in your decision process.

Those of us who today plan and evaluate programs designed to reduce crime and delinquency recognize that the forthcoming congressional action will seriously affect the future of this effort and we strongly encourage you to consider these suggestions in your deliberations. We, of course, stand ready to assist in any way possible.

Mr. Chairman, this concludes my testimony. I am deeply grateful for the opportunity to submit these comments.

Senator HRUSKA. Thank you, Mr. Weber. You have given us a very constructice statement. I do not know that I subscribe to all of your ideas but they certainly will require consideration.

You say, among other things, that we do not have any criminal justice system and you think one ought to be developed. That is part of your thesis, is it not?

Mr. WEBER. Yes, sir. I think that obviously we have what we think are the components. I would qualify it and say, Mr. Chairman, that I think we do not have an operating criminal justice system. We certainly have recognized full component parts but to call them a system, I think is a misnomer. They are not in fact operating as a system.

Senator HRUSKA. Well, are you saying that we ought to encourage disparate group of agencies at the several levels of government, each operating in isolation and often at cross purposes?

Mr. WEBER. No, sir; I am not. I am thinking that there must be something smaller than a State. I think we have heard adequate testimony that the State is not in tune and not through any fault. I think they are so far removed from local problems that they do not understand them necessarily as well as they should. I think we need something smaller than a State, larger than a city. We need a level wherein you are talking about the necessary parts to complete a process. You cannot have a program directed entirely to a city ignoring the fact that you have county input such as the sheriff or probation or correctional services. You have to have a way where you can engage these in some kind of a unified effort. To simply say it is a police problem is not in fact the case. To say it is a court problem is not in fact the case. It is the combination of these problems that have to be worked out at that level and what we are calling for is some kind of requirement that will mandate that these activities so necessary for the complete justice process be required to coordinate their activities.

There has to be a comprehensive look at this problem, comprehensive solutions. When you push on the courts and require certain kinds of activities there, you obviously force some activity in other parts of the system.

What we are looking for is that optimal level that will engage all the necessary resources to do a job and they have to get above the idea, those who are going to control it have to get to the point where we can start talking about mutual problems.

Senator HRUSKA. Of course, that is reflected in the requirements for comprehensive planning and a balanced program among the several phases of law enforcement. Too often we find that the public thinks of law enforcement in terms of a policeman with brass buttons and a billy club and some handcuffs, and so on. However, that is only one very small portion of the system. It is a very important one. It is the most visible. But is that not the only aspect of the LEAA Act?

Now, I understand your desires. But we do have a federal system. Are we going to reconstruct that and make it a national system?

Mr. WEBER. No, sir.

I recognize the dilemma, the various points of view in terms of this program. I can agree with you that certainly we do not want the Federal Government to come in and say that is the way it is going to be. I do think, however, that you have started to recognize the problem involving the locals. It is not enough to simply say they are required to have the money. They have to have, as was pointed out earlier, some kind of control over their destiny.

However, I think it is a mistake to totally ignore the planning process. What I am suggesting is that if the act were amended to require the States to consider developing intrastate delivery systems for the development of comprehensive planning that involves units of

government in the planning process, you would have satisfied the needs of cities as well as, I think, tightened the process of planning.

I think by and large the States generally are too far removed from local government and you have created sort of an inherent resistance to the idea that they know what is good for local government.

I think until you—I do not think you at the Congress can say this is the formula, you will have these kinds of regions. I think that is beyond you and I think you have stated that very well. I do think, however, the States can do that. They can work it out with local government but they have to be directed perhaps to do that. It is permissive now in the act and all I am suggesting is that it be a requirement and let them work it out.

If there is some reason they cannot do that, let them bring that back to you and let you determine that but I think they can do it and I think they will do it if so directed. Right now it is permissive and I think you are going to get on occasion the kind of inequities that Mayor George Seibels described earlier to you. It would seem to me totally flying in the face of the intent of this act.

Senator HRUSKA. In your testimony you refer to the current dialogs between some in the Congress that seem to be centered on who will control the program, the Governors or the mayors or the supervisors. Then there is also discussed the different emphases on police, the courts and corrections. You say these are indeed important considerations, but in addition, Congress should include two important questions being raised by the justice planners, namely, what is it we are trying to accomplish and what must we do to get there?

Have you taken into consideration in this regard, the approach of the Presidential Commission on Standards and Goals?

Mr. WEBER. Yes, sir.

Senator HRUSKA. Do you think that report suggests a useful approach?

Mr. WEBER. Yes, sir. I think that the standards and goals approach has much utility for the country as a whole.

Senator HRUSKA. The thrust of their report was that this is about as far as we can go unless we abandon a federal philosophy of government. That was, in my judgment, a very good, well-balanced commission. It was representative, I think, of many facets of law enforcement.

We can make recommendations and we can establish certain desirable standard. We can set forth goals that will be fairly definite and hopefully practical. But that is as far as we can go. From that point on the States have to pick up that report and utilize those recommendations as they wish.

Where do we draw the line?

Mr. WEBER. Mr. Chairman, I think that the Commission is certainly accurate in where it stopped. I think for it to have gone any further, to suggest anything more specific, would have been inappropriate. I do think, however, that Congress has to do more than simply say that there is money available to you and we are going to give it to the States because it is easier to deal with 50 Governors than it is all the cities. I think you have heard enough from the cities to indicate that they do not feel that it is equitable the way it is being worked out and I then again side with you when I listen to your comments about

how can we mandate that, and how can we tell the State of Alabama how they are going to spend it? I do think, however, when you talk about providing money, and you clearly did that, 75 percent of the money going to units of general local government, you had something in mind when you said that. It is not—there has to be something more than that. And if you are going to talk to them about being responsible for that money and the States to get it to them, I think then you could go just 1 inch further than you have gone and that is to suggest that those local governments ought to be involved in that planning process and that is all I am asking for.

If the State of California, State of Nebraska, cannot handle that, then they are going to have the probl.ms but they have got to work together if this problem is going to be solved comprehensively, and to suggest that the Governors can handle it all, in some cases, I am sure that they can. In other cases I am suggesting, year after year, we are going to hear the same comments from the mayors of the cities that feel that they are not in fact being treated as they should.

All I can suggest is that certainly you cannot ordain a formula that is going to satisfy everyone but you can consider the idea of having them involved formally in the planning process.

Mr. BLAKEY. Mr. Weber, the SPA's gave us a statistical study that indicated that 60 percent of their planning boards represent local government. Now, would that not tend to indicate that they are involved in the process now by a decided majority?

Mr. WEBER. Well, I would have to look at the report, Mr. Blakey. I think that if the State that I am involved in is an example of that, the State Planning Agency obviously is well intended in doing what it can. It has in fact had a very progressive regional system and I would think that if all the States were modeled after California, I would not be here today because there would not be anything for me to say.

So I cannot speak directly outside of the State of California. I am very happy the way it is from that hat that I wear. But I am suggesting, however, that my experience has been that most of the States have not engaged that way and I think if you would, if you are going to look into some of the things that the mayors have raised, you might consider what happens to be—are we the exception in California or do we in fact seem to be the majority? I think you will find that we may in fact be the kind of exception that may be looked at as the kind of relationship that should exist among State and local governments in terms of this program.

I am not prepared to comment on their statistics. I would only accept it as you laid it out.

Senator HRUSKA. You suggest that annual plan requirements should be abandoned in favor of multiyear plans. That would carry with it the inherent element of a longer term of authorization for the LEAA rather than a shorter term, would it not?

Mr. WEBER. Yes, sir, it would. If the question is, Mr. Chairman, do I favor 2 or 5 years, my answer would be the 5-year extension if that is possible.

Senator HRUSKA. Well, you have provided us with some good suggestions. I am still a little bit puzzled with the problem of where we draw the line.

How can we mandate certain things and not preempt the field?

Mr. WEBER. I am just asking that you review the testimony, as I am sure you will, and consider that middle ground. You are standing right on the threshhold, Mr. Chairman, and it is only going to take just a couple of more steps on the part of the Federal Government. Then you will not see the mayors and Governor's people and the NARC's and hopefully, Ron Weber back here before you arguing for change. I think you are just about on the threshold and minor adjustments will give the locals what they need to do the job.

Senator HRUSKA. Have you any further questions?

Mr. BLAKEY. No.

Senator HRUSKA. Thank you very much for coming.

Our final witness today is Mrs. Sarah C. Carey, Lawyers' Committee for Civil Rights Under Law, Washington, D.C. Mrs. Carey.

STATEMENT OF MRS. SARAH C. CAREY, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, WASHINGTON, D.C.

Mrs. CAREY. Thank you, Mr. Chairman. I understood from earlier conversation with some of the staff members of this committee that you are trying to end up today by 12 o'clock, and since we are already over that mark, I will try to be very summary in my treatment of my comments.

Senator HRUSKA. Mrs. Carey, we will have 20 minutes for your testimony. We dislike to impose time limitations but we are in session and votes will be coming up pretty soon.

Mrs. CAREY. Thank you.

Senator HRUSKA. Your entire statement will be placed in the record and you may proceed to highlight it or read it as far as you wish.

Mrs. CAREY. Thank you.

As this committee is aware, the organization for which I work has over the past 3 years issued a number of reports on the performance of the Law Enforcement Assistance Administration and those reports contain our views on past performance. As far as the prospective actions with which we are faced currently, I would like to comment on only a few of the main provisions and I am afraid in some cases our comments simply raise questions rather than giving any specific solutions.

In regard to the planning process envisioned by S. 1234, I think we would repeat many of the comments that you have already heard today. The section as presently written is very vague on the composition of the State level entity that will be responsible for the planning and in fact, refers to a process rather than to an entity.

This would make it possible for a Governor if he so chose to get rid of current State planning agencies which have gone through such an arduous and difficult task in defining their roles in the past 4 years.

In addition, the relationship between the State entity or the State process and the local planning bodies or regional planning bodies is not defined and, in fact, the regional bodies are optional as has been pointed out to you earlier.

I think our observation of the program over the past several years has shown that a major problem and frequently a waste of time, energy and money has been the definition of the relationship between the

State body and the local planning entities, and in many cases they duplicated efforts. In Michigan, for example, there have been complaints of regional bodies that have had lengthy reviews of proposals, gone to extensive procedures to try and extend them and approve them, and so on, and then the same process was going on at the same time at State level.

California had a very difficult experience initially and has finally worked out what the previous witness indicated is a highly satisfactory solution.

I think that we would also agree with the Ohio approach where the State does not dictate to the localities but makes them meet certain standards and then lets them handle the money freely once they have conformed to those standards. That is a highly appropriate one, but this act leaves that whole program out and so supports a whole process of existing bureaucracies that would further waste Federal funds and add to redtape.

A second problem we have with the planning process as presently contemplated is there is no role for the State legislatures. This speaks of revenue sharing or giving control to the States but the control is given exclusively to the Governor's office. With the elimination of any matching requirements there is no appropriations here or other activities which the State legislature must engage in and we are aware that some of the States are responding to Federal revenue sharing proposals by adopting new procedures but that is a very small number and we feel it is very important to have legislative input because after all, that presents a broad number of elected officials who are closer to grass roots problems than the executive. So that is a second problem that we raise in the planning process.

A third one, one that has existed throughout this program, is the relationship of planning for Federal funds to planning overall for all State or all local funds that are spent on criminal justice issues or problems. This, I do not believe is addressed in this bill. I do not have an answer. Maybe the planners can help you out but so often there are Federal programs where complicated planning bodies are created that control only Federal money and very often their planning goes on in isolation from the bulk of the funds which are State funds or local funds. And some interrelationship should probably be spelled out in the bill.

I think also that we would feel that the approach that the House of Representatives has taken in the composition of the planning bodies is one that we would favor, that the addition of a requirement that there be community or public representatives as well, people representatives as well as elected officials and criminal justice officials is an important one. We do not argue—have any quarrel with elected officials being the majority. I think that is very appropriate but it is also very useful to have community representatives included on planning bodies.

Finally, in regard to the plan process as set forth in 1234, we question the method in which the plan is handled. We are unclear what kind of mechanism it is supposed to be. If it is a control mechanism it would seem that the plan should be approved by LEAA or approved by the Justice Department and that performance should be measured against planning in a highly specific way. If it is simply

inducement to the States to get themselves together and write a document that reflects some sort of comprehensive thinking, then there is really no need to file it federally and I think we would recommend that the plan be subject to close scrutiny by LEAA experts and that the funding not flow until the plan is approved which, as I read the act at present, is not required. As long as the plan is in, the money goes automatically to the States.

I would like to turn to section 301 of the bill right now, the bill that enumerates various categories for which funding can be expended, and merges the former LEEP and corrections programs, et cetera, into the general grant. I would like to repeat the position of the previous witness, that the LEEP funds should be maintained separately. I think you already have extensive Federal involvement in manpower planning through Department of Labor efforts. They have a very Federal approach toward measuring labor market growth and need for training, et cetera, and I think it is also appropriate in regard to the criminal justice agencies. I think that if the LEEP program were administered as the act provides or allows so that the Federal Government helps to pinpoint growing areas of need and helps stimulate the development of regional centers of expertise in accordance with the 1970 amendments, you would really find that a tremendous boon to State and local agencies. I think Senator Javits' bill is an effort in part to get at that but I do not think his bill is necessary because almost everything he proposes is already allowed in the LEEP program.

I could also suggest that in section 303, which says the States must have court and corrections programs, I think that is very fine. It might also be appropriate to include juvenile programs because of the very high levels of juvenile crime at this time.

I do not understand in section 303 where the standards that are referred to for corrections and court programs are to come from, whether they refer to the National Commission that you mentioned earlier or whether they are to be generated by the National Institute. Whether they are to come from some other body is unclear, nor do I understand why standards are to be applied to courts and corrections but not to police. I think that section needs to be clarified somewhat.

Section 301 authorizes State expenditures of the Federal funds for technical assistance and law reform but does not require it. I think at least before the House that a number of local government representatives pointed out how useful such system would be and in many cases it has been lacking. I think the States should be mandated to provide that kind of assistance, particularly if the Federal agency is to play a lesser sort of role under revenue sharing. I think the same holds true for law enforcement to change the criminal laws in the State level. Senator Eagleton tries to get at it by suggesting the States look at decriminalizing State laws. I do not think you should specify what they should do but they should be required to review existing laws.

In that regard we refer to the CED reports which I am sure you are familiar with. They did a comprehensive national survey.

Section 306 dealing with the discretionary grants funds simply earmarks the percentage of funds that can be used by the LEAA for discretionary purposes. I think it would be useful to incorporate

in there the terms that LEAA puts its own guidelines, that those funds should be used to develop programs not covered by the States, and to provide a special impetus for reform and experimentation, and that perhaps that could be tied in, not necessarily in the legislation, I mean the record, to institute research so that the discretionary funds would go into those areas that the Institute has shown to be promising.

Another area I would like to comment briefly on is the area of civil rights enforcement. It has been our position that in initial years of the program, LEAA was highly deficient in carrying out civil rights responsibilities. Recently they have taken highly commendable actions in terms of regulations and other guidelines that they have issued in connection with grants and we commend them for that. We hope that those guidelines are preserved, of course, under the new bill. We feel that the bill allows Governors too big a loophole in allowing them—there is no time specified for their handling of complaints occurring within their jurisdictions and we would recommend that the standard that now occurs in the general revenue-sharing bill, section 122 of the State and Local Fiscal Assistance Act of 1972, be incorporated into this bill so that the Governor must handle complaints within 30 days and if not, they get handled at the national level.

We also feel that the Attorney General should be required to issue formal regulations defining his responsibilities under section 308, the section prohibiting discrimination, and that he be required to institute administrative proceedings leading to fund termination whenever there is showing of noncompliance.

I would also like to make a couple of comments with regard to the National Institute. The National Institute as we understand the legislation creating the LEAA program is always conceived of as a generator or new ideas and new approaches to what are age-old problems. Until recently the Institute was not sufficiently integrated into the overall operation of the agency to affect its spending in any way. That has in part been corrected. I think that special attention should be given in any renewal of the program to the operations of the Institute and insuring it, earmarking in authorizations sufficient levels of funding so it can carry out that task. Again, if the Federal role is reduced through special revenue sharing and is eventually eliminated altogether, thought should be given to building up the Institute as a permanent national resource, perhaps along the lines of the National Institutes of Health or the National Institute of Justice that the American Bar Association has recommended.

There is one more section in the—one additional section in the administration bill that I would like to just raise a point on. That is section 508, dealing with—authorizing the Attorney General to avail himself of the records of State, municipal, or other local agencies. We have pointed out previously problems in connection with the criminal offender computer files stimulated by LEAA grants to the States and now coordinated nationally through the FBI. If I recall correctly, the 1970 amendments had required LEAA to submit a bill that would insure privacy and guarantee civil liberties, et cetera, in regard to the operation of these files and such a bill was introduced last term by you but there is no such legislation currently pending.

If that is correct, we urge that action be taken in that regard, not

necessarily as part of this bill but that those protections be in fact enacted by the Congress.

I think I would like to make just a few brief closing comments on some of the other bills that you are considering. The House bill H.R. 8125, we would consider preferable to the current administration bill for a number of reasons. We like the approach of making the funding contingent upon LEAA approval of the State plan and the tightening of the plan process that they have included in that bill.

The bill preserves the State planning agencies, broadens their participation. It extends the powers of the Institute and requires it to conduct evaluations and set standards, and we feel those are very important factors, and it reduces the match substantially, 10 percent, retains some kinds of match which assures participation of the State legislatures through the appropriation process.

My comments on the other bills are included in the draft testimony I provided. I will be glad to answer any questions you may have on any of those.

Thank you.

Senator HRUSKA. Mrs. Carey, in Law and Order III you covered an analysis of programs in five States, did you not?

Mrs. CAREY. Yes, it did.

Senator HRUSKA. What States were they?

Mrs. CAREY. Massachusetts, Ohio, California, Pennsylvania, and South Carolina.

Senator HRUSKA. Well, that is one-tenth of the States in the Union, is it not? Do you consider that a sufficiently broad and typical and representative base upon which to base generalizations and conclusions such as those which you express in that work?

Mrs. CAREY. That is what they call a leading question in the legal profession. We had in previous years done surveys that encompassed 12 States and had kept in touch with people from those States and we did a cursory review of a number of other States without actually going in and doing interviews and going into the depth that we actually did in those five States. So I think the general conclusions that were not limited to a State situation were based on a much broader range of facts than just those States.

Senator HRUSKA. Well, I just wondered whether a report based on particulars could be considered comprehensive?

Mrs. CAREY. We did not call it a comprehensive analysis. We thought it was comprehensive with regard to the Federal role because we reviewed all of the papers that we could get from them with regard to the discretionary grants, LEEP, Institute, LEEP programs and other programs the Federal Government administers, and we took these States as examples because there are diverse problems and diverse approaches to the LEAA program, but we never claimed it was comprehensive.

Senator HRUSKA. Of course, throughout that study there were references made to the effect that LEAA has not asserted its leadership in fighting crime and has not led the way for the States or held the States up to strict performance standards?

I have two or three questions on the approach which you used. There have been many mayors, many police chiefs, many judges, many district attorneys, and many Governors who have publicly praised

the LEAA program, especially for its innovative assistance in technical areas, but their comments are not included. Did you know about them?

Mrs. CAREY. Well, I may not know your friends but the ones that we talked to—a range of police chiefs, judges, local officials, et cetera—reflects these views, for example, on several occasions we got the statement that people had never heard of the work of the National Institute. This was until just before the high impact program and some of the other things that the Institute has done in the last year, where it achieved a grade of visibility, but up until that time over and over again local officials would say, we do not know what their research—what happens to their research. It does not help us at all.

We had talked to many local officials who felt they were having a terrible runaround with the fiscal situation which you have already considered today, the problem of being given assurances of a big grant and then not getting it, and the redtape, taking forever, that sort of thing. And we also had statements from people who said that they did not know what was going on in other cities, that Dayton may be trying to face the same problem that Brunswick, N.J., or Salem, Mass., or somebody else was, and even though they were both doing it all or three doing it with LEAA funds, each one was starting over again and inventing the wheel. They were not aware of the progress made by the other localities and the problems they had run into and had solved already and there is great duplication in that regard.

Senator HRUSKA. I am sure there would be some discontent and criticism. But I have an idea that there have been enough favorable comments to justify some reference to them.

Mrs. CAREY. Well, if you want me to underline them—we have examples, particularly in State programs that have been affected and where the local officials are pleased with it, and so on.

Senator HRUSKA. With reference to the lack of leadership in fighting crime, would it not be just a little bit presumptuous for a program which contributed in 1972 4.46 percent of the expenditures of State and local government criminal justice efforts to say you must do this, you must do that, you have to do something else? After all, out of a total of over $10 billion, the block grants constituted less than 4½ percent of the total costs.

Mrs. CAREY. I would agree with you 100 percent but the question is not whether the Federal Government dictates to the States and localities and says you must have six members on your jury, to take the example you gave earlier, but when they try to use the limited funds that they have to stimulate structural changes or other kinds of changes in the operations of the agencies that are eventually getting the money—I think South Carolina, or example, provides a really good example of where LEAA money has aggravated certain kinds of problems. They have a multiplicity of magistrates and sheriffs and police and jail officials and all overlapping each other in little tiny jurisdictions with practically no resources to support them locally, and the State agency and the regional office have not given direction to that State or in any way pushed them towards consolidation of these units, for example. So that the Federal money is going out to

keep alive some of these really obsolete smaller entities which just should not be around.

The other kind of thing—that is a structural thing, you know, if you are going to let your limited small Federal money go to perpetuating, proliferating, duplicating systems, but of substantive things, not that LEAA has to go into Dayton and tell Chief Eichelberger that his men have to have green uniforms instead of blue, not that kind of specificity, but that they can when he is trying to get a family crisis intervention team organized or a patrol or trying to get community people in through new career ladders in the police force, that they not let him flounder around in isolation but put him in touch with other people who are trying to do the same thing, showing ways he might change, how he might handle the Patrolmen's Benefit Association.

I think the local people are looking for assistance in lots of cases. They do not think they are getting it shoved down their throats.

Senator HRUSKA. Well, in your statement you indicate that "Section 303 fails to state how national and State standards for court and corrections programs will be established and for some reason no standards are indicated for police programs."

What business is it of the Federal Government to say that a local policeman must be 6 feet tall or wear a blue coat? What kind of standards would you suggest?

Mrs. CAREY. Well, the Federal Government has done that in other areas. To participate in the medicare program, for example, a hospital——

Senator HRUSKA. They do, indeed.

Mrs. CAREY. [continuing] has to be——

Senator HRUSKA. And they are in trouble, too, deep trouble. They have particularized and they are in a grave struggle. That is what we are struggling with now, are we not?

Mrs. CAREY. Well, I think that is a very basic question. If it is appropriate for one kind of program like medicare or the Office of Education, certainly in the Office of Education program grants are accredited by educational associations and maybe it is more appropriate to wipe out all those kinds of standards but, on the other hand, it could be proper if appropriated for all types of agencies.

Senator HRUSKA. Of course, the analogy to medicare would not hold up here since, in the first place, the Federal Government is administering that program.

Secondly, that program goes into the billions. It generates most of the money. It is no desire on the part of LEAA or any of its advocates to create a program of police, of courts and corrections. That is the State's business, is it not?

Mrs. CAREY. Well, in medicare they give out the money to the hospitals and doctors but they do not run the doctors or the hospitals. Certainly——

Senator HRUSKA. But they govern them pretty closely. They even prescribe the type of bookkeeping that the hospitals must keep. Did you know that?

Mrs. CAREY. Yes, I did. My husband is a doctor.

Senator HRUSKA. They control them pretty tightly but it is their system.

Well, regardless of that, what business we have in prescribing standards for the courts and corrections programs or police programs? We can suggest, we can counsel, we can perhaps furnish examples and experiments and pilot projects. We can do that. But what business do we have as a national government telling the States what they must do? You see, we are a Republic of federated States, and virtually the sole responsibility for law enforcement as we know it belongs to the States and to the municipalities. Until the LEAA came along, most of the States did not have planning agencies. They had no crime commissions. They had no overall view of the problem. Everyone has that now. Everyone. We are making some progress.

Mrs. CAREY. How many of those do you think would last if the Federal money was taken away?

Senator HRUSKA. How many will last?

Mrs. CAREY. How many of the planning entities.

Senator HRUSKA. I do not quite understand.

Mrs. CAREY. You know, I think it is a basic problem with this program of how many of the kinds of changes, including the very fine planning operations that have been created in some States, would continue absent Federal money. I mean, you know, the Governors or the mayors and city managers, et cetera, are always willing to accept what the Federal Government is willing to hand out, but I think a major disappointment in this program is that it has not generated additional State and local commitments beyond going along with the requirements of the Federal program.

Senator HRUSKA. Well, what can we do about that as a national government? Just what would our role be? What would you suggest we do? Pass another law?

Mrs. CAREY. No. I am not sure you all have the power to do that, to generate a local commitment. There is no way you could do it.

Senator HRUSKA. Well, there exists that concept, you know. As I suggested to the preceding witness, very great care was taken in the structure of LEAA to assure that there would be no intimation of Federal dominance or Federal control of the law enforcement forces of the States. I wonder how far some of the suggestions in your paper and in your study would go to deteriorate that concept.

Mrs. CAREY. Well, we obviously have very different positions but I do not think that providing certain kinds of leadership over setting goals necessarily results in control of the granting institution. The entire experience in other Federal programs suggests that it does not. Certainly, the title I program administered by the Office of Education does not control local school districts even though grants may go into the billions of dollars in major or inner city schools and even the 100 percent federally funded employment service system which gets no State funds and has a local State entity created for the sole purpose of receiving Federal funds, is not controlled by the Federal Government. I think you are kind of creating a shibboleth.

Senator HRUSKA. In another part of your statement you refer to an overemphasis on police hardware. Do you make a point of that in your study?

Mrs. CAREY. Yes, we do.

Senator HRUSKA. You do. How much of the funds that have been distributed to the States have been devoted to the purchase of hardware, do you know?

Mrs. CAREY. Well, it varies from State-to-State and, of course, the percentage of funds going to police in the first place, varies. In the five States that we looked at, the percentage going to police range between 40 and somewhere in the sixties, I believe, for the period in question. Some States such as Ohio, had deliberate policies to reduce the level of police spending and cities such as New York, where Henry Ruth is head of the mayor's planning operation——

Senator HRUSKA. Did you say 40 percent——

Mrs. CAREY. Of the State funds.

Senator HRUSKA. In California?

Mrs. CAREY. I do not know which of the States but they range between 40 and 60 of the total action funds going to police. Now, in that category the majority of the funds in many cases went for hardware or equipment-type purchases.

Senator HRUSKA. On what do you base those figures?

Mrs. CAREY. Yes, a detailed breakdown.

Senator HRUSKA. Well, then, we must have been misinformed because yesterday we had testimony that in 1972 that hardware as a percentage of part C was 10 percent. Now, that is a long way from half of 60 percent, is it not?

Mrs. CAREY. That is a long way but it is measuring apples and oranges. We said hardware as a percent of police expenditures, not hardware as a——

Senator HRUSKA. Hardware.

Mrs. CAREY. If you would like, we can break them out on the States we looked at and give you—those figures ran through the beginning of fiscal 1973, I guess.

Senator HRUSKA. To the end of what?

Mrs. CAREY. From the beginning of the program in 1969 through the end of fiscal 1972, beginning of 1973.

Senator HRUSKA. There was a great expenditure initially—in 1969, 28 percent. And why not? They needed it.

In 1970 it was 22.7 percent. In 1971, 14.6 percent. And in 1972, 10.6 percent.

In the beginning they had to get a lot of new things. They had to do that. But currently—last year it was 10.6 percent. Is 10.6 percent an inordinate amount, in your view?

Mrs. CAREY. Well, if you have LEAA figures I would like to see where they got them from and how they broke them down.

Senator HRUSKA. It comes from a report by the National Conference of State Criminal Justice Planning Administrators. Frequently, we find because of the heavy expenditures for hardware in the early years that the fixation—to much hardware—has just become a household idea.

I wonder if you would care to review that a little bit and inform yourself a little bit more on it.

Mrs. CAREY. I would be very interested in seeing those figures. I know that certainly would not hold true for the discretionary grants or certain groupings of the Institute grants, the Federal funds, and in the States we looked at, I would be glad to crank out the figures again on the hardware expenses within the police category to see if it conforms with that.

Mr. BLAKEY. Why do you limit it to the police category? Are we not looking at comprehensive planning and hardware as it is allocated across the criminal justice system?

Mrs. CAREY. I thought his question——

Mr. BLAKEY. If you object to too much hardware, why do you object to too much hardware in limited categories? Do we not have to look at the whole police courts and corrections picture?

Mrs. CAREY. Yes, of course.

Mr. BLAKEY. And is not the proper figure the total percentage of part C funds?

Mrs. CAREY. Well, the parts of computers, major hardware expenditures, clearly is in the police area and the courts obviously have an entirely different level of use and needs and a corrections apart from the initial construction cost.

Mr. BLAKEY. Maybe the police have greater need for hardware. They do ride in cars. They do use radios. And so maybe they have a greater need for hardware. But you still have to look at hardware as a percentage of the total part C funding. What I am saying is anytime you pick the category selectively you can get a high percentage, which seems to me to be the Senator's point, and I am certainly not any better able to make it than he is, but what he is saying is that you have to look at comprehensive planning and perhaps a selection of only police hardware distorts the central notion behind the statute's requirement for comprehensive planning.

Senator HRUSKA. Have you any further questions, Dr. Blakey?

Mr. BLAKEY. No.

Senator HRUSKA. Have you any questions?

Mr. LAZARUS. No, thank you.

Senator HRUSKA. We thank you for coming. Your whole statement will be placed in the record in addition to your comments.

[Mrs. Carey's statement follows:]

STATEMENT OF SARAH C. CAREY, ASSISTANT DIRECTOR, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

My name is Sarah C. Carey. I am Assistant Director of the Lawyers' Committee for Civil Rights Under Law in Washington, D.C. During the past three years, I have worked extensively in problems relating to the operations of the Law Enforcement Assistance Administration (LEAA) and have been the principal author of three reports analyzing the performance of the agency. I have brought along copies of the latest of these reports "Law & Disorder III," for your information and for possible inclusion in the record.

I am pleased to respond to the Chairman's request to appear before you today and give my views on S. 1234, S. 1497 and related bills. I should add that the views I am about to give are my own, and are based on the work of the Lawyers' Committee staff that put together "Law & Disorder III."

The Congress is faced today with the basic question of whether or not to continue providing substantial federal funds to assist state and local governments in the performance of their law enforcement and criminal justice responsibilities. If that question is resolved affirmatively, the Congress must then define the nature of the federal role: will it be a simple effort to provide fiscal relief as the Attorney General has proposed, or will it include an effort to stimulate reforms of the criminal justice system as the President's Crime Commission and Title I of the Safe Streets Act originally contemplated.

The three reports that I have assisted in preparing on the performance of the LEAA and the states under Title I, suggests that administratively the Justice Department has already made the decision for the Congress. They have in effect administered the program as a no-strings-attached revenue sharing program,

and are now, somewhat belatedly, asking the Congress to conform the enabling legislation to their administrative preference.

Specifically in the four years since its creation, LEAA has imposed few standards, guidelines or restraints on the states to govern the expenditure of their block grant funds and has been loath to assist them in evolving viable planning mechanisms at state and local levels. The agency has similarly failed to administer the funds that it controls for research (The National Institute), for discretionary programs, and for manpower training in a manner that shows the way to the states in designing new approaches to old problems. The federal agency, as the GAO has pointed out, has generally refused to conduct evaluations and has not required the states to assume that obligation,[1] making it almost impossible to determine what has worked. And as you have recently heard from the nation's mayors, LEAA has been unable or unwilling to provide technical assistance—including clearinghouse services [2] on innovative programs developed by its own grantees—to state and local governments, despite their repeated requests for assistance.[3]

Finally, the agency has ignored the key took provided by the Congress foe guiding state programming by failing to exercise rigorous review of the annual state plans or to determine, once the plans are approved and the funds distributed, whether the state performance conforms with the terms of the approved plan. In short, apart from the funds appropriated by the Congress, LEAA has given the states and cities few of the tools really needed to fight crime. Despite the Congressional blueprint of a strong federal leadership role supplementing state and local initiatives the administrators of the program have chosen not to exercise that leadership and have instead simply "thrown money at the problem." Consequently there has been little overall increase in knowledge or expertise concerning what causes crime and how to prevent it.[4]

Besides the lack of federal leadership, the original design of the Title I program has been violated in another equally important way: the Act contemplated that the federal funds would be used as demonstration or stimulation grants to pay for reform efforts not otherwise covered in state or local budgets. Once such projects were proven succesful, it was intended that the state governments would assume their costs.[5] As "Law and Disorder III" demonstrates, the states have generally been unwilling to take over succesful projects even after several years of LEAA funding. The federal program has for the most part not served to stimulate increased state investments in this area of vital concern. In this respect also, the special revenue sharing bill simply acknowledges an already firmly established pattern.

"Law and Disorder III" provides a complete statement of our findings on the LEAA program. Instead of repeating those findings, the remainder of my comments are addressed to the proposed amendments to Title I of the Omnibus Crime and Safe Streets Act of 1968, presently pending before this Committee.

A. *The State Planning Process.* S. 1234 places the planning process in the office of the governor, eliminating the present requirements for a special state planning agency. The participants in the state process are not defined. The state is required to submit an initial plan showing how it intends to accomplish the goals of the act; thereafter it must submit a plan every three years with annual updates. Funding is not contingent upon approval of the plan, although the Attorney General is required to file "comments" on the Plan. Certain provisions are made to insure that the meetings of planning organizations where final action

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[1] The GAO report stated: "LEAA has done little toward making its own evaluation of the effectiveness of programs or projects funded with block grants. Also, LEAA has not provided the state planning agencies with the assistance necessary to perform such evaluations in the respective states."

[2] A clearinghouse function was just announced by LEAA in its February–March 1973 Newsletter, four years after the inception of the program.

[3] For further documentation of the lack of LEAA guidelines and technical assistance see "The Cities and Law Enforcement Assistance: A Review of the Need for Federal Assistance to the Cities," issued by the National League of Cities—U.S. Conference of Mayors, March 23, 1973.

[4] LEAA and Justice Department officials have attempted to correlate reductions in the crime rate and the distribution of LEAA funds. In fact, they are unable to isolate the factors that have contributed to or caused crime reductions and there is no evidence to support the contention that the minor increases in local criminal justice budgets resulting from LEAA grants have been a significant contributing factor.

[5] 42 USCA § 3733(8) requires a demonstration in the state plan of a willingness "to assume the costs of improvements . . . after a reasonable period of federal assistance." The statute, as presently worded also includes a non-supplant provision. Both of those sections are eliminated in the Attorney General's bill.

is taken will be open and that state and local plans and records will be available to the public. If sub-state planning bodies are created, local government officials constitute a majority of the members; and in developing its plan, the state must consult with "elected representatives of units of general local government, representatives of law enforcement agencies, and public agencies maintaining programs to reduce and control crime and delinquency."

These proposals fail to correct—and in some instances exacerbate—the lack of public accountability inherent in the present planning process. Planning and policy decisions under the LEAA program are exclusively the province of the executive branch of government. There is virtually no legislative review of state planning agency budget decisions, funding allocations or policies. The new proposals, providing 100% federal funding and eliminating the requirement that state governments absorb the costs of proven programs, will increase the independence, of the anti-crime program. This means that fund allocations that basically alter the structure and administration of local criminal justice agencies will be made without legislative review of any kind. There is ample experience under other 100% federally funded programs, such as the U.S. state employment service system, that where the program is isolated in the Governor's office and the legislature takes no part in it, performance levels are poor. Approval and review by the Governors is not enough to insure sound programs responsive to the needs and priorities of the state.[6]

The lack of legislative review is hardly compensated for by the new provisions concerning publication of plans and open meetings. The latter are a welcome change in a program that has often been characterized by closed door decision-making, but unless they are spelled out more specifically to give the public the right, through defined procedures, to challenge programs that do not conform with state or federal regulations and standards, the right to be informed will be an empty one.

Consideration should be given to: (a) requiring formal approval by the state legislature of the basic state plan and its yearly update, as well as of state standards developed to guide the administration of the program. The legislative approval could be accomplished by filing the plan or standards with the legislature for a period of 60 days, with full implementation if no comments are forthcoming; and (b) mandating public hearings on all major changes in the state plan or policies, with advance notice published in newspapers of general circulation.

In addition to the lack of any compulsion on the governor to report or answer to the legislature, the Attorney General's proposal fails to insure an adequate decision-making role on the part of local governments. As presently drafted, the bill requires the state to "take into account" the needs of local governments, to "encourage local initiative," and to give local government officials an opportunity to participate in the formulation of state plans, but it does not insure the local governments policy-making powers of their own. The history of the program to date suggests that unless the relationship of the two levels of government is spelled out in detail, much time, energy, and duplication of effort will be wasted in fighting inter-jurisdictional battles and, in many cases, the cities (or counties) will lose the right to control their own destinies. The experience in the state of Ohio under the metropolitan "regional planning units" suggests that an effective way of addressing this problem is to require minimum state standards for both planning and programming and to give those metropolitan areas that conform with the standards full control of earmarked shares of the funds.

Thirdly, the Attorney-General's proposals fail to require sufficient breadth of representation in the planning process. Although local elected officials must sit on local planning bodies and must be consulted—along with representatives of agencies dealing with crime related problems—in the development of the state plan, there is nothing to insure that the planning process will not be dominated by the criminal justice professionals. Long term planning and control of funds for anti-crime agencies should no more be the exclusive province of the officials of these agencies than should comparable decisions in regard to the public schools be relegated to teachers. Yet, to date the range of interests and

[6] Chapter IV of "Law and Disorder III" shows that with the exception of California, in the five states surveyed there has been virtually no legislative involvement in determining how to spend LEAA funds. Besides precluding review of unilateral executive decisions, this has resulted in minimal effort to reform state criminal codes and other laws governing the criminal justice system—essential elements of any serious anti-crime program.

population groups represented on LEAA planning bodies has been extremely narrow. Again, the regulations developed for Ohio's regional planning units provide a model that insures participation in the planning and programming process by those most affected by the institutions that comprise the criminal justice system.[7] This model should be considered a prerequisite to state funding.

Finally, I question the utility or purpose of submitting state plans to the federal government without any requirement of approval or any relationship to funding decisions. As the "Law & Disorder" series have demonstrated, to date the state plans have not been very enlightening documents and conformance with their provisions has not been enforced. It is our position that once the federal government undertakes a major grant program, it has a responsibility to insure proper expenditure of funds in conformance with program goals. We would, therefore, recommend that initial funding be contingent on LEAA approval of state plans and continued funding be dependent on performance in accordance with the approved plan. Failure to submit a proper plan or to distribute funds according to the plan should result in the termination of funding and, in some cases, the recovery of funds. (If delay at the federal level is a problem, that can be handled in the manner proposed by Senator Tunney or by the House Judiciary Committee—by imposing a clearance deadline).[8]

B. *Expenditures Under Revenue Sharing.* Sec. 301 of the proposed legislation lists the kinds of programs for which special revenue sharing funds can be expended. The programs are essentially those authorized under the present Act, but the separate categories for corrections, education and training have been merged into general action grants. The present matching grant provisions are eliminated and no preference is retained for organized crime or riot control programs, although each receives special mention.

Project categories are not weighted, but Sec. 303 provides that the state plan must "thoroughly address improved court programs and practices: and must include a "long-range all-inclusive program" for the improvement of correction practices. The section adds that "Such programs must adequately reflect national and state standards for all functions of the correctional and court systems."

Insistence on court and corrections programs will prevent any state from totally ignoring these important areas of reform but it would not avoid the overemphasis on police hardware and management programs and the underemphasis on juvenile problems, that has characterized some state expenditures. To prevent such overemphasis the definition of the requirements of a comprehensive plan should be made more specific to ensure attention to courts, juvenile delinquency, white collar crime and other priority areas. Those priorities could be shifted periodically by the Congress as program needs change.

Section 303 fails to state how national and state standards for court and corrections programs will be established or how they will work. Presumably federal standards would apply to the federal prisons (and courts), while state standards would apply to agencies controlled by the state. For some reason no standards are indicated for policy programs. It is difficult to understand why federal insistence on conformance with standards is proposed at the same time that the bill requests a reduced overall federal role in regard to the program. If it is decided that such standards are appropriate (and some of the recently completed work of the National Commission on Standards and Goals has provided an excellent example in certain areas), the Congress should insist on their development and application to all LEAA funded programs including the police, and should make certain that the Justice Department's decisions about appropriate standards are subject to broad public review.* As I have indicated above, state standards, subject to state legislative review are also highly desirable.

Sec. 301 authorizes but does not require state expenditures for technical assistance and law reform. This is a serious mistake. No state should be allowed to participate in the program without a commitment to these two areas. Most states have failed to assume the technical assistance role mandated by the present law; this has resulted in wasted funds in rural areas and smaller cities that lack the expertise to develop effective programming. Similarly, as the

[7] The regulations issued by Ohio provide specifically that supervisory boards "should include representatives from such groups of interests as legal services agencies, civil rights groups, welfare rights organizations, religious agencies and poverty groups."

[8] Consideration might be given to the manner in which local community action agencies are designated under the Economic Opportunity Act. The Selection process is essentially a local one, with the Director of OEO responsible for "recognizing" the local designation and intervening only in those cases where there has been no action or where the action taken is in violation of general federal standards.

thoughtful report issued by CED points out, without changes in state criminal codes and the state laws defining the roles of the agencies that comprise the criminal justice system, much of the LEAA programming is ineffectual.

Sec. 301 contains a blanket authorization for equipment purchases, with little emphasis on improving basic law enforcement techniques. As Chapter 3 of "Law & Disorder III" points out, much of the new technology purchased by LEAA funds to date is ill-suited to law enforcement needs. Further, some of it, particularly the Vietnam developed surveillance equipment, threatens an invasion of basic individual liberties. Federal funds should not be expended for such technology absent a clear showing that it is both effective and necessary.

Sec. 301 absorbs the education and training programs for criminal justice officials previously administered by LEAA, thereby removing federal responsibility in this area.[9] Since LEAA's record in regard to this program is so deficient, as a practical matter the proposed arrangement would effect little change. However, the Congress should seriously question the appropriateness of assigning control of manpower programs in the growing law enforcement field to state agencies, when the Department of Labor continues to retain a major national leadership role in other manpower policy areas. Further, the present legislative emphasis on developing institutional training and research capabilities in the criminal justice field—as opposed to the broad dispersal of tuition funds—should not be abandoned lightly.

Sec. 306 reserves 15% of the funds for discretionary grants to be allocated to governmental and non-profit agencies "according to the criteria and on the terms and conditions that the Attorney General determines consistent with the title." To prevent the dissipation of the funds on programs that duplicate state programming or that conflict with findings of the National Institute, the legislation should specify that the funds must be used to emphasize national priorities, to develop programs not covered by the states and to provide a special impetus for reform and experimentation, particularly along those lines that Institute research has indicated to be promising. Further, the Attorney General should be required to publish annual advance guidelines in the Federal Register for the distribution of the discretionary grants.

C. *Civil Rights Enforcement.* "Law and Disorder III" states:

"Few of the responsibilities assigned to LEAA are more important than its obligation to make certain that the funds it distributes reduce the racial and class discrimination that pervades the nation's criminal justice system. Yet LEAA has defined both the problem and its authority to deal with the problem in narrow terms. It has chosen . . . to ignore the important systematic problems that are being reinforced by the LEAA grant programs."

During the first few years of the program, LEAA totally ignored its civil rights responsibilities. Recently it has been persuaded to adopt regulations to prevent employment discrimination on the part of its grantees and to require them to develop affirmative action programs.[10] It has also under consideration a regulation to insure equal representation on state and local planning bodies. The agency has generally refused to address itself to discrimination in the distribution of law enforcement services or in the processing of minorities through the criminal justice system. As far as enforcement practices are concerned, LEAA has been unwilling to invoke the administrative sanctions and fund cut-off powers which it possesses and, despite its preference for court resolution of discrimination challenges, has a limited record in terms of the initiation of (or intervention in) court proceedings.

As a result of LEAA's under-emphasis of civil rights problems the agency has distributed large grants for criminal offender computer files without insisting on the deletion of arrest records that do not lead to conviction or even formal charges, despite the demonstrated over-representation of minorities in this category; ignored the Black colleges in distributing grants and loans under the Law Enforcement Education Program; failed to direct Institute research to problems of racial discrimination in the administration of criminal justice; and, most importantly, ignored the views or priorities of minorities residing in

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[9] Senator Hartke in S. 1023 has proposed a national program for accrediting law enforcement agencies and then providing federal funds to those agencies that have received accreditation. Although the precise format proposed in his bill may not be the most appropriate, Congress should give serious attention to this proposal. Models already exist in regard to federal aid to education, eligibility for federal health insurance (Medicare), and other areas for conditioning program participation upon formal accreditation. Such an approach could contribute significantly to upgrading police operations.

[10] 28 CFR 42.301, et. seq.

areas where special tactical police forces or sophisticated new technology are being installed. Little or no effort has been made to provide for community sponsorship of demonstration projects or for community review of basic policy determinations in regard to local neighborhoods.

Sec. 308 of the Attorney General's bill insures non-discrimination on account of race or sex in LEAA funded programs. It eliminates Section 518,[11] of the present Act, the section relied upon by the agency for its inability to insist on grantee affirmative action plans or to invoke fund cut-offs. Further, it gives each Governor the right "within a reasonable period of time" to handle situations where non-compliance has been indicated. If the Governor fails to act the Attorney General is authorized to institute a civil action and to take other appropriate steps.

To overcome existing and potential problems in civil rights enforcement, we recommend: (1) that the Governors be required to act on non-compliance challenges within a specific period of time, such as 30 days and that their right to handle complaints be contingent upon the creation of a state enforcement mechanism;[12] (2) that the Attorney General be required to issue appropriate regulations governing all of his responsibilities under section 308,[13] including the institution of goals and timetables for grantee compliance with _____; (3) that the Attorney General be required to institute administrative proceedings leading to the termination of funding whenever a showing of non-compliance has been made.

D. *The Institute.* Until recently, the National Institute of Law Enforcement and Criminal Justice played an unimportant role in LEAA programming. Despite the fact that Title I of the Safe Streets Act contemplated the Institute as the chief instrument for the exercise of federal leadership in the design of new approaches to crime control and the reform of the criminal justice system, little of the Institute's research product reached the hands of state and local officials. Many Local officials told our researchers that they had no idea what the Institute did and had never turned to it for assistance. Besides its failure to reach local criminal justice administrators, the Institute has had little impact on LEAA decisions concerning the expenditure of discretionary or other funds.

The situation has improved somewhat but the Institute still remains weak. If the federal supervisory role in the distribution of anti-crime funds is to be reduced in accordance with the Attorney General's recommendations—and even more so if LEAA is eventually to be dismantled—the need for research and demonstration projects to show the states what works will be even greater. The Congress should give serious consideration to the development of a new, stronger, independent Institute, perhaps along the lines of the CED proposal, or the National Institute of Justice, recommended by the American Bar Association. Another model that deserves consideration is the role played by the National Institutes of Health in medical research. Such an independent entity would be removed from political pressures, yet, through the excellence of its staff and their work would be in a position to stimulate the states to adopt more effective programming.[14] And, whatever model is ultimately selected, the Institute should be given substantial funding.[15]

E. *Other Problems.* Although a number of additional problems exist in the proposed legislation (such as its failure to *require* the Attorney General to conduct evaluations; the overly rigid definition of community service officer; and the

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[11] That section provides: "Notwithstanding any other provision of law nothing contained in this chapter shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this chapter of a percentage ratio quota system, or other program to achieve racial balance or to eliminate 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 chapter to adopt such a ration, system, or other program."

[12] This is the standard established by section 122 of the State and Local Fiscal Assistance Act of 1972.

[13] The Record should indicate the intent of Congress to preserve the hard won regulations that have been issued to date. It should also emphasize the importance of going beyond employment discrimination to discrimination in services and treatment.

[14] The Attorney General's bill, like the present Act, authorizes the Institute to carry out programs of behavior research. A number of the behavior modification and brain surgery projects funded by the Institute to date have been of questionable validity. A predominantly law enforcement operation should not engage in this type of research, despite its utility, but should leave it to medical or human resource agencies.

[15] The Attorney-General testified on June 5, 1973 before this Committee that the proposed LEAA budget for FY 1974 allocates $91 million for research, statistics, and management. A separate and distinct allocation should be made for the Institute without merging its funds in general management costs.

failure to continue the present bar against state planning agency involvement in law enforcement operations) only section 508 merits special attention.

The first part of this section authorizes the Attorney General to draw upon the services and facilities "of civilian or military agencies and instrumentalities of the Federal Government. . . ." However, no specification is made concerning the purposes for which he can turn to such agencies. In recent years, LEAA has relied upon the U.S. Army for special training in riot control, for the development of bomb detection and other equipment, and for issuing bids for Institute research (the latter for the purpose of attracting military contractors). Less directly, the agency has stimulated an extensive law enforcement market for military developed technology.

None of these developments by itself is troublesome. But, increased cooperative arrangements between federal, state and local anti-crime agencies and the military could lead to military surveillance of civilians or to other undesirable military involvement in local law enforcement. Congress should explore the problem fully and consider the adoption of restrictive wording in this section of the bill.

The second part of section 508 authorizes the Attorney General to "confer with and avail himself of the . . . records of state, municipal or other local agencies." Although this is worded as a general housekeeping provision, it could be read to authorize Justice Department administration of the extensive criminal offender computer file now included as a part of the NCIC system and to provide for the inclusion therein of state and local offender records.

As Chapter 2 of "Law and Disorder III" reports, a major concentration of LEAA discretionary funds and state block grants has occurred in the development of state and local computerized criminal offender files. Although the FBI, the agency responsible for the administration of the national file into which the state information feeds, has adopted informal policy regulations, the state systems by and large are unregulated. Many of these systems include inappropriate, stale data. Worse, they permit access to the data by a broad range of public and private agencies, without restricting inquiry to criminal justice officials. In some localities, there is a strong danger that criminal record informaton will be combined with unsubstantiated intelligence data or will be merged with the non-criminal records maintained by other social service agencies. All of this calls for careful legislative oversight and direction.

In the 1970 amendments to the Safe Streets Act, Congress specifically requested legislation to cover the operation of these growing files as well as the terms of LEAA grants to the states to develop local feeder systems.[16] Last session, the administration introduced a bill which was not acted upon. It should be made clear that the present provision is not an authorization for the national data files and Congress should insist on the development of legislative standards to protect the individual rights "of all persons covered or affected by such systems," as it originally requested.[17]

Finally, the Bill does not specify an authorization term. The Attorney General has indicated that he will request a five year extension of the authorization; the House Judiciary Committee has approved a two year extension only. Past performance under this program suggests that Congress must maintain close scrutiny over its operations. In fact, discontinuance of the program might be more appropriate than an open-ended or lengthy extension. As long as the LEAA remains unclear in the definition of the problems to which it is addressing itself and in the articulation of appropriate solutions, authorization should be limited to two years.

Other Amendments: (1) The House Bill, H. 8125, which I understand was issued by Subcommittee 5 and approved with only 3–4 substantive changes by the full Committee, is, in my opinion a significant improvement on S. 1234. Among the key differences are the following: H. 8152 makes funding contingent upon approval of each state's annual plan. It tightens both the definition of a comprehensive plan and the requirements of the planning process, thereby assuring greater fiscal and program accountability. The bill preserves the state plan-

[16] Specifically, the Congress asked for legislation to ensure "the integrity and accuracy of criminal justice data collection, processing and dissemination systems funded in whole or in part by the federal government, and protecting the constitutional rights of all persons covered or affected by such systems."

[17] S. 1234 does contain protections against the abuse of individual data files by researchers, but this does not reach the overall problem of the lack of regulation of the NCIC files. Although such regulation could probably be beter effected through a separate piece of legislation, this Committee should make clear its intent that such regulation is required.

ning agencies and improves them by broadening their membership to include representatives of the community. Further, it extends the powers of the national Institute and requires it to conduct evaluations, develop standards, and perform a clearinghouse function, key factors that have been missing from LEAA operations in the past. And, HR 8152 maintains a reduced matching requirement of 10% on the part of the states. This match is not financially burdensome, yet it encourages participation by state legislatures through their appropriations processes.

(2) S. 1497, introduced by Senator Tunney, attempts to deal with the bureaucratic red tape problems that have often plagued the distribution of LEAA funds; seeks to spell out a direct LEAA-city role, as well as a federal-state funding role; insures diverse distribution of funds among program categories; and tries to encourage reform by reserving an extra pot of funds for distribution to those jurisdictions that have a proven track record in achieving change. The bill is complicated and in some aspects unclear. Its emphasis on prompt action is meritorious (the House Judiciary has adopted such a provision in its final bill)[18] and the provisions for fund recoveries and tightened federal scrutiny could help to obviate the kinds of problems discussed in the report of the House Government Operations Committee. The direct funding provisions to the cities would further complicate the program; the same goal could probably be better achieved by retaining the LEAA-state relationship but requiring the states to guarantee clear-cut planning and programming roles for their cities, as in the Ohio Model. As far as diversified programming is concerned that can better be handled by spelling out the requirements of a "comprehensive" plan and requiring LEAA to review each state plan in detail than by putting funding quotas in the statute. Finally, it is debatable whether additional funds should be given to reward states that have performed well or to stimulate those that have performed inadequately.

(3) S. 1645 introduced by Senator Javits providing for the recruiting and training of criminal justice personnel restates with great specificity the provisions of the LEEP Program. The 1970 amendments to Title I required LEAA to establish special research and educational institutions around the country for increasing knowledge concerning the problems of crime and for training experts in the field. If this provision were implemented (to date LEAA has ignored it), Senator Javits' legislation would be unnecessary.

(4) S. 1023, introduced by Senator Hartke would establish a national system for accrediting law enforcement agencies. As I indicated earlier, this is a proposal that merits serious consideration. The Congress has already conditioned the granting of certain educational funds, Medicare payments and other federal grants on the formal accreditation of the grantee institution. Such an approach to both law enforcement and corrections institutions would be similarly appropriate if sufficient knowledge and expertise exists to define the appropriate standards for accreditation.

(5) S. 1114, introduced by Senator Eagleton, would encourage LEAA and the states to implement the recommendations of the President's Crime Commission, to reform civil service laws and practices pertaining to law enforcement officials; to guarantee speedy trials and take other steps to upgrade the operations of the courts; to implement approved reforms in corrections institutions; and to reform state criminal laws to decriminalize certain kinds of victimless anti-social behavior. All of these things *can* be done under the present law (and the proposal in S. 1234 that standards be applied to court and corrections programs suggests that some of the goals of the President's Crime Commission and other groups in these areas could be implemented in that manner). However, LEAA has paid scant attention to many of these areas—such as civil service requirements, and criminal law reform—in the past. If Congress agrees that these are major goals of the program, it should be so stated in the record, through the annual oversight activities, and through the review of LEAA proposed standards.

Neither the present version of Title I of the Safe Streets Act nor the Attorney General's bill provides definitions of guidance of the kind required. And, the record of LEAA to date suggests that there is no point in leaving this responsibility to the executive; they are either reluctant to provide leadership or provide leadership of the wrong kind.

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[18] Its provision of LEAA or SPA assistance in preparing grant proposals, however well intended, raises serious conflict of interest problems. The same people who govern proposals should not be responsible for writing them.

Congress must define the problem it is seeking to address more precisely and must decide the balance between the federal and the state roles. If the decision is reached to give more initiative to the states, the entire planning process must be changed to insure increased public accountability and openness of process; and a National Institute that actually produces research and guidance must be developed. If, on the other hand, the Congress should decide that it wants to use the federal funds to purchase reforms, greater state commitment to the goals of the program and their continuation must be generated and the entire LEAA operation must achieve a more integrated focus.

Thank you.

Senator HRUSKA. The committee will now stand in adjournment, subject to the call of the Chair.

[Whereupon, at 1:10 p.m., the committee was adjourned, subject to the call of the Chair.]

APPENDIX

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 2, 1973.

B–157179
Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate

DEAR MR. CHAIRMAN: It has come to our attention that S. 1234, 93d Congress, a bill which would amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide for special law enforcement revenue sharing, has been referred to your Committee. We are concerned in particular with proposed section 512(b) in which provision is made for review by this Office in the following terms:

"The Comptroller General of the United States is authorized to make reviews of the work as done by the Attorney General, the State governments, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this title."

While under existing law we have access to the books, records, etc., of the Department of Justice, the above quoted provision does not adequately authorize access ot the records of recipients of Federal assistance under such title. Without such access, we cannot evaluate compliance and operations as required. Therefore we suggest for the Committee's consideration the following sentence to be added to section 512(b):

"The Comptroller General of the United States, or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers and records of recipients of Federal assistance under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title."

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

UNITED STATES SENATE,
Washington, D.C., June 13, 1973.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
U.S. Senate,
Washington, D.C.

DEAR JIM: It would be much appreciated if you would incorporate the enclosed letter from the Arizona Department of Public Safety in any hearings that may be held on S. 1234. Our State officials believe that the repeal of sections 406 and 407 of the existing Omnibus Crime Control and Safe Streets Act will adversely affect law enforcement in Arizona, and I know the committee would want to take account of this view in its consideration of the legislation.

With best wishes,

BARRY GOLDWATER.

ARIZONA DEPARTMENT OF PUBLIC SAFETY,
Phoenix, Ariz., May 24, 1973.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: In reviewing Senate Bill 1234, the Law Enforcement Revenue Sharing Act of 1973, we note that Sections 406 and 407 of the

Omnibus Crime Control and Safe Streets Act of 1968 are eliminated. These two sections provide for:

(1) authorization for the administration of LEAA to carry out programs of academic educational assistance (LEEP);

(2) authorization for the administration of LEAA to develop and support regional and national training programs, workshops, and seminars to instruct state and local law enforcement personnel to supplement state and local training.

We believe that eliminating these two sections would adversely affect law enforcement here in Arizona both immediately and in the future.

Many officers of this department have taken advantage of the LEEP grants to further their education in law enforcement related fields. If such funding is cut off, many officers will not be able to afford to attend such courses.

Regarding the authorization for regional and national training programs, the State and Provincial Division of the International Association of Chiefs of Police has made excellent use of these funds to sponsor regional training programs for the administrators of state law enforcement agencies and, in addition, these funds are currently being used to fund two-week management seminars for state law enforcement administrators on a regional basis.

We would hope that you could use your influence to bring our views before the various committees which will study Senate Bill 1234.

Sincerely,

JAMES J. HEGARTY,
Director, Department of Public Safety.

UNIVERSITY OF NEBRASKA AT OMAHA,
DEPARTMENT OF CRIMINAL JUSTICE,
Omaha, Nebr., April 2, 1973.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SIR: Thank you for your letter of March 19 and for sending me a copy of S. 1234. I have read the bill several times and intend to study it very carefully. I am pleased by your invitation to continue discussion of this urgent matter and I present here some additional thoughts I have on the necessity for protecting the education program provided law enforcement personnel under the Law Enforcement Assistance Administration.

I am in favor of Special Revenue Sharing for Law Enforcement but the portion of S. 1234 that speaks to assistance for Law Enforcement officers pursuing higher education or for full-time students whose career goal is public law enforcement is sufficiently nebulous to allow them to be overlooked. I would hope this can be modified in some manner that would require the State to continue providing Law Enforcement Education Program (LEEP) money to those colleges and universities who have been participating at a level as great as their previous expenditures would justify.

Approximately 75,000 policemen, correctional officers, probation and parole personnel, other criminal justice officials, and pre-service students are pursuing courses of higher education leading to degrees under the LEEP. The hasty disruption of this assistance could cause many of these persons to interrupt their effort to improve themselves and their profession. Since the States are not required to allocate funds to education, there is a very real possibility that the money could be spent on other activities that may appear to have short-run importance but may in the long-run not have the impact that will accrue as a result of education for professional law enforcement personnel.

We are not winning the war against crime because we do not understand crime—we only define it. Ultimately intensive research will give us many of the answers. In the interim, police hardware and steel prison bars are not the total answer. Perhaps much of the answer lies in having "front-line" personnel who possess a better understanding of human behavior. Crime is, after all, only one aspect of human behavior and perhaps our efforts would be better spent if we diverted some attention to understanding and predicting that portion which we currently define as unacceptable. We need to know more about the attitudes that surround crime committment—both by the poor and by the affluent. I have noticed in my decade as a Criminal Justice Professor that those officers who accumulate knowledge of this nature return to their duties and function more

effectively than before. Perhaps they do not reduce crime by any measurable extent, but they no longer alienate the public with whom they work—and perhaps that is one long positive step.

Our society must make some decisions about the level of crime it is willing to accept and the kinds of crime it is willing to live with; then there must be concentration on the unacceptable areas of activity. This is perhaps the only way we will make positive assaults against crime in our society. This can best be implemented by very knowledgeable personnel. The entire spectrum of business in the Criminal Justice System is no longer needing of the indolent. I personally believe that much of the answer lies with education—not only for the practitioner but for the public. But before the public will accept this knowledge the practitioner must have it and he must be the one who "carries the torch" to the public.

If the LEEP funds are allowed to go the path of Special Law Enforcement Revenue Sharing without being earnmarked to education, I fear the excellent progress Criminal Justice Education is just starting to make will be lost and the move toward progress based upon knowledge and understanding may revert to illusionary progress based on force and repression. The history of Criminal Justice is replete with this practice which has, without exception, been a failure.

I urge that the Judiciary Subcommittee on Criminal Laws and Procedures carefully examine these facts and consider one of two alternative courses of action. The first is to allow LEEP funds to remain with the LEAA for a continuation of their present funding method, or secondly; to earmark or require that a certain percentage of the Special Revenue Sharing for Law Enforcement appropriation to each state be set aside for a continuation of the Law Enforcement Education Program.

Be assured of my willingness to assist in accomplishing this goal and should additional information or statements from other Criminal Justice Educators be desired I will secure them.

Your continued interest is greatly appreciated.

Sincerely,

G. L. KUCHEL,
Chairman, Department of Criminal Justice.

NORTHEAST CRIMINAL JUSTICE PLANNING COUNCIL,
Jonesboro, Ark., March 6, 1973.

Re L.E.A.A. Crime Funds.

HON. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D. C.

DEAR SENATOR MCCLELLAN: I personally want to take this opportunity to thank you and the United States Congress for funds appropriated for the Law Enforcement Assistance Administration (L.E.A.A.) under the Omnibus Crime Control and Safe Streets Act.

I am Chairman of The Northeast Criminal Justice Planning Council which is composed of twenty two (22) counties in Northeast Arkansas, which has a population of 513,838.

The police communication network in the State of Arkansas was in deplorable condition with old tube type radios, most of them over fifteen years old. With the help of crime funds, Arkansas Law Enforcement Officers have installed new transistor communication base stations and units in police vehicles in every part of the State, which we feel will help reduce crime and be of tremendous value in apprehending lawbreakers.

Our area of responsibility is directed by our Planner, Jimmy Mitchum and his staff, (an Assistant Planner and Office Manager.) Mr. Mitchum has had several years of experience in the Criminal Justice field and is aware of the needs and problems of our local governments.

Several jails have been renovated in our area, however, some of them are beyond repair and would not meet jail standards in order to receive crime funds. Also, many of our Circuit and Municipal Courts' facilities have been improved by renovation and equipment.

Several of our larger metropolitan areas have added a drug unit staff to their departments to fight the increasing use of drugs and pushers of illegal drugs and narcotics, which ten years ago was unheard of in our area.

One of the areas of greatest improvements was in the category of additional personnel for police departments. Most of Arkansas's Police Departments were understaffed before the Safe Streets Act was enacted, but now with the funds provided by this Act, many police departments have been able to increase their personnel to a more realistic ratio to total civilian population. However, some areas are still behind due to the lack of local funds.

The Northeast Criminal Justice Planning Council has been very effective in reviewing grants from local governments. We have evaluated their problems and justifications before recommending to the State Executive Board for their consideration.

We believe the Omnibus Crime Control and Safe Streets Act of 1968 is one of the most important bills that Congress has passed to make our Nation a safer place to live. It is also helping to curb our increasing crime rate that has got out of hand in the past several years.

Some of the other noteworthy projects that are funded by the Crime Commission which have helped improve our Criminal Justice System in Northeast Arkansas are as follows in "Attachment A."

Thanking you in advance for your time and consideration, I am,

Sincerely yours,

NEIL J. STALLINGS,
Mayor of Jonesboro,
Chairman, Northeast Criminal Justice Planning Council.

Enclosure.

ATTACHMENT A

The Plan allocation of program participation by units of State government and local units of government is as follows: (Some programs overlap and provide for participation by both State and local governments.)

PROGRAMS FOR UNITS OF STATE GOVERNMENT

A–3 Improve Law Enforcement Facilities for Training and/or Administration
A–4 Regional Rural Law Enforcement Training
A–5 Special Law Enforcement Training Seminars
A–9 Law Enforcement Academic Program
B–2 Drug Abuse Education and Prevention
C–2 Improve State Training School Facilities
C–6 Additional Training School Parole Officers
D–1 Criminal Justice Communication Network
D–4 Expansion of State Medical Examiner's Facilities, Staff and Equipment
E–1 Improvement of Legal Reference Material
E–3 Continuing Legal Education for Judges, Prosecutors and Other Judicial Officials
E–7 Additional Support Personnel for Courts and Prosecution
E–12 Legal Reform and Revision Studies
F–1 Establish In-Service Training for Correction Personnel
F–12 Additional Parole Personnel
J–1 Computer-Based Criminal Justice Information System

PROGRAMS FOR LOCAL UNITS OF GOVERNMENT

A–1 Additional Law Enforcement and Support Personnel
A–2 State-Wide Law Enforcement Training
A–3 Improve Law Enforcement Facilities for Training and/or Administration
A–6 Upgrade Local Law Enforcement Libraries
B–1 Public Education for Crime Prevention
B–2 Drug Abuse Education and Prevention
C–3 Juvenile Contact Training
C–8 Comprehensive Community-Based Juvenile Program
D–1 Criminal Justice Communication Network
D–2 Criminal Investigative Units
D–3 Special Investigative Law Enforcement Equipment and Training
E–1 Improvement of Legal Reference Material
E–3 Continuing Legal Education for Judges, Prosecutors and Other Judicial Officials
E–4 Court Probation Officers and Investigative Personnel
E–7 Additional Support Personnel for Courts and Prosecution
E–8 Training for Judicial Support Personnel

E–12 Legal Reform and Revision Studies
E–13 Improvement of Indigent Defense System
E–14 Improvement of Court Physical Facilities and Equipment Jail Improvement
F–4 Jail Improvement
F–13 Correctional Center Development—Adult and Youthful Offender Detention Centers
G–1 Organized Crime Training Conferences
H–1 Prevention and Control of Riots and Civil Disorders
I–1 Police-Community Relations Unit
I–2 Police-Community Attitude Measurements

PROGRAMS FOR COMBINATIONS OF UNITS OF LOCAL GOVERNMENT

A–2 State-Wide Law Enforcement Training
B–1 Public Education for Crime Prevention
B–2 Drug Abuse Education and Prevention
D–1 Criminal Justice Communication Network
D–2 Criminal Investigative Units
D–3 Special Investigative Law Enforcement Equipment and Training
E–4 Court Probation Officers and Investigative Personnel
E–13 Improvement of Indigent Defense System
F–13 Correctional Center Development—Adult and Youthful Offender Detention Centers

PROGRAMS FOR STANDARD METROPOLITAN STATISTICAL AREAS

B–1 Public Education for Crime Prevention
B–2 Drug Abuse Education and Prevention
C–8 Comprehensive Community-Based Juvenile Program
F–13 Correctional Center Development—Adult and Youth Offender Detention Centers
G–1 Organized Crime Training Conferences
G–2 Organized Crime Intelligence Units
I–1 Police-Community Relations Unit
I–2 Police-Community Attitude Measurements

It must be noted that although the Commission has assured a balance of Action Fund allocations between the State and units of local government, this does not mean that every local unit will receive or be eligible to receive a grant from the State; nor will the Commission permit funds to be concentrated in a few locations. The granting of funds must reflect the need for improvement, the intensity of the crime control problem, and the sharing of resources to achieve the maximum attainable benefit.

The Commission encourages lesser populated communities and counties to combine their resources and develop cooperative agreements to participate in the Action Programs in order to secure the assistance needed to upgrade law enforcement in rural areas of the State.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.
Gaithersburg, Md., March 1, 1973.

Hon. JOHN L. MCCLELLAN,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: The International Association of Chiefs of Police in reviewing the proposed amendment to the Safet Streets Act of 1968 and recognizing the importance of the current House and Senate hearings as relate to that Act, in particular, wishes to express the views that educational programs, such as are sponsored by "LEEP" under the administration of the LEAA, are of special concern and interest to its membership.

The Association holds completely apart from specific or general commentary regarding the issue of revenue sharing and the proposed amendments to the Act at this time, except for that portion which concerns the Law Enforcement Education Program administered by LEAA.

The International Association of Chiefs of Police request that the concerned committees of Congress, and each member, lend their support to the maintenance of the LEEP's program as it is presently administered; that this program be

held apart and exempted from proposed revenue sharing; and that all current and operating grants to students be honored and continued until such students complete their agreed upon course of study and commitment to the profession.

Sincerely,

QUINN TAMM,
Executive Director.

DOES IT DO ANY GOOD TO SEND A COP TO COLLEGE?

(A Statement in Support of LEEP by Arnold S. Trebach [1])

At the conclusion of the Action Conference on Criminal Justice Education Funding, on February 18, 1973, the participants put me in a very difficult position. Immediately after arriving at a unanimous vote on a resolution in support of the Law Enforcement Education Program (LEEP), I was drafted to prepare the supporting statement.

I set about my task a few days after the conference—and found it to be an impossible one. The reason is that the conferees submerged and compromised many differences of opinion in order to reach a unanimous, simple, and eloquent statement; in essence, *we want LEEP saved.* Every person, therefore, must explain why he or she supported it. Under these circumstances, virtually every rationale becomes a personal one. Thus, this is my *personal* statement in support of LEEP.

It is important, however, to understand precisely what these 80 criminal justice educators agreed upon. Here is their Statement of Policy:

"We, criminal justice educators of the United States,[2] strongly recommend that Congress and the President:

"I. maintain the Law Enforcement Education Program in its present national, regional and state organizational structure;

"II. exempt the Law Enforcement Education Program from general and specific revenue sharing; and

"III. assure that qualified students now receiving grants or loans under the Law Enforcement Program be permitted to complete their present degree programs."

One of the most important reasons I supported this statement is that I believe LEEP works. Not perfectly, but it works. The program has plenty of faults that should be corrected, but they will not be corrected by destroying this national program that has been built up, with a large expenditure of money and effort, over a period of eight years.

And destruction is what will probably happen if the President's revenue sharing budget is implemented by Congress in regard to LEEP on July 1 of this year. In that budget, the $45 million line for Manpower Development, primarily for LEEP, in the fiscal 1973 budget, simply disappears, as do the present line items for Planning Grants, Law Enforcement Block Grants, and Technical Assistance. These five line items totalling $787 million for 1973 are converted into one $800 million bundle of special law enforcement revenue sharing for Fiscal 1974.

The *Budget of the United States Government—Fiscal Year 1974* states:

"The LEAA authorization expires in 1973. The continuation of its Federal fundings will be proposed as new legislation, while its grant programs will be converted to law enforcement revenue sharing. This program will distribute funds by formula among the states with an assured "pass-through" to local governments, eliminating unnecessarily restrictive Federal limitations. It will also provide greater flexibility in meeting variations in State and local needs, and permit quicker, more responsive approaches to crime reduction and prevention."

In principle, it could be argued that this approach to Federal participation in law enforcement and criminal justice is sound from a managerial and a financial viewpoint. However, should Congress allow this budget to go into effect on July 1, 1973, massive changes will be required throughout the entire framework and organization of LEAA.

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[1] Arnold S. Trebach is currently a Professor of Justice, and Chairman, Institutes for Justice Leadership, at the Center for the Administration of Justice, The American University, Washington, D.C. He holds a Ph.D. from Princeton University in Princeton, New Jersey, and a J.D. from the New England School of Law in Boston, Massachusetts.

[2] Action Conference called by the Center for the Administration of Justice, The American University, Washington, D.C. 20016, in cooperation with the Academy of Criminal Justice Sciences and held at The American University on February 17–18, 1973. This Statement of Policy was unanimously approved by the Conference.

Here is how LEEP works now. It is administered at the national level by a small central office staff in Washington. Most of the administrative work is delegated to the ten regional LEAA offices throughout the country. While there are national guidelines for the distribution of LEEP funds, each of the ten regions has its own additional guidelines which bear directly upon the problems of that particular region. Moreover, in most of the regions, there is participation of the State Planning Agencies for criminal justice which have been established in each of the states, as required by the original Safe Streets Act. Colleges and universities apply to the LEAA regional office for a grant of LEEP funds, if they wish to participate in the program. The regional office, in consultation with the State Planning Agency, decides whether or not to give the grant and its size. When the school receives funds, its function is to provide either grants to in-service students, or loans, primarily to pre-service students, within the limitation of its total grant and also within the guidelines of its region. There is no money to cover the administrative cost or overhead of the school.

Therefore, this program has many of the characteristics of the old GI Bill. The funds flow directly to students with a minimum of red-tape. If enough students do not utilize the grants and loans, then normally, The Region reallocates the unused funds to another school within the region where there is greater student demand.

It has taken many years to work the bugs out of this system, and there are still a number remaining. At our school, American University, for example, we are often deeply concerned over the fact that pre-service students are far down the list of priorities and often there simply isn't enough money to reach most of them. This means that many promising young men and women may be discouraged from entering the field of criminal justice which desperately needs new blood and fresh insights.

However, we have learned to work within this system and we have developed relationships which allow us to do so with a minimum of friction and wasted effort. Moreover, we feel that most of the difficulties we have with LEEP can be worked out within the present organizational context.

Furtherfore, we know that a certain amount of money, small as it is in comparison with the total Federal criminal justice budget, is set aside each year for higher education. Even though there are, justifiably, many demands on the Federal law enforcement grant dollar, the money for higher education is there. Or at any rate, it has been.

But what will happen if Congress does not exercise its authority and this budget is implemented? As the projections in the budget clearly indicate, there will be no funds specifically reserved by the Federal government for higher education in the field of criminal justice. Rather, the money will go to the states on the basis of a formula and there will be a pass-through directly to local governments, probably at the level of two-thirds of the total allocation each state gets. No state is required to reserve one single penny for education. And if the state does provide money for education, there is no assurance that existing programs of proven quality will continue to receive anything approximating the amounts they have been receiving.

Some schools might receive more funds for their students than they have in the past; others, less. Others might be cut out entirely; and still others, now receiving no funds, might receive their first grants from the state. If we contemplate the acrimony and debate that has already resulted from the publication of this budget, it is possible that a law enforcement appropriation bill may not pass until some time in June. This will mean that the Federal government, the State governments, the local governments, the schools, and especially the students, may not know until the next Fiscal Year is almost upon us whether or not they have a national LEEP program or a series of 54 or more separate revenue-sharing law enforcement programs.

What will happen if revenue sharing must be implemented by July 1? Chaos. I have not yet seen any evidence giving me any assurance that it is feasible to expect a rational conversion of the system of Federal criminal justice education grants that could be implemented in an orderly fashion by July 1, with maximum impact. State Planning Agencies have already completed, and many have already submitted, their comprehensive law enforcement plans for Fiscal 1974. Virtually every college in the country is now in the process of sending its Fall catalog copy to the printers. Within a few months, students will have to start planning their summer and fall course selections. Soon they will have to register for them. Neither the process of government nor that of education can be adjusted rapidly.

At our school, many students have been asking us how they should plan their future programs. We cannot give them a logical answer. The best we can do is to say that we think the government, in a corporate sense, will come to its senses and not try to impose revenue-sharing in such a short time.

The time element is one of the largest problems. It might well be more practical to implement such a great change in the manner of Federal funding if there were more time to do so. And it must be said that if more time was available, there would have to be consultation between the governments and the schools involved. It is my belief that such consultation did not occur, in any meaningful sense. Rather, it appears that the Executive Office of the President, especially the Office of Management and Budget, came up with this plan in response to the President's directions, and told everyone in the country to take it or leave it. It is also my impression that the United States Department of Justice was not properly consulted but was simply given its marching orders by the boys with the slide rules in OMB. No one I know in the field of criminal justice education was consulted.

If anyone in the Office of Management and Budget sees a certain managerial neatness in this approach. I can sympathize with them. But while I have been, at times, quite critical of the Law Enforcement Assistance Administration of the Department of Justice, I can't image anyone there honestly saying to the OMB types that this conversion to revenue sharing, in this time frame, could accomplish anything other than the destruction of the entire program framework. Certainly, the letters I have received and the communications sent to me from all over the country, including those voiced at the Conference at American University in February, make it perfectly clear that the criminal justice education community, for the most part, views this action with despair and disbelief.

It should be noted that some schools view the conversion to revenue sharing as beneficial to them. Many of the schools in this category feel they have excellent relationships with their State Planning Agencies, and that they will make out just fine when their friends in these agencies get their hands on this money. In some cases, I know this will be true. But even those schools on intimate relations with their State Planning Agencies cannot be totally sure of proper funding because the members of the governing bodies of these commissions may succumb to the pressure for a different allocation of these law enforcement funds once Federal restrictions are removed. Some states may find immense pressure from powerfully-placed political figures for such worthwhile programs as drug abuse control, the prevention of street crime, the control of riots, or even for more police helicopters. In addition, the chaos that is sure to affect the entire law enforcement grant bureaucracy will probably have some impact on every school and every law enforcement agency participating in the LEAA program.

Certainly, we at American University, like all of the criminal education centers in the country, will want to establish good relationships with the appropriate state planning agencies. Criminal justice educators should attempt to do so even without the stimulus of revenue sharing. There were many at the conference, and I was among them for a while, who felt that our position ought to be one calling for the earmarking of Federal funds for education within the framework of revenue sharing. Also, there was some sentiment for requiring the State Planning Agencies to support all students and schools at their current levels. Part of these notions got into the final position statement. In other words, there was sentiment for seeking to work within the revenue sharing structure.

But after a full debate, it became obvious to all of us that this involved our making a most significant concession—that there was some reason why the present program should be converted to revenue sharing. And the more we talked, the more we realized that this was a fatal strategic error. No one presented to that conference, and no one has presented to me as yet, any reason why the Federal Government should dismantle a program that, in most respects, is working. Such a step does violence to a fine American tradition, that of pragmatism, and it also does violence to simple common sense. If the LEEP program is working, why dismantle it? This is why the conference unanimously favored keeping the LEEP program within its present organizational structure.

All of this leads us to some very basic questions. What good does it do to send a cop to college? How do we know the LEEP program is working? In my recent forays into the political thicket surrounding the matter of LEEP, I

have found that many people harbor grave doubts about the usefulness of the Law Enforcement Assistance program. And indeed, it is my opinion that in the minds of many people, much of the criticism leveled at LEAA in general, is applied to LEEP in particular. When I hear such criticisms of LEEP, as well as LEAA, I get somewhat edgy and sensitive. I will take my hat off to no man or woman in terms of my credentials as an established critic of many agencies in the field of criminal justice. LEAA is no exception. There is no doubt in my mind that the Law Enforcement Assistance program is full of problems, weaknesses, and defects. They should be pointed out, in full detail, and remedied as rapidly as possible. It also is my sincere belief that many of these criticisms are politically motivated, stated often on a partisan basis in terms of opposing political parties, or mouthed by people who simply want to prove that they have something on a governmental agency, and are so damn smart, that they are going to tell everybody about it in the harshest possible manner. In other words, this latter group bears all the characteristics of the Eastern liberal snob, who knows everything about anything you can mention. I know the type well since I grew up in Massachusetts.

The irony is that this type of criticism is grandly applied to the whole LEEP program, whereas much of it, indeed most of it, should be applied to the block grant activities of LEAA. Doubly ironic is the fact that when such people take a logical leap of faith and apply their criticisms to LEEP, they are ignoring their own backgrounds. Many are graduates of some of the best Ivy League schools and have had almost a decade of higher education.

Indeed, what good does it do to send a bright young boy or girl to Harvard or Yale? What about a dull young boy or girl? To an extent, the answers to those questions are the most relevant ones to answer the question concerning whether or not it does any good to send a cop to college. Perhaps the most important answer to that question is that the cops think it does them a great deal of good. I repeat, many law enforcement officers believe it does them good. And who can fight them on these grounds? This whole society has been built very much on the notion of getting credentials, getting status, moving up in the world, and it is often the man or woman with college education who gets the breaks over those who don't have them.

So how can anyone look a police or correctional officer straight in the face and say, what good does it do to send you to college? Many officers view the program in precisely the light that many Congressmen probably did when they passed the original legislation back in 1965 starting this whole process. They view it as a fringe benefit to them, as a little something extra that society is throwing their way, recognizing the fact that they are doing a tough job that has long been ignored and abused by society.

One of my students, a former New York City policeman, put it to me this way. He said that every man in his precinct was in favor of the LEEP program, whether or not they intended to go to college under it. They saw it as something "for them". Some day they might want to take advantage of it. It was a good fringe benefit.

Remember, tens of thousands of police officers and correctional staff come out of blue collar families. Many are veterans; many, the grunts who served in the infantry during the last few wars. These are the Americans who couldn't get to college any other way, and now they're getting a break.

But if it seems too crass or too practical to look at LEEP as a high-class fringe benefit for policemen, and corrections staff, it might be more impressive and more persuasive to see what the leaders in the field have to say. Every major national organization in the field of law enforcement and corrections is strongly in favor of higher education for its people. I don't believe these justice leaders view it purely in terms of a fringe benefit, but rather as a necessary and vital element in the improvement of crime control, of criminal justice, and of any rational attempt to professionalize the people within the criminal justice system. To my knowledge, this broad statement of support would apply to the International Association of Chiefs of Police, the National Sheriffs' Association, the American Correctional Association, the National Council on Crime and Delinquency, and many others. They may disagree on the manner of implementation but on the basic point of the need for higher education and its positive impact on crime control, I know of no major disagreement among these major national associations in the criminal justice field.

Moreover, most of the national commissions which have studied the problem of crime in this country have reached similar conclusions. The members and

staffs of many of these commissions were composed of leaders of law enforcement and corrections. Let us take, for example, the President's Commission on Law Enforcement and Administration of Justice, which issued its summary report "The Challenge of Crime in a Free Society," in 1967. That commission was charged with the responsibility of developing a blue-print for controlling crime in American. Leading law enforcement experts, with a combined total of hundreds of years of police experience, were involved in the formulation of the police sections of the report. The Commission flatly recommended, "The ultimate aim of all police departments should be that all personnel with general enforcement powers have baccalaureate degrees." The report went to to say, "Clearly, if college degrees for police officers are a long-range objective, they must be a short-range objective for police supervisors and administrators, and an immediate objective for chiefs." Therefore, the Commission went on to recommend "Police Departments should take immediate steps to establish a minimum requirement of a baccalaureate for all supervisory and executive positions."

These recommendations are typical of the positions taken by leading law enforcement experts every time a major study is completed or a major national commission studies the problem of crime in America.

Why do these law enforcement commissions keep coming up with these conclusions? Are they entranced or enraptured with a college degree? Hardly. They see college education as one important long-range strategy that will make crime control efforts more effective. Return to the Presidential Commission report, "*The Challenge of Crime in a Free Society.*" The Commission explained the matter this way:

"The Police personnel need that the Commission has found to be almost universal is improved *quality* . . .

"The word "quality" is used here in a comprehensive sense. One thing it means is a high standard of education for a policeman. Police work always will demand quick reflexes, law enforcement know-how, and devotion to duty, but modern police work demands much more than that, as this chapter has shown. A policeman today is poorly equipped for his job if he does not understand the legal issues involved in his everyday work, the nature of the social problems he constantly encounters, the psychology of those people whose attitude toward the law differ from his. Such understanding is not easy to acquire without the kind of broad general knowledge that higher education imparts, and without such understanding, a policeman's response to many of the situations he meets is likely to be impulsive or doctrinaire. Police candidates must be sought in the colleges and especially among liberal arts and social science students."

A big question is whether or not LEEP is helping to achieve this grand mission. Let us start with a review of the major criticisms of LEEP as it has been administered. One of the harshest critics of the program has been James F. Ahern, the former Chief of Police of New Haven, Connecticut; a man widely acclaimed for his sensitivity and expertise in police work; and a man I know and respect. His general evaluation is that LEEP "has been a disaster." The colleges and universities receiving grants have been "with one or two exceptions, second or third rate." The police students are segregated from the rest of the academic community, and are given shallow and unimaginative courses. Police science programs usually represent training more than they do liberal education.

These are typical of the criticisms that other people have made of LEEP. I disagree flatly with the notion that LEEP has been a disaster. I also disagree that, with one or two exceptions, the colleges or universities are second-rate. That simply isn't true. It would be hard for me to say that such schools as the following are second-rate: The University of Southern California, Michigan State University, The University of California, and if you'll forgive me, The American University, to name just a few. I do agree, however, that many marginal schools have been included in the LEEP program.

Moreover, there are serious problems with the development of an accepted curriculum that could apply to the entire field of law enforcement and justice. This presents enormous difficulties reflecting the fact that the field is just emerging as a separate discipline. Part of the struggle over the development of this discipline revolves around the difference between education and training. Clearly, training courses have no place in a college curriculum. In the future, we must focus on education and a broadening of the human being who enters the halls of a college.

But there is no doubting the fact that much of what Mr. Ahern has to say in his book must be heeded if we are to improve criminal justice and criminal

justice education. What is most interesting in the context of this discussion about the revenue sharing budget it what Mr. Ahern recommends to deal with all these problems. Nowhere does Mr. Ahern recommend the destruction of LEEP as we now know it, nor does he recommend that the Federal government get out of the field of law enforcement. He reaches the opposite conclusion. Mr. Ahern states: "The Federal Government must enter the field of law enforcement dramatically and decisively to support efforts to insure police effectiveness, police professionalism, and police responsibility . . . Any initiative for reform of law enforcement which is to be effective must come from the executive branch of the federal government which must act immediately to initiate truly profound changes in the criminal justice system." This opinion is held by a man who spent his entire professional law enforcement life in a local police department.

While I disagree with Mr. Ahern's precise criticisms, I basically agree with his overall position. The faults of LEEP must be worked out within the present organizational structure. The structure will not be cured by its destruction. Moreover, I believe that what we need is more enlightened Federal leadership rather than a complete abdication of the Federal role in law enforcement and crime control to the states and localities.

The idea of Federal leadership and funding in the field of education and training was present in some of the original federal activity regarding law enforcement education in which I participated. I directed the preparation of the 1961 Justice Report of the U.S. Commission on Civil Rights which dealt primarily with the problem of police brutality in the United States. At that time, there was a deep polarization of the people concerned with this problem, with the police vehemently denying that a problem really existed, and with people on the other side demanding stricter Federal Civil Rights laws to lock up more bad policemen. I felt that the solution was in neither extreme, and proposed to the Commission a recommendation for a Federal program of grants-in-aid to improve the professional quality of police forces, in part for education and training. This became Recommendation One of that Commission document and it was part of the stream of ideas that led to LEAA.

My reason for making that recommendation was that in the course of my investigations, which covered the entire country, I was led to the conclusion that the problem of widespread police brutality in a particular community was more often indicative of a breakdown of the entire police system. A police department that tolerated or encouraged unlawful police violence was often inefficient and corrupt, often unable to function effectively in any area of crime control. More often than not, state and local authorities were either unable or disinclined to do anything about these problems. Accordingly, I saw the need for national leadership within the framework of a grant-in-aid program. In other words, I saw the major solution to police violence and to police inefficiency, in crime control, in terms of helping the police to improve themselves, rather than mounting a vast campaign and locking up the few bad policemen who might be convicted.

LEEP has provided a vehicle for implementing that recommendation. Moreover, it has been a meeting ground for those in the field of law enforcement and those in the field of education to combine their talents for more effective justice and crime control systems.

Not a single shred of evidence has been brought to my attention since 1961 that could make me change my mind on the need for national leadership. It existed then. It exists now. From this viewpoint, the revenue-sharing program, as applied to law enforecement education, represents a tragic retreat into the past, a past that we had best not resurect.

In implementing the law enforcement assistance program, including LEEP, the Federal government has made commitments which it cannot now lightly dismiss. These commitments have been made by Presidents of both political parties, and have been made vehemently and in the strongest possible terms. The original Law Enforecement Assistance Act, as well as the Omnibus Crime Control and Safe Streets Act were proposed and passed during the Johnson Administration. President Nixon was elected on a law and order platform. He has continued the expansion and strengthening of LEAA, and other federal crime reduction programs. To justice officials the message was loud and clear: we support you and we will give you what you need to do your job more effectively. This included a national system of criminal justice education, which has grown to almost a thousand schools and universities and approximately 125,000 criminal justice students during the entire life of the LEEP enterprise.

In my opinion, the commitment to the students is the most important one and an interruption of this commitment would be the most tragic one. Many justice officials make great sacrifices to attend classes while at the same time continuing to carry out their arduous duties in the field of law enforcement, corrections, probation, parole, drug abuse, and delinquency prevention. For all of the 99,000 currently enrolled, both officials and pre-service students, these are now times of great uncertainty and doubt. Many of them cannot be sure if they will be able to continue their college careers, unless they have independent sources of income. If their careers are interrupted, many may never return to a college campus, and that would be tragic.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., June 8, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Senate Office Building, Washington, D.C.

DEAR JOHN: I am submitting herewith a letter to the Honorable Attorney General Elliot Richardson for inclusion in the hearings record on S. 1497 and other proposed LEAA legislation.

Thank you for providing me with the opportunity to appear before the Committee and I look forward to responding to any written questions which any of the members may have with respect to my bill.

Sincerely,

JOHN V. TUNNEY.

Enclosure.

JUNE 7, 1973.

Hon. ELLIOT RICHARDSON,
Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: First let me thank you for stating before the Senate Criminal Laws and Procedures Subcommittee that you feel my proposed legislation, S. 1497, contains suggestions deserving of serious study. Your kind words were most appreciated, and I think you realize that a good deal of thinking has gone into the preparation of this bill after many conversations with some of the nation's most knowledgeable law enforcement officials.

I will be most interested in seeing the full analysis of my bill which you indicated your Department is currently completing. However, permit me to respond now to a number of points that you brought up in your statement to the Subcommittee which, I feel, may be based on somewhat erroneous premises.

As you correctly observe, my bill would require recipients of LEAA funds to spend at least ten percent of those funds for matters of "high priority" such as judicial administration law enforcement, the courts, juvenile justice, corrections and planning, and no more than forty percent in any one of those areas. But I fail to see how you conclude from this fact that other needs might go unmet.

It was my principal objective, by including such a provision, to ensure that the most pressing law enforcement needs received at least a minimal allocation of the total funding. This would in no way prevent or discourage communities from utilizing the balance of their monies, which could be roughly sixty percent of the total grant, for any other urgent law enforcement purposes as they saw fit.

In fact, my legislation goes further than any currently under consideration in absolutely assuring that those individuals who have the primary responsibilities for law enforcement can participate fully in the most critical decisions effecting the welfare and safety of their communities, and in determining where the funding priorities lie.

With respect to your view that my bill may not be conducive to comprehensive planning and funding, I think it necessary to point out that the emphasis throughout S. 1497 is on an interdisciplinary approach to law enforcement at local, county, state and even regional levels of government. While regional planning is being carried out in some states, it is not specifically prescribed by current law.

Therefore, I strongly favor planning which is addressed to the total needs of the criminal justice system. My real concern is that the insistence on "comprehensive planning" has often served as merely a device for subjecting grant

applications to a series of needless, bureaucratic procedures before they are approved. These delays have only frustrated more effective law enforcement and inflated governmental payrolls with no discernible benefits to the public.

It should also be observed that, under the Administration's bill, planning funds are eliminated as a separate category. I seriously question the desirability of such action in light of your stated objective, which I share, of strengthening the planning capacities of state and local governments. My bill would direct funds for planning purposes, and thereby provide incentives for law enforcement officials to develop the most effective programs possible.

Finally, I want to comment on your remarks regarding the so-called federal credit provision of my bill, whereby states and communities would, in effect, be recompensated for financing imaginative and effective proposals. To say that this would result in "federal domination" misconstrues the true intent of my bill.

My legislation would simply provide a means by which the ongoing evaluation of programs would lead to continual improvement of them consistent with the goals which law enforcement officials have set for themselves. This way, programs which showed particular promise might be duplicated in different communities, reinforced by the prospects of additional federal funding. Rather than imposing greater federal controls, this would, on the contrary, stimulate local initiative most responsive to the needs of the people.

I am confident the measures I have outlined in my bill are the necessary first steps to a more comprehensive revamping of the LEAA program using the revenue sharing approach.

I hope these comments have helped to clarify what I believe are certain misconceptions about my proposed legislation, and that you will reconsider your position accordingly.

Sincerely,

JOHN V. TUNNEY,
U.S. Senator.

APRIL 25, 1973.

Hon. JOHN L. MCCLELLAN,
U.S. Senator, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR MCCLELLAN: You are aware of the impending expiration of Title I of the 1968 Omnibus Crime Control & Safe Streets Act. As a legislator dealing with many of our nation's problems you are aware that this act was designed to reduce the national crime rate and improve the so-called Criminal Justice System.

After 5 years history in this effort we are far from accomplishing these goals, but we have a good start, and a great deal has been learned to better prepare us for ultimate success.

We all know that an undertaking of this magnitude would be fertile ground for errors, and criticism. It also offered an opportunity to make some real progress in an area that had been too long neglected. It is abundantly clear that success can be claimed on both counts. Surely there has been error, and some justified criticism—there has also been much fine progress and improvement.

We now find ourselves in a position where this national effort can become stagnated or terminated; which would truly be a loss and waste of taxpayers investment.

This situation has developed due to the divergent legislation that is being considered and the relatively short time frame in which to resolve the philosophies expressed in these pending bills.

As an association, of criminal justice planners for the state of California, we have adopted a resolution for your consideration which we feel would alleviate the present condition, and offers a sound solution that could prove beneficial in the long run.

Basically our resolution provides:

1. Legislation to extend present act for one year.
2. Possible amendments to present act during extension that will:

a. Eliminate *all* matching requirements.

b. Require state governments to establish and define Local/Regional Planning units.

c. Create Joint House-Senate Committee to develop ongoing legislation during one year extension.

Your consideration of our thoughts in this matter is truly appreciated, and we will be happy to be of any additional assistance possible.

Sincerely,

RONALD F. WEBER, *President.*

REGIONAL PLANNING DIRECTORS ASSOCIATION OF CALIFORNIA

RESOLUTION NO.

Whereas, Title I of the Omnibus Crime Control & Safe Streets Act of 1968 is scheduled to expire on June 30, 1973; and

Whereas, legislation has been developed by the administration, and various members of the legislature, which promote highly divergent approaches to continuing this program; and

Whereas, many valid concerns have been expressed, from various sources, regarding both the present act and the new proposed bills; now, therefore, be it

Resolved, That legislation be introduced to extend the present act for a one year period, and be it further

Resolved, That amendments to the present act during the one year extension be considered to:

1. Eliminate all match requirements.
2. Require states to formally establish and define Local/Regional Planning units.

and further, That during the extension period all interested participants will advance information to a Joint House and Senate Judiciary Committee created for the purpose of developing ongoing legislation to reduce crime and improve the Criminal Justice System.

Passed and adopted by the Planning Directors Association this 24 day of April, 1973 by the following vote:

Ayes: 20.
Nayes: 0.
Absent: 1.

RONALD F. WEBER, *President.*

Attest:
KEITH CONCANNON, *Secretary.*

RANDALL L. WILLIAMS,
CIRCUIT JUDGE, 11TH DISTRICT,
Pine Bluff, Ark., March 6, 1973.

Hon. JOHN L. MCCLELLAN,
U.S. Senator,
Senate Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I want to urge your continued support of funds for our Commission on Crime and Law Enforcement. They administer LEAA funds in our State and have done a tremendous job so far. In my opinion nothing in recent years has helped improve our system of criminal justice more than these funds. It is vital that they be continued for a few more years at least, as the real benefits are just now being realized.

In my district alone these funds have been used to improve every facility being used in our court system, our jails, court rooms, personnel, and training. Frankly I don't know what we would do without these funds.

I think we have turned the corner in our fight against crime and the improvement of our judicial system. In a few years we can restore the confidence of our citizens in our judicial system if we continue to improve and we can if our system and related agencies are adequately financed to the point that we can demand the best.

We appreciate your continuous efforts in our behalf and are grateful for your past accomplishments.

Sincerely yours,

RANDALL L. WILLIAMS,

U.S. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Comparative Analysis of the Administration's Law Enforcement Revenue Sharing Act of 1973 (S. 1234; H.R. 5613) with Existing Law (Omnibus Crime Control and Safe Streets Act of 1968, as amended; 42 U.S.C. 3701 et seq.)

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Declarations and Purpose	Congress finds that while "crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively," the current high incidence of crime is threatening the peace and security of the nation, thereby requiring coordinated and intensified activity by all levels of government. Therefore, it is "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."	The statement of purpose is amended by the addition of a new item (1) and a change in the wording of item (2), now renumbered (3), as follows: "It is the purpose of this title to (1) authorize special revenue sharing payments to State and units of local government in order to reduce and prevent crime and delinquency;...(3) encourage improved management of law enforcement activities...." Otherwise identical.

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Declarations and Purpose cont'd	["Law enforcement" is defined broadly to include "all activities pertaining to crime prevention or reduction and enforcement of the criminal law", including the criminal courts, corrections, and programs related to the control of juvenile delinquency and narcotics addiction (Part G).]	[Identical (Part F).]
Part A. Law Enforcement Assistance Administration	A Law Enforcement Assistance Administration is established within the U.S. Department of Justice under the general authority of the Attorney General, composed of an Administrator and two Associate Administrators, appointed by the President with the advice and consent of the Senate. One of the two Associate Administrators must be of a different political party from the President. All administrative powers, including appointment and supervision of personnel, are vested in the Administrator. Other functions, powers, and duties are to be exercised with the concurrence of at least one Associate (Sec. 101).	A Law Enforcement Assistance Administration is established within the U.S. Department of Justice under the authority of the Attorney General, composed of an Administrator, appointed by the President with the advice and consent of the Senate, and a Deputy Administrator. The Attorney General may delegate and authorize redelegation of functions, powers and duties created by this title, but remains responsible for overall supervision of the programs authorized (Sec. 101).
Part B. Planning	"Planning Grants"	"State Planning Process"
Purpose	"It is the purpose of this part to encourage States and units of general local governments to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement" (Sec. 201).	No change (Sec. 201)

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Planning Bodies	LEAA grants are authorized to the States for State law enforcement planning agencies for the "preparation, development, and revision" of the State plans required under Sec. 303. The agencies are to be created by and under the jurisdiction of the chief executive of the State. Their composition is prescribed as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime" (Secs. 202,203(a)).	The establishment of a State planning process, rather than an agency, is a prerequisite for participation in the special revenue sharing program. The process is to be "under the supervision and control of the Governor", and its purpose is "the preparation, revision, and implementation of the State plans required under this part;" local government participation is to be included (Sec. 202(a)). In addition, any areawide planning is to be the responsibility of "a multijurisdictional planning and policy development organization", designated by the Governor pursuant to title IV of the Intergovernmental Cooperation Act of 1968; the majority of its members will be local elected officials. An advisory body to this organization may be formed, "to include representatives of law enforcement agencies and public agencies maintaining programs to reduce and control crime" (Sec. 202(b)).
Functions, powers, and duties	The State planning agency shall-- (1) develop a comprehensive statewide plan "for the improvement of law enforcement", in accordance with Part C; (2) define, develop, and correlate State and local programs "for improvement in law enforcement"; (3) establish priorities "for the improvement in law enforcement" (Sec. 203(b)).	The State shall-- (1) develop a comprehensive statewide plan "for the reduction and prevention of crime and delinquency", after appropriate hearings and consultation with representatives of local governments, law enforcement agencies, and other public agencies; (2) define, develop, and correlate State and local programs "for the reduction and prevention of crime and delinquency"; (3) establish priorities "for the reduction and prevention of crime and delinquency"; (4) adopt measures for publicizing plans;

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
		(5) "provide for the expenditure of amounts received under special revenue sharing in accordance with the laws and procedures applicable to the expenditure of its own revenues"; (6) adequately take into account the needs of local governments, encourage local initiative and interlocal cooperation, provide for balance in the allocation of funds, and "provide in the plan for the allocation of an adequate share of assistance for law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity"; (7) provide for administration, fiscal control, and evaluation procedures necessary to assure proper fund management and disbursement; (8) provide for the submission of such reports as the Attorney General may reasonably require to evaluate the program's impact and to report to the President and Congress on "its priorities and effectiveness"; (9) provide for appropriate review procedures in the case of State rejection or termination of a local program; (10) provide that all meetings of any planning organizations established under this title be public if they involve final approval of State plans or components thereof, non-confidential applications for or award of funds, or the allocation and expenditure of such funds; (11) provide for public access to all non-confidential records; and (12) certify that financial efforts for law enforcement by the State and locally-financed aggregate efforts by the local governments during a fiscal year are not less than the preceding year or the average of the prior three years (the"maintenance of effort provision) (Sec. 203).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Allocations of Part B funds	For the purpose of establishing and maintaining the State planning agencies and developing the plans, each State will be allocated $100,000 annually, with any remaining funds distributed by population. The use of Federal funds for this part is to be limited to 90% of the total cost. The State planning agencies are to provide that at least 40% of all Federal funds available annually under this part will be made available to local governments to ensure their participation in the planning process; this requirement may be waived by LEAA, in whole or in part, in the event that it is found that such a requirement is inappropriate and that adherence to it would not contribute to the efficient development of the State plan. It is further required that, in allocating funds, the State planning agencies "assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level" (Secs. 203(c), 204, 205).	No comparable provision here (see Sec. 306(a)(1)(B)).
Plan submission and review	No comparable provision here (see Secs. 302, 303).	Participating States must submit a comprehensive State plan formulated pursuant to sections 301 and 303. Thereafter, plans must be submitted every three years with annual revisions as necessary. The Attorney General will review the plans and provide the State with such comments and recommendations as he deems appropriate. "Within a reasonable time after providing the State with any such comments and recommendations, the Attorney General shall submit such comments and recommendations to Congress and publish them in the Federal Register" (Sec. 204).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Part C. Action Title	"Grants for Law Enforcement Purposes"	"Revenue Sharing for Law Enforcement Purposes"
Purpose	"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" (Sec. 301(a)).	"It is the purpose of this part to encourage States and units of general local government or combinations thereof, through special revenue-sharing payments and other forms of financial assistance, to develop and implement programs and projects to reduce and prevent crime and delinquency" (Sec. 301(a)).
Categories of programs and projects	"The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for--" (1) Public protection; (2) recruiting law enforcement personnel; (3) public education relating to crime prevention; (4) construction; (5) organized crime prevention and control; (6) riot prevention and control; (7) recruiting and training community service officers; (8) establishing a Criminal Justice Coordinating Council for local governments, or combinations thereof, with populations of 250,000 or above; (9) community based delinquent prevention and correctional programs (Sec. 301(b)).	"The Attorney General is authorized to make special revenue-sharing payments and other forms of financial assistance to States for law enforcement purposes including--" Paragraphs (1)-(8) are similar to the existing law. The additional paragraphs provide eligibility for (9) diagnostic services within the community-based delinquency prevention and correctional programs; (10) express funding authority for improved court administration and law reform programs. This will allow for the funding of court projects, where for example, improvement of civil procedures will have a clear effect on administration of criminal justice; (11) provide technical assistance now authorized by section 515(c); (12) funding authority for law enforcement education programs through contracts with institutions of higher education (now section 406); (13) funding authority for maintenance and operation of State, regional and local

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Categories of programs and projects cont'd.		planning processes; and (14) improved management of law enforcement activities. There is general authority within section 301(b) to fund corrections programs authorized by Part E in the existing law, and training programs for prosecuting attorneys (now section 408). (Sec. 301(b)).
Funding percentage	Any Federal grant made under this section may be up to 75% of the cost of the program or project specified in the application. The only exception is (4) construction, which is limited to 50% of the specified cost. No funds may be used for land acquisition. The local share of the cost of any program may be waived for an Indian tribe or other aboriginal group if LEAA determines that they have insufficient funds to meet it. At least 40% of the non-Federal share of the funding of any program or project must be from money (as opposed to donated services or property) appropriated in the aggregate by the State or local governments (the "hard-match provision") (Sec. 301(c)).	Any special revenue sharing payment made under this section may be up to 100% of the cost of the programs or projects specified in the comprehensive plan. No funds may be used for land acquisition (Sec. 301(c)(d)).
Personnel compensation limitation	No more than one-third of any grant for any program or project may be used for the compensation of police and other regular law enforcement personnel. Any money used for this purpose must not exceed the amount of State or local funds made available to increase such compensation. Personnel engaged in training programs or in short-term research programs are exempt from this limitation (Sec. 301(d)).	No provision.

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Continuation of projects	No provision.	The Attorney General is authorized to obligate funds for the continuation of projects approved under Title I prior to the date of enactment of this Act. Funds previously appropriated may be also be used for this purpose (Sec. 302).
State plan requirements	Any State desiring to participate in the grant program under this part must establish a State planning agency and submit a comprehensive State plan, pursuant to Part B. LEAA will make grants to a State planning agency if the agency has on file with LEAA an approved comprehensive plan no more than one year old. "No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity" (the "high crime provision"). Each such plan shall-- (1) provide for the administration of the grants by the State planning agency; (2) provide that each State will make available to local units of government that portion of the block grant that corresponds to the portion of the total statewide law enforcement expenditures for the preceding fiscal year which was funded and expended by local units; at least one-fourth of the non-Federal funding required for federally assisted local law enforcement programs, on an aggregate basis, must be provided by the States (the "State buy-in provision");	The Attorney General will make special revenue sharing payments to a State government if it has on file a comprehensive State plan. To be comprehensive, the plan must conform with Sec. 601(m). In addition, it should consider statewide priorities for the improvement and coordination of all aspects of law enforcement; the relationships of activities under this title to other Federal programs; future improvements; existing facilities; intergovernmental cooperation; advanced techniques in design of facilities; advanced practices in the recruitment, organization, and training of law enforcement personnel; improved court programs and practices; and a long-range program for correctional institutions and facilities and the improvement of correctional practices throughout the State. "Such programs must adequately reflect the National and State standards for all functions of the correctional and court systems" (Sec. 303).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
State plan requirements cont'd.	(3) adequately take into account the needs of local governments, encourage local initiative, and provide for balance in the allocation of funds; (4) incorporate innovations and advanced techniques and outline priorities for the improvement and coordination of all aspects of law enforcement; (5) provide for effective and cooperative use of existing facilities; (6) provide for research and development; (7) provide for appropriate review procedures in the case of State rejection or termination of a local program; (8) demonstrate the willingness of the State and local governments to assume the costs of programs and projects after a reasonable period of Federal assistance; (9) demonstrate the willingness of the States to contribute technical assistance or services; (10) provide assurance the Federal funds will augment rather than supplant State and local funds which would normally have been used for law enforcement purposes; (11) provide for appropriate fiscal control and accounting procedures; (12) provide for submission of reports requested by LEAA. (Secs. 302,303).	

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Grants to local government units and other sub-grantees	The State planning agencies will recieve applications for financial assistance from units of local government and may disburse funds when the application is in accordance with Sec. 301 and in conformance with any State plan. In the event a State fails to file a State plan, the funds allocated the State under Sec. 306(a)(1) will be available to LEAA for reallocation under Sec. 306(a)(2) ("discretionary funds") (Secs. 304,305).	The State government will receive applications for financial assistance from heads of State agencies, the chief executive officers of units of local government, and other applicants, and may disburse funds when the application is in accordance with Sec. 301 and in conformance with any State plan. The reallocation provision is identical to the existing law, except that the authority rests with the Attorney General rather than LEAA (Secs. 304,305).
Allocation of funds	The funds appropriated each year for this part will be allocated by LEAA as follows: (1) 85% will be distributed among the States according to population for grants to the State planning agencies ("block grants"). Any portion of a block grant unused or unclaimed by a State will be added to this money. (2) 15% will be distributed to State planning agencies or units of general local government at the discretion of LEAA ("discretionary funds"). Any State block grant forfieted because of rejection of the plan or failure to comply with Sec. 509 will be added to this money. The discretionary grants under (2) may be up to 75% of the cost of the program except in the case of Indian tribes or other aboriginal groups, where LEAA may pay up to the total cost if it is determined that matching funds are not available. No part of any grant for construction purposes may be used for land acquisition. The one-third limitation on the amount of grants which may be used for compensation is also applicable (see Sec. 301), as is the	The funds appropriated each year for this part will be allocated by the Attorney General as follows: (1) 85% will be distributed among the States as special revenue sharing payments. Each State will receive an initial allocation of $200,000 for planning; the remainder of the funds will be allocated among the States on the basis of population. Of the amount allocated by population, 5% will be made available for planning; (A) After reduction of the amount allocated for the planning process under 306(a)(1), 30% of each State's special revenue sharing payment may be used by the State for State or local correctional programs, court programs, technical assistance, and law enforcement education. Of the remaining 70%, each State will make available to local units of government that portion which corresponds to the portion of total statewide expenditures in the preceding fiscal year funded and expended by local governments (see existing law, Sec. 303(2)). The "per centum requirements" may be waived by the Attorney General upon a

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Allocation of funds cont'd.	requirement that at least 40% of the non-Federal share of any program must be met with money appropriated for that purpose as opposed to donated goods or services (see Sec. 301) (Sec. 306).	finding that the planning process will assure that sufficient funds will be available to satisfy Sec. 203 (6) which requires the State to adequately take into account the needs of the governments, etc. (B) At least 40% of funds allocated for the planning process will be made available to local governments to enable them to participate; this requirement may be waived by the Attorney General, in whole or in part, in the event that it is found that such a requirement is inappropriate and that adherence to it would not contribute to the efficient development of the State plan. It is further required that, in allocating planning funds, the State "assure that major cities and counties within the State receive planning funds to develop plans and coordinate functions at the local level (see existing law, Sec. 203(c)). (2) 15% to States, units of general local governments, and to nonprofit organizations, at the discretion of the Attorney General. Any grant made from funds available under (2) may be up to 100% of the cost. No funds may be used for land acquisition (Sec. 306).
Priority programs	Where appropriate, LEAA and the State planning agencies will give special emphasis to programs dealing with organized crime and riots in making grants under this part (Sec. 307).	No provision.

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Definition of "special revenue sharing payment"	No provision.	For the purpose of this title, "special revenue sharing payment" means a grant of funds allocated to a State in accordance with Sec. 306 (Sec. 307).
Civil rights	No provision. (see Sec. 518(b)).	Provides that no person shall be excluded from participation in the program or projects funded under this Act due to discrimination. The provision is similar to Sec. 122 of the General Revenue Sharing Act, except that subsection (b)(3) of this bill authorizes the Attorney General to also use the powers and functions of Sec. 509 to ensure compliance (Sec. 308).
Payments	No provision here. (see Sec. 516)	Special revenue sharing payments shall be paid to the respective States at intervals and in installments determined by the Attorney General, "taking account of the objective that the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement thereof by the State shall be minimized"(Sec. 309).
Part D. Research and Training Title	"Training, Education, Research, Demonstration, and Special Grants"	"Research, Demonstration, and Training"
Purpose	"It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals" (Sec. 401).	First sentence identical to existing law, followed by: "These purposes will include--" Paragraphs (1)-(7) are similar to Sec. 402 (b)(1)-(7) of the existing law; the phrase "to prevent and reduce crime and delinquency" is substituted for the phrase "to improve and strengthen law enforcement". There is

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Purpose cont'd.		an additional paragraph (8) which provides for cooperation with and technical assistance to States, local governments, and public and private organizations in matters relating to law enforcement (identical to existing law, Sec. 515(c)). Travel expenses for persons travelling in connection with training programs are provided for under (8) (identical to existing law, Sec. 408(c)) (Sec. 401).
National Institute of Law Enforcement and Criminal Justice	There is established within the Department of Justice, under the general authority of LEAA, a National Institute of Law Enforcement and Criminal Justice. Its purpose is to encourage research and development to improve and strengthen law enforcement. The Institute is authorized to: (1) make grants to or enter into contracts with public and private agencies, organizations, and educational institutions for research and development related to the purposes of this title; (2) conduct in-house research and development, including studies of the effectiveness of programs and projects carried out under this title; (3) carry out programs of behavioral research, with emphasis on the causes and prevention of crime, and correctional procedures; (4) make recommendations for action to strengthen law enforcement to all levels of government and the private sector;	There is established within LEAA a National Institute of Law Enforcement and Criminal Justice. Its purpose is to encourage research and development to prevent and reduce crime and delinquency (Sec. 402).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
National Insitute of Law Enforcement and Criminal Justice cont'd.	(5) provide research fellowships for implementing the purposes of this section, and special workshops for the dissemination of information; (6) conduct a full-scale program for the collection and dissemination of relevant information; (7) establish a research center (Sec. 402).	
Federal funding	Grants for projects authorized under this part may be up to 100% of the total cost. However, whenever feasible, the contribution of money, facilities, or services relevant to the project will be required by LEAA (Sec. 403).	Identical, except for the substitution of "Attorney General" for "Administration" (Sec. 403).
F.B.I. research and training	Under the general authority of the Attorney General, the Director of the F.B.I. is authorized to expand the F.B.I.'s facilities and programs as follows: (1) provide, at the request of a State or unit of local government, training programs for State and local law enforcement personnel at the F.B.I. National Academy at Quantico, Va.; (2) develop new or improved means for strengthening law enforcement; (3) at the request of a State or unit of local government, assist in conducting local and regional training programs limited to persons employed by State or local police departments, sheriffs and their duputies, or other employees of the State or local governments nominated by them for such training (Sec. 404).	Identical to the existing law (Sec. 404).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Repeal of the Law Enforcement Assistance Act of 1965	The Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed, with the general provision that money for the continuation of programs and projects under the 1965 legislation may be made available at the discretion of LEAA (Sec. 405).	No provision.
Academic educational assistance	LEAA is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement. Under the loan program (Subsection b), LEAA is authorized to make payments to institutions of higher education for loans not in excess of $1,800 per student per academic year. To be eligible, students must be enrolled on a full-time basis in undergraduate or graduate programs approved by LEAA, leading to degrees or certificates "in areas related to law enforcement or suitable for persons employed in law enforcement". Special consideration is to be given to police or correctional personnel on academic leave from State or local agencies. Within this and other guidelines to be specified by LEAA, the loans are made to the students directly by the institutions approved by LEAA to participate in the program. The total amount of these loans plus interest may be cancelled at the rate of 25% a year for each year of full-time service as an officer or employee of a government law enforcement agency.	No provision (see Sec. 301(b)(12)).

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SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Academic educational assistance cont'd.	Under the grant program authorized by subsection (c), LEAA may make payments to institutions of higher education for "tuition, books, and fees", not in excess of $200 per academic quarter or $300 per semester per student. The eligibility requirements differ from the loan program in that, first, a grant recipient must be already employed by a publicly funded law enforcement agency; and second, he has the option of pursuing his academic career on a part-time or full-time basis. The grants, like the loans, are available to finance participation in undergraduate or graduate programs leading to a degree or certificate in an area related to law enforcement or suitable for persons employed in law enforcement. A grant recipient must sign an agreement to remain in the service of his employing agency for at least two years after completion of his Federally-assisted program. If he fails to do so, he must reimburse LEAA. Subsection (d) extends eligibility for the loan and grant programs to full-time teachers and those preparing as full-time teachers of courses related to law enforcement at institutions of higher education. Subsection (e) authorizes LEAA to provide assistance to institutions of higher education to assist them in developing and implementing projects and programs for improving methods of law enforcement education, including improving undergraduate or graduate programs, faculty training and relevant research and development. The Federal share of such projects may be up to 75%. Subsection (f) authorizes LEAA to make grants up to $50 a week to undergraduate and graduate students	

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Academic educational assistance cont'd.	who serve at certain specified times as interns in law enforcement agencies (Sec. 406).	
Training programs	LEAA is authorized to develop and support regional and national training programs, workshops and seminars to provide training, supplemental to that already in existence, for State and local law enforcement personnel in improved methods of crime prevention and law enforcement (Sec. 407). LEAA is authorized to establish and conduct a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. Travel expenses will be covered (Sec. 408).	No provision.
Part E. Corrections Title	"Grants for Correctional Institutions and Facilities"	[Part E, "Administrative Provisions", corresponds to Part F of the existing law; see pp. 19ff below.]
Purpose	The purpose of this part is to encourage local governments to improve both their correctional facilities and programs (Sec. 451).	No provision (see Sec. 301(b)(4), 301 (b)(9)).
Grant application	Applications for grants under this part are to be included as part of the regular State plans (Sec. 302). Basic criteria for applicants and grantees will be prescribed by regulation after consultation by LEAA with the Federal Bureau of Prisons. In addition, the legislation specifies certain requirements which State plans must meet, as follows:	

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Grant application cont'd.	(1) set forth a comprehensive statewide program regarding improvement of correctional facilities and programs; (2) provide assurance that the funds and titles to property shall be in and administered by a public agency; (3) provide assurance that funds obtained under this part will not supplant funds from part C which would otherwise be used for improving corrections; (4) provide satisfactory emphasis on the development and operation of community-based correctional facilities and programs; (5) provide for advanced techniques in the design of facilities; (6) provide, where desirable, for regional sharing of correctional facilities; (7) provide assurances that standards for personnel and programs will reflect advanced practices; (8) provide assurances that the State is engaged in projects for improving the recruitment and training ofpersonnel in all correctional activities; (9) comply with requirements established for comprehensive State plans under paragraphs (1) through (12) of Sec. 303, exclusive of (2) funding, and (6) research and development (Secs. 452, 453, 454).	

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Funding	Of the funds appropriated each year for the purposes of this section, 50% will be available for grants to the State planning agencies, and 50% will be available to LEAA to disburse at its discretion. In the event that an applicant does not require the full amount granted, or the money is forfeited due to noncompliance (see Sec. 509), those funds will be reallocated to the portion of the funds to be distributed by LEAA. Any grant under this part may be up to 75% of the cost of the project or program for which it was made. No funds may be used for land acquisition (Sec. 455)	
Part F (E). Administrative Provisions	Part F	Part E
Regulations	LEAA is authorized, after consultation with representatives of States and local governments, to establish rules, regulations, and procedures necessary to the exercise of its functions and consistent with the stated purpose of this title (Sec. 501).	The Attorney General will prescribe, after consultation with representatives of State and local governments, regulations necessary or appropriate to carry out the provisions of this title (Sec. 501).
Delegation of functions	LEAA may delegate to any officer of LEAA or, with the approval of the Attorney General, to any officer of the Department of Justice, such functions as it deems appropriate (Sec. 502). "The functions, powers and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress" (Sec. 503).	No provision (see Sec. 101(b)).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Organization	No provision.	The Attorney General may establish, alter, or discontinue such organizational units of LEAA as he deems necessary (Sec. 502).
Super grade positions	[The number of super grade positions was set at 20 by the 1971 amendments, the Omnibus Crime Control Act, P.L. 91-644, title I, Sec. 11.]	Provides that 5 U.S.C. 5108(c)(10) remains unchanged, leaving the number of LEAA super grade positions at 20 (Sec. 503).
Subpoena power, etc.	LEAA, any authorized member thereof, or any authorized hearing examiner may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the U.S. designated by LEAA (Sec. 504).	Any hearing examiner authorized by the Attorney General may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the U.S. designated by the Attorney General (Sec. 504).
Associate and Deputy Administrators	The salary of the Administrator and Associate Administrators are set, respectively, at Level III and Level IV of the Executive Schedule (Sec. 505, 506).	The two positions of Associate LEAA Administrators are deleted from 5 U.S.C. 5315 (Level IV), and the position of LEAA Deputy Administrator is added to 5 U.S.C. 5316 (Level V) (Secs. 505, 506).
Compensation of personnel	LEAA is authorized to employ and compensate personnel, subject to civil and classification laws (Sec. 507).	Sections 507 through 511 are identical to the existing law, but vest in the Attorney General the administrative authority found in those sections.
Use of facilities	LEAA is authorized, on a reimbursable and cooperative basis to use available services, facilities, etc. of the Department of Justice and other civilian and military agencies of the Federal Government. It may also confer with and avail itself of the services of State, municipal, or other local agencies. LEAA may accept donated and transferred property (but not funds), such as experimental equipment and devices donated for testing purposes, from other Federal agencies and public and private agencies and organizations (Sec. 508).	

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Noncompliance and withholding of payment	Failure to comply with the provisions of this title, with regulations promulgated by LEAA, or with a plan or application submitted under the provisions of this title may, after reasonable notice and opportunity for a hearing, result in the withholding of payments (Sec. 509).	
Hearing, rehearing, and review action	Administrative hearings and rehearings are provided for at the request of an applicant or grantee following rejection by LEAA. Appeal from final LEAA action is available in the Court of Appeals for the applicant's or grantee's residence, with final judgment subject to review by the Supreme Court (Secs. 510,511).	
Duration of the program	LEAA is authorized to carry out the program provided for in this title through June 30, 1973 (Sec. 512).	No provision here (see Sec. 520).
Audit and review	No provision here (see Sec. 521).	The Attorney General will provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that expenditures of funds received under this title by State and local governments and other recipients of assistance comply fully with the requirements of this title. The Attorney General may accept an audit by a State or local government if he determines that the audit and audit procedures of the State are sufficiently reliable. The Comptroller General is authorized to review the work of the Attorney General and State and local governments as necessary for Congress to evaluate compliance and operations under this title (Sec. 512).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Statistics, etc., from other Federal Departments	In order to insure that programs under this title are carried out in a coordinated manner, LEAA is authorized to request any Federal department or agency to supply it with needed data and reports; to the extent permitted by law, other Federal departments are authorized to cooperate with LEAA, both in supplying information requested and in administering other programs related to this title. LEAA may reimburse other Federal departments for the performance of any functions under this title (Secs. 513,514).	Identical, except that administrative authority is vested in the Attorney General (Secs. 513,514).
Studies and evaluations	LEAA is authorized (a) to evaluate programs and activities assisted under this title; (b) to collect and publish statistics and other information on the conditions and progress of law enforcement in the States; and (c) to provide technical assistance to State and local governments and other public and private organizations in matters relating go law enforcement. Funds appropriated for the purposes of this section may be expended by grant or contract as LEAA determines appropriate (Sec. 515).	Subsections (a) and (b) are similar, except that authority is vested in the Attorney General. Subsection (c) and the reference to "funds appropriated for the purposes of this section" have been deleted (see Secs. 301(b)(11), 401(8)) (Sec. 515).
Payments	Payments may be in installments, and either in advance or as reimbursement. The section also provides that money under this title may be used to pay the expenses of people attending conferences (notwithstanding the prohibition contained in 31 U.S.C. 551). The amount of the appropriation under this title which may be spent in any one State is limited to 12%, exclusive of Part D (Training, Education, Research, Demonstration, and Special Grants) to which this limitation does not apply (Sec. 516).	Identical, except that administrative authority is vested in the Attorney General (Sec. 516).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Consultants and Advisory Committees	LEAA is authorized to obtain the services of experts and consultants, and to appoint technical and other advisory committees to advise LEAA. Both consultants and members of advisory committees are to be paid at a per diem rate not to exceed that authorized for a GS-18, plus travel expenses for the latter (Sec. 517).	Identical, except that administrative authority is vested in the Attorney General (Sec. 517).
Prohibition of Federal control	Nothing in this title or any other Act authorizes Federal control over any State or local law enforcement agency. Further, notwithstanding any other law, LEAA may not condition grants on the achievement of racial balance in any law enforcement agency, or deny or cut off funds because of the refusal of an applicant to adopt a ratio, system, or other program to eliminate racial imbalance (Sec. 518).	Nothing in this title or any other Act authorizes Federal control over any State or local law enforcement agency. Provision prohibiting conditioning of grants on racial balance deleted (see Sec. 308) (Sec. 518).
LEAA report to the President and Congress	On or before December 31 of each year, LEAA will report to the President and Congress on its activities during the preceding year. LEAA was further required, not later than May 1, 1971, to submit recommendations regarding legislation pertaining to the collection and dissemination of criminal justice data, including protection of constitutional rights of persons involved (see Administration bill, Sec. 521) (Sec. 519).	On or before March 31 of each year, the Attorney General will report to the President and Congress on LEAA's activities during the preceding year (Sec. 519).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Appropriations	The 1971 amendments authorized appropriations of $650 million for fiscal year 1971, $1.15 billion for fiscal year 1972, and $1.75 billion for fiscal year 1973. Funds appropriated for any fiscal year remain available until expended. Of the authorized amounts, $120 million of the fiscal 1971 figure must be spent on Part E (Grants for Correctional Institutions and Facilities); in the two subsequent years, an amount equal to at least 20% of the amount allocated for Part C (Grants for Law Enforcement Purposes) must be allocated for Part E (Sec. 520).	There is authorized to be appropriated such sums as may be necessary to carry out all provisions of this title. Such sums will remain availble for obliagation until expended (Sec. 520).
Recordkeeping requirements	Recipients of assistance under this Act are required to keep such records as LEAA may prescribe, including those which will facilitate audit. For the purposes of audit and examinations, LEAA and the Comptroller General are authorized access to any of the grantees' documents pertinent to grants received under this title. This section is applicable to all recipients of assistance under this Act, whether by direct grant or contract from LEAA, or subgrant or subcontract from a primary recipient (Sec. 521).	No provision here (see Sec. 512).
Confidentiality of information	No provision (see Sec. 519).	Provides for the confidentiality of statistical and research information collected under LEAA programs, and for a civil sanction of up to $10,000 to enforce such confidentiality (Sec. 521).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Amendment of the Demonstration Cities and Metropolitan Development Act of 1966	Sec. 204(a) (42 U.S.C. 3334) of this Act (80 Stat. 1262), administered by the Department of Housing and Urban Development, is amended to include "law enforcement facilities" among the public service facilities eligible under it for federal funding (Sec. 522).	No provision.
Part G (F).	Part G.	Part F.
Definitions	As used in this title-- (a) "Law enforcement" is defined as broadly as possible, to include "any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction." (b) "'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations". (c) "State" includes the 50 States, the District of Columbia, Puerto Rico, "and any territory or possession of the United States.	Definitions (a)--(l) are similar to the existing law;(c) "State" is defined to include the States, the District of Columbia, Puerto Rico, Virgin Islands, Guam, and Samoa; and the definition for (d) differs somewhat. The following new definitions are added: (m) "Comprehensive" means that a plan must be a total and integrated analysis of the crime and delinquency problems within the State; goals, priorities, and standards must be established, and the plan must consider the methods and resources necessary to accomplish crime prevention; as well as other police, court, and correctional functions (see Sec. 303(b)). (n) "Areawide" refers to problems which encompass more than one unit of general local government, but do not go beyond the boundary of a State. (o) A "multijurisdictional planning and policy development organization ... has responsibility for comprehensive planning and has planning and policy control over two or more functional planning and policy development programs" (Sec. 601).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Definitions cont'd.	(d) "unit of general local government" includes any political subdivision of a State, or an Indian tribe which perfoms law enforcement functions. For the purpose of assistance eligibility, it also includes any agency of the District of Columbia or of the U.S. government performing law enforcement functions in and for the District of Columbia. Funds appropriated by Congress for the activities of these agencies may be used to pay the non-Federal share of programs funded under this title. Agencies of the U.S. government shall be eligible for assistance solely for the purpose of facilitating implementation of the "District of Columbia Court Reform and Criminal Procedure Act of 1970" (i.e., for transferring criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia). (e) "Combination" as applied to States or units of general local government means any grouping or joining together for the purposes of developing or implementing a law enforcement plan. (f) "Construction" is defined to include major expansion and repair of existing facilities, and the "acquisition or installation of initial equipment." (g) "State organized crime prevention council" is a term used in Part C, Sec. 301(b)(5), which provides that money may be used for the establishment and development of such a council. It is defined here to mean a council composed of not more than seven persons broadly representative of law enforcement officials within the State, and "knowledgeable in the prevention and control of organized crime." The council must either be	

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Defintions cont'd.	established pursuant to State law, or appointed by the chief executive of the State. (h) "Metropolitan area" means a standard metropolitan statistical area (SMSA) as established by the Bureau of the Budget, subject to modification by LEAA. (i) "Public agency" means any instrumentality of any State or political subdivision thereof. (j) "Institution of higher education" means any institution so defined by the Higher Education Act of 1965, Sec. 801(a) (20 U.S.C. 1141(a)), subject to modification by LEAA. (k) "Community service officer", a term used in Sec. 301(b)(7), is defined to mean any citizen with the capacity and integrity to perform police work, but who generally lacks the necessary qualifications to meet the standards of the police department hiring him. (l) "Correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses (Sec. 601).	
Part H (G). Criminal Penalties	Criminal penalties are authorized for embezzlement or theft of any form of assistance provided pursuant to this title; and for fraud or misrepresentation in any relevant applications or records. Further, the Federal conspiracy statute (18 U.S.C. 371) is applicable to any law enforcement program or project underwritten by any form of assistance from LEAA (Secs. 651,652, 653).	Broadened to apply to attempts, as well as to those who knowingly receive, conceal, or retain the same (Sec. 651).

SUBJECT	EXISTING LAW	ADMINISTRATION BILL
Attorney General's annual report	The Attorney General is required to submit an annual report to the President and the Congress on Federal law enforcement and criminal justice assistance activities, including but not limited to activities under the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act of 1968, the Gun Control Act of 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance). The report is to be submitted within 90 days of the end of each fiscal year (Sec. 670).	No provision.

Joyce Vialet
Education and Public Welfare Division
Congressional Research Service
April 30, 1973

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES,
Washington, D.C. April 3 1973.

MR. ROBERT D. GORDON,
Executive Director, International Conference of Police Associations,
Washington, D.C.

DEAR MR. GORDON: This will acknowledge with thanks your letter of March 28, 1973 in reference to the minimum height guidelines recently issued by the Law Enforcement Assistance Administration.

As you may be aware, the LEAA program will expire on June 30, 1973. In the coming months, therefore, the Subcommittee will undertake a close examination of the program. I shall see that these new regulations are among the issues considered by the Subcommittee.

With kindest regards, I am

Sincerely,

JOHN L. MCCLELLAN,
Chairman.

INTERNATIONAL CONFERENCE OF POLICE ASSOCIATIONS,
Washington, D.C., March 28, 1973.

HON. JOHN L. MCCLELLAN,
U.S. Senate,
New Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: On March 14, 1973, the Law Enforcement Assistance Administration issued the enclosed guidelines governing height requirements for police officers which are applicable to any law enforcement agency that is receiving LEAA funds.

It is the opinion of this Association, representing 150,000 police officers, along with the 80,000 members of the Fraternal Order of Police and the International Association of Chiefs of Police, that these guidelines are nothing but another attempt by individuals to lower the standards of law enforcement personnel.

By these guidelines, it is indeed conceivable that persons who are four feet tall must indeed be appointed to any police force who is receiving LEAA funds. Although it is not our intention to discriminate against persons of small stature, it is almost beyond belief that LEAA can justify this action.

A person who is four feet tall does not and cannot command respect, especially if he is in a policeman's uniform, from the average U.S. citizen whose height ranges from five feet-six inches and over. Short people may well indeed be useful in an administrative capacity, but to suggest that we send a police officer on the street to restrain a person two feet taller than he is, is absolutely ridiculous. It would most certainly lead to the use of a weapon or a club by a small officer who is attempting to subdue a person he is placing under arrest, or for that matter, to disperse an unruly crowd.

We urge you to use your office as a U.S. Senator from the great State of Arkansas to have these guidelines revised immediately.

The State of Connecticut has already adopted these guidelines and at present, anyone who is of any height and does not possess a high school education may apply for the position of Connecticut State Trooper. We feel this is only the beginning.

Would it not be fair to say that it is discrimination in hiring 16 year olds as police officers? Also, would it not be discrimination to deny me a commercial pilots license because I do not possess the requirements? The same holds true for doctors, lawyers, teachers, etc.

Our recent research has shown in testimony given by this office on December 21, 1972, on these suggested guidelines, that the minimum height requirement for police officers in Puerto Rico is five feet-seven inches and in the State of Hawaii the height requirement is five feet-eight inches. These cities have one of the largest populations of small people, yet, their height requirements for police officers are five feet-seven inches and five feet-eight inches respectively.

Your cooperation in this matter will be most sincerely appreciated. Please do not hesitate to contact this office for any further information.

Sincerely,

ROBERT D. GORDON,
Executive Director.

Enclosure.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
March 14, 1973.

Page G 7400.2

GUIDELINE—THE EFFECT ON MINORITIES AND WOMEN OF MINIMUM HEIGHT

Subject: Requirements for employment of law enforcement officers.

1. *Purpose.* This guideline is issued to assist in the elimination of discrimination based on national origin sex, and race caused by the use of restrictive minimum height requirements criteria where such requirements are unrelated to the employment performance of law enforcement personnel.

2. *Scope.* The provisions of the guideline apply to all recipients of LEAA funds. This guideline is of concern to all State Planning Agencies.

3. *Background.* The use of minimum height requirements as criteria for employee selection, assignment, or similar personnel action may tend to disqualify disproportionately women and persons of certain national origins, and races. Discrimination on the grounds of race, color, creed, sex, or national origin is prohibited by the Department of Justice regulations concerning employment practices of state agencies or offices receiving financial assistance extended by the Department (28 CFR Part 42, subpart D).

4. *Requirement.* The use of minimum height requirements, which disqualifies disproportionately women and persons of certain national origins and races, such as persons of Mexican and Puerto Rican ancestry, or oriental descent, will be considered violative to this Department's regulations prohibiting employment discrimination.

5. *Exceptions.* In those instances 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 used by the recipient is an operational necessity for designated job categories, the minimum height requirement will not be considered discriminating.

6. *Definition.*

a. The term operational necessity as used in this guideline shall refer to an employment practice for which there exists an overriding legitimate operational purpose such that the practice is necessary to the safe and efficient exercise of law enforcement duties; is sufficiently compelling to override any discriminatory impact; is effectively carrying out the operational purpose it is alleged to serve; and for which there are available no acceptable alternate policies or practices which would better accomplish the operational purpose advanced, or accomplish it equally well with a lesser discriminatory impact.

b. The term law enforcement as used in this guideline is defined at Section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

JAMES T. DEVINE,
Assistant Administrator.

[From the Federal Register, Vol. 38, No. 46, March 9, 1973]

DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION—EQUAL RIGHTS GUIDELINES

EFFECT ON MINORITIES AND WOMEN OF MINIMUM HEIGHT REQUIREMENTS FOR EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

1. *Purpose.* This guideline is issued to assist in the elimination of discrimination based on national origin, sex, and race caused by the use of restrictive minimum height requirements criteria where such requirements are unrelated to the employment performance of law enforcement personnel.

2. *Scope.* The provisions of the guideline apply to all recipients of LEAA funds. This guideline is of concern to all State Planning Agencies.

3. *Background.* The use of minimum height requirements as criteria for employee selection, assignment, or similar personnel action may tend to disqualify disproportionately women and persons of certain national origins, and races. Discrimination on the ground of race, color, creed, sex, or national origin is

prohibited by the Department of Justice regulations concerning employment practices of State agencies or offices receiving financial assistance extended by the Department (28 CFR Part 42, Subpart D).

4. *Requirement.* The use of minimum height requirements, which disqualifies disproportionately women and persons of certain national origins and races, such as persons of Mexican and Puerto Rican ancestry, or oriental descent, will be considered violative to this Department's regulations prohibiting employment discrimination.

5. *Exceptions.* In those instances 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 used by the recipient is an operational necessity for designated job categories, the minimum height requirements will not be considered discriminating.

6. *Definition.* a. The term operational necessity as used in this guidance shall refer to an employment practice for which there exists an overriding legitimate operational purpose such that the practice is necessary to the safe and efficient exercise of law enforcement duties; is sufficiently compelling to override any discriminatory impact; is effectively carrying out the operational purpose it is alleged to serve; and for which there are available no acceptable alternate policies or practices which would better accomplish the operational purpose advanced, or accomplish it equally well with a lesser discriminatory impact.

b. The term law enforcement as used in this guideline is defined at section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

Effective date. This Guideline shall become effective on March 9, 1973.

Dated: March 6, 1973.

JERRIS LEONARD,
Administrator, Law Enforcement.
Assistance Administration.
CLARENCE M. COSTER
Associate Administrator.

MARCH 5, 1973.

RICHARD W. VELDE,
Associate Administrator.

MARCH 6, 1973.

[FR Doc. 73-4553 Filed 3-8-73;8:45 am]

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., June 11, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for detailed information relating to the issuance by the Law Enforcement Assistance Administration of a guideline concerning the use of a minimum height requirement by criminal justice agencies.

On March 9, 1973, LEAA promulgated a guideline (37 Federal Register 25959) concerning the use, by criminal justice agencies, of a minimum height requirement as a job selection criteria. That guideline reads as follows:

1. *Purpose.* This guideline is issued to assist in the elimination of discrimination based on national origin, sex, and race caused by the use of restrictive minimum height requirements criteria where such requirements are unrelated to the employment performance of law enforcement personnel.

2. *Scope.* The provisions of the guideline apply to all recipients of LEAA funds. This guideline is of concern to all state planning agencies.

3. *Background.* The use of minimum height requirements as criteria for employee selection, assignment, or similar personnel action may tend to disqualify disproportionately women and persons of certain national origins, and races. Discrimination on the ground of race, color, creed, sex, or national origin is prohibited by the Department of Justice regulations concerning employment practices of state agencies or offices receiving financial assistance extended by the Department (28 CFR Part 42, Subpart D).

4. *Requirement.* The use of minimum height requirements, which disqualifies disproportionately women and persons of certain national origins and races, such as persons of Mexican and Puerto Rican ancestry, or oriental descent, will be considered violative to this Department's regulations prohibiting employment discrimination.

5. *Exceptions.* In those instances where the recipient of Federal assistance is able to demonstrate convincingly through the use of supportive factual data such as professional validated studies that such minimum height requirements used by the recipient is an operational necessity for designated job categories, the minimum height requirement will not be considered discriminating.

6. *Definition.* a. The term operational necessity as used in this guideline shall refer to an employment practice for which there exists an overriding legitimate operational purpose such that the practice is necessary to the safe and efficient exercise of law enforcement duties; is sufficiently compelling to override any discriminatory impact; is effectively carrying out the operational purpose it is alleged to serve; and for which there are available no acceptable alternative policies or practices which would better accomplish the operational purpose advance, or accomplish it equally well with a lesser discriminatory impact.

b. The term law enforcement as used in this guideline is defined at Section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

The guideline was proposed in a "Petition for Regulatory Change" filed with LEAA by the Leadership Conference on Civil Rights. Following discussions relating to the proposal, an informal conference was convened on December 21, 1972, for the purpose of hearing testimony from persons and groups who opposed or favored the guideline. The police profession was ably represented at that meeting by Mr. Robert D. Gordon, representing the International Conference of Police Associations, and Mr. Ferris E. Lucas, representing the National Sheriffs' Association, and other spokesmen. Additionally, written statements were supplied by Colonel John R. Plants, Michigan Department of State Police and Chief Edward M. Davis, Los Angeles Police Department. In all, over 30 statements concerning the guideline were submitted.

On March 9, 1973, by virtue of publication in the Federal Register, Vol. 38, No. 46, page 6415, the minimum height guideline became applicable to recipients of LEAA funds.

Since the promulgation of the guideline, the response in the criminal justice system has been mixed. Some agencies have expressed a willingness to comply with the guideline. Others have expressed dissatisfaction with it. Still others have expressed an uncertainty as to the actual scope and requirements of the guideline.

It is important to consider exactly what the guideline does and does not say. The guideline does *not* say that all height requirements used by criminal justice agencies as criteria in personnel decisions must be abandoned. Rather, the guideline states that a minimum height requirement is objectionable only if (1) it "tends to disqualify disproportionately women and persons of certain national origins and races, . . ." *and*, (2) the criminal justice agency involved cannot prove "through the use of supportive factual data, such as professionally validated studies," that the height requirement is an "operational necessity" (as defined in the guideline). Thus, if a criminal justice agency can show either that its height requirement(s) does not disproportionately disqualify women or persons of certain national origins, or, if it can show that its height requirement is an operational necessity, the guideline will not bar the use of such a height requirement. Such a position is consistent with the objective of the guideline as stated in the opening paragraph:

1. *Purpose.* This guideline is issued to assist in the elimination of discrimination based on national origin, sex, and race caused by the use of restrictive minimum height requirements criteria *where such requirements are unrelated to the employment performance of law enforcement personnel* (emphasis added).

The LEAA guideline on minimum height requirements was issued in conformity with the LEAA regulation on Equal Employment Opportunity (28 C.F.R. 42.201 *et seq.*) which states in part:

"No agency or office to which this subpart applies under Section 42.201 shall discriminate in its employment practices against employees or applicants for employment because of race, color, creed, sex, or national origin." (28 C.F.R. 42.203)

Since the guideline was promulgated "to assist in the elimination of discrimination based on national origin, sex and race, . . ." the validity of the guideline is conditioned upon the validity of the regulation.

The LEAA Equal Employment Opportunity regulation was issued under the Fourteenth Amendment to the U.S. Constitution and the broad rulemaking authority conferred by 42 U.S.C. 3751, which authorizes the Law Enforcement Assistance Administration 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 chapter."

Moreover, the Supreme Court in *Griggs* v. *Duke Power Co.*, 401 US. 424 (1971), held that employment practices which are discriminatory in operation must be based on business necessity. In that case, the Court held unlawful, under Title VII of the Civil Rights Act of 1964, the use of general intelligence tests and high school education as prerequisites for employment, where there was no showing by the employer that such tests or standards did not validity predict successful job performance. In a unanimous decision by Chief Justice Burger, the Court ruled (401 U.S. at 430, 431) :

"Under the Act, practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to 'freeze' the statut quo of prior discriminatory practices * * * *The Act proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation. The touchstone is business necessity.* If an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited." (emphasis added.)

Moreover, the Court ruled, if an employment practice has a discriminatory impact, the burden is on the employer to show "that any given requirement must have a minifest relationship to the employment in question," 401 U.S. at 432. The absence of a discriminatory motive or the presence of a good motive does not redeem the practice.

"* * * good intent or absence of a discriminatory intent does not redeem employment procedures that operate as built-in headwinds for minority groups and are unrelated to measuring job capability." 401 U.S. at 432.

Though *Griggs* was a suit brought under Title VII involving private employment, and was decided at a time when Title VII did not apply to local and state governmental employment, courts have consistently applied the *Griggs* principles to cases involving a denial of the 14th Amendment guarantee of "equal protection." *Chance* v. *Bd. of Examiners*, 458 F 2d 1167 (2d Cir., 1972) ; *Western Addition Community Organization* v. *Alioto* (Waco II), 340 F. Supp. 1351 (N.D. Cal., 1972) ; *Castro* v. *Beecher*, 459 F 2d 725 (1st Cir., 1972).

In *Castro*, the plaintiffs challenged the legality of the 5'7'' minimum height requirement of the Boston Police Department. The Court of Appeals approached the question by first setting out the standards by which the selection criteria would be judged :

"As to classifications which have been shown to have a racially discriminatory impact, more is required by way of justification. The public employer must, we think, in order to justify the use of a means of selection shown to have a racially disproportionate impact, demonstrate that the means is in fact substantially related to job performance. It may not, to state the matter another way, rely on any reasonable version of the facts, but *must come forward with convincing facts establishing a fit between the qualification and the job.*" 459 F 2d at 732 (emphasis supplied).

In dealing specifically with the height requirement, the Court of Appeals upheld the 5'7'' requirement as having a rational relationship to the job. However, the Court made it clear that the use of this relaxed standard of review was based on the failure of the plaintiffs to demonstrate "a disproportionate impact on Spanish-surnamed persons." It seems clear from the opinion that if there had been a showing of such disproportionate impact, the Court on review would have required the Boston Police Department to demonstrate the job-relatedness of the height requirement.

The LEAA height guidelines, thus, is in accord with the *Castro* decision. Both require a threshhold showing of disproportionate disqualification as a trigger to close scrutiny of the height requirement. If such a showing is successfully made, the burden then shifts to the agency asserting the validity of the minimum height requirement to justify the requirement in terms of job performance.

Other courts have faced the issue of height requirements. In *New York State Division of Human Rights* (for Candy Callery) v. *New York City Department of*

Parks and Recreation, 4 E.P.D. 7593 (Nov. 18, 1971), the New York Supreme Court, Appellate Division upheld a ruling by the Human Rights Appeal Board that the City could not employ minimum height and weight standards for lifeguards until a "real relationship to the job functions" was shown. In that case, based on a New York law prohibiting employment discrimination on the basis of sex, the plaintiff established that the height and weight requirements would have had the effect of screening out three times as many women as men.

The New York Supreme Court, Appellate Division also upheld a Human Rights Appeal Board decision in *New York State Division of Human Rights* (for Bernice Gera) v. *New York-Pennsylvania Professional Baseball League*, 3 FEP Cases, 36 A.D. 2d 364 (N.Y. App. Div., 1971), based on the same state law as in *Gallery*. In *Gera*, the plaintiff established that the 5'10" minimum height and 170 pound minimum weight requirement for umpires would eliminate 99 percent of all women. The Court held that it had not been demonstrated that persons 5'10" and over are the only persons capable of performing the job, and therefore upheld the decision of the Human Rights Appeal Board ordering the development of new, non-discriminatory standards which have a reasonably relationship to the job of an umpire.

In the Matter of Shirley Long (U.S. Civil Service Commission, Board of Appeals and Review, November 13, 1973), raised the issue of the validity of a 5'8'' minimum height requirement for employment with the United States Park Police. Civil Service Regulations, which govern the employment practices of the Federal Government and agencies, require (section 300.13) that there be a rational relationship between the job to be filled and the employment practice, and prohibit employment practices which discriminate on the basis of sex unless the practice is shown to be relevant to actual job performance. The Board of Appeals and Review found that no rational relationship between job performance as a Park Police Officer and the height requirement had been established. Furthermore, since the height requirement (combined with a minimum weight requirement) would disqualify approximately 98 percent of all American women, the requirements were also found to violate the regulations prohibiting discrimination based on sex.

In *Hardy* v. *Stumpf* 4 F.E.P. Cases 1078 (Cal. Super. Ct., 1972), a California Superior Court found that the height requirement and weight requirement used by the Oakland Police Department were "reasonable, and are not arbitrary, but are reasonable and are directly and reasonably connected with and necessary to the normal operation of the duties of a 'Police Patrolman.'" The Court cited no authority for its standard of review, and did not state what evidence the Police Department had presented in defense of the height requirement, or what evidence the Court relied on in arriving at its decision. Furthermore, the constitutional issue raised by the Griggs case was neither pleaded or considered by the court in this case. The case has been appealed.

The clear trend, then, in recent court decisions dealing with height requirements as a selection criteria for employment has been to first require a showing that the height requirement will disproportionately disqualify members of a protected class. Once such a showing has been made, however, the burden then shifts to the employer to establish the job-relatedness of the standard. This *Griggs-Castro* approach is the same approach taken in the LEAA guideline on minimum height requirements, and thus the guideline parallels the law in this area.

At this point, it would be well to note that prior to the enactment of this guideline, the Equal Employment Opportunity Commission (EEOC) had already promulgated Guidelines on Discrimination Because of National Origin (29 C.F.R. 1606.1(b)). These guidelines state in part:

"Title VII is intended to eliminate covert as well as the overt practices of discrimination, and the Commission will, therefore, examine with particular concern cases . . . grounded in national origin discrimination. Examples of cases of this character which have come to the attention of the Commission include: *denial of equal opportunity to persons who as a class of persons tend to fall outside national norms for height and weight where such height and weight specifications are not necessary for the performance of the work involved.* (Emphasis added.)

It is also significant in this context to note that by virtue of the amendment to Title VII by the Equal Employment Opportunity Act of 1972 (P.L. 92–261, 86 Stat. 103 (March 24, 1972)), the EEOC was given jurisdiction over the employment practices of state and local governments. The EEOC guideline on minimum height, therefore, was applicable to most criminal justice agencies for nearly a year before LEAA published its guideline.

I appreciate the opportunity to submit the foregoing information concerning the minimum height guideline and express my thanks to you and the members of the Subcommittee for your thoughtful consideration of legislation to extend the authorization of the programs of the Law Enforcement Assistance Administration.

Sincerely,

DONALD E. SANTARELLI,
Administrator.

THE AMERICAN UNIVERSITY,
COLLEGE OF PUBLIC AFFAIRS,
Washington, District of Columbia, February 28, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Judiciary Subcommittee on Criminal Law and Procedures, U.S. Senate, Washington, D.C.

MY DEAR SENATOR MCCLELLAN: The attached Statement of Policy was unanimously adopted by the Action Conference on Criminal Justice Education Funding, held at The American University on February 17–18, 1973.

The major thrust of the statement is a strong recommendation that the Law Enforcement Education Program (LEEP) be saved from the chaos that would ensue from the imposition of revenue sharing on July 1. With LEEP assistance, almost 75,000 policemen, correctional officers, probation and parole personnel, other criminal justice officials, and pre-service students are pursuing courses of higher education leading to degrees. The hasty disruption of this assistance could cause many of these officials and students to interrupt their efforts to improve themselves and their profession. Of course, it is possible that the states could continue assistance to these students, but that is not certain. According to the draft legislation we have seen, no state is required to allocate funds to education.

This statement is being sent to all those who might have some impact on a decision to exempt LEEP from special revenue sharing and to maintain it within its present national, regional, and state organizational structure. It is urgent that the Executive Branch and Congress be made aware immediately of the national importance of LEEP and of the impelling logic of keeping it a national program. Your support now is vital.

If you have any questions, please do not hesitate to contact us. (202/686–2532)

Sincerely yours,

ARNOLD S. TREBACH,
Professor, and Chairman, Action Conference on Criminal Justice Funding.

Enclosure.

ACTION CONFERENCE ON CRIMINAL JUSTICE EDUCATION FUNDING[1]

STATEMENT OF POLICY

We, criminal justice educators of the United States, strongly recommend that Congress and the President:

I. maintain the Law Enforcement Education Program in its present national, regional and state organizational structure;

II. exempt the Law Enforcement Education Program from general and specific revenue sharing; and

III. assure that qualified students now receiving grants or loans under the Law Enforcement Education Program be permitted to complete their present degree programs.

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[1] Called by the Center for the Administration of Justice, The American University, Washington, D.C. 20016, in cooperation with the Academy of Criminal Justice Sciences and held at The American University on February 17–18, 1973. This Statement of Policy was unanimously approved by the Conference.

UNITED STATES DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C. June 11, 1973.

Mr. G. ROBERT BLAKEY,
Chief Counsel, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. BLAKEY: This is in response to your letter of June 6, 1973, which sets out a series of questions on various bills to amend the Omnibus Crime Control and Safe Streets Act of 1968. These questions were submitted by the Acting Chairman of the Subcommittee on Criminal Laws and Procedures to supplement the hearings held on June 5 and 6, 1973.

Questions submitted by Senator Hruska and LEAA's answers follow:

1. Question. The House passed provisions relating to civil rights specifically Section 518(b), seem to be quite detailed in terms of remedial actions. Does the Department feel that enforcement activity could be restricted by the specificity of these provisions?

Answer. The Administration's proposal related to civil rights was a standard clause currently set out in the general revenue sharing statute. It has been adopted for each of the special revenue sharing proposals. LEAA would prefer to maintain the standard language and the options for remedial actions as set forth in that standard clause. The agency should have these options to set up a dual complaince activity so that on the one hand administrative hearings are required while at the same time other compliance activity may be more advisable.

2. Question. Does the requirement in the House bill for citizen representation on State and regional supervisory boards present any problems with respect to local governmental authority in the process of law enforcement planning?

Answer. The Administration's bill and a staff paper of the seven public interest groups working in this area has recommended changes to regional supervisory board composition on all such boards established under Federal grant programs. These recommended changes are contrary to the House Committee revision requiring citizen representation and the Administration's attempt to put control of these regional boards in the local elected executive officials comprising the units of government which make up these regions. We feel that these elected representatives must have this authority if they are to carry out their jobs for which the people have elected them.

3. Question. Has LEAA experienced any great problems with the 40 percent planning fund pass through which we amended in 1971?

Answer. The amendments have been working well and have addressed the problems of funding imbalance which they were intended to address. There have been some problems and you may be aware of them in respect to the Philadelphia Regional Council and the State of Pennsylvania. In the sense that a major unit of government such as Philadelphia must receive planning funds in accord with the 1971 amendments it would also seem necessary that the local government structure control the local planning mechanism. To this end LEAA is proposing guideline changes which would require that a majority of the membership of regional planning boards be appointed by the local governmental units comprising the region rather than the State agency or the governor. While the practice of gubernatorial appointment of regional board membership is confined to a dozen States, it has only become a problem in the past year and then only in a handful of these States. I do not think that statutory amendments are necessary to correct the problem.

4. Question. In the special revenue sharing proposal LEAA would anticipate receiving a three-year plan and annual updates. Doesn't LEAA in fact receive a multi-year plan under the current legislation?

Answer. LEAA does in fact receive a five-year plan under the current legislation. The State receives its current year funding eligibility plus the proportion of the second year's eligibility under this plan. The Administration's proposal was designed to further simplify and eliminate paperwork requirements associated with the planning process.

5. Question. The one-third salary limitation, as it was amended in 1971, was to my knowledge working fairly well and with a minimum of administrative problems. Would the House passed provision related to this amendment continue to achieve the objectives for which this amendment was designed?

Answer. The House Committee provision limits the applicability of this salary restriction to the police function alone. It is LEAA's view that this provision as amended would achieve some of the objectives for which the amendment was designed. However, the amendment would provide the potential availability of large amounts of salary costs for defense attorneys and other criminal justice personnel from Federal fund sources. It is true that the limitation as currently set out has been achieving its purposes.

6. Question. In that the House Committee has passed a 10 percent hard match provision with 50 percent of that match being required from the State for local grants, has it been LEAA's experiences in the past year based on a similar provision, that this amendment would be capable of being met?

Answer. The hard match and buy-in provisions which took effect in 1973, while presenting a substantial burden to the States and to the law enforcement program efforts have in fact been met or are being met in the States. The House Committee provision is preferable to the current provision. However, it will still present a hardship for some units of government. The elimination of all match as proposed in the Administration's special revenue sharing proposal is the preferred treatment of this issue.

7. Question. It is my understanding that LEAA has many commitments outstanding in respect to Part C and Part E discretionary funding. Would the net reduction in the discretionary program as proposed in the Administration's bill require LEAA to alter prior commitments?

Answer. There would have to be some alterations of prior commitments in the LEAA discretionary program. These commitments are not legal commitments for continuation funding. To some extent, prior commitments in the area of Impact City funding, Indian Affairs programing, Organized Crime programs, Small State supplements, or National Scope Projects will have to be reduced or altered since there would be a smaller amount of discretionary funds available under both the Administrition's and the House Committee bill.

8. Question. The subject of evaluation is continually referenced in reports on LEAA activities as well as other Federal agency activities. Is it really possible to make an overall evaluation of the entire effect of a program of this nature either nationwide or in a particular State?

Answer. While evaluation is a subject which receives wide attention, it is a rather difficult process in respect to overall evaluation of a program's effects. The factors which are brought to bear in any one State on any particular problem are so diverse and interact in so many ways that total program evaluation either may not be done or would be too costly to do properly. What LEAA must do is see to it that the proper segments of the criminal justice program which it funds are evaluated and the appropriate use made of those results.

9. Question. Has LEAA's experience with the LEEP program loan cancellation provisions been satisfactory?

Answer. The loan cancellation provisions do work. However, there have been a number of instances where the requirement that a person stay with the *same* law enforcement agency to obtain his cancellation has unduly restricted the mobility of our law enforcement personnel. It would appear to be enough that the requirement for cancellation be that the person stay in the law enforcement community and not with a specific agency.

10. Question. Is it correct to assume that construction programs would continue to be funded at a 50–50 match ratio under the House Committee bill?

Answer. For the Part C portion of a State's construction programs this would be true as it relates to 1974 funds. In addition, the House Committee bill would require a State "buy-in" on all local construction from Part C fund sources. This "buy-in" would amount to 25 percent of the project's cost. The effect could be the elimination of all local construction from Part C fund sources. It would appear that the retroactive provisions relating to matching requirements would allow construction to be funded at the same ratio as other programs. However, the House Report makes the language clear as it relates to Part C construction. While it may be funded up to 90 percent, it was the House Committee's intent that LEAA not place construction funded from prior funds in a more favorable position than future funded construction. Because of this language, LEAA would

continue the prior matching requirements for Part C construction programs unchanged. Part E correctional construction is, of course, altered from a 75–25 ratio to a 90–10 ratio in the House Committee bill.

11. Question. The appropriation authority asserted in the House Committee bill remains consistent at a one-billion dollar level. Do you see a need for any adjustment to this level?

Answer. The Administration's proposal in respect to the authorization authority was that such authorization be open-ended. While one-billion dollars seems at this time to be an appropriate level, LEAA would prefer that no level be set.

12. Question. Would the Department take a position with respect to the matching requirements, and aside from special revenue sharing, that retroactive application of some sort of provision to eliminate the concept of "soft match" would have a favorable effect on program operations?

Answer. Anything which would eliminate red tape and contribute to more effective planning and program operations would receive the Department's support. The elimination of soft match is such a provision.

13. Question. Is military surplus, such as light airplanes, helicopters and crime laboratory equipment, available to State and local units of government for purposes of crime control?

Answer. For all practical purposes surplus equipment is not available since it must first go through the process of being declared excess to the Federal Government's needs. After that LEAA would still have to retain title to the "excess" Federal property which would be "on loan" to LEAA grantees. This system requires LEAA control over the property in use by the grantees and places a burden upon the grantee to maintain elaborate property records and follow detailed reporting procedures.

14. Question. Will LEAA require additional authority in order to deal with the vast law enforcement problems that will grow out of the various Bicentennial celebrations in 1976?

Answer. LEAA would probably need atuhorization to establish a temporary staff and to transfer funds to the Bicentennial Commission or other Federal agencies which are involved with coordinating or planning of law enforcement activities related tothe Bicentennial.

15. Question. Do you currently have authority to exchange information and technical assistance with foreign nations relative to law enforcement matters of mutual concern?

Answer. It is not clear that LEAA has authority to exchange law enforcement information or technical assistance with foreign nations. In matters of mutual concern, such authority would be desirable and beneficial to the overall goals of the Federal crime control effort.

If LEAA can provide any additional information, please let us know.

Sincerely,

DONALD E. SANTARELLI,
Administrator.

UNITED STATES DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., June 11, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures
U.S. Senate, Washington, D.C.

DEAR SENATOR: Pursuant to discussions with the Subcommittee staff, the following supplemental information is submitted.

1. *The Use of Crime Statistics in Computing the Allocation of Funds.*

The most common argument in favor of the incorporation of crime statistics into the formula used to determine the allocation of Federal funds for law enforcement is summarized in the phrase, "to get the money where the crime is." It is reasoned that the major portion of crime-fighting funds should be made available to those geographical areas where the incidence of crime is highest. Those expressing support for this position frequently cite the nation's urban areas as being most in need of funds for law enforcement.

There is merit, of course, both in efforts to "get the money where the crime is" and in emphasizing the needs of urban areas. Every examination of crime statistics clearly shows that index crimes, especially violent crimes, follow population. Consequently, we know that population is a useful indicator of law enforcement needs. By putting law enforcement funds where the *people* are—allocating on the basis of population—we do in fact get the money where the *problems* are.

As we know from testimony presented during the Subcommittee hearings, the nation's cities have received an increasing portion of block grant funds. Moreover, the provisions of S. 1234 (Section 203(6)) and H.R. 8152 (Section 303(a)) would assure the continued allocation of funds to "areas characterized by both high crime incidence and high law enforcement and criminal justice activity."

The incorporation of crime statistics into a national fund allocation formula raises the potential for serious administrative problems. For example:

a. Crime index figures as a basis for receiving funds would not be an incentive to lower the crime rate, since a decrease in crime would reduce the level of funds allocated in subsequent years. The effect would be to penalize those units of government which conduct successful crime reduction programs. Such a procedure would provide an incentive for individual jurisdictions to increase the amount of reported crime.

b. Crime index figures are not presently capable of reflecting unreported crime, which may not follow geographically the patterns of reported crime. Current victimization survey efforts sponsored by LEAA in cooperation with the Bureau of Census may significantly alter crime reporting procedures and statistics. If fund allocations were predicated in part on current crime index figures, any change in the statistical reporting system could abruptly affect the availability of law enforcement funds to various units of government.

c. The use of crime index figures as a means of enriching the fund allocation formula tends to obscure the fact that there are serious law enforcement problems other than those reflected in crime rates. Such problems would include high arrest activity, congested court calendars and crowded or critically antiquated correctional facilities. It is also significant that expenditures for crime prevention are not adequately reflected in crime statistics. A crime that is prevented does not become recorded in the statistics, although effective prevention programs may be just as expensive as crime detection or apprehension programs. An overemphasis on crime rates would therefore produce a serious imbalance in efforts to address the broader needs of the criminal justice system.

Moreover, Uniform Crime Reports for 1972 indicate that crime is decreasing in the large cities and rising in the smaller communities:

City size (population)	Change in crime	Percent, 1972
Over 1,000,000	Down	12
500,000 to 1,000,000	Down	7
250,000 to 500,000	Down	2
100,000 to 250,000	Down	2
50,000 to 100,000	Up	1
25,000 to 50,000	Up	1
10,000 to 25,000	Up	4
Under 10,000	Up	5

These figures for 1972 do not prove that crime will no longer be a problem in large cities. Rather, the import of these changes in the crime rate is simply that the rates will change. While some states will be experiencing high rates of urban crime, other states will be combating a crime problem in the suburbs or rural areas. Any proposal which does not recognize this factor denies to the states the freedom necessary to put the law enforcement dollar where the problem is.

2. *The Representative Character of Sub-State Planning Units.*

To insure the representative character of sub-state criminal justice planning agencies, LEAA has issued notice of a proposed guideline which, if adopted, would modify the guidelines for all planning grants beginning in fiscal year 1974. The proposed guideline, (Attachment A), would require appointment of a majority of the regional board membership by the local elected executive officials of the cities and counties within the region.

3. *The Part B Pass-Through Requirement.*

Testmony before the Subcommittee indicated that the Alabama Law Enforcement Planning Agency has failed to make adequate amounts of planning funds available to local units of government.

As you know, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires states to pass through 40 percent of planning funds "to units of general local government *or combinations of such units. . .*" (Emphasis added). Attachment B shows the percentages of Part B planning funds made available by each state under the FY 1973 planning grants. In all instances where less than 40 percent is shown as the pass-through percentage, the appropriate waiver has been obtained in accordance with the provisions of the Act.

4. *The Involvement of State Legislatures.*

Testimony before the Subcommitte indicated that S. 1234 does not provide for the involvement of state legislatures in the allocation or appropriation of action funds.

Section 203(5) requires that the normal governmental processes of state and local governments be utilized in the expenditure of special revenue sharing funds.

This means that funds will be appropriated by the normal state and local legislative proces. All state and local laws and procedures will be followed such as procurement law, fiscal integrity, personnel merit systems requirements. This would also require legislative oversight of the program. Since these funds would be spent with greater latitude and flexibility on the part of state and local officials in the setting of priorities and decision-making, it is only proper that the Federal government fully support state and local governments' modes of maintaining control and oversight. Accountability will then be in officials elected by state and local taxpayers.

Since many legislatures will be out of session at the time the first special revenue sharing payment is made, an orderly transition period will be necessary. We suggest that a technical change be made in the language of this provision delaying the provision': effective date until the first session of a state legislature. In some areas of the country where legislatures meet bi-annually, this may mean a waiver of this requirement for perhaps 18 months.

Except for the need for a waiver until the legislature goes into session this provision is the same as that found in general revenue sharing.

I appreciate the opportunity to provide this supplementary information. If I can provide additional material, please let me know.

Sincerely,

DONALD E. SANTARELLI,
Administrator.

Enclosures.

Attachment A

U.S. DEPARTMENT OF JUSTICE—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

NOTICE OF PROPOSED GUIDELINE

Issuance Purpose of Notice

The Law Enforcement Assistance Administration (LEAA) is considering an amendment to its current guidelines governing regional criminal justice planning boards. The amendment under consideration wonuld require appointment of a majority of the regional board membership by the local elected executive officials of the cities and counties within the region. This notice is designed to elicit full public comment and consideration of the proposal.

Background

The law enforcement and criminal justice planning function under the Omnibus Crime Control and Safe Streets Act (Act) (Pub. L. 90–351, as amended by Pub. L. 91–644, 42 U.S.C. §§ 3701 et seq.) is carried out by professional staff at the State and local governmental level. These staff members operate under the policy direction of supervisory boards or councils at the State level and, in most States, similar boards at the regional level.

Current LEAA policy with respect to the planning function is set forth in LEAA Guideline Manual M 4100.1. This manual is titled *State Planning Agency Grants* and is dated August 22, 1972. Chapter 1, Section 2, Paragraph 20 of this guideline sets forth the LEAA policy on regional supervisory board composition. It is set forth as follows:

"20. *Regional Criminal Justice Planning.* The Act requires that units of general local government or combinations of such units participate in the formulation of the Comprehensive State Plan. As a means of meeting this requirement

LEAA encourages the creation of regional planning units by State Planning Agencies to assist in the development of the annual comprehensive plan.

a. *Definition.* A regional planning unit is any body so designated such as a combination of units of general local government to administer planning funds and undertake law enforcement planning activities under the Act for a number of geographically proximate counties and municipalities, or for a total metropolitan area.

b. *Supervisory Boards.* Where States establish regional planning units as "combinations of local government" to receive planning funds and participate in the formulation of the State plan as provided in Section 203(c) of the Act, such regional units must operate under the supervision and general oversight of a supervisory board.

(1) *Composition.* The composition of the supervisory board shall incorporate the representative character elements prescribed for supervisory boards of State Planning Agencies (see paragraph 14) with the following modifications:

(a) Where the governments comprising the regional unit do not have significant responsibility for a particular segment of law enforcement (e.g., operation of courts, provision of police services, conduct of correctional programs), representation of that particular element need not be included.

(b) Representation by elective or appointive policy making officials *must* include at least one representative of the largest city and county in the region and of any unit of government of more than 100,000 population within the region. (This need not be the senior official himself but may be someone named by him as his representative.)

(c) Those representative character requirements concerning State agency representation or State/local balance are not deemed applicable to regional units, although locally-based State officials (e.g., State judges within the region, directors of local branches of State correctional departments, etc.) may be considered appropriate candidates for membership on regional supervisory boards and, indeed, can often make a valuable contribution to comprehensive planning at the regional/local level.

(d) Those units of government which have the major share of law enforcement responsibilities within the region, in terms of their population, their contribution to the total amount of crime within the region, their budget for law enforcement, or other factors, shall have fair and adequate representation.

"(2) *Advisory Groups.* Where a general purpose agency is selected to serve as the regional planning unit, the governing body of the agency does not include representation of all required elements, an advisory group consisting of the missing elements may be established to achieve compliance with this requirement. In determining whether there is compliance with this subparagraph, the totality of advisory and governing body membership will be taken into account only if the advisory body has direct access to the governing body for presentation of views."

Proposed Amendment

It is proposed that the following new language be added to Paragraph 20.b.(1)(d):

"Fair and adequate representation includes a requirement that the majority of the membership of any regional board (or any executive committee exercising the major functions of the board) be appointed by local elected executive officials of units of government which have the major share of law enforcement responsibilities within the region or other designated planning area."

Authority

General regulatory authority is contained in Section 501 of Pub. L. 90–351, as amended by Pub. L. 91–644, 42 U.S.C. § 3751.

The proposed issuance is consistent with the purpose and intent of Section 203(c) (42 U.S.C. § 3723), Section 303(3) (42 U.S.C. § 3733) of the above cited statute.

State planning agencies established pursuant to Section 203 have the primary authority to decide the conditions upon which planning funds are allocated to local units of government. Among other factors, this authority is contingent upon the duty of each agency to develop a comprehensive Statewide plan that will "encourage local initiative in the development of programs and projects for improvements in law enforcement . . ." (Section 303(3)). This authority is also contingent upon the duty of each agency to provide for such local input by the allocation of 40 per centum of all Federal funds available for performance of the

planning function; and in the case of the major cities and counties within the State, an assurance that these major units receive planning funds to develop comprehensive plans and coordination functions at the local level (Section 203(c)).

Each of these provisions (for input and funding) take on meaning only when the local planning mechanism is subject to the control of the local units of government.

For this reason, LEAA finds that the intent and purpose of the Act to provide for local governmental input into the State plan requires that the elected officials of the major units in each planning subdivision exercise the appointment authority necessary to assure that local input is provided to the State.

Compliance with the proposed provision would be a condition to the receipt of planning funds.

Clearance Process and Effective Date

Publication of this guideline in the Federal Register is supplemental to the normal consultation process of Section 501 of the Act and Office of Management and Budget Circular A–85. It is hoped that all interested parties will submit written data, views and arguments including oral presentation so that full consideration can be given to the proposal. A meeting will be scheduled with representatives of the governmental units for oral presentation and discussion. Written views may be sent to, or other information may be obtained from: Charles A. Lauer, Office of General Counsel, Law Enforcement Assistance Administration, Washington, D.C. 20530 (Area Code 202/386–3344).

This guideline or any agreed upon modification shall be effective sixty (60) days after publication as a proposal.

DONALD E. SANTABELLI,
Administrator.
RICHARD W. VELDE,
Associate Administrator.
CLARENCE M. COSTER,
Associate Administrator.

CITY OF TOLEDO OHIO,
June 12, 1973.

Mr. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The purpose of this letter is to express my concerns about H.R. 5613 and H.R. 8152. I would like to state that while I favor revenue sharing over the categorical grant process utilized in the past, I do not recognize it as an ultimate solution to the problem of equitably distributing federal resources. It does not appear logical to me to have Toledo families send their tax money to Washington, where it is duly counted and deposited, and then returned by the Congress. This type of bureaucratic procedure is a waste of not only time but the taxpayers money. Those taxes need never leave Toledo or Ohio. The state, in conjunction with communities such as Toledo, already has the machinery necessary to administer the revenue. I believe as do many others in Ohio that tax credit legislation is the natural extension of revenue sharing and must occur sometime in the near future.

However, since H.R. 5613 and H.R. 8152 are presently under your consideration. I would like to point out what I consider to be several philosophical and bureaucratic problems.

1. Section 202(a) of H.R. 5613 does not adequately describe the State Planning process nor is there any provision for a specific planning, program development, and priority setting role for local governments. We believe that local governments should have a major role along with the states in crime reduction. I believe that the existence of state planning agencies should be mandated within the proposed legislation along with *Impact Areas* which would receive non-competitive allocations of Part C Action monies within the context of city/county coordination. The following formula for *Impact Areas* has been proposed and I believe it is worthy of consideration:

(*a*) Largest city in each state;

(*b*) Other cities with population greater than 250,000;

(*c*) Other cities with population greater than 100,000 and Part I crimes greater than 5,000;

(*d*) Other counties with population greater than 350,000 and Part I crimes greater than 15,000.

However, if this approach for non-competitive funding for Urban areas is too complicated then the approach in the proposed Stanton-Seiberling Amendment would be acceptable.

2. Section 202(b) of H.R. 5613 provides that a majority of local advisory boards be elected public officials. I would recommend that you strongly consider the formula utilized in the Ohio Plan. The Ohio Plan requires a board that is representative of the total community. The board is composed of elected officials, public officials from the criminal justice system, community representatives, and minority group members. Our local advisory board in Toledo is probably representative of the other Criminal Justice Regional Planning Unit Boards in Ohio: I am responsible for appointing a percentage of the board membership based on Toledo's population and crime problem. The Lucas County Commissioners, along with elected officials from suburban communities, appoint the remainder of the board based upon the same crime and population formula. I have been satisfied with the work and results that have been achieved by the present board and believe that those results are the product of broad based participation and knowledge. While the participation of elected officials is needed, requiring that a majority of the membership of local advisory boards be elected officials is of highly questionable value. The time constraints involving elected officials could create a token board that could not spend the long hours required in priority and program development. We should however, have the responsibility for appointing and approving the members of such boards.

3. The Omnibus Crime Control Act has provided that 15% of the Part C (Action) funds will be reserved to the federal government, to be awarded at its "discretion". In 1970 Amendments, 50% of Part E (Corrections) funds were similiarly held back. The federal government initially maintained that it had an obligation to see that local governments were adequately funded in states where the SPA deliberately ignored certain localities. The money was never used as intended and served to beautifully orchestrate a federal rendition of musical chairs. Our experiences in Toledo, based on my conversations with other Mayors, are not out of the ordinary.

We have been attempting to build a new Criminal Justice complex to serve our judicial process since October, 1970. Representatives from Toledo including myself have met with high ranking LEAA officials in Washington and Chicago and were encouraged to apply for LEAA discretionary funds to plan our proposed complex. We did. Toledo then received $225,000 in discretionary funds for the design of the building with the understanding that if the design was acceptable LEAA would support part of the construction cost of the new structure. The design was not only acceptable, but received an outstanding evaluation from LEAA's National Clearinghouse and LEAA's regional office. Unfortunately, LEAA changed conductors several times during this process and Toledo has not received one cent for construction. We were left holding the proverbial "bag" while still dancing to the music amidst LEAA promises for funding made as recently as November of 1972.

Another frustration comes in our efforts to develop a comprehensive plan based on block grant allocations with the necessity for continuation funding for discretionary projects which come to us suddenly when their federal discretionary funding ends. I believe this problem could be eliminated by reducing the Discretionary Grant Program to 5% and increasing the funds allocated to the States to 95 percent. This would mean, on the basis of the administration's appropriation bill, that LEAA would still receive $40,000,000 for Discretionary Programs which addressed problems of a national scope. The states would receive $720,000,000 as Special Revenue Sharing Funds, which would, in turn, require substantially more money to pass through to local communities. Thus, the federal presence would be reduced and the fundamental concept of the program would be enhanced. We do believe, however, that the Law Enforcement Education Program (LEEP) is a good example of a national scope program that LEAA should continue to administer and fund.

4. I support the administration's proposal with respect to the deletion of the matching requirement which has been somewhat of a farce since its original inception. The buy-in and assumption of cost provisions have also caused us problems, as have the personnel limitations. We would just as soon see them eliminated.

Finally, I would like to close by reaffirming that I do not see Revenue Sharing or Special Revenue Sharing as the ultimate solution to our problems at the local level. I believe that the federal government must move toward tax credit legis-

lation. Local and state government have come of age. We can deal with our problems if provided the necessary resources without the unnecessary bureaucratic regulations. The "Ohio Plan" which was created under the administration of Governor John J. Gilligan is a positive example of what can be done in our fight against crime. I urge you to take the "Ohio Plan" into consideration along with my recommendations in the preparation of new or continuing legislation for LEAA.

Sincerely,

HARRY KESSLER,
Mayor.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., June 19, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Subcommittee on Criminal Laws and Procedures, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: I would like to request your support for an amendment to the pending extension of the Omnibus Crime Control and Safe Streets Act of 1968 now before the Senate Subcommittee on Criminal Laws and Procedures. This Amendment (attached) would mandate that state planning agency supervisory boards created under the Act be composed of a majority of elected officials representing general purpose local government, and has the support of the National Association of Counties, the National League of Cities/U.S. Conference of Mayors and the National Governors' Conference.

The preponderance of testimony from city and county officials heard by the Subcommitte during recent hearings pertained to the lack of adequate representation by such elected officials on regional and state policy planning bodies. This lack of representation has resulted in the failure of statewide criminal justice plans to adequately accomodate the needs and priorities of general purpose local government. In addition, the experience has been that an inordinate amount of time has been consumed at the state level appproving or disapproving local projects applications for a share of the state's block grant funds.

Statistics compiled by the National Governors' Conference reveal that nationwide, local elected officials comprise 17% of the membership of such boards, citizens 19%, other public officials 16% and criminal justice systems officials 48%.

We are happy to learn that the Subcommittee has tentatively agreed to mandate that regional boards be composed of a majority of local elected officials. We are now hopeful that you will expand this same provision to state boards.

The balance of membership on regional and state boards would be composed of law enforcement and criminal justice personnel. Citizens could be members of such boards at the option of the state or regional bodies, although citizens would already be represented through elected city and county officials.

Through adoption of our amendment, local needs and priorities could adequately be addressed at the state level as well as insuring a prompt flow of funds to local governments within the 90-day approval/disaproval time frame now under Subcommittee consideration.

Finally, by providing that regional and state policy planning bodies be composed of a majority of local elected officials, this will insure that such officials who have overall responsibility for coordinating criminal justice or crime prevention programs with other programs being carried out in their jurisdictions would be meaningfully involved in decisionmaking affecting their jurisdictions.

We respectfully urge favorable action on the attached amendment.

Sincerely,

BERNARD F. HILLENBRAND,
Executive Director.

SUBSTANCE OF AN AMENDMENT TO PENDING LEGISLATION TO AMEND TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

COMPOSITION OF STATE PLANNING AGENCIES

Any state planning agency superivsory boards established pursuant to Sec. 203(a) of P.L. 91-644, as amended, shall be composed of a majority of elected officials representing general purpose local governments. Other representation shall include law enforcement and criminal justice agencies and public agencies maintaining programs to reduce and control crime. Such boards may, at their option include representatives of citizen, professional and community organizations.

(The above amendment is in addition to the requirement that regional planning bodies be composed of a majority of elected officials representing general purpose local government.)

NATIONAL COMPOSITION OF STATE SUPERVISORY BOARDS

PRIMARY AREA		
Criminal Justice System Officials	677 (48%)	
COURTS	289 (21%)	
Judicial		
Trial Judges		51
Juvenile Court Judges		26
Supreme Court Justices		14
Magistrates, J.P.'s		13
Court Administrators		9
Appellate Judges		7
Federal Judges		1
Prosecution		
Local		64
State (Attorneys General)		50
Federal (U.S. Attorneys)		6
Defense		
Private Attorneys (Court Appointed)		30
State		10
Local		8
POLICE SERVICES	258 (18%)	
City Police		115
Sheriffs		72
State Police		71
CORRECTIONS	130 (9%)	
Adult		
State		51
Local		5
Adult and Juvenile		
State		31
Local		13
Juvenile		
State		18
Local		12
Citizen Representatives	510 (36%)	
ELECTED OFFICIALS	244 (17%)	
Local Government (Legislative)		85
State Legislators		80
Mayors		66
Governors		13
PRIVATE CITIZENS	266 (19%)	
Other Public Agency Officials	228 (16%)	

RECAPITULATION

Local Representation	860 (61%)
State Representation	539 (38%)
Federal Representation	16 (1%)
Total	1,415 (100%)

Attachment B

FISCAL YEAR 1973 PLANNING GRANT FUND AVAILABILITY TO LOCALITIES

State	Percentage of part B funds	Number of cities funded	Number of counties funded	Number of RPUS funded
Alabama	38		2	7
Alaska	(1)	(1)	(1)	(1)
Arizona	40			6
Arkansas	40			5
California	49	5	11	23
Colorado	57			6
Connecticut	40			8
Delaware	15	1		
District of Columbia	(2)	(2)	(2)	(2)
Florida	40	1	8	2
Georgia	48			19
Hawaii	40		3	1
Idaho	27			4
Illinois	40			21
Indiana	55	4	1	8
Iowa	40			8
Kansas	59			3
Kentucky	40			16
Louisiana	40	1		7
Maine	40			7
Maryland	43	1	4	5
Massachusetts	40	7		
Michigan	40	1	3	11
Minnesota	40			9
Mississippi	42			4
Missouri	48			21
Montana	(1)	(1)	(1)	(1)
Nebraska	40			19
Nevada	40			3
New Hampshire	40		3	
New Jersey	48	15	9	
New Mexico	40		1	8
New York	43	6	5	9
North Carolina	46	1		17
North Dakota	(1)	(1)	(1)	(1)
Ohio	40			6
Oklahoma	40			11
Oregon	47			14
Pennsylvania	40	1	3	8
Rhode Island	48	4		5
South Carolina	40	1	1	10
South Dakota	(1)	(1)	(1)	(1)
Tennessee	40	1	3	9
Texas	40			30
Utah	40			8
Vermont	(1)	(1)	(1)	(1)
Virginia	48			22
Washington	45	2	8	7
West Virginia	58			2
Wisconsin	(1)	(1)	(1)	(1)
Wyoming	40			7
American Samoa	(2)	(2)	(2)	(2)
Guam	(2)	(2)	(2)	(2)
Puerto Rico	(2)	(2)	(2)	(2)
Virgin Islands	(2)	(2)	(2)	(2)
Total				

[1] Data for FY 1973 not yet available.
[2] Not required to observe the pass-through provision.

Law and Disorder III

State and Federal Performance
Under Title I of the Omnibus Crime Control
and Safe Streets Act of 1968

Prepared by the
Lawyers' Committee
for Civil Rights Under Law

97-296 O - 73 - 22

This report is an analysis of the operation at the federal and state levels of the federal anti-crime grant program created by the Safe Streets Act of 1968. It reviews the nature and impact of the grants made since the inception of the program through the end of fiscal year 1971, focusing on the programs administered directly by the Law Enforcement Assistance Administration and on the block grant programs of five states: California, Massachusetts, Ohio, Pennsylvania and South Carolina. The study is based on interviews and document reviews conducted at the federal, state and local levels and on a review of the general literature pertaining to the administration of the nation's criminal justice systems. Except where indicated, the research and data collection for the report were completed as of April 1972. The report is based exclusively on materials available to the general citizen or taxpayer. —*Sarah C. Carey*

Contents

Preface

This report is the third in a series* that has analyzed the performance of the states and the Law Enforcement Assistance Administration (LEAA) in administering the massive federal anti-crime grant-making program created by Title I of the Safe Streets Act of 1968.

Since the program began four years ago, more than $1.5 billion has been distributed under the LEAA program to states, localities and private bodies for the stated purposes of improving law enforcement and ensuring the safety of the American people. At the end of fiscal year 1973 (June 30, 1973) the initial five-year authorization for the program will expire. Congress and the American people will have to decide whether the program should be continued and, if so, in what form and at what level of funding. This report is intended to serve as a basis for informed decisions about the future of the LEAA program. It documents the experience under the program at the federal level and in five states. The states—California, Massachusetts, Ohio, Pennsylvania and South Carolina—were selected because of the diversity of crime problems and criminal justice structures that they represent as well as for the different approaches they have taken to the administration of the LEAA program.

The report stems from a concern with the problems and rights of the poor and minorities, particularly those who reside in the nation's urban centers. For these people, more than for the nation at large, crime is a major problem. As we wrote in 1970 in *Law and Disorder II* (p. 3):

"Crime is gripping our cities with fear, destroying lives and property, consuming fiscal and human resources. Urban systems of criminal justice—including the police, the courts and corrections institutions—are incapable of halting rising crime rates and unresponsive to the needs of the communities they serve. For decades these agencies have operated beyond public scrutiny, lacking either adequate support or constructive criticism. The public has refused to make the financial commitment necessary for the system to work. Few basic questions have been asked about crime, criminals or the operation of the agencies set up to deal with them. Fewer answers have been found."

Our interest in the LEAA program stems from the fact that it is the only major federal grant program that has the potential to address the problems outlined above and to modernize the agencies of the criminal justice system. Continued frustration of LEAA's objectives and dissipation of its funds injure the poor, the minorities and the disfranchised more than anyone else.

Four basic premises underlie, and may color, the conclusions and recommendations made in this report:

- A strengthened criminal justice system alone cannot begin to solve the "crime problem."
- In a democratic society all available alternatives should be explored before the role of the police is expanded.
- The agencies of the criminal justice system should be subjected to broad public review and participation.
- The criminal justice system as a whole is presently characterized by widespread discrimination against the poor and minorities.

*The first of these was called *Law and Disorder* and was issued in June 1969. The second, entitled *Law and Disorder II*, was issued in August 1970.

Summary

The grant program created by Title I of the Safe Streets Act was the first substantial federal effort to face the national crisis created by the deterioration of state and local criminal justice systems and the rising rates of crime and delinquency. At the time of the passage of the Omnibus Crime and Safe Streets Act of 1968, the agencies that comprise the nation's criminal justice system were failing. They were structurally inadequate and lacked both the know-how and the fiscal resources necessary for reform.

The Title I program was designed to provide the extra money needed by local leaders over and above their routine capital and service expenditures to begin the difficult task of restructuring their present methods of operation. It was never intended to be a general support or straight fiscal relief measure. The framers of the Act specified that the grants were to be used as stimulants to reform, recognizing that otherwise they would be absorbed into the much larger state and local criminal justice budgets without discernible impact.*

In addition to providing funds to support state reform programs, Title I created a special federal agency, the Law Enforcement Assistance Administration (LEAA), to infuse the state expenditures with leadership and direction. LEAA was given substantial funds to administer directly for the research and design of new approaches. Congress recognized, as the President's Crime Commission had recommended, that there was little knowledge or expertise in the country concerning the most effective methods for upgrading the criminal justice system and that lacking such expertise, the federal grant funds would be wasted. It therefore created within LEAA a research institute responsible for elevating the "state of the art." The institute was to improve methods for measuring and defining the problem of crime and to develop new approaches for upgrading the performance of police, courts and corrections agencies. Congress also gave LEAA 15 percent of all action funds to distribute directly for demonstration projects which it determined to be particularly effective and which were not being funded by the states. Finally, it assigned the agency special responsibilities for the training and education of criminal justice officials. Under preexisting legislation, Title VI of the Civil Rights Act of 1964, the agency was obligated to ensure that its grantees applied the federal funds without discriminating against minorities.

The research, demonstration, training and civil rights enforcement programs gave the federal agency the necessary resources to provide leadership to the states in developing effective programs. Additional leadership tools were vested in LEAA through its general oversight responsibilities for the state programs. The agency was to review annual comprehensive state plans, to evaluate state programs and to ensure that state operations conformed to the enabling legislation.

The general relationship of the federal government to the states was partially paralleled in the states' relationships to their localities. The states were similarly allowed to retain a defined percentage of funds for state-level agencies, including the state planning agencies set up to administer the program, and were mandated to provide technical and other assistance to local agencies and grantees. Again, it was assumed that the higher level of government would guide and assist the localities.

As this report shows, LEAA has not yet exercised the leadership mandated by Title I's design. It has not yet devoted sufficient attention and research effort to developing new tools for combatting crime or for

*The state of California, for example, received $62.9 million in action grants from 1969 to 1971, a small portion of its $1-billion *annual* budget.

measuring or understanding the problem of crime. Moreover, the federal agency has apparently chosen not to exercise strong leadership over the states in administering the block grants, and has not used the programs it administers directly to fill the gap.

The Institute for Law Enforcement and Criminal Justice, at least until recently, has operated as an isolated adjunct of the program. Its research and findings have not been relied upon as guides for federal or state programs. Action grants have been given for projects that are under review by the Institute or that Institute research has shown to be of dubious value. The results of Institute research often are not distributed, and most state planning officials are unaware of the Institute's work, much less guided by it. More importantly, Institute research has not come up with effective ways for improving the manner in which the agencies of the criminal justice system execute their responsibilities.

The discretionary grants, on the other hand, have become a vehicle for funding whatever programs the states for some reason choose not to fund. Many federal grants duplicate state programs for saturation policing, for new equipment, for crime laboratories, for training and for other items—rather than leading the way, by focusing on special demonstration projects that may be beyond the state's capabilities. Sometimes grants are made without any indication of need or desirability, simply to satisfy local officials.

A particularly disturbing lapse in federal leadership, highlighted in this report, is LEAA's failure to provide adequate attention to its civil rights obligations. The criminal justice system, of all public agencies, is the system that deals the most directly and the most harshly with the poor and minorities. In some respects, it is a substitute for the massive investment required to provide decent lives in the nation's ghettos and barrios. Numerous official commissions have documented that each phase of the criminal justice decision-making process is easily subject to discriminatory judgment and that, in fact, minorities are often treated unfairly. Because LEAA has failed to take adequate precautionary steps, its grants are reinforcing the existing discriminatory patterns of the criminal justice system, rather than seeking to eliminate them. Grants to support computerized criminal offender information systems are memorializing arrests "for suspicion" or other arrests that did not lead to formal processing or conviction, even though such arrests frequently reflect discriminatory law enforcement patterns. The Attorney General, over LEAA's objections, has vested national control over the compilation of these information systems in the FBI, and the Department of Justice, as a whole, has failed to employ the legal power it possesses to set minimum safeguards for the manner in which the information is compiled, disseminated and used.

In addition to these basic omissions in regard to its direct responsibilities, the federal agency has failed to provide the kinds of program services or to exercise the program oversight necessary to assist the states in finding their own way. It has not created an information clearinghouse system that would inform state and local planners of the approaches developed by other jurisdictions facing similar problems—an omission that has resulted in waste and duplication. It has not developed an evaluation scheme for assessing program accomplishments, despite admonishments by the Comptroller General that this was reducing the program's effectiveness. Most important of all, it has not even attempted to develop minimum program standards for the state block grants. Absent such standards, as this report shows, South Carolina has funded small rival law enforcement agencies and detention facilities that should be consolidated or eliminated; California has invested in a host of overlapping, duplicative information systems; Ohio has "stockpiled" riot equipment in college campus towns; and other states have distributed funds for similarly dubious purposes. The purchases made with LEAA funds have tended to reinforce the preexisting trends already evident in the states, and have not been applied to spell out new directions.

Generally, LEAA has neither led the way for the states, nor held the states up to strict performance standards. This has been as true of the operations and structure of the state planning agencies as of the quality of state programming. Many of the states have wasted time and funds trying to devise an appropriate planning structure that reflects both state and local needs. After four years of effort, many states do not have the problem resolved, and some have simply opted for strict state control. With a few exceptions (such as the Ohio model discussed in Chapter IV), the administrative apparatus created at the substate level is ill-conceived and ineffective. Few of the states provide the technical assistance, leadership and program oversight for local programming that the Safe Streets Act intended them to provide.

The over-all result is that the federal reform program has become a fiscal relief program. In almost four years of operation and after the distribution of roughly $1.5 billion in funds, the LEAA program has not initiated a basic reform of the nation's criminal justice system. Instead, LEAA has taken the system as given and invested its funds in making the criminal justice agencies more efficient, primarily through expenditures that meet existing material needs. This focus has tended to reinforce the present deficiencies of the criminal justice agencies, making fundamental reform more difficult.

Review of the state expenditures shows that, like the federal discretionary grant program, the funds are going for such outstanding needs (or newly stimulated wants)

as new communications equipment, information and intelligence systems, helicopters, night-vision equipment, new training facilities, crime labs and even night sticks, helmets and street lighting. Many such items may in fact be needed, but they are the bread-and-butter expenditures that the states are supposed to fund themselves—not the kinds of innovative projects that Title I was intended to fund. Some of the new technology and tactics represent reforms, in the sense that they are new or untried, but they are not in most cases directed to basic modifications of police (or other agency) operations; they are purchased singly and not as part of an over-all modernization or upgrading effort, and they do little to change the basic operation of the grantee agency. The new technology without new forms of street patrol and police organization promises little or no basic change.

Throughout the country, there are exceptions to the general pattern, examples of outstanding leadership where individual officials have known how to use the federal grants to support redirection of a state or local agency. In Chapter IV, we show that the Youth Commissioner in Massachusetts has applied LEAA funds to create new community treatment resources for young people and at the same time has closed down the state's traditional detention facilities, making a reversion to past practices virtually impossible. In Dayton, Ohio, Police Chief R. M. Igleburger has begun a restructuring of the patrol tactics of his department and the manner in which they relate to local neighborhoods. Because of strong rank-and-file opposition the program is not yet a success, but a beginning has been made. And in Philadelphia, Common Pleas Judge Paul Chalfin has begun court reform efforts that include expanded probation and parole, new juvenile support services and an upgrading of both the public defenders' and the district attorneys' offices.

Such strong and innovative programs are few in number and limited in resources, given the over-all size of the program. They are a small return for a $1.5-billion investment. And, even with the most successful, it is questionable whether they will continue to receive funding and, if so, from what source. The Safe Streets Act specifies that the federal funds are not to supplant local expenditures and that grantees must demonstrate a willingness to assume the ultimate costs of running projects funded under the Act, but to date most states have been unwilling to absorb even the most successful projects into their routine criminal justice agencies. A major problem of the program today is how to institutionalize successful experiments and to elicit a state or local commitment to proven reforms. Absent a solution, LEAA is providing "continuation grants"—that is, repeated annual funding for those projects it considers most successful.

The general result of four years of federal spending in the anti-crime area is that a host of criminal justice agencies have received budget supplements for traditional spending purposes and a few agencies have used the extra money to experiment with reforms.

For a variety of reasons, the net effect of the "no-strings-attached" distribution of funds has been a heavy emphasis on building up the material resources of the police. As national models, the Justice Department and LEAA have placed heavy emphasis in the past four years on enhancing the resources of the police and prosecutors. At the state and local levels, a similar expenditure pattern has evolved. Police hardware proposals are relatively easy to prepare—given the complicated bureaucratic procedures that must be followed to get an LEAA grant—and generally do not require the difficult planning and preparation that go into a proposal to restructure the basic operations of an agency. In addition, the police are heavily represented on local and state planning boards, which gives them an advantage in gaining project approval. As a result of these factors, at the federal level, large percentages of discretionary funds, research funds and manpower funds have gone to the police or in support of police programs. At the state level, the pattern is repeated: In California 51 percent of the state's total LEAA action fund distribution has been for police programs; in Massachusetts, 52 percent; in Ohio, 49 percent; in Pennsylvania, 43 percent; and in South Carolina, 49 percent.

Within the general category of police expenditures, the funds are rarely being invested in efforts to improve police patrol tactics, the manner in which police units relate to their local neighborhoods or police outreach to other social service agencies that might offer alternatives to arrest. Instead, the principal use of the funds is for purchasing the kinds of equipment discussed above or new technology. Police departments are investing in helicopter patrols, sophisticated surveillance equipment and advanced systems technology—command and control systems (electronic systems for allocating resources, especially in emergencies), automated vehicle locator systems, computerized information systems, etc. As Chapter III shows, much of the new technology is being pushed by manufacturers previously active in the defense industry who rightfully state that LEAA has "primed the pump" for a rapid expansion of the law enforcement industry. Additional resources are being allocated to management training and executive development for police officials. Both kinds of investments are being made to improve performance within the context of the present system, without altering the structure or method of operation of that system.

As a staff member of the Police Foundation put it, "The entry into policing of enterprises like North American Rockwell and Systems Development Corpora-

tion is likely to result in the transformation of a horse-and-buggy operation into a sleek modern performer without changing one iota of its substance. It will do the same things it has always done, but in a sleek and modern fashion that renders it impervious to scrutiny and critique."

The primary example of this trend i the rapid, LEAA-supported expansion of computerized criminal offender information systems at the state and federal levels described in Chapter II. The President's Commission on Law Enforcement and the Administration of Justice (popularly known as the Crime Commission) recommended in 1967 that the application of computer technology to criminal justice record-keeping would increase the accuracy of the system and facilitate management upgrading. The commission warned, however, that the transfer from manual to computerized files would require careful steps to safeguard the system against invasions of privacy and the infringement of civil liberties. It cautioned that any such system should provide for primary control by state and local governmental units, with minimal coordination provided at the federal level, and that it should be restricted to information that is formally of record.

LEAA grants have spawned a proliferation of information systems that disregard this sound advice. States and major cities are developing their own systems, but these systems feed into a federal offender file that is administered by the FBI. The national system is under the jurisdiction of the Attorney General, who because of a total lack of legislative guidelines is free to alter the system at will, even to combine intelligence data with criminal history information. To date, the Attorney General has declined to impose adequate safeguards. Apart from federal agencies, system access and system inputs depend on state law, and because most states have not yet enacted protective legislation, there are no binding safeguards. At present many of the state systems that interface with the national file include juvenile records, records of arrests that were not processed or did not lead to convictions and other extraneous information of an ill-defined nature. Access to the system has been granted to a broad range of public and private agencies concerned with employment clearances, credit check-ups and similar problems not related to crime. And few, if any, safeguards have been enacted to prevent interface of the criminal justice data with the rapidly expanding computerized files of other state and federal criminal justice agencies.

Whether through inadvertance or intention, the system recommended by the Crime Commission is being implemented without the corresponding safeguards. Law enforcement officials will have more information available to them more promptly than before, but no successful effort has been made to narrow the proper scope of that information or to control the uses to which it will be put. The result promises to be the creation of a potential for unjustified reduction, for a large number of citizens, of the right to employment, the right to financial assistance or simply the right to be left alone.

The allocation of financial resources in a federal program such as the Title I program in itself shapes the grantee institutions and reflects policy decisions about social priorities. The police unquestionably need assistance. But the kind of assistance that LEAA is providing, with its heavy focus on new technology, is the wrong kind of help. The LEAA equipment grants are tending to move the police in the direction of increased militarization and to focus on preparing them for major crises, when what they need is assistance in dealing with the routine day-to-day problems that clutter the precinct station. And, because of the structure of the state planning agencies, these decisions—with their significant effect on the future institutional development of the police—are occurring without open policy debate or adequate legislative review.

This report attempts to point out positive developments and give credit where it is due. It also points to serious shortcomings in the performance of both LEAA and the states. Many of these problems are rooted in inherent shortcomings of the Safe Streets Act itself. Although the general federal role is clearly articulated, a number of key provisions of the Act are ambiguous or contradictory. It provides for federal leadership and requires improved law enforcement efforts "at all levels of government" but refers to crime as primarily a local problem. It mandates both the prevention of crime and the development of more effective law enforcement agencies, two goals which often require different approaches. It refers to comprehensive efforts to "upgrade the criminal justice system" but speaks almost exclusively in terms of the police. It requires special attention to high-crime areas but requires states with such diverse crime problems as Montana and New York or South Carolina and California to establish the same anti-crime bureaucracy. Except for the amendments passed in 1970, dealing with corrections reform, the legislation fails to provide performance standards or program guidelines. In effect, Congress has given the Justice Department billions of dollars to spend as it chooses.

A number of groups have suggested that LEAA should be scrapped. The prestigious Committee for Economic Development has recommended termination of the program and the creation in its stead of a Federal Authority to Ensure Justice. Chief Justice Warren E. Burger has proposed a National Institute for Justice that would, in effect, assume most of the responsibilities of LEAA's research institute. And a number of Members of Congress have proposed alternative programs.

It is our recommendation that efforts be made to

restructure the program along the lines of its original concept: federal funds to be made available to the states for criminal justice reform programs within a reasonable period of time, with the federal government playing a research and demonstration role and with all levels of government exercising a vigorous oversight role. Throughout the report we make specific recommendations for redefining each aspect of the program as it is presently structured. (See pages 21-22, 29, 32, 36, 47-48, 56-57, 96-97.) Whether these changes are effected through amendments to the present legislation or through an entirely new program, it is important to halt the distribution of funds for simple budgetary relief and to get on with the business of restructuring and upgrading the criminal justice system, in accordance with congressionally defined standards that conform with the nation's traditional distribution of police and criminal justice functions.

Chapter I
LEAA and the Federal Programs

The Law Enforcement Assistance Administration (LEAA), operating through a staff of 212 professionals at the national level and 153 professionals in its 10 regional offices, is responsible for administering and providing direction to the Justice Department's anti-crime grant program. The grant program has two basic components. One is the set of programs that LEAA administers directly, including a discretionary grant program, a research program (the National Institute for Law Enforcement and Criminal Justice) and an education, training and manpower program. The other is the group of programs administered by the states through LEAA planning and action grants. The money allocated to the state-administered programs is roughly three times the amount distributed directly by LEAA.

The basic management control mechanism for the state grant programs is the development and submission by the states of annual "comprehensive" plans for combatting crime and upgrading the performance of the criminal justice system. LEAA provides each state with planning grants,[1] and—once a state's plan has been officially approved—with action funds to support the programmatic goals outlined in the plan. Both planning and action funds are distributed on a population basis; the states must provide matching grants[2] and must agree to pass on specified portions of the funds to local governments, in a manner that will meet the needs of high-crime areas.[3]

The states participate in the program through state planning agencies (SPAs). The statute requires that the SPAs be "directly under the governor and subject to his jurisdiction." Their policy-making boards must be "representative of law enforcement agencies, units of general local government and public agencies maintaining programs to reduce or control crime." LEAA guidelines suggest additional representation from citizen and community interests. Most states have created networks of intrastate regional bodies to assist the SPAs in the planning process and in the distribution of action funds. Both state and regional bodies are assisted by full-time staffs which in some states number more than 100 persons.

The state planning agencies are loose associations of state and local officials who administer components of the criminal justice system or who have broad, general governmental responsibilities. These officials are accountable to the public for their main-line responsibilities, but not in their role as distributors of LEAA funds. They operate without checks or balances. The fact that most of the money comes from Washington, together with the fact that most SPAs occupy protected positions in governors' offices, has insulated them from traditional legislative oversight and budgetary review. The SPAs are similarly insulated from citizen pressures; aggrieved or concerned citizens can only resort to the individual agencies whose officials comprise an SPA or who are SPA grantees.

The independence of the SPAs from state legislatures (or, at the local level, city councils) is probably the main reason why the majority of SPAs have failed to develop legislative programs of any kind. Reforms that can be effected only by rewriting state laws—laws that define criminal behavior as well as the responsibilities and structure of the criminal justice agencies—are being ignored.[4]

In many respects the SPAs are unaccountable to LEAA as well. The Administration has chosen to use the LEAA program as a prototype for revenue sharing and consequently has taken the position that the federal agency should impose few, if any, programmatic strings

PHOTO: ST. LOUIS POST DISPATCH, BLACK STAR

on the operation of the state and local agencies. Detailed guidelines have not been developed for the planning process—even though the statute creating the LEAA program contemplates the planning process as the key federal management tool. LEAA has further downgraded the importance of planning by making major allocations of action funds well before it approves plans and by declining to exercise vigorous oversight responsibility to determine whether the states actually perform in accordance with their plan projections.

The result is that the planning process has become a classic, bureaucratic paper-work exercise in setting forth the rhetoric the federal agency wants to hear. Frequently, the recitations of problems to be addressed are virtually identical from state to state despite obvious differences in state problems; proposed solutions are only vaguely related to the stated problems, often consisting of "shopping lists" of poorly integrated program goals. It is virtually impossible to read a plan and get a clear impression of the actions the states intend to take, a fact that explains in large part many of the lapses in LEAA administrative control documented in this report and in the May 17, 1972, report of the House Committee on Government Operations entitled *Block Grant Programs of the Law Enforcement Assistance Administration.*[5]

LEAA's treatment of the planning process is typical of its relationship to the states generally. The agency has not used its leadership potential to encourage restrictions on state expenditures or alterations in the structure and operations of state planning agencies—even when they are in apparent conflict with LEAA standards.[6] Nor has the agency developed any integrated program philosophy to guide the discretionary, research and other grants that it controls directly. Just as the states have developed "shopping lists" to meet their annual planning requirements, LEAA has developed similar unfocused lists as the basis of its research and discretionary grant programs.

The federal-to-state problems are mirrored at the state-to-local-region level. Many SPAs provide no leadership or technical assistance to local regions.[7] Others have failed to establish clear lines of responsibility for funding control between the state and the regions. In California and Michigan, for example, the state planning agency has often made grants in contravention of the local plan and the recommendations of the local agency.[8] The majority of the states apparently have followed the LEAA example in regard to program guidance, imposing few, if any, qualitative controls on their grantees. Some states view their role as simply a check-writing process.

A major problem with the entire LEAA program has been its rapid growth—a more than tenfold increase in funds in less than four years—without a corresponding growth in knowledge of what works. From the inception of the program in 1969 through 1972, LEAA planning grants to the states have increased from $19 million to $35 million a year and action grants from $24.7 million to $413.7 million a year. The total appropriations for the program have gone from $60 million to $698.9 million, a growth rate of 1,000 percent in four years. (See Exhibit 1.)

EXHIBIT 1—LEAA APPROPRIATIONS, 1969-1972[9]
(In thousands)

	Fiscal year			
	1969	1970	1971	1972
Total	$59,350	$267,937	$529,454	$699,419
Planning Grants	19,000	21,000	26,000	35,000
Action Grants	24,000	182,750	340,000	413,099
Discretionary Grants	4,350	32,000	70,000	73,005
Corrections Grants			47,500	97,600
Academic Assistance	6,500	18,000	22,000	30,000
National Institute	3,000	7,500	7,500	21,000
Statistics Service		1,000	4,000	9,700
Technical and Training Assistance		1,200	4,000	6,000
Training			500	1,000
Administration and Advisory Committees	2,500	4,487	7,454	12,015

Many states have had difficulty absorbing the rapidly increasing grants. The House Committee on Government Operations reported, for example, that as of June 31, 1971, $552 million in action grants had been appropriated, but the states had disbursed only $138.4 million or about 25 percent of the total. Some states had not spent all their 1969 funds; others had yet to disburse substantial sums of their 1970 grants. Internal SPA memoranda demonstrated the difficulty of making sensible disbursements of one year's funding in time for the next year's grant.[10] State officials repeatedly complain of the pressure to get the funds out quickly. (This explains in large part the key role that equipment vendors have played in shaping the program. See Chapter III.)

The extraordinary growth of federal funds, combined with the structural problems described above, has had a second unfortunate effect. It has removed any necessity for the states to increase their own financial efforts to improve the criminal justice system, even though this was one of the primary objectives of the LEAA program. The states have met the LEAA matching requirements largely by "in-kind" contributions. Recently a number of governors complained to LEAA that they could not even increase their auditing capabilities unless LEAA provided more funds to foot the bill. Officials in state planning agencies uniformly assert that if the federal money stopped, the program would collapse. For the most part, reform projects financed with LEAA money that have proven successful are not being absorbed by local governments and supported by state funds; instead, they

are funded with "continuation grants"—that is, ongoing support from LEAA. In Philadelphia 66 percent of the 1972 action funds are committed to programs that are already established. For San Francisco, the figure is 63 percent.[11]

The LEAA Bureaucracy

LEAA was administered initially by a "troika." Congress required the administrator to share policy-making powers with two associate administrators. The three directors tried to run the program from a large Washington office. The regional offices were small and served primarily as conduits for planning and action grant applications and as auditors. The troika system proved unworkable. In the summer of 1970 Congress amended the Safe Streets Act to enhance the powers of the administrator. Ten months later Jerris Leonard, then head of the Justice Department's Civil Rights Division, was named administrator of LEAA.

Regionalization. Leonard has reorganized the federal office, implementing a series of new management procedures. His major change has been to "regionalize" the federal role. Ten regional offices with staffs ranging from 11 to 20 persons (see Exhibit 2) have been delegated final sign-off responsibility for the state planning and action grants, the discretionary grant programs and the manpower and education programs. Each office includes a technical assistance unit, with specialists on police, the courts, corrections, manpower, systems and statistics. Some have experts on such subjects as narcotics and Indians. The regional staffs also include grant managers for program and fiscal monitoring. Regional staffs do not include civil rights compliance officials.

EXHIBIT 2

Region	Location	Territory
I	Boston	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
II	New York City	New York, New Jersey, Puerto Rico, Virgin Islands
III	Philadelphia	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia West Virginia
IV	Atlanta	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
V	Chicago	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
VI	Dallas	Arkansas, Louisiana, New Mexico, Texas, Oklahoma
VII	Kansas City	Iowa, Kansas, Missouri, Nebraska
VIII	Denver	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
IX	San Francisco	Arizona, American Samoa, California, Guam, Hawaii, Nevada
X	Seattle	Alaska, Idaho, Oregon, Washington

LEAA's rationale for regionalization was to make the federal officials more responsive to local problems and priorities. The net effect of the reorganization, however, could be tighter lines of authority from the national office. The actual balance between the states and the federal officials is not yet set, but at present, it appears that LEAA will intervene actively in state programming only where it considers a state seriously deficient, continuing its "laissez-faire" posture in regard to the others.

The National Office. The national office now consists of eight basic units: an auditing office; a unit for "inspection and review" to establish goals and objectives for the program, as well as performance measurements and evaluation programs; an Office of Legal Counsel; an Office of Civil Rights Compliance; an Office of Public Information and Congressional Liaison; the National Institute of Law Enforcement and Criminal Justice; an Office of Criminal Justice Assistance; and an Office of Operations Support.

The functions of most of the offices are explained by their names. The Office of Criminal Justice Assistance is supposed to coordinate the technical assistance efforts of the regional offices, offer special assistance in the areas of financial management and systems development and run the manpower development effort, including the Law Enforcement Education Program. The Office of Operations Support deals with personnel, budget and procurement problems. It also is supposed to monitor the state agencies for fiscal accountability, manage information systems related to the operations and functions of LEAA and operate a national criminal justice reference service.

By no means do all the titles describe operational units. Even after four years, many of the basic elements of the LEAA program are still on the drawing boards. For example, the national criminal justice reference service to be run by the Office of Operations Support is still being designed. LEAA does not yet provide for state and local agencies a clearinghouse of information and technical assistance on what kinds of reform programs are being tried or which ones work. LEAA's unit for inspection and review does not yet have an evaluation program. It has contracted out the job of developing a general "evaluation design." Until the design is completed, most of the programs funded by the agency at the state and federal levels continue to operate without evaluation, other than fiscal monitoring and general self-evaluation by the grantee. This situation has generated

numerous complaints, similar to that voiced by the California State Assembly's Joint Legislative Audit Committee that neither LEAA nor the SPAs know what programs are effective in dealing with the problems of crime and the criminal justice system.[12]

In addition to reorganizing the LEAA administrative apparatus, Leonard has attempted to redefine the agency's goals. In response to the findings of the House Committee on Government Operations that the LEAA program has had no effect on crime, Leonard announced that under his leadership the program was being refocused to "reduce crime and delinquency," adding that LEAA would no longer "tinker around with the criminal justice system."[13] States are being urged to develop "crime specific" programs—that is, programs directed to the quantifiable reduction or elimination of specific kinds of crimes rather than to generally upgrading the performance of the police and other criminal justice agencies. And LEAA itself is putting most of its discretionary funds and a large portion of the Institute funds into the recently announced High Impact program, an effort to reduce street crimes in eight cities by 20 percent based on an influx of $20 million per city in special anti-crime funds over three years.

There is already some indication that a number of the state officials disagree with Leonard's new orientation. The shift in emphasis at the federal level occurred just at a time when many state agency leaders were concluding that the anti-crime program was a misnomer and that the true potential of the program lay in upgrading the agencies that comprise the criminal justice system.[14] Critics of the new emphasis object to LEAA's reliance on the uniform crime rates (UCR) as the chief indicators of success. The UCR, which the FBI prepares on the basis of data submitted by local police departments, is an index of seven major crimes (murder, forcible rape, robbery, aggravated assault, burglary, larceny $50 and over and auto theft) that has been widely criticized for lapses in accuracy and for sensitivity to local political pressures. Although the UCR is generally regarded as a useful gross indicator of trends in numbers of certain kinds of crime, it is not sufficiently refined to serve as a tool for assessing individual program success or failure. A number of studies have shown that local standards of reporting fluctuate widely, often in response to the needs of local mayors or police chiefs. In some instances the volumes of certain categories of crime have been reduced to show that city hall has been "successful" in waging a war on crime. In other instances, the opposite has occurred; reporting requirements have become more inclusive and the consequent increases in reported crime have been used to demonstrate the need for an enlarged police budget or increased anti-crime grants.[15] In either case, the fluctuations suggest that the UCR is an inadequate instrument for measuring LEAA programs.[16]

The Programs LEAA Controls

LEAA has extensive policy-making control over four major programs. Unlike the block grant programs, these four do not require deference to state and local preferences. They are, in effect, areas in which Congress has instructed LEAA to exercise initiative and to demonstrate for the states the kind of programming that is most effective in meeting the goals of the Safe Streets Act.

The job of the National Institute for Law Enforcement and Criminal Justice is to conduct research and develop new concepts for handling criminal activity and for improving the operations of the criminal justice system. Institute research is supposed to provide the data and analyses on which to base decisions concerning the distribution of both federal discretionary grants and state action grants.

The discretionary grant program is designed to give LEAA a sizable amount of money ($115 million to date) with which to carry out demonstration programs, again with the aim of providing leadership to the states by showing them the best ways to invest their funds.

Under the manpower programs, LEAA is expected to make grants that will produce improved training and education programs for criminal justice personnel (guiding the substantial state expenditures in this area) and that will lead to the development of quality instructional centers across the country.

LEAA's civil rights responsibilities require and empower the agency to take steps to make certain that its grantees do not discriminate in employment practices, in the distribution of services or in the application of their powers.

As the following pages document, LEAA's performance has approached neglect in regard to both the manpower and civil rights programs. Manpower funds have been spent mostly on one-shot training programs. LEAA has made no effort to impose quality standards on these programs or to measure their capacity for upgrading law enforcement performance. In regard to civil rights enforcement, the agency has been singled out by the U.S. Commission on Civil Rights as one of the most delinquent in taking steps to reduce discrimination in employment and services. LEAA took two years to establish a civil rights enforcement unit, and that unit has defined its task narrowly, focusing almost exclusively on employment practices in criminal justice agencies and ignoring the tragic impact that discriminatory practices by police, prosecutorial, judicial and correctional agencies can have on minorities.

The Institute and discretionary grant programs have involved substantially larger sums of money and it seems fair to use them as yardsticks for measuring those areas where LEAA itself has considered it important to make investments. This report shows that the Institute has

operated outside of the LEAA program as a whole, with little or no effect on action fund decisions. The discretionary grants for the most part have simply replicated the efforts of the states, rather than leading them. In many instances, the Institute has embarked on substantial research programs in areas where LEAA is simultaneously handing out large discretionary grants—without waiting for the research results.[17] Not only do the two programs tend to duplicate each other[18] and the state funding programs, but they also duplicate the efforts of other federal agencies, suggesting that LEAA has been unable to define a role for itself.

In administering the grants under the Institute and discretionary programs, LEAA has taken the criminal justice system as it is, merely increasing its financial resources. LEAA has concentrated both programs on helping the agencies of the system, particularly the police, perform their present functions in a more technologically advanced manner (examples include helicopter patrols, surveillance technology and computerized command and control systems). No threshold assessment has been made of whether those functions are properly defined—or whether the new technology is the most effective way of bringing about necessary reforms.

Some of the new technology and tactics may be appropriate for military operations or for dealing with highly sophisticated crimes, such as those involving organized crime or complicated conspiracies; however, there is little evidence that they will improve the way in which law enforcement agencies handle the range of problems that typically consume most of their time. The majority of cases handled by police precincts and lower criminal courts involve property offenses, drunkenness, disorderly conduct, petty traffic offenses, narcotics offenses, assaults, vagrancy, nonsupport and family offenses, gambling, sex offenses and many other forms of deviant behavior.[19] The new technology purchased by LEAA is being applied across the board to serious and nonserious crimes even though it can do little to improve law enforcement effectiveness in dealing with the latter. Instead it frequently results in increased harassment of the nonserious offender (alcoholic, petty gambler, consensual sex offender, etc.) who in many cases has engaged in behavior that could be handled better by agencies outside the criminal justice system. Instead of narrowing the areas of responsibility of the criminal justice system, and reducing the system's complexity—the route recommended by numerous presidential commissions—the LEAA program, as exemplified by the Institute and discretionary programs, is having the opposite effect.[20]

The Institute. Both the President's Crime Commission and Congress viewed the Institute as an instrument for measuring the scope of the nation's crime problems and for developing effective remedies. A report prepared by the Institute for Defense Analysis soon after the passage of the Safe Streets Act advised the LEAA administrators to give the Institute a central role in program operations, so that discretionary funds and action grants would be spent on those approaches proven effective by Institute research and withheld from demonstrably ineffective approaches. The report, in emphasizing the importance of an evaluation component, pointed to a need for the development of centers of research expertise around the country.[21]

The Institute has not performed its intended mission. Not only has research output been limited, but few of its meager findings have been made available to the public or to criminal justice officials.[22] It has operated in almost total isolation from the rest of LEAA programming, with no formal mechanisms for using its research product to provide guidance for the discretionary and block grant decision-making process. Neither local criminal justice agencies nor local government officials look to it for leadership.

Probably as a result of the Institute's anonymous and relatively unimportant status, it has suffered from rapid staff turnover and has failed to attract or maintain top level people. It has had five directors since its creation. Scholars brought to the Institute under the fellowship program have found the program so disorganized as to preclude meaningful research. Until 1972, the Institute had no clear standards for the selection of research projects. Priorities were established in a disorganized, ad hoc fashion that resulted in a poorly thought-out "shopping list" of approved projects.[23] No procedures were developed for evaluating either the validity of research designs or the capability of the grantee institution. The result was often misguided or poorly performed research.

The Institute did not lack models of comprehensive grant review and evaluation procedures. The National Institutes of Health (NIH) for example, subject all grant proposals to a two-phased review by committees of outside experts who examine the capabilities of the grant applicant, the design and quality of the research project and other factors. Projects receiving the highest rank by the review bodies receive funds first. In addition, NIH staff are assigned monitoring responsibilities to make certain that grants are used in accordance with the approved terms of the proposals. But according to a former NIH official, even though the NIH procedures were reviewed in detail with LEAA staff members, a decision apparently was made not to follow the NIH model.[24]

SPENDING METHODS. One way to measure the performance of the Institute is to examine the ways it has spent its funds. The list of Institute grants available to the public as of January 1972 includes all grants made

from the inception of the program until Dec. 17, 1971, a total of $21.3 million. Institute funds during that period have been distributed as follows:

		Percent
1. Police and Prosecution-related Grants (Equipment, Technology, Tactics)	$7,147,230.45	37
2. Corrections and Youth Services	2,120,350.00	11
3. The Criminal Justice System, Including "Pilot Cities"	2,632,175.00	14
4. Courts and Defenders	1,769,476.00	09
5. National Services (National Conferences, Textbooks, Statistical Surveys, Assessments of Research Needs, Evaluation)	1,425,886.44	07
6. Behavior Research	1,114,305.00	06
7. Physical Environment, Architecture and Building Codes	895,316.00	05
8. Program for Visiting Fellows	692,556.10	04
9. Miscellaneous (Attitudinal Surveys, Project SEARCH and Others)	424,450.00	02
10. Organized Crime	338,289.00	02
11. Civil Disorders and Tension in the Schools	369,624.00	02
12. Assessment of Drug Treatment Programs	305,027.00	01
TOTAL	$19,234,684.99	100

Some of the major funding categories are detailed in the following pages.

1. *Prosecutors and Police.* Research funded by LEAA has focused almost entirely on increasing prosecutorial resources, without considering the vastly more significant issue of prosecutorial discretion. Indeed, the Institute grants, particularly those supporting law students in prosecutors' offices, are concerned more with personnel recruitment than with research.

Of the $875,736 spent on the prosecution function to date, the largest grant, $290,000, went to the Council on Legal Education for Professional Responsibility to train more law students as prosecutors. The second largest sum, two grants totaling $277,534, was given to the National Association of Attorneys General to study the powers, duties and operations of the state attorney general, with a view toward improving management and resource allocation in those offices. The third largest grant, $146,100, was given to the Institute for Defense Analysis to determine those tactics and strategies of defenders that lead to delay in the prosecution of criminal cases. Smaller grants focus on the operation of the district attorney's office and the office of the juvenile prosecutor.

Although the Institute has invested one-third of its total expenditures (or more than $6 million) in police-related research, none of that money has been spent to study the proper function of the police in a democratic society or the ways that communities can most effectively govern their police forces. And only a limited sum has been spent for research into techniques for improving police management and performance.

The money has been spent or obligated as follows: $4,040,573.02 for the evaluation of existing or the development of new police tactics, technology or equipment; $1,168,908.43 for research into police personnel practices (some of which involve management problems); and $1,062,013 for "criminalistic" projects and crime laboratories.

The largest of the police equipment/tactics expenditures is a series of grants totaling $1,152,100 to the National Bureau of Standards to establish a Center for Law Enforcement Equipment User Standards. The center, which is now operating under a "continuing contract" with LEAA, with a two-year notice of termination by either party, is developing standards to be used by local law enforcement agencies on a voluntary basis as part of procurement procedures. The standards do not concern the necessity for or advisability of using any particular kind of equipment, but only whether the equipment does what it is represented as doing and how it compares with similar items on the market.[25]

Other research grants for police equipment and tactics concern: the assessment of law enforcement information needs; the development of a computerized fingerprint transmission capacity; new command and control techniques; the assessment of various patrol tactics; the development of fast warning systems; research on and development of a two-way radio more responsive to police needs than present models; cost effectiveness studies of police department operations; development of nonlethal or less-than-lethal weapons; bomb detection and neutralization research;[26] management information systems; and computerization of police patrol scheduling. These grants tend to emphasize the need for reducing police response or apprehension time, but the Institute has never spent money for research into the utility of reducing response time.[27]

The Institute has given two small grants totaling $11,074 for projects dealing with police relationships to the communities they serve (NI-075 and NI-094).

Larger Institute research grants focus on internal police management or personnel problems. These include grants to establish psychiatric and other standards for police selection; to review police department promotion procedures; to analyze the problems of the police under stress; to examine the role of police unions; to develop an occupational safety program for police; and to conduct research into police pension programs. Most of these projects seem both useful and promising as far as they go.

2. *Corrections and Youth Services.* To date, the Institute has made grants totaling $2,120,350, roughly 10

percent of its total, for research related to corrections.[28] Only limited funds have gone to programs to develop new release and probation programs or to transform the decision-making process in regard to inmates into one that conforms with basic standards of due process. A few small grants and one substantial one—$94,212 to the University of California at Davis to evaluate the effectiveness of California's probation subsidy program—do address these problems. Most of the grants have gone to evaluations of existing treatment programs—even where there is ample literature already extant showing the ineffectiveness of the same modes of treatment.

Besides the California probation subsidy grant, three other Institute grants in the juvenile and corrections fields appear potentially useful. The University of Michigan has received $345,156 (two years' funding out of a total five-year commitment) to evaluate juvenile and youth correction programs nationwide and to establish standards for those programs. The National Council on Crime and Delinquency was given $351,371 (two years of a three-year commitment) to assess information needs for parole decision-making. The project, which is a cooperative one with the U.S. Board of Parole, seeks to measure the kinds of information needed for making fair parole decisions and to develop a design for obtaining that information. And the Public Systems Research Institute of California received a $66,154 grant to determine whether the various criminal sanctions available under California law are effective in reducing crime.

No research has been funded to assess the effectiveness of substituting fines (or other modes of punishment) for incarceration;[29] the factors (other than information) that go into decision-making in correctional institutions; or ways to handle prisoners' grievances.[30] The juvenile system has received minimal attention, despite recent extraordinary increases in juvenile crime and complaints from judges, youth services officials and others that the system is not working.[31]

3. *Pilot Cities.* This program was the most promising of the Institute's efforts. It was designed to place substantial funds in eight cities over a five-year period to develop local institutional capacities for assessing and reforming the general operations of the criminal justice system.

Pilot Cities is only partly an Institute program. It has two components. The first is the creation of a research, development and planning capability in a local academic institution or research center to design reform programs in cooperation with city and criminal justice officials. The second is an action program to implement the planned reforms. To date, the planning and development segment of the program has been funded by the Institute. (The money to implement the action programs has come from discretionary funds.) The program emphasizes long-term planning and attempts to integrate all available resources for combatting crime-related problems.

The cities selected for the program, their back-up centers and the amount of funds distributed as of late 1971 are as follows:

City (in order of selection)	Back-Up Center	Institute Funds For Initial Planning	Discretionary Funds (FY)
San Jose	American Justice Institute and Public Systems, Inc.	$312,481	1971 $500,000 1972 $500,000
Dayton	Community Research, Inc.	289,399	1971 $500,000 1972 $500,000
Charlotte	Institute of Government	279,111	1971 $500,000 1972 $500,000
Albuquerque	Institute for Social Research and Development	297,580	1972 $500,000
Norfolk	College of William and Mary	347,853	1972 $500,000
Des Moines	Drake Univ.	361,002	1972 $500,000
Omaha	Univ. of Neb. at Omaha	349,758	1972 $500,000
Rochester (funded in 1972) not included in our total	Graduate School of Management, Univ. of Rochester	400,016	1972 (not to be determined until completion at planning agencies)

Most of the Pilot Cities have completed the planning phase and have begun implementing their action programs. Despite the initial enthusiasm of both LEAA and the selected cities, however, the program has suffered since mid-1971 from a sense of indirection and a lack of commitment from LEAA. The reason is a major shift in program emphasis—from a long-term effort to upgrade the criminal justice system to a high-publicity goal (the "high impact model") of reducing the incidence of specified street crimes. (See page 27.) Control of the Pilot Cities has been transferred from the Institute to the LEAA regional offices. Many city officials feel that they now must "sell" their programs to the regions each year and that LEAA has reneged on its long-term commitment. Local confidence in the program has been eroded. As one official from a participating city put it, "The great promise of this program has been broken. We would probably be better off if we'd never gotten involved."[32]

4. *Court Research.* The $1.8 million allocated by the Institute for court research has been invested primarily

in studies of court modernization and management techniques. Grants have been given to research the causes of court delay and to expedite court procedures (including a $191,917 grant to the University of Notre Dame to do a "systems engineering" study of delay in the court system); to improve court calendaring methods; to study the problems of court security (how to protect the judges and other officials from physical assaults); to prepare for the physical renovation of the New York courts ($75,000); to develop training programs for court managers; and to redesign court systems on Indian reservations. One of the more useful grants seeks to determine the information needed and how it can best be provided—for fair sentencing practices in dealing with adult misdemeanants ($61,825 to the Vera Institute of Justice's Bronx Sentencing Project). Another seeks to formulate standards for juvenile justice ($164,541 to the Institute of Judicial Administration in New York).

Some useful research has been done on the diversion of alcoholics and traffic offenders from the criminal justice system, and on the processing of nonserious offenders into work-related programs in lieu of trial ($229,769),[33] but no attention has been given to other larger categories of petty offenses that should probably be removed from the criminal justice system altogether. Finally, the Institute has begun to address the need for reform of criminal court procedures (roughly $300,000), but chiefly in regard to a revision of the exclusionary rules that prevent the introduction of illegally obtained evidence, rather than to an over-all, systematic effort to reduce the time-consuming complexities of the present system.

The Institute has virtually ignored the needs of defenders; it has spent a total of $21,844 for defender-related projects over a three-year period.

5. *National Services.* Congress expressly mandated an information collection and dissemination role for the Institute to prevent local agencies from duplicating each other and wasting funds on programs that already had proven ineffective. That was four years ago; a clearinghouse, an Institute responsibility, is still in the developmental stage.[34] In 1970 alone, the states allocated $8,440,764 in block grant funds for research and development, an amount greater than the entire Institute budget ($7,500,000). Yet, the results of the state research are not available either to the Institute or to research agencies in other states.

Evaluation of LEAA programs, at both the state[35] and federal levels, has been disregarded. In July 1972 the General Accounting Office testified as follows before hearings of the House Committee on Government Operations:

LEAA has done little toward making its own evaluation of the effectiveness of programs or projects funded with block grants. Also, LEAA has not provided the state planning agencies with the assistance necessary to perform such evaluations in their respective states.

The cost and urgency of the program demand some reporting as to whether the individual projects, the state comprehensive plans and the LEAA program are reaching toward the statutory goals of preventing crime and ensuring the greater safety of the people.

The situation has not yet been corrected. The Institute has given only two grants of any size to evaluate either its own programs or those of all the other LEAA divisions. One dealt with programs funded by the Justice Department prior to the creation of the Institute. The other is a $109,050 grant to the Brookings Institution to develop an evaluation plan for all LEAA programs. The Brookings grant is supposed to provide LEAA with techniques for "establishing LEAA goals" and with "a framework for measuring success of LEAA efforts." After a half year on the project, the individual in charge at Brookings (an expert in personnel management with little knowledge of the criminal justice system) produced an evaluation plan that was so general as to be useless. LEAA still has no idea how to assess either the impact of individual projects or the over-all effect of its program.

Crime statistics, a third national services category, has also bogged down. LEAA was to develop reliable crime statistics as a basis for decisions on research and action programs. Protracted debates over the location of the statistics branch on the organization charts slowed progress for more than a year. Statistics research is now based in the Institute. Limited grants have been given for victimless crime surveys in two of the Pilot Cities, and the statistics unit has just begun to analyze the first research data generated by Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories), a computerized national criminal offender file controlled by the FBI.[36] The statistical research of the Institute has been extremely modest.[37]

REORGANIZATION AND THE NEW RESEARCH PROGRAM. The most basic tasks remain to be carried out as the Institute enters its fourth year. But for the first time the man in charge of the Institute—Martin Danzinger—has the confidence of the LEAA administrator; and the associate administrators no longer have the power to kill program initiatives. Further, the operations of the Institute have been reorganized to give it more focus and greater control over the discretionary grant-making process.

The five centers that operated previously have been replaced now by the following units: a Planning and Program Coordination Office; a Research Operations Division to conduct in-house research, develop concept papers for outside research, design evaluation programs and assist in evolving long-range research planning goals; a Research Administration Division to develop concept papers into grant proposals, to issue grants, to

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monitor ongoing grants, to be the point of contact with outside vendors and to coordinate and review the publication of final Institute reports; a Statistics Division to ensure the collection, analysis and dissemination of data on crime and its impact on society; and a Technology Transfer Division to serve as a link between Institute research and field operations, keeping close touch with the regional administrators. The reorganization resulted from a task force report recommending that "research effort could eventually prove to be LEAA's most noteworthy contribution to the criminal justice system" but concluding that to date that potential had not been realized.

The Institute will have $21 million to spend during the current fiscal year, about the same amount as the total of all grants discussed above. It has recently issued a new program plan that describes how it intends to spend its money. The plan represents an effort to get away from the previous "shopping list" approach. Instead of circulating it to all agencies with a research capability, the Institute will select grantees itself and work with them to develop research schemes that meet Institute priorities. The new program directives look promising, but in view of past LEAA reform projections, they should be regarded with a certain degree of skepticism.

One-third of the Institute's budget will be invested in research projects supportive of the High Impact program. The Institute will provide technical assistance to each of the eight participating cities. It will also be responsible for over-all evaluation of the programs, and for making certain that effective programs developed by the High Impact cities are transferred to other cities with similar problems.[38]

The program plan does not specify projected expenditures for the other two-thirds of the Institute's 1973 funds, a fact that makes it difficult to determine the actual emphasis of the program. But the other four priorities of the Institute are:

1. *Behavioral Research.* The Institute will survey all crime-related behavior research in a series of reference manuals for local agencies. Without waiting for the survey results, the Institute has decided to concentrate on research into the classification of patterns of criminal behavior and into the development of prevention, diversion and detention methods. The research is intended to produce new devices for screening persons who engage in criminal behavior as well as new data to help criminal justice officials make decisions about prevention, diversion and rehabilitation.

2. *The Equipment Systems Improvement Program.* The Institute will seek to make certain that equipment systems are designed according to the real needs of the criminal justice system instead of the manufacturers' priorities. The primary component of this program is the National Bureau of Standards equipment testing center, but it will also include other projects, such as the development of the new two-way police radio.

3. *Technology Utilization.* This program will seek to find ways of getting Institute research adapted by the "user community." The first questions it will ask are: "How do new programs most effectively reach the user community?" and "Under what circumstances can strong leaders effect change?"

4. *The Statistics Program.* This program will give LEAA the beginnings of an accurate system for measuring crime and assessing the performance of criminal justice agencies. A National Crime Survey Panel will produce victimization studies and a count of criminal "events" or incidents (as opposed to the number of charges based on a single incident; it will explore the feasibility of reporting crimes and events that go beyond those included in the Uniform Crime Reports, including drug use and activities related to organized crime, juvenile crime and white collar crime).

The program also will assist states in setting up their own comprehensive systems of crime reporting[39] and will begin its own analyses of criminal justice manpower needs. It will issue uniform parole reports (measuring what happens to persons on parole) and will update the National Jail Census conducted in 1970. The Statistics Division will collect information of use to all agencies of the system (not just police and prosecutors as at present) and will attempt to measure the effectiveness of those agencies. The program outline for statistics is the most concrete part of the 1972 program plan, and, for that reason, appears to be the most promising.

CONCLUSIONS AND RECOMMENDATIONS. The Institute has now reached a substantial level of funding and appears to have strong leadership. Whether the Institute will begin to play an effective role in shaping and providing background data for LEAA action programs is still not clear. That depends on its ability or willingness to address the basic functional problems of the criminal justice system, on its success in relating to other parts of the LEAA program and on the commitment of the top LEAA leadership to giving the Institute a central role.

The National Institute has had little or no effect on the distribution of LEAA action grants. Much of its research has dealt with problems of peripheral significance to reform of the criminal justice system and what research it has completed has not been distributed or acted upon.

The role of the Institute should be enlarged so that the Institute can lead the way toward refocusing the entire LEAA program on reform efforts rather than on equipment and personnel increases. Institute research should assess the basic functions of the criminal justice system and study the most effective ways for redesigning them. The following structural reforms should be initiated:

- *Research priorities should be established each year by a process that includes advisory panels of outside experts.*
- *Rigorous grant selection, review and monitoring procedures should be established, following the NIH or other proven models.*
- *The results of research grants and contracts should be widely and promptly distributed.*
- *Action grants (whether state block grants or discretionary fund grants) should be suspended while Institute research or evaluation grants dealing with the same kind of technique, equipment or programs are pending. Programs that Institute research has demonstrated to be ineffective, harmful or substandard should be stopped.*
- *The Institute should become a repository for data on crime and the nation's criminal justice systems and should devote a substantial portion of its resources to evaluating the operations of those systems, whether they are funded by LEAA or not.*

It is possible that the patterns already established by the Institute will be difficult to alter and that an entirely new structure is needed. Chief Justice Warren E. Burger suggested such an approach in his May 16, 1972, speech to the American Law Institute recommending the creation of a National Institute of Justice, patterned after the NIH. The CED report also recommends an entirely new structure, a Federal Authority to Ensure Justice. Regardless of the final form selected, it is clear that a high-level research capability is needed and that its results must be closely related to federal funding in the anti-crime area.

Discretionary Grants. The discretionary grant program is a large fund of money (15 percent of all action grants) which LEAA regional offices can distribute directly with minimal involvement on the part of the states. The discretionary funds are "the means by which LEAA can advance national priorities, draw attention to programs not emphasized in state plans and provide special impetus for reform and experimentation."[40] From the inception of the program through January 1972 LEAA distributed almost $115 million in discretionary grants. During the next two years the program will more than double. The program has grown as follows:

Fiscal Year	Discretionary Grants (in millions)
1969	$ 4.35
1970	$32.25
1971	$60.00
1972	$73.00 (all programs) $48.75 (corrections under Part E)
1973 (projected)	$84.75 (all programs) $56.50 (corrections under Part E)

Discretionary grants have been widely scattered, both geographically and by program category. In a curious way, the discretionary grant program has been used to patch up ineffective use of the block grant system (which is described in detail below); instead of conditioning block grants to states on the development of truly "comprehensive" plans that provide program support for all aspects of the criminal justice system and applying the discretionary grants to special demonstration programs,[41] LEAA has approved less than comprehensive state plans, relying on discretionary funds to support program areas omitted by the states.

The over-all distribution of discretionary funds reflects LEAA's commitment to building up law enforcement at all levels, but LEAA has no coherent goals within the various program categories it has funded. Discretionary grant projects cannot be differentiated from Institute or state action grants in the same areas, or even from the grant programs of other federal agencies with related responsibilities. In some program categories, discretionary grants support conflicting goals. In the field of juvenile and adult corrections, for example, LEAA has pumped money into probation and other release programs designed to keep offenders out of prison, and at the same time has encouraged increased incarceration by funding new detention facilities. Police grants have been given simultaneously for new technology that ensures an enhanced combat role for the police, and for the development of new tactics to improve the ability of the police to deal with lawlessness in a noncombative manner. Finally, discretionary funds are frequently distributed for action projects in areas where other discretionary grants are supporting research and development efforts. For example, many states received grants to implement organized crime intelligence programs at the same time that LEAA is supporting a pilot project to find out what intelligence needs are in regard to organized crime.

Over all, the administration of the $115-million-plus discretionary grant program suffers from a tendency to make large sums of money available before a determination has been reached concerning what needs to be done and how it can best be accomplished.

SPENDING METHODS. From the beginning of the discretionary grant program in 1969 through January 1972, the grants totaled $114,948,006. Following is a breakdown by category:

		Percent
1. Police Equipment and Operations and Police Personnel (Training, New Staff Positions, etc.)	$29,412,250.00	26
Information and Statistics	8,179,235.00	07
Riot Control	3,369,516.00	03
2. Organized Crime—Prosecution, Intelligence, Police	8,571,165.00	07
3. Narcotics—Enforcement and Treatment	21,106,326.00	18
4. Corrections	19,386,880.00	17
5. Juvenile—Prevention, Rehabilitation	11,322,248.00	10
6. Courts, Prosecution and Defenders	9,477,271.00	08
7. Criminal Justice System as a Whole	4,123,115.00	04
TOTAL	$114,948,006.00	100

1. *The Police.* Forty percent of the discretionary grants have been invested in new equipment, training, facilities, additional personnel and new techniques for the police. Category 1 consists of direct police-support grants. In addition, substantial prevention and juvenile justice grants have been used to strengthen police investigative and enforcement capabilities.

Most of the police grants have gone to build up existing capabilities. More than 31 grants totaling $3.7 million have been invested in programs to increase police resources in high-crime areas[42] to reduce the rates of specific crimes such as burglary and robbery. These grants, which serve as the prototype of the High Impact program, are couched in language that implies innovation—the development of new patrol techniques or management procedures; the demonstration of new methods for safeguarding high-crime areas—and are often accompanied by grandiose claims about reductions in the crime rate.[43] They are, however, nothing more than grants to put more and better-equipped police on the streets, to reduce crime by saturation policing.[44]

Examples of these grants are:

- $150,000 to Omaha, Neb., for saturation patrolling of high-crime areas.
- $150,000 to Wilmington, Del., for a 25-man unit "to perform overt and covert policing . . . . A significant deterrent impact is intended without breaching constitutional guarantees."
- $150,000 to Tallahassee, Fla., for two video tape cameras, recorders, 10 motor scooters, two station wagons, six cruisers, radio equipment and uniforms for a "police tactical unit."
- $150,000 to Ft. Lauderdale, Fla., for 49 patrol vehicles for a "mobile preventative patrol" intended to reduce crime "by the omnipresence of police."
- $67,740 to Yonkers, N.Y., "to increase the presence of the police in the community in order to reduce and control street and violent crime."
- $146,940 to San Antonio, Tex., for a 27-man task force to "suppress critical increases in any major crime by saturation."
- $147,050 to St. Paul, Minn., for 100 leased police vehicles to deter crime by increased patrol activities.
- $100,000 to Cleveland, Ohio, for—among other things—unmarked electronically equipped patrol cars, "equipped with intensifier-image orthicon; high-band radios and walkie-talkies; portable television cameras; video taping equipment" for the purpose of saturating a neighborhood with special crime-control forces. (The surveillance equipment was to be accompanied by other, more overt equipment—a mobile van with a sound system "to tell of the job of the policemen in the community.")

Many discretionary grants are for straight equipment expenditures without claims of focusing on any particular crime or neighborhood. Grants totaling $6.7 million have gone for helicopters,[45] alarm systems, command and control equipment, closed-circuit TV systems—from both helicopters and ground units—photographic equipment that operates in the dark and other kinds of surveillance equipment. Typical of the surveillance grants is one for $149,750 to the Tampa, Fla., police department for an INSURE unit. The grant states:

At the location and approximate time of highest crime incidence, the area would be lighted with infra-red light. Although virtually invisible to the naked eye, the low light level video camera would pick up the criminal act and video tape it for evidentiary purposes. In complete darkness, the activity can be seen at a distance of over 300 feet. Positive identification can be ascertained at a distance of over 100 feet . . . . It is estimated by the chief of police that this equipment might increase successful prosecution of criminal offenses by as much as 50 percent.

The largest single investment of discretionary funds for new technology has been for information and intelligence systems. More than $8 million in discretionary funds have been given for grants labeled as criminal information system grants. These grants, combined with related Institute and state block grants, have created a national computerized criminal offender file, administered by the FBI and tied into state-level computer files funded by LEAA. (See Chapter II for a detailed discussion of these systems.)

A small segment of discretionary funds has been invested in new patrol or policing techniques. For example, nine grants totaling more than $1 million have been given to improve security in multi-story public housing projects where many of the urban poor reside. These projects seek to provide protection in previously neglected areas; they rely in part on the assistance of residents as aides or peacemakers. Community reaction to the patrols has been positive to date, except in regard to two problems. Minority groups are concerned that the new patrols and new links to the police department will result in undue surveillance and in the distribution of informants in the community. And in some cities, there have been serious complaints that local police departments are exploiting the tenant patrols by paying low salaries and refusing to provide career ladders into the predominantly white police departments.

Eight grants totaling $914,160 have been given to a number of cities for training in: family crisis intervention, to enable police to prevent domestic disputes from developing into criminal assaults; conflict management, to equip police to settle or negotiate conflicts rather than precipitating mass arrests as a result of their intervention; and team policing, an effort to decentralize police administration and to tie police more

closely to the neighborhoods they patrol. Some of these grants, such as those to Dayton, Ohio, are part of a Pilot City program.

In regard to personnel, LEAA has invested substantial discretionary grants in the development of new positions and the creation of new or expanded training programs. In regard to the new positions, LEAA has paid for legal advisers (for more than 100 departments), part- or full-time psychologists to test new recruits; systems analysts to handle the new information systems and technology; bomb disposal experts; special juvenile officers; police aides (paraprofessionals); community service officers; and cadets. The only across-the-board grant for a substantial increase in the police force was a $1,239,000 grant to the Washington, D.C., Metropolitan Police Department to add 1,000 officers to the force, and to cover overtime costs for members of the force.[46]

LEAA has given a large number of discretionary grants to develop new and enlarged police training programs and to provide police officers with stipends to enable them to participate in training programs. Forty-eight grants (totaling $258,775) have supported executive development fellowships "to improve personnel," and $1.9 million has been spent on training institutes and individual courses for all levels of personnel. Many of these also focus on management skills. Police experts question the quality of this training. Some have suggested that it is improving the ability of the police to "operate the system" without first determining whether the system should continue to be operated in its present form.

Programs for improving police-community relations have received less than 3 percent (about $2 million) of LEAA's discretionary grants, and most of the projects funded employ models proved ineffective years ago. Typical of these is a $79,950 grant to the Milwaukee, Wis., police department for an all-purpose mobile van that will include both "a portable classroom for teaching minority culture to police officers" and displays to educate the citizens about the police use of "such law enforcement tools as radios and fingerprint equipment." Or a grant of $74,128 to Winston-Salem, N.C., for a YMCA project in the model cities neighborhood that seeks to "improve the relationship between boys in the area and the police," particularly by providing the boys "a strong male image."[47] Other grants support police or para-police patrols in the schools. For example, $13,680 was given to Griffin, Ga., a town of 22,734 (as of April 1970), to develop a school disorder prevention and control plan and to hire neighborhood officers to implement it.

Although a few of the police-community relations grants are spent for sincere efforts to create closer ties between the police and the community (see for example 70 DF No. 411 to Louisville, Ky.), none of them deals with the basic problem of designing new forms of governance for the police.

LEAA has spent roughly $3.4 million of its discretionary funds for riot-control programs. Most of the grants have gone to develop "civil disorder technical assistance units" located in the state departments of public safety or in state planning agencies themselves.[48] The units are designed to provide technical assistance, training and other expertise to local law enforcement agencies; to develop state and local emergency disorder plans; to cooperate with citizen groups, colleges and universities; and to serve as sources of intelligence to state officials concerning potential tensions and disorders.

The most noteworthy characteristic of these grants is their geographic distribution. A few have gone to major jurisdictions such as California, Pennsylvania and Massachusetts. More have gone to states such as Vermont, Montana, Idaho and Maine which—without the funding—never would have considered the possibility of a riot. And the majority of state riot unit grants have gone to Southern or border states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina,[49] Tennessee, Texas and Virginia.

A disturbing element of the state riot-control grants is their application to the development of information/intelligence systems related to predicting civil disorders. For example, Indiana will develop "a coordinated reporting system to provide concise, reliable information on disorders or potential disorders"; Arkansas and Mississippi will each develop "a tension detection and forecasting capability"; and Texas will "develop the capability to gather information and evaluate situations where civil disorder potential exists." According to LEAA, "Most of these systems have as their objectives either tension detection and forecasting or providing support to tactical units."[50] These objectives are so vague that they encompass the collection of information about persons who are simply exercising their First Amendment rights of free speech and free assembly through anti-war marches, civil rights meetings, labor disputes and other forms of legitimate communication.[51]

LEAA itself is unsure of the validity of the civil disorder files. Consultants to the agency have written:

Civil disorder files involve constitutional questions of the greatest seriousness . . . . Merely the collection of such information may discourage the rights guaranteed by the Constitution.[52]

The agency has not, however, imposed standards or restraints either on states receiving discretionary funds for intelligence purposes or on states that choose to spend their block grant funds for such systems. (Besides the special discretionary grants for civil disorder files, the states have used their action funds for various loosely defined intelligence programs.)[53]

Other grants to combat riots have gone to support emergency communications systems and to develop

special riot programs directed at college campuses.[54] A number of the grants for riot control, such as a grant to the Ann Arbor,Mich., police department, provide for the anticipation of civil disorder potential "through the establishment of lines of communications to the students," i.e., informers. One grant has gone to cover the expenses of public safety officials participating in the Civil Disorders Orientation Course (SEADOC) run by the U.S. Army military police school at Fort Gordon, Ga.

2. *Organized Crime.* More than $8.5 million in discretionary funds has been spent for organized crime projects. A limited number of grants have supported state councils for the prevention of organized crime or regional and local training sessions for prosecutors and law enforcement officials. Most of the funds have been expended in two categories, both at the state level: organized crime intelligence systems and special investigative and prosecuting units. In total, $4.9 million in grants has been spent for intelligence operations and approximately $3.5 million for prosecutive/investigative units.

For example, the state of Michigan has received more than $1 million for a combination of such programs that includes two grants for a Michigan Intelligence Network Team (MINT), a multi-agency unit that conducts "strategic coordinated surveillance on individuals involved in organized crime"; two grants to "establish an interdisciplinary investigatory and prosecutorial division within the state's attorney general's office"; and a grant to develop a similar capability in the Wayne County prosecutor's office for the Detroit metropolitan area. Florida has been similarly blessed. That state's $1.5 million in grants have supported: a statewide investigative/prosecutive unit within the state's attorney general's office; teams of investigators "for surveillance operations" for the city of Miami; a statewide organized crime intelligence unit; and a special intelligence operation to cover organized crime in the Caribbean.

At the national level, LEAA has funded two large-scale multi-state projects—the New England Organized Crime Intelligence Systems (NEOCIS) and the Pilot Organized Crime Intelligence System. NEOCIS is centered in Boston and joins Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont in an effort to determine how effective a regional system can be in developing intelligence, setting strategies and implementing measures to counter organized crime. It is a three-year project whose total cost will exceed $2.5 million. If it succeeds, other regional arrangements will follow.[55]

The second project is a cooperative effort of six states—Massachusetts, Pennsylvania, Illinois, California, Connecticut and New York—with the support of the Organized Crime and Racketeering Section of the Department of Justice and the assistance of the National Security Agency. The project's primary goal is to define effective intelligence-gathering standards and to computerize the intelligence in a system with diversified query capability. It is a two-year program supported by $174,176 in federal funds (of a total estimated cost of $265,178).

The organized crime intelligence systems have not been tied into the FBI's National Crime Information Center system, and—although the Attorney General has the power to combine them—a linkage apparently is not planned. The systems focus on intelligence rather than formal criminal records of a public nature and LEAA has taken pains to prevent the mingling of the data collected with other information systems.[56]

Little is known about the actual extent of organized crime in the nation. In 1967 the President's Crime Commission reported heavy mob involvement in gambling, in the narcotics and dangerous drugs market and, increasingly, in previously legitimate business concerns. LEAA has issued no reports on the subject. Instead, the Justice Department has repeatedly used the issue as a "scare" tactic. Organized crime was a major rationale for the enactment of the Safe Streets Act in 1968; similarly, it has been relied upon to justify additional legislation, such as the Organized Crime Act of 1970. It is impossible to gain any estimate concerning the effectiveness of either the new laws[57] or the LEAA expenditures in dealing with the problem. LEAA staffers from some states have suggested that because of widespread official corruption at the state government level, the grants to set up new state intelligence or prosecuting units can have little impact. Other critics have suggested that LEAA should have waited for the results of its pilot organized crime intelligence program before scattering funds on untested intelligence systems. At least one state legislature—California's—has criticized its state planning agency for its inability in well over three years to assess the dimensions of the organized crime problem in the state. Underlying all these criticisms is the failure of LEAA to give the states assistance in assessing the dimensions of organized crime or defining their actions in regard to it.[58]

3. *Drug Abuse Enforcement, Treatment and Prevention.* LEAA has spent more than $21 million for programs related to narcotics abuse: $1.47 million for enforcement programs; $7.6 million for treatment and rehabilitation programs; $7.6 million in a single grant to New York City for the development of a special court to deal with narcotics offenders; and a number of miscellaneous grants.

The enforcement grants have supported special units at the state, regional and local levels to investigate and prosecute drug violators. In some instances, the state units are to operate as sources of technical assistance

and guidance to local law enforcement agencies. In at least one state a unit was first set up and then charged with finding and measuring the problem. A $94,000 grant to the Iowa Department of Public Safety states, "The size and shape of the narcotic problem is unknown in the state at this time; one of our project goals (will be) to accurately measure the problem and its trend in the state."[59] Many of the grants specifically provide for surveillance and intelligence operations. For example, a grant was made to Caldwell, Idaho—a city of 14,219—to create "an investigative unit to control narcotic and drug abuse and to provide a criminal intelligence-gathering and -pooling source." (As we show in Chapter IV, the states are investing block funds in similar intelligence networks.) Although some of the grants place primary emphasis on enforcement efforts directed at those who traffic in drugs, most of the grants appear to focus equally on drug users. For example, the enforcement grant to Eugene, Ore., states that the "major thrust . . . will be against narcotics sale cases, although possession and use cases will be vigorously prosecuted." Similarly, LEAA's enforcement interest, as articulated through the discretionary grants, appears to put the same emphasis on the use of marijuana as on the use of hard drugs.

In all areas—treatment, enforcement and education—the LEAA funds have been dwarfed by the expenditures of other federal agencies (including the Bureau of Narcotics and Dangerous Drugs, the Bureau of Customs, the Department of Health, Education and Welfare and others). In fiscal 1972 the non-LEAA federal expenditure for enforcement was $164.4 million—nearly eight times the LEAA sum—and the expenditures for treatment reached $189.6 million. Yet LEAA has not defined a role for its drug programs that would affect or relate to the larger federal expenditures, particularly those made by the Office of Education, the Office of Economic Opportunity, the National Institute of Mental Health or the President's Special Action Office for Drug Abuse Prevention.

4. *Corrections.* Approximately 17 percent of the discretionary funds—or $19.4 million—has been spent on adult corrections programs. Most of this funding has gone for productive programs—improved treatment, work-release and half-way house programs; the development of job training programs related to work release or final release; and improved probation and parole programs (roughly $6 million for the latter). However, the discretionary grants have been broadly scattered geographically and generally have not been used as a vehicle for assuring a similar orientation in over-all state programming. Of the corrections grants, $3.5 million has been spent on the planning, design and construction of new correction facilities. These expenditures represent only the start-up or planning phase and must be followed by larger commitments for implementation.[60]

A negligible sum ($291,297) has been spent on efforts to provide legal counsel to prisoners. As in the Institute program, no grants have been given for the development of grievance mechanisms for prisoners, for the creation of decision-making procedures in regard to the disposition of prisoners that reflect due process standards or for analysis and correction of racial discrimination in penal institutions.[61]

5. *Juvenile Programs.* Since the inception of the anti-crime program, LEAA has spent just under 10 percent of its discretionary funds for juvenile programs.[62] (This figure does not include grants to police departments to add new personnel to deal with juveniles.) Total LEAA expenditures (federal and state) in this area reached $150 million or more than half the entire federal investment for juvenile reform. Juvenile crime is an area of tremendous need. By late 1971 juveniles represented almost half the crime problem (48 percent of all arrests for serious crimes), even though they comprised only 16 percent of the population. Juvenile recidivism was estimated at between 74 percent and 85 percent.

The juvenile discretionary grants have been spent as follows:[63]

Counseling and Treatment	$3,000,000
Prevention	2,400,000
Community-based Corrections	21,000,000
Probation and Court Diversion	1,600,000
Personnel and Training	752,000
Facilities Construction and Improvement	680,000

LEAA's juvenile programs—like other areas of discretionary funding—do not reflect a coherent set of goals, but a response to diverse local requests. Where they have coincided with and supported an over-all state reform effort, as in Massachusetts, they have had a significant impact. And in some localities they have helped to provide an impetus for increased focus on release programs, or community-based facilities. But in most instances, they have simply provided additional resources for existing local programs. In many instances they have been used to construct new detention facilities.

In the prevention area many of the grants are of dubious value. For example, $422,073 was given to the California SPA for a National Youth Project Using Mini-Bikes. According to LEAA, "This unique year-round program will use mini-bikes, donated by the American Honda Company, as outreach tools with which to reach the age group that has steadily drifted away from traditional youth service programs." Or the $118,969 grant to the Texas Vocational Guidance Service to work with juveniles who have been referred to probation for noncriminal misbehavior. This program will rely on Big Brothers. "Through friendship and close involvement with the Big Brother, it is expected that the juveniles will discontinue their anti-social behavior patterns."[64]

No programs have been funded that deal with the legal rights of children and youth, and no effort has been made to involve young people in the design or operation of the programs. Few states have made any effort to include young people on SPAs or other local policy-making bodies for LEAA programs. And few of the juvenile grants have involved other nontraditional groups in program design or administration.

6. *Courts and Criminal Procedure.* In three and one-half years of financing with research and discretionary funds, LEAA's court reform program has not expanded beyond training, management studies and bail programs. And it has not kept pace with the expansion of police resources and the consequent growth in arrests that have led to increased overcrowding of the lower courts.

The largest category of expenditure has been management improvement programs intended to process offenders more rapidly through the system and to provide for more efficient handling of information.[65] More than $2.7 million has been invested for such purposes as administrative improvement programs, programs to automate or computerize calendaring procedures, surveys of court operations, computerized information systems, "time and motion studies of legal and trial procedures" and "industrial engineering studies."

A few grants have gone to increase court facilities or personnel, or to purchase new equipment, such as recording or taping equipment. Four grants totaling $287,213 have been given for bail reform or release-on-recognizance programs, and three grants totaling $600,144 have been given for court diversion programs. As in other categories, these grants are indistinguishable from the Institute grants in the same areas.

Consistent with LEAA's over-all emphasis on upgrading prosecutorial capabilities, $2.6 million in grants have been given to build existing prosecutorial resources. These have included: training programs, state-level administrative units, law student assistants and other means of improving the operations of the offices of district attorneys and state attorneys general. (One grant deals with the issue of abuse of prosecutional discretion.) By comparison, LEAA has invested only $230,000 in discretionary grants to assist the operations of public defenders; four of these grants involved the addition of law students to defenders' offices.

Reform in the court area is difficult. Judges, particularly in the lower criminal courts, are used to operating with a high degree of autonomy and resist "interference" or change. In many areas change is impossible without a reform of state laws. With the exception of one or two grants, LEAA has not chosen to support, or promote, projects that adequately confront these problems.

7. *Criminal Justice System.* Slightly more than $4 million in discretionary grants has been given to support projects that deal with the criminal justice system as a whole rather than with one of its component parts. These include grants to establish criminal justice coordinating councils at the city level, as authorized by the 1970 amendments to the Safe Streets Act; grants to assist the National League of Cities-U.S. Conference of Mayors or the National Association of Counties to involve their constituencies in criminal justice planning; training grants for state planning agency and criminal justice officials; grants for education curricula that combine interdisciplinary courses dealing with all aspects of the system; and grants for a variety of studies. Of these grants, the League of Cities program has been the most useful. Where successful, it has institutionalized a cooperative working relationship among the agencies of the criminal justice system and related social service agencies which promises to become a permanent facet of urban life.

NEW DIRECTIONS. In recent months LEAA has taken new tacks in the discretionary grant program with the aim of increasing its effectiveness in reducing crime.

1. *The High Impact Program.* In early 1972, LEAA Administrator Jerris Leonard moved to redirect the discretionary grant program. Instead of allowing the funds to be widely dissipated for locally determined priorities, LEAA would devote almost all its funds to a High Impact program in eight cities, designed to reduce the crime rates for street crimes and burglaries by 20 percent over a three-year period.[66] The program was formally announced on Jan. 13, 1972, by Vice President Spiro T. Agnew.

Under the new program Newark, Baltimore, Cleveland, Atlanta, St. Louis, Dallas, Denver and Portland, Ore., will each receive a total of $20 million over the next three years—$5 million the first year, $10 million the second year and $5 million the third year. The cities were charged with developing a planning mechanism and producing a plan by May 1972 as a precondition to the receipt of the first $5 million. The cities were urged to develop programs that would have a "high payoff within a short period of time."[67]

The program announcement promised sophisticated statistical analyses of crime in the selected cities, with periodic checks to ensure accuracy of measurement. It also promised technical assistance from the National Institute, which was instrumental in designing the program, as well as extensive support from other divisions of LEAA. Subsequent to the launching of the program, the Institute issued "Planning Guidelines and Programs to Reduce Crime," a "cook book" of programs that it considered appropriate for High Impact funding.

The guidelines articulate a number of broad objectives for the program but do not suggest how these objectives might be obtained. For example, they urge a decrease in institutionalization of offenders across the board; stress

the need for restructuring police activities and developing genuine community support (recognizing that, like the schools, police departments will never perform successfully if they are viewed with distrust or hostility by the communities they serve); and urge adequate treatment of drug addicts. Heavy emphasis is placed on getting jobs for adults and on counseling and returning delinquents to school: "Anything which can increase the incidence of employment among these persons will decrease the incidence of crime among them .... Appropriate attention to the truant and dropout population affords an opportunity to intercept criminal careers at their start."

Although LEAA itself cannot make funds available for job training or placement programs, the language in the guidelines seeks to encourage city officials to draw on other sources of federal and state funds for the purpose of improving job programs and education offerings. With the exception of Dallas, all of the High Impact cities suffered from rising unemployment or subemployment as of early 1972, during a time when the national unemployment rate was around 6 percent.[68] These rates were as follows:

City	Percent Unemployment (in survey area)	Percent Subemployment ($80/wk. or lower)
St. Louis	10.5	34.2
Baltimore	8.5	30.9
Cleveland	8.9	28.8
Newark	10.7	30.0
Atlanta	8.2	38.2
Denver	8.5	32.5
Portland	11.9	32.8

The guidelines articulate sound principles but they fail to give the cities specific assistance on how to go about the difficult task of spending $20 million in three years, despite the fact that a number of the cities selected already had poor records spending LEAA funds at substantially lower levels. No directives have been issued subsequently by LEAA.

The $20 million per city is an enormous influx of new money, one that under any circumstances presents immense planning obstacles. In Newark and Dallas, for example, the total funds represent approximately one-third of the metropolitan area's annual criminal justice budget. In Cleveland, which is operating under an austerity budget, the percentage is somewhat higher. For Denver, the High Impact grant is the largest single federal grant the city has ever received.

The first problem facing each High Impact city was the identification of an adequate planning structure.[69] For Dallas and Atlanta, it was relatively easy. Dallas relied on its preexisting Criminal Justice Coordinating Council and Atlanta assigned the planning task to the Atlanta Regional Commission, the local planning unit for the state's LEAA program. In Cleveland, a city that has experienced difficulty in establishing a local LEAA planning unit (see Chapter IV), a special policy board was established, composed of a representative of the state planning agency, a representative of the LEAA regional office and a city official, the newly hired director of the High Impact program. There is no formal mechanism for participation in development of the program; "walk-ins"—people who visit the office—participate informally. According to Richard Boylan, the director, the High Impact program is separate from routine LEAA planning because it is "crime specific oriented," while the LEAA program is directed toward upgrading the criminal justice system.

In Denver, a similar arrangement was attempted, but community groups, led primarily by Chicanos and blacks, succeeded in halting the planning process until a citizens advisory board was created. Newark's planning process is based in the Department of Community Development and is currently tied in with routine LEAA programming. However, Newark officials state that they are under pressure to set up a separate unit for the program "to isolate the High Impact funds from the limitations of the general program." In Portland, the state has attempted to control the disposition of funds, and planning was held up by a conflict between city and state officials.

Without exception the cities have found it difficult to develop adequate plans for effective utilization of the huge volume of High Impact funding in such a short period of time. Most administrators have found the Institute's "cook book" useless and complain of the lack of LEAA leadership. In Newark an official stated, "There are no guidelines on how to build an appropriate administrative structure, how to plan or how to integrate the funds into regular programming. There aren't even application forms." This sentiment was echoed by an official in Baltimore who said: "LEAA has no guidelines; they don't know what they are doing. We've had no contact with the national office and the regional office leaves us alone." LEAA appears to have made the money available without determining how it should be spent, or what the problems were.

Planning is still in the formative stage. As of early May, most city officials could not specify how they would spend their funds. Several cities indicated that they would focus heavily on juvenile programs and drug abuse programs, combining enforcement efforts against pushers and treatment programs for addicts. In the police area, command and control systems are a high priority; and at least one city, Cleveland, will focus on saturation policing and the development of police auxiliaries. Most planners are concerned about how to spend the money without giving an undue percentage to the police.[70]

Where the High Impact program is under the direction of a talented planner/administrator, it may bring some improvement to the city's criminal justice system. Beyond that, its likely impact is dubious. The evaluation of program accomplishments will be based primarily on changes in the Uniform Crime Reports, highly unreliable indicators. (LEAA has reportedly abandoned its initial commitment to do independent statistical analyses.) Even if the crime rates do go down substantially, it will be almost impossible to isolate from the vast range of authorized programs the factors that made a difference. It is hard to see how LEAA will fulfill its promise of transferring the results of the program to other cities, except by making more no-strings-attached, $20-million grants.

All eight cities are faced with the problem of what to do when the three years are up (or between the second and third years when the program is reduced from $10 million to $5 million). A Dallas official stated that a major goal of the program would be to develop an ongoing city and state commitment. Richard Boylan of Cleveland stated simply, "LEAA will have to continue funding the program." He implied that once the results were in, Congress would be more than willing to increase the Safe Streets Act appropriations to provide similar support for cities across the nation. In fact he has already requested an immediate $9-million increase in High Impact funds.

2. *The National Advisory Commission on Criminal Justice Standards and Goals.* In October 1971 LEAA announced the appointment of a National Advisory Commission on Criminal Justice Standards and Goals "to establish, for the first time, national goals, performance standards and priorities" for the reduction of crime in the United States. The commission was to "help every criminal justice planner in the nation chart where he is, where he wants to go and how to get there."[71] The work of the commission, which will take nine months to a year, was distinguished from the two-year investigation by the President's Crime Commission in 1967 as less a definition of the problems and more the development of quantifiable performance standards. For example, in the area of police, standards will be created for average time lapse between the detection of a crime and the apprehension of a criminal; in the court area standards might be set for the appropriate time lapse between indictment and sentencing. The commission has received $1.6 million in discretionary and Institute grants. Its work is being performed through four major task forces: police, courts, corrections and community crime prevention.[72]

CONCLUSIONS AND RECOMMENDATIONS. Discretionary grant funds have not been used to demonstrate effective programs for redefining the functions and upgrading the performance of the criminal justice system. They have been widely scattered, without coordination with other LEAA programs and sometimes in support of conflicting goals. The bulk of the funds have been spent on equipment and technology, particularly for the police, thereby duplicating the block grant programs of the states. A new design for future discretionary grant expenditures, called High Impact programs, represents a geographic focusing of the funds but fails to provide program goals. The following changes should be made:

- *Discretionary fund grants should be restricted exclusively to experimental programs that effect basic reforms, discontinuing the present reliance on the funds as a fiscal relief pool for the states. All grants for outstanding material needs such as construction or routine equipment expenditures should be barred except where such expenditures are incidental to and necessary for a well-developed reform program. (Where such expenditures are warranted, they should be supported by state block grant funds allocated in accordance with minimal federal standards.)*
- *Procedurally, discretionary grants should require a sign-off from the head of the Institute, to make certain that the funds are not spent for programs discredited by Institute research or for start-up expenditures on programs under investigation by the Institute.*
- *Within each program area (courts, corrections, police, etc.) LEAA should establish a single or limited number of program goals rather than scattering its funds. The text of this report suggests a number of appropriate goals. For example, in the field of corrections, only those programs that have a tendency to reduce incarceration—such as diversion, probation or parole—should be funded.*
- *Wherever possible, programs that demonstrate and support successful ways for developing a local institutional capability for reform of the criminal justice system should be emphasized, as in the Pilot Cities program.*
- *No further discretionary funding should be provided for the development or purchase of new surveillance equipment or for civil disorder and other intelligence files until the need for such equipment and files has been demonstrated and adequate safeguards developed to protect against the invasion of individual privacy.*

Manpower Assistance and Development. At the time of passage of the Safe Streets Act there was widespread recognition of the need for improved programs of training and education for officials working in criminal justice agencies. The need was considered particularly acute in view of the projected expansion of employees in the system[73] and the lack of quality curricula or training institutions.

The Safe Streets Act of 1968 authorized LEAA "to carry out programs of academic educational assistance

to improve and strengthen law enforcement," after appropriate consultation with the Commissioner of Education.[74] Specifically, the program, known as the Law Enforcement Education Program (LEEP), provides for loan and grant programs[75] to cover the tuition and fees (coverage of books was added in 1970) of law enforcement personnel enrolled in relevant undergraduate or graduate programs.

In 1970 the Act was amended to expand LEAA's educational development and training responsibilities. The amendments provide for an internship program to give undergraduates work experience in criminal justice agencies; a special training program in organized crime for prosecutors; a general program of regional and national training workshops; and a program to assist institutions of higher education "in planning, developing, strengthening, improving or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education." Under the last program LEAA is required to devote its attention to the much-needed areas of curriculum development, education methodology and faculty development.

In addition to the programs explicitly defined in the Act, LEAA discretionary and state block grant funds can be and have been used in substantial volume to finance a variety of education and training programs.[76] For the most part these grants have not been related to the training programs run by the national office. Further, LEAA's programs in this area—to the extent that they deal with job training and development—are dwarfed by the programs administered by the Department of Labor. The largest of the Labor programs, the Emergency Employment Act, provides federal funds to create jobs in state and local government,[77] including agencies of the criminal justice system. LEAA does not, however, coordinate its manpower development programs in any effective manner with the Labor Department, despite the mutuality of interest and the Labor Department's expertise. (Some of the manpower development specialists in the LEAA regional offices have taken steps on their own to tie their activities in with the Labor Department's regional offices.)

LEAA's Office of Criminal Justice Assistance has a special division for Manpower Development Assistance (MDA) which is responsible for running the LEEP program and the programs created by the 1970 amendments. The national staff includes eight professionals. Four are assigned to LEEP; others include the director, his assistant, one person for the Centers of Excellence program (see below) and the internship program, and one person for the regional and national training programs. In addition to the national staff, each of the 10 regional offices has at least one manpower development specialist who coordinates all the education and training programs financed by LEAA in the region.

LEAA has assigned low priority to manpower, training and education programs, and, with the exception of the LEEP program, has been slow to get them off the ground. The MDA division has not yet developed manpower projections for the criminal justice agencies (they can tell you neither current nor projected levels of employment) or attempted to measure the extent or quality of existing training resources in relationship to the demand for such training. And, despite the passage of two years, it has only recently begun implementation of the 1970 programs.

The most significant of the LEAA programs in terms of its potential for upgrading law enforcement personnel is the program to enhance institutional capabilities for education and training. Instead of focusing first on this program (curriculum development, new teaching methodology or other projects likely to bring about basic personnel reform), the agency has scattered its money on loan and grant programs and a variety of one-shot training programs, often based in mediocre institutions. Only recently has an effort been made to implement the program through a project called Centers of Excellence. LEAA has allocated $1,250,000 in fiscal 1972 funds (as compared to $29 million for LEEP) for the development of two or three centers—to be expanded eventually to 10 to 15 centers. Each center will receive federal support for three to four years and then must become self-supporting.

The program guidelines seek to encourage the development of centers that will produce both high-level criminal justice educators and quality academic programs. They emphasize interdisciplinary programs that combine the resources of medicine, law, criminology and other disciplines in a unified training and research program. Each center must develop a working relationship with local criminal justice and social agencies to form a basis for clinical internships and research programs. The guidelines represent a good beginning; but the funding and staff resources (one person is working on the program and has other responsibilities besides) allocated to the program are inadequate. Further, there have been indications recently that the Centers of Excellence effort may be abandoned.

In 1970 LEAA received a broad legislative mandate to administer training workshops "in improved methods of crime prevention and reduction and enforcement of the criminal law." In 1971 a $1-million budget was provided for national and regional training. Most of the funds were used to run the Army's Redstone Arsenal bomb detection, disarmament and disposal training programs.[78] Each region will get $75,000 to spend in accordance with its priorities, and the Washington office will invest the rest on demonstration programs.

The MDA division has received no funds to date for the programs authorized by the 1970 amendments for

training state and local attorneys engaged in the prosecution of organized crime.[79] It received one-half million dollars in fiscal 1971 for the internship program (also created in 1970), of which only $119,000 was committed.[80] The remainder will be used during the current fiscal year. This program is designed to recruit students for careers in criminal justice agencies. It provides salaries for part-time work with such agencies.

The Law Enforcement Education Program accounts for roughly 95 percent of the budget of the Manpower Development Assistance division. It provides grants and loans to enable criminal justice personnel (police, corrections, probation, parole and courts) to pursue higher education degree programs. The LEEP program has been funded at the following levels:

Year	Amount
1969	$ 6.5 million
1970	18.0 million
1971	21.3 million
1972	29.0 million

LEEP operates through grants made directly to participating institutions for financial assistance to qualified students. The grants were administered initially by the national LEAA office, but are now the responsibility of the regional offices. To participate in the program, an institution must be accredited by an Office of Education regional accrediting body, must award an A.A., B.A. or higher degree and must be operated by a state or local government or be a nonprofit institution. In fiscal 1971, more than 894 institutions participated in the program; of these, 226 were authorized only for the grant program, the remainder for both the grant and loan programs.[81]

The quality and scope of course offerings are determined primarily by the participating institutions. LEAA has established only minimal criteria: institutions eligible to make grants may offer courses directly (criminal law, police administration, criminology) or indirectly (accounting, psychology, government) related to law enforcement. Those that make loans must offer courses directly related and must have a curriculum that includes at least 15 semester hours of those courses.

A number of the participating institutions offer programs of dubious value, focusing primarily on training activities that could be provided more appropriately by police training academies themselves than by institutions of higher education. For example, the courses offered at Miami-Dade Junior College and Pensacola Junior College include: "Police Patrol Practices and Techniques," "Criminal Investigation," "Interrogation and Interview Techniques" and "Police Arsenal and Weapons."

Students are eligible for the LEEP program if they are accepted by a participating institution and are employed—or have the intention of being employed—by a criminal justice agency. If in the former category, a student must receive the recommendation of his commanding officer. Loans may be made for up to $1,800 per academic year, and grants for up to $300 per semester.[82]

LEEP was intended to provide higher education for officials employed in the criminal justice system, based on the assumption that a liberal arts education would better equip them to exercise the immense discretion they possess and to deal with the broad range of cultural, ethnic and class backgrounds that characterize the "clients" of the criminal justice system. LEAA has not given the program such a focus. It has largely disregarded curriculum or course standards, with the result that the program has overemphasized training as opposed to education programs—despite the fact that ample funds are available in other categories for training.

Former New Haven Police Chief James E. Ahern described the program as follows:

This program (LEEP) has resulted in . . . a crop of new courses designed more to attract federal dollars than to be relevant to the student's needs. The money spent on those efforts has produced a second-rate system that has more training than education. In fact, the police science courses supported have tended to segregate police on campuses and limit severely their educational experience.[83]

Ahern added that many schools hire former police officers to teach special courses for police, segregating police students from the rest of the student body. As the courses are presently constituted, Ahern says, they "reinforce the worst tendencies of insularity" rather than broaden perspectives. And many of the courses—particularly those in administration—are outdated. Ahern's view was confirmed by a former Massachusetts LEAA official who stated that LEEP money went to basically inadequate programs run by junior colleges: "As with other LEAA programs, no one responsible for LEEP has thought through what a law enforcement course should be."[84]

A second problem with the LEEP program has been its neglect of criminal justice agencies other than the police. Police students have dominated the program since its inception, despite the serious education needs in corrections, probation and other fields. In fiscal 1971, of the 60,516 persons who participated in the LEEP program, almost 50,000 were police. More specifically, the breakdown for 1970 and 1971 for in-service trainees was as follows:[85]

1970 Total:	46,869	1971 Total:	60,522
Police	38,229	Police	49,329
Courts	1,408	Corrections	8,757
Corrections	5,689	Courts	1,638
Others	1,543	Others	798

Finally, the program has given insufficient attention to the capabilities and needs of black institutions. In the first years of the LEEP program, LEAA took no steps to

enlist the black colleges in the program, despite the demonstrated difficulty of recruiting black officers and the few black and minority persons working in the corrections field. It was not until the Justice Department's Community Relations Service intervened in early 1971 and the black colleges themselves began to apply pressure that efforts were made to involve these colleges and to adapt the guidelines of the program to their needs.[86]

CONCLUSIONS AND RECOMMENDATIONS. To the extent that education shapes subsequent performance, the manpower and education programs represent an opportunity to bring about a basic redefinition of the role of the police and of other criminal justice officials. Yet these programs have been largely neglected. Until LEAA establishes program standards and relates the training and education grants to actual manpower and training requirements in the criminal justice field, the program will be of limited value. LEEP officials will be able to cite numbers of credits and degrees received but will not be able to claim that those credits or degrees have in any way altered the personnel practices of the agencies involved or improved the performance levels of their employees.[87]

A moratorium should be placed on LEAA spending for training programs until the agency has developed reliable projections concerning personnel increases in the criminal justice system over the next five years. Program funds should be directly correlated to those projections, and should be distributed in a manner that meets the needs of all the agencies in the system, and not just the police. In addition, the agency should:

- *Place primary emphasis on upgrading institutional capabilities in research, education and training.*
- *Develop compulsory standards for educational curricula and for participating institutions, focusing on programs of broad educational content rather than mechanical training programs. (No LEEP funds should be available for the latter.)*
- *Include in the program special provisions for training paraprofessionals and for enlarging minority outreach efforts.*
- *Include programs designed to educate criminal justice planners with broad knowledge of the system as a whole and its relationship to other public services.*

Civil Rights Enforcement. Few of the responsibilities assigned to LEAA are more important than its obligation to make certain that the funds it distributes reduce the racial and class discrimination that pervades the nation's criminal justice system. Yet LEAA has defined both the problem and its authority to deal with the problem in narrow terms. It has chosen to focus almost exclusively on employment discrimination and to ignore the more important systemic problems that are being reinforced by the LEAA grant programs.

THE PROBLEM

1. *Systemic Discrimination.* State and federal laws often criminalize behavior that is "lower class" but not harmful and treat highly injurious "upper class" conduct as civil offenses. For example, bookmaking is a crime while most securities offenses are civil violations. In addition, criminal justice officials tend to deal more harshly with the poor and minorities than they do with majority members of the society. From initial decisions to surveil or detain, through decisions to arrest or prosecute, through sentencing and probation determinations, the system is frequently characterized by discrimination.

For example, facts gathered in the state of California indicate that although blacks comprise about 11 percent of the population, they account for 45 percent of all arrests for suspicion — that is, arrests without specific charges.[88] Similar discrimination, including the use of excessive police force, has been documented by the U.S. Commission on Civil Rights in regard to Mexican-Americans residing in the five states of the Southwest.[89]

Other studies have pointed to racial discrimination in the imposition of sentences. Although blacks comprised 10 percent of the population between 1930 and 1966, they accounted for 54.5 percent of those persons executed for capital crimes. In Florida, for example, during 1930 to 1966, 285 men were found guilty of rape; of these 133 were white men. Less than 5 percent of the whites received the death penalty. Of the 152 convicted men who were black, 35 percent received the death penalty.

At another level — where incarceration is ordered because of inability to pay fines—minorities receive similarly discriminatory treatment. Charles Morgan, in *Dual Justice in the South*, reported that for the 12-month period ending in June 1962, 2,341 persons served time in Georgia's state prison system because of their inability to pay small fines; 70 percent of these people were black. Similar figures have been reported in urban ghetto communities.[90]

In addition to discriminatory treatment in the criminal process, minorities complain of unequal or inadequate law enforcement protection for their communities. The Civil Rights Commission reported widespread complaints that "police protection in Mexican-American neighborhoods was less adequate than in other areas." And blacks residing in the Bedford-Stuyvesant community in New York City told the President's Commission on Civil Disorders that the tensions between police and the community are a result, in part, of police toleration of narcotics traffic in the ghetto, the small number of black patrolmen stationed in black neigh-

borhoods, inefficient handling of emergencies by local precincts, lack of respect toward black citizens and inadequate levels of patrol of black neighborhoods.[91]

The Civil Rights Commission reported other examples of discrimination in the distribution of services; it found that a ghetto area in Hartford, Conn., attracted more than one-third of the daylight burglaries in the city, yet received only one of the city's 18 daytime patrol cars and none of its 11 foot patrolmen. Sections of the white part of town, about the same size as the ghetto area, received more intensive daytime patrol even though citizens in that area called the police to report criminal activity six times less often than did ghetto citizens. Similarly, the commission reported that the Cleveland police take four times as long to respond to burglary calls from the black districts as from their next slowest reaction district (a poor white district).

2. *Employment Discrimination: A Growing Job Sector Closed to Minorities.* Of the three major agencies in the criminal justice system—police, courts and corrections—the only reliable employment figures concern the police. The Bureau of the Census has estimated that in 1970 federal, state and local governments employed approximately 538,000 persons for police protection functions.[92] This represented a 4.7-percent increase in employment over the previous year, a rate of growth considerably higher than most segments of the public sector.

There are no reliable figures on police hiring practices in regard to minority group members. Systematic statistics simply are not kept (and LEAA's statistic section has not allocated any of its $4,600,000 budget to this purpose). Estimates by civil rights groups suggest that the problem is most acute in urban centers that have large minority populations.[93] At the state level, 98 out of every 100 state policemen (highway patrols, troopers, etc.) were white in 1970 and at least 10 states had no blacks at all on their forces.[94] Of this number a very small portion are in management or policy-making positions. Some indication of the extent of racial discrimination in law enforcement agencies is provided by the number of lawsuits and administrative complaints pending against those agencies. In January 1972 there were dozens of such proceedings, challenging recruitment, testing, promotion and other practices.

The situation in regard to women is worse. The Police Foundation has estimated that there are approximately 6,000 policewomen (around 1 percent of all police officers in the United States) and that most of these women are hired to do jobs considered traditionally "feminine," such as working with juveniles or female prisoners, typing and clerical work or switchboard duties. Police departments often have quotas for women and/or special entrance requirements, such as higher educational requirements.[95] Women's groups such as the National Organization for Women have suggested that if the number of women on police forces were increased, the combat orientation of the police might be reduced in favor of a more service-oriented role. However, LEAA has not taken the suggestion seriously.

Even where police departments have opened up to minority hiring, the number of minority officers remains small relative to the over-all population of the area being served. In Washington, D.C., 73 percent of the population is black. After a massive recruitment drive in 1970 which brought in 2,000 police and brought the force to a full authorized staff of 5,100, blacks constituted only 37 percent of the force. Critics—including litigants in a federal district court complaint[96]—alleged that discriminatory tests excluded black candidates from consideration for police posts and that out-of-city recruiting was encouraged to counter-balance recruitment in D.C.

A complaint filed by the Afro-American Patrolmen's League, now under investigation by LEAA, alleges that in Chicago, a city whose population is 33 percent black, only 17 percent of the police force is black. The recruitment figures show that future prospects are worse: of the last 600 recruits hired, fewer than 10 percent were black. The complaint charges that the Chicago police department systematically discriminates against black and minority group candidates through its testing practices, medical standards and promotional policies.

In the areas of courts and corrections, there are even fewer accurate figures available. Persistent efforts by journalists have uncovered some indicators on minority staffing of jails and penitentiaries. A reporter for *The Washington Post* estimated that nonwhites comprise 40 to 50 percent of the nation's prison populations (although only 12.5 percent of the total population), but that 95 percent of prison guards are white.[97] *The New York Times* reviewed the New York state prison facilities and determined that 68 percent of the inmate population was black and Puerto Rican, but that 93.8 percent of the total prison staff was white. At Attica State Penitentiary, the scene of the 1972 tragedy, the inmate population was 85 percent black and Puerto Rican, but the staff of 380 officers included only one person identified as "black or Spanish-speaking."

As far as the courts are concerned, LEAA lacks the power to affect judicial appointments directly. But it could encourage various appointing agencies to give greater consideration to minorities. The National Bar Foundation estimates that of some 20-25,000 judges in the United States, 280, or around 1 percent, are black. There are no similar nationwide figures for other minorities.[98] Among federal judges, however, as of early 1972 there were seven women on the bench—of a total of 636 federal judges—and only one of these was on a circuit court of appeals.

Although the correlation between racial employment patterns in criminal justice agencies and the treatment of minorities by those agencies is not quantifiable, there is no question that white domination of the agencies in minority communities and in regard to minority offenders has greatly added to the tensions that normally characterize contacts with the criminal justice system.

LEAA's Role. Throughout this report, in discussing various grant programs, we have referred to LEAA's failure to consider—or lack of concern for—the racial or class impact of its programs. The LEEP program was started with no involvement of the black colleges. Institute and discretionary grants have consistently ignored the need to develop methods to reduce racial discrimination in criminal justice agencies. Instead, as we have reported, saturation policing has been introduced in cities of high unemployment with no regard for the increase in community tensions that is likely to result from increasing the police presence without consulting the community about the forms the new law enforcement effort is to take. Sophisticated surveillance equipment has been installed in high-crime, minority neighborhoods without adequate consideration for the right of privacy. Computerized criminal offender files have been set up that include arrest records, regardless of conviction, as well as juvenile offenses. These records, with their overrepresentation of minorities, will be maintained permanently and widely distributed to public and private agencies, without consideration of the fact that distribution reinforces whatever initial discrimination might have been present at the time of the arrest. In short, law enforcement equipment and technology are being expanded without any effort to correct the inequities in the criminal justice system that they are seeking to modernize.

A major reason for this neglect is the structure, operation and definition of mission of the Office of Civil Rights Compliance. Title VI of the Civil Rights Act of 1964 defines the equal opportunity obligations of federal grant programs broadly. It provides:

No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance.

The LEAA program was in operation for almost two years before a civil rights compliance office was established or regulations were issued to implement the Title VI mandate. Despite the fact that a number of presidential commissions had documented the problems of discrimination, LEAA distributed massive sums of money in 1969 and 1970, particularly to police departments, with no consideration of civil rights problems or issues.

In July 1970 the Office of Legal Counsel of the Department of Justice issued a legal position letter justifying the two years of inaction by declaring that Title VI of the Civil Rights Act of 1964 was not applicable to the employment practices of LEAA grantees and subgrantees.[99] Almost immediately, the U.S. Commission on Civil Rights criticized the letter as an "overly narrow view" of LEAA's authority.[100] The commission pointed out that LEAA was one of the worst federal agencies in regard to civil rights enforcement. Its most important finding was that LEAA was the "only federal agency with a significant Title VI program which does not have an agency civil rights office." A month later, on Oct. 23, 1970, a third opinion, from the Justice Department Office for Title VI, addressed to Jerris Leonard in his capacity as assistant attorney general for the Civil Rights Division, argued forcefully—and apparently convincingly—that LEAA programs were covered by Title VI. According to the memo, the major problems meriting special Title VI enforcement attention were:

Lack of minority groups in administrative positions, in planning agencies and on citizen advisory boards; . . . racially discriminatory policies of providing protection for citizens; racially discriminatory law enforcement practices; and racially discriminatory practices regarding pardons, paroles and correctional institutions.[101]

In late 1970 the Office of Civil Rights Compliance was established. Its chief officer, Herbert Rice, is an attorney with no previous experience in civil rights matters. His position is at the GS-15 grade level, below that of LEAA program administrators. This makes it difficult for him to participate on an equal basis in key agency policy decisions.[102] To date Rice and his staff (four professionals, recently increased to eight) have had little discernible impact on any aspect of the LEAA program—the Institute, the discretionary grants, the LEEP program or the state action grant programs. As this report shows, virtually no programs have been funded to research or correct discrimination in the operation of the criminal justice system. The office has only recently begun policing the employment practices of grant recipients.

The national staff of eight is the sole compliance capability for LEAA. None of the regional offices—despite their increased funding responsibilities and enlarged staff—have civil rights officers. Instead, the national office must rely on reports filed by the LEAA audit staff, who in turn review the work of state auditors. The Office of Civil Rights is therefore dealing with data three levels from its source, collected by an overworked auditor whose primary concerns are fiscal.[103]

Leonard and Rice admit that the limited staff constrains their enforcement ability, but they are not willing to request more than the four new positions because they are "not sure it would do any good."

To date the office has developed a set of regulations pertaining to the employment practices of LEAA grantees, has responded to and attempted to conciliate several complaints of employment discrimination in local agencies of the criminal justice system, has intervened or filed *amicus* briefs in a number of law suits, has prepared a questionnaire for developing data on employment practices in police departments and has administered a number of technical assistance grants, directed primarily to the recruitment of minorities for police departments. The office has not taken an affirmative role in assessing the broad range of discriminatory behavior that characterizes the criminal justice system.

1. *The Regulations.* The Title VI regulations initially issued by LEAA have been widely criticized.[104] Among the major criticisms have been:

- The regulations did not prohibit discrimination in the composition of the boards that formulate policy and make fund distribution decisions for the state planning agencies.[105] They have since been amended to cover the SPA boards, but the only provision for corrective measures is reliance on the good graces of the governor.
- The regulations do not provide for preaward compliance reviews. LEAA for the most part has declined to conduct reviews, stating its preference for judicial proceedings as a means of finding discrimination.[106] In fact, the agency has funded a number of police departments and correctional institutions while legal proceedings challenging those agencies with employment discrimination were pending.[107]
- The regulations require prompt investigation and informal resolutions of complaints, but until April 1972 LEAA had issued no guidance to complainants concerning the information they were to produce. The Justice Department's Community Relations Service described the set-up as follows:

LEAA has not articulated standards that would determine racial imbalance in a law enforcement agency, nor has LEAA articulated how it will process civil rights complaints, nor has it formulated the necessary administrative papers which would give some guidance as to what information is expected from a complainant.[108]

In response to extensive outside and congressional pressure, LEAA recently issued complaint procedures.[109]

- The regulations fail to require affirmative action plans or other methods for achieving racial balance on the part of white-dominated agencies. LEAA explains this omission by the fact that Section 518 of the Safe Streets Act precludes the imposition of racial hiring quotas on law enforcement agencies. Civil rights groups have pointed out that effective nonquota methods for ensuring equal employment opportunity have been developed by other federal agencies, such as HEW in its Equal Opportunity Program for State and Local Government Employment.[110]
- The major omission in the regulations is their failure to deal with the discriminatory allocation of law enforcement resources or discrimination in processing individuals through the criminal justice system.[111]

2. *Administrative Action to Reduce Discrimination.*[112] A major portion of staff time in the Office of Civil Rights Compliance has been devoted to reviewing complaints concerning state and local agencies. As indicated above, complaint reviews have been carried out in a protracted, often poorly coordinated manner. For example, the complaint of the Afro-American Patrolmen's League challenging employment patterns in the Chicago police department was filed for nine months before any official action was taken. The Civil Rights Commission has complained of delays as long as 10 or 12 months.

The office has also made technical assistance funds available to improve police minority recruitment campaigns. LEAA has given Marquette University a $390,000, two-year grant from Institute funds to provide technical assistance to state and local law enforcement agencies in recruiting minorities. The Marquette Center provides assistance at the request of a local police department or on the order of a court. As of April 1972 the Marquette project had assisted 11 "major police or civil service" departments. The executive director of the project, Stanley Vanagunas, indicated that requests from police departments had been slow in coming but that in any case, the center's level of funding dictated limited involvement.[113] Mr. Vanagunas felt it was too early to see if the center's advice had actually improved minority hiring conditions.

A $300,000, 15-month grant has been given to the National Urban League from the civil rights technical assistance budget. The grant was intended to encourage minority recruitment in two police departments and one correctional agency in cities chosen from among the eight High Impact cities.

The remaining funds from the Civil Rights Compliance Office technical assistance budget will be spread among a number of projects, including financing the three-man panel designated to investigate the charges of discrimination against the Chicago police department.

3. *Court Action.* Despite LEAA's avowed "preference" for judicial remedies, it has not begun any litigation and has taken part (through the Justice Department's Civil Rights Division) in only a limited number of cases brought by private organizations. In regard to two of these cases—*Morrow v. Crisler* (Civil Action No. 4716 S.D. Miss. 1970), challenging the racial composition of the Mississippi highway patrol, and *Castro v. Beecher* (Civil Action No. 70-1220 WDC Mass. 1971) challenging discriminatory police hiring practices in Boston—LEAA intervened 10 months after the suits

were initiated and only "as a result of a great amount of external pressure put on the department to take some action against the discriminatory employment practices of law enforcement agencies."[114] In a third suit—against the Alabama highway patrol—the Justice Department intervened after receiving an order to do so from U.S. District Court Judge Frank Robinson. Finally, the department has intervened in a number of discrimination challenges to corrections institutions, including *Gates v. Cook* (Civil Action No. GC 716K ND Miss.), a suit against Mississippi's Parchman Penitentiary.[115]

LEAA has made some limited attempts to deal with employment discrimination. Except for studies conducted recently in two High Impact cities (St. Louis and Dallas),[116] the agency has not begun to deal with the difficult problems of discriminatory treatment of the poor and minorities by the criminal justice system. If the agency does not redefine its mission, it will undoubtedly find itself and its grantees the subject of lawsuits such as *Bellamy v. The Judges and Justices Authorized to Sit in the New York City Criminal Court and the New York State Supreme Court in New York County, et al.*, charging that the New York City bail system discriminates against the poor, or *Hawkins v. Town of Shaw*, a suit that successfully challenged discrimination in the provision of public services. The provision of police services, including such questions as the response time of police to citizen calls in black as compared with white neighborhoods, unequal allocation of police patrols and other practices, are subject to similar challenges.

CONCLUSIONS AND RECOMMENDATIONS. Of all the problems inherent in the LEAA program, the most significant one (and one that has been unaddressed for the most part) is the likelihood that the advances in technology, management, size and efficiency of law enforcement agencies that the program is producing at all levels of government will lead to increased harassment, intimidation and discrimination against the poor and minorities. To meet this problem LEAA's civil rights enforcement effort must be restructured to:

- *Include programs that will address discrimination in the processing of individuals through the criminal justice system and in the distribution of protective and other services.*
- *Provide a formal review mechanism at the federal level to ensure that the civil rights implications of prospective Institute, discretionary fund and manpower grants have been fully addressed and necessary corrective action taken.*
- *Assign civil rights compliance officers to the 10 LEAA regional offices to perform the same function in regard to the distribution of state action grants.*
- *Develop a technical assistance capacity for helping state and local planning and criminal justice officials to measure discrimination at the local level and to design appropriate corrective actions.*
- *Make full use of all available sanctions for ensuring compliance with the civil rights laws and the U.S. Constitution, including fund cutoffs and preaward compliance reviews.*
- *Assume enforcement responsibility at the federal level for ensuring full participation by representatives of minority and poverty communities on state planning agencies and other policy-making boards. In this regard, the Cincinnati regional planning unit model discussed in Chapter IV should be considered.*

[1] Each state must agree to provide 40 percent of its planning funds to enable units of local government to participate in the planning process.

[2] For a planning grant, the state must provide a 10-percent match. For action grants, the match is 25 percent. Beginning in July 1972 each state or local unit of government had to provide 40 percent of its matching contribution in cash; previously, the match could be met by "in-kind" contributions (by assessing the value of existing plant and services, rather than by appropriating new money).

[3] Before July 1972 each state was required to allocate 75 percent of its action grants to support local programs (the state's remaining 25 percent could be spent on state agencies, such as the state highway patrol or the state corrections department). In July a "variable pass-through" went into effect that bases the local contribution on the ratio of local criminal justice expenditures to statewide expenditures.

[4] The Committee for Economic Development, a prestigious group of business leaders, issued a report in June 1972 called *Reducing Crime and Assuring Justice* (hereafter the CED Report) which recommends the creation in each state of a strong, centralized Department of Justice. Although a strong state law enforcement apparatus is of questionable desirability, the creation of justice departments, with carefully delineated responsibilities, would correct many of the problems inherent in the SPA structure.

We concur with the CED findings that state criminal codes are badly out of date, that "much bitterness and disaffection stem from the widespread conviction that American criminal codes and their administration are unfair, inequitable, and—in a word—unjust," and that rewriting of these codes to reflect popular attitudes is essential. (See CED Report p. 12 and p. 58-60.)

[5] House Report No. 92-1072, hereafter, the Report of the House Committee on Government Operations.

[6] LEAA guidelines require citizen and community representation on the SPA boards, yet the agency has never attempted to enforce that participation, even in regard to the most unrepresentative agencies. Until recently the agency was unwilling to acknowledge that the ban against discrimination in federal programs created by Title VI of the Civil Rights Act of 1964 applied to the SPAs. In regard to program funding, the agency has, among other things, made grants for civil disorders intelligence files, while acknowledging that the files may violate 1st Amendment guarantees; allowed states such as South Carolina and Iowa to distribute large quantities of small equipment grants to local police operations of fewer than five men, despite its own recommendations that such units should be consolidated; and acquiesced in police purchases of unnecessary equipment or equipment that they are not trained to use.

[7] The states are required by 42 USCA §3733 (a) to provide technical assistance and guidance to local planning units and units of local government.

[8] Typical of the state-region problems are those that have plagued Michigan's Region V. The region has complained to state officials that despite its extensive review and consideration of local proposals, its work is often ignored by the SPA. Thomas Saggendorf, a member of Region V's Law Enforcement Committee, described the situation this way: "It appears to me that over the past two years hundreds of valuable man hours may have been wasted in the sincere endeavor to function as a voice for this tri-county region when all the time the determinative decision-making process rests with the Office of Criminal Justice in Lansing. Thus the feeling which I have heard increasingly from fellow commission members- ... -ling that we are con-

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stituted merely for window-dressing and to go through relatively meaningless motions—seems to gain some validity." (Letter of Aug. 5, 1971, from Saggendorf to Robert Leonard, Chairman, Region V Crime Commission.)

[9] The LEAA funds still represent a relatively small segment of the nation's total criminal justice budget, but one that affords significant leverage. Public expenditures for criminal justice in 1969 were estimated at $7.3 billion. An additional investment of $2.7 billion was made for private insurance and protective measures.

[10] See, for example, memorandum of April 23, 1971, from Arkansas SPA Director Ray Biggerstaff, as published in the Report of the House Committee on Government Operations, p. 15. And see Chapter IV on California.

[11] 42 USCA § 3733 (8) requires a demonstration in the state plan of a willingness "to assume the costs of improvements . . . after a reasonable period of federal assistance." The lack of local commitment raises serious questions of whether the program actually reflects state and local priorities, or whether it is simply another federal priority for which the states are willing to accept funds, provided they do not have to assume additional burdens.

[12] Nor is the information system on LEAA grants and programs functioning. Following heavy congressional criticism for not knowing where its grant funds were going, or "how many helicopters it had purchased," LEAA contracted with the Boeing Corp. to develop a "grant tracking system." The system is scheduled for completion in late 1972. A "performance measurement system" is in the works as part of a $1.6-million series of grants to the LEAA-created National Advisory Commission on Criminal Justice Standards and Goals.

[13] Memorandum from Jerris Leonard on the Law Enforcement Assistance Administration Program, *Congressional Record* p. S 6149, April 13, 1972.

[14] See Chapter IV for the shift in emphasis in the Massachusetts plan, and for the views of California planners, for example. And see the Criminal Justice Newsletter (hereafter CJN), May 1972, in which former Illinois SPA Director John F. Irving writes: "Experience indicates that the state planning agencies are not likely to make appreciable inroads on crime rates through the funding of applications to city or state agencies. The impact is going to be made—and it will be far more permanent—in the tedious process of planning and research."

[15] See, for example, paper prepared by Hans Zeisl for the President's Commission on Federal Statistics. See also articles by Patrick Collins, *Washington Daily News*, Sept. 30, 1971, and by Bob Woodward and Paul Valentine, *The Washington Post*, Aug. 10, 1972, p. A1

[16] Nonetheless, the Justice Department and LEAA are using the UCR data to demonstrate the desirability and effectiveness of the LEAA program. Former Attorney General John N. Mitchell declared in September 1971 that "fear is being swept from the streets of some—though not all—American cities," and pointed to the FY AA program as one of the major reasons for this development. The LEAA newsletter frequently reports crime reductions as its top news, citing UCR data (cf. Vol. 1, Nos. 7, 11) as evidence of the program's success. LEAA's office of public information has, on occasion, provided Members of Congress with data that list cities where crime has declined, alongside the amount of funds allocated to those cities (even though much of the money has not actually been spent). And, in August 1972, when the annual up date of the UCR was announced, the Justice Department heralded the reduced rates in crime increases, pointing to the LEAA program as the major causal factor.

[17] For example, the Institute has let a major contract for the development of a two-way police radio, at the same time substantial discretionary and action funds have been spent on existing radio models. Similarly, the Institute is funding an experimental intelligence-gathering project for organized crime prosecution, discretionary funds are being invested simultaneously for intelligence systems in the same area, without the benefit of the Institute research. Numerous other examples are given in the text.

[18] For example, both Institute and discretionary funds have been used interchangeably to purchase crime laboratories and to support law students in prosecutors' offices.

[19] "The Quality of Justice in the Lower Criminal Courts of Metropolitan Boston," published in 1970 by the Lawyers' Committee for Civil Rights Under Law, reports that 75 percent of all the police cases handled by the lower criminal courts in Boston were alcoholics and petty traffic offenders. The arrests reported in the District of Columbia for 1971 show 148,760 arrests for petty offenses (disorderly conduct, vagrancy, drunkenness, etc.) and driving violations as compared with 10,326 arrests for UCR index crimes. See also *The Challenge of Crime in a Free Society—A Report by the President's Commission on Law Enforcement and the Administration of Justice* (hereafter the Crime Commission Report) p. 5 and 128, and the CED Report p. 80.

[20] LEAA has responded exclusively to the congressional mandate concerning "safe streets," ignoring the fact that the enabling legislation is an "Omnibus Crime" package. The only grants given in the white collar/corporate crime area have been to combat consumer fraud, loan-sharking and organized crime involvement in business enterprises.

[21] *A National Program of Research Development, Test and Evaluation on Law Enforcement and Criminal Justice*. Institute for Defense Analysis (Contract 68-38). LEAA's Institute is a direct outgrowth of the recommendations of the Crime Commission Report. The commission proposed the establishment of a major federal grant-making program but warned that the new crime program must "embody a major research component if it is not simply to perpetuate present failures in many areas."

[22] Some critics have suggested that the research results have not been distributed because they have been politically unacceptable, or that the research has been of an inferior quality or that the grants have been so poorly monitored that many of them have fallen way behind their completion schedules.

[23] The Institute had five centers: the Center for Criminal Justice Operations and Management, the Center for Crime Prevention and Rehabilitation, the Center for Law and Justice, the Center for Demonstrations and Professional Services and the Special Projects Center. Each center developed a list of projects that contributed to an over all Institute list, which was circulated to potential grantees. Each grant seeker then tried to adapt his resources and interests to the Institute design.

[24] Interview with Stephen Baratz. The Institute understood the importance of rigorous review procedures from another source. Under contract with the Institute (NI 070), the Georgetown University Law Center reviewed the grants made under the Office of Law Enforcement Assistance, LEAA's predecessor. The Georgetown report was highly critical of OLEA's ad hoc system of grant-making and viewed it as an important cause of program ineffectiveness.

[25] The first standard, entitled, "Police Body Armor," is now under final review; several others will be ready shortly. The priority categories for standards at present include: protective equipment, weapons, emergency equipment, communications equipment, alarm systems and security devices, vehicles and drug and weapon detector systems.

[26] Most of the research grants for heroin detection and bomb location have been given to the U.S. Army. Similarly, the Army has the major Institute grant for the development of nonlethal weapons.

[27] Michael D. Maltz, the Institute's program manager for mobility systems, wrote in the April 1971 issue of *Police Chief* that "it is difficult to find any police department that collects statistics with a view to determining the usefulness of reduced response time. [T]his type of data is crucial in assessing the value of air mobility projects."

[28] We support the April 25, 1972, *Policy Statement on Institutional Construction* by the Board of Trustees of the National Committee on Crime and Delinquency (hereafter the NCCD Policy Statement of April 1972).

[29] There is a serious need for an examination of the extent to which imprisonment affects criminal behavior. Most experts agree that it has little deterrent effect on others and virtually no "corrective" effect on the offender. (See Staff Memorandum No. 3, The Committee for the Study of Incarceration, Feb. 2, 1972.)

[30] Two grants provide for the compilation of laws and legal decisions pertaining to the rights of inmates in correctional institutions, and one grant is for a handbook of model laws for reforming corrections practices. Grants totaling $136,110 have been made to assess youth bureau or youth service operations.

[31] All the juvenile experts who reviewed this report concurred that there is a great need for research on ways to involve juveniles in the decision-making process in regard to both the juvenile system and other public institutions. Such involvement is likely to make the institutional programs more relevant to the needs of young people and at the same time to reduce youthful alienation. The Institute has given one grant in this area for $7,900.

[32] Interview with Police Chief R. M. Igleberger, Dayton, Ohio. In addition to the Pilot Cities grants, a number of other grants deal with the criminal justice system as a whole. The most interesting grants in this area are to the California State Assembly and Stanford University (Calif.) to develop a cost analysis of the state system on which to base legislative decisions about research allocation and a study to develop measures for assessing the performance of the system.

[33] $159,500 of this amount was spent on studies related to the administration's legislative proposals for preventive detention.

[34] In April 1971, a grant of $31,041 was given to George Washington University to assess the "potential user groups and their information needs" for such a clearinghouse. In late 1971 an implementation contract was awarded to General Electric Corp. The project is scheduled for completion in late 1972.

[35] For example, the Select Committee on the Administration of Justice of the California Assembly reported, concerning evaluation in the state, that: "Almost all current programs are self-evaluated or judged by the agencies that made the decision to fund them." *Initial Report and Recommendations of the California Council on Criminal Justice*, June 1971, p. 71.

[36] See Chapter II for a more detailed discussion of SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories).

[37] The "manual services" that LEAA has actually performed (costing $1,425,866 including the projects discussed above) have included the convening of meetings of scholars and industry representatives, publishing of the proceedings of conferences and funding of various reports. These efforts have not been of much assistance to the state planning agencies. As an official in Texas put it, "As far as we've been concerned, the Institute doesn't exist."

[38] At least one commentator, Sheldon Messenger, Dean of the School of Criminology at the University of California at Los Angeles, says evaluation and transfer will be difficult, that the High Impact program includes so many variables it will be impossible to isolate those that have been effective.

[39] In May 1972 LEAA announced the allocation of $12 million for a "Comprehensive Data Systems Program" to develop comprehensive criminal justice statistics programs in a select group of states.

[40] Discretionary Grant Guidelines, p. 1.

[41] The only significant exception to this pattern has been the demonstration program for computerized criminal offender records (Project SEARCH), which is described in Chapter II.

[42] A typical grant is one of $147,984 to the city of Pikeville, Ky., for general improvements including "a new communications system, additional police cars, police training and the operation of a juvenile detention center."

[43] A $150,000 grant to Tampa, Fla., for example, stated that the new equipment would help "to reduce the burglary-robbery rate, hopefully by as much as 50 percent," and a $132,488 grant to Long Beach, Calif., promised a 30 percent reduction in burglary and robbery.

[44] The CED Report states that police employment rose 38 percent from 1962 to 1970 and that the nation's 50,000 police average one for every 900 inhabitants (p. 30). It makes the point that increases in staff resources are not a priority for the police, what is needed is improved management techniques in accordance with nationally defined standards.

[45] As of early 1972 the number of state and local law enforcement agencies with helicopters had jumped to 150, up from 90 six years ago—despite the fact that there have been no conclusive assessments of their impact in fighting crime. Although most of these were purchased with state block grant funds, roughly a dozen were funded by discretionary grants. The helicopters cost from $40,000 to $150,000 each. Pilot training and staffing costs are more than $50,000 per operational helicopter.

[46] The Justice Department claims that the increased personnel have produced a reduction in the crime rates. However, there have been no increases in felony arrests, no increases in cases closed and no decreases in police response time to reports of crimes in progress. Despite the lack of clear results from the DOC experiment, a number of cities participating in the High Impact program have said they intend to invest in across-the-board personnel increases.

[47] Community relations programs are often lumped into the riot prevention category, suggesting that a number of these programs are directed primarily at information and intelligence collection.

[48] The SPAs are precluded by law from becoming operational in police work. (See Title I, Part D, Sec. 518(a) of the Omnibus Crime Control and Safe Streets Act of 1968.) There is serious question whether they can legitimately house anti-riot units that may become directly involved in activities to prevent or control tensions.

[49] South Carolina has invested an additional $175,000 of its block grant funds in riot control training and equipment and in "civil disorder planning."

[50] Testimony of Richard Velde, associate administrator of LEAA, before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, (hereafter Senate Constitutional Rights Subcommittee Hearings), March 9, 1971, p. 608, Part 1.

[51] See Chapter IV, the section on California, for a discussion of specific examples.

[52] *LEAA Manual on Organized Crime* by I. Drexel Godfrey and Don R. Harris. The manual recommends complete segregation of organized crime intelligence from civil disorder intelligence to prevent the "tainting" and consequent bar to usage of the former.

[53] In June 1970 the Oklahoma Crime Commission (Office of Interagency Coordination) received more than $18,000 in LEAA funds for improvement of the state's information about and preparation for civil disorders. The state's grant application indicated that it would collect names and biographies of citizens who "actively pursue their constitutional rights." The Oklahoma agency reported to LEAA that it had collected 6,000 names of participants in anti-war marches, civil rights meetings and labor disputes. The grant was an issue in the governor's race and was discontinued by the new governor. (Written statement of Charles Lister on behalf of the American Civil Liberties Union, Senate Constitutional Rights Subcommittee Hear-

ings, p. 942.)

[54] As we show in Chapter IV, in our discussion of the LEAA program in Ohio, some states are "stockpiling" weapons and other equipment in campus communities in anticipation of student disorders.

[55] The Institute has given a $75,000 grant to a private corporation for an evaluation of the NEOCIS project.

[56] Title IX of the Organized Crime Act of 1970 gives the FBI surveillance/intelligence-gathering powers in regard to bombing or arson threats to "an institution of organization receiving federal financial assistance." This means that data on campus and other radicals can be maintained as part of the organized crime files. In some states, such as California, the two sets of files are under the same authority. Both the Justice Department and the states appear to have adopted a broad interpretation of activities related to organized crime.

[57] Former Attorney General John N. Mitchell has claimed that expanded reliance on wiretapping has greatly assisted the prosecution of individuals involved in organized crime. These claims have been disputed in a recent study by Herman Schwartz questioning the cost effectiveness of electronic surveillance. See "A Report on the Costs and Benefits of Electronic Surveillance," by Herman Schwartz, published in *ACLU Reports*, December 1971.

[58] The CED Report (p. 49-56) recommends two approaches to the organized crime problem: special programs to eliminate police and other official corruption, and experimentation with gambling including the legitimization of unorganized gambling and governmental ownership of the numbers racket, horse rooms and betting pools. LEAA has dealt with the corruption problem to some extent, through its grants to the Knapp Commission and to other anti-corruption programs. It has not considered reforms in gambling.

[59] Other localities, such as Fargo, N.D., and Caldwell, Idaho, may have similar difficulties defining the problem.

[60] The NCCD Policy Statement of April 25, 1972, estimated that projected construction of prisons, jails and juvenile facilities totals nearly $2 billion at a time when 52 percent of all persons in jail are accused individuals awaiting trial.

[61] Corrections grants have funded training programs ($1.6 million) for corrections officials. And roughly $390,000 has been spent in behavior modification programs for prisoners.

[62] State expenditures in the juvenile area have been proportionately higher. Based on a review of state plans, the National Committee on Crime and Delinquency estimated the 1970 state commitment at 14.3 percent of total state action grants and the 1971 commitment at 16.1 percent.

[63] In addition to these major categories, smaller grants went for research, juvenile gang programs and volunteer aid programs.

[64] One expert in the field who reviewed the discretionary grants for juvenile programs commented that they reflected the conventional wisdom of two to three years ago. He questioned whether treatment and prevention functions belonged in the Justice Department at all. It is our position that the reduction of the spiraling juvenile crime rates will require special education and job creation programs that do not fall within LEAA's province. Substantial increases in federal funding should be made available for these programs through HEW and/or the Department of Labor.

[65] A few of these grants seek to centralize court management and direction under a single state unit and to bring about other basic changes in court structuring through legislative reform. See for example grants 71-DG-799 to the state of Delaware and 71-DF-893 to the State of Idaho. Other grants have gone to train judges, to implement the American Bar Association's minimum standards and to develop new standards of judicial administration.

[66] LEAA officials describe the new program as "crime specific"—that is, intended to reduce or eliminate specific crimes rather than to improve the criminal justice system, the goal of the Pilot Cities and other earlier programs.

[67] City officials working on the program say that an unstated objective of the program was to produce changes in the crime rate before November 1972.

[68] Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare, Special Survey, April 25, 1972.

[69] Some of the cities have relied on consulting firms to assist them in the planning process. For example, Dallas has contracted with Peat, Marwick & Mitchell and Cleveland has a contract with General Research Corp. of Santa Barbara, Calif.

[70] Alan Wright of Cleveland's Administration of Justice Committee commented that that city already has a high per capita complement of police. He suggested that adding more police and more equipment supplemented by community auxiliaries would greatly increase tensions in the community, given the current high levels of unemployment.

[71] Jerris Leonard, press conference, Oct. 20, 1971.

[72] The 21-member group was assisted initially by 12 task forces working in the following areas: police, courts, corrections, juvenile delinquency, organized crime, civil disorders, research and development, information systems and statistics, criminal justice system, narcotics, community involvement, education, training and manpower development. This structure proved too cumbersome given the time restraints under which the commission must operate. In late January, a reorganization was announced, paring the fully staffed task forces down to four.

[73] For example, the President's Crime Commission estimated that between 1965 and 1975 the demand for corrections personnel would increase two and one half times. And between 1962 and 1970 police employment rose 38 percent.

[74] In addition Section 404 of the Safe Streets Act authorized expanded FBI training. The FBI programs are funded and operated independently of LEAA. They include training for state and local personnel at the FBI National Academy (in the past these classes ran around 100 a year, but increased funding will cover 2,000 enrollees a year for a 12-week course), and specialized training at the academy or in the states in such areas as firearms, fingerprinting, crime laboratory work and legal instruction.

[75] The loan program gives priority to "police and correctional personnel of states or units of general local government" on academic leave to earn such degrees or certificates. The grant program does not establish priorities.

[76] As the section on discretionary grants shows, from 1969 to early 1972, almost $2 million was spent on police training programs, $1.6 million for training corrections officials and $805,948 for judges. Some Institute funds were invested for training too. Chapter IV on the states reports additional sizable expenditures for training.

[77] The Emergency Employment Act authorizes several billion dollars for the creation of such jobs. In the first year 11 percent or 142,000 positions were created in the police and corrections fields. Congress is presently considering a number of bills that would expand the public service employment program even further. One of these, S3051 in the 92nd Congress, is specifically directed to law enforcement positions. It would establish a National Advisory Council on Criminal Justice Professions Development and a federal grant program to help states, localities and institutions recruit and train criminal justice personnel.

[78] The remainder ($8,000) was spent on an organized crime training program for local law enforcement personnel.

[79] This program has probably not received funding because of the discretionary and Institute grants made in the same area.

[80] During the first year of the program 160 students were supported. Of these, 98 worked in police agencies, 11 in corrections, 38 in the courts and 13 in other criminal justice programs.

[81] At present, the 10 institutions with the greatest level of participation in the program are:

Institution	Est. FY 1972 Level	Institution	Est. FY 1972 Level
1. Sam Houston State College, Huntsville, Tex.	$1,006,000	5. CUNY College at Buffalo, N.Y.	$ 419,745
2. City University of New York—John Jay College of Criminal Justice, New York City	1,000,000	6. Oregon College of Education, Monmouth, Ore.	403,000
		7. University of Maryland, College Park, Md.	375,160
3. American University, Washington, D.C.	500,000	8. Indiana University, Bloomington, Ind.	360,525
4. Northeastern University, Boston, Mass.	459,230	9. Eastern Kentucky University	294,252
		10. Michigan State University	253,800

Although the largest participants are colleges or universities, a substantial portion—roughly one-third of the participating institutions—are two-year colleges.

[82] No individual "needs" test is applied, and loan obligations are canceled at the rate of 25 percent per year on the basis of full-time service in public law enforcement careers.

[83] "The Cops Hit The Jackpot," by Joseph C. Goulden, *The Nation*, Nov. 23, 1970, p. 520 and 533.

[84] Interview, Sheldon Krantz, former executive director, Massachusetts SPA.

[85] An additional 13,437 students were in the pre-service category in 1971; 7,909 were in this category in 1970, but no break-downs are available.

[86] See "Report to CRS on Predominantly Black School Participation in Educational Programs," Aug. 20, 1971.

[87] The LEEP program has been characterized by bureaucratic delays and maladministration. These have been described in other reports. See, for example, the General Accounting Office report, "Opportunity to Reduce Federal Costs Under the Law Enforcement Education Program," Nov. 3, 1971.

[88] A federal judge in California recently held that because of discriminatory arrest patterns, an employer who inquired of a black concerning his arrest records as a precondition to employment was in violation of Title VII of the Civil Rights Act of 1964. *Gregory v. Litton Systems, Inc.* 316 F.Supp. 401 (C.D. Cal. 1970).

[89] See *Mexican Americans and the Administration of Justice in the Southwest*, a report of the U.S. Commission on Civil Rights, March 1970. The commission reported a number of situations where unwarranted police force was used to interfere with the right of assembly exercised by Chicano activists. Similar abuses have occurred in regard to black groups.

[90] For additional documentation of discrimination, see "Dual Justice in the South," Charles Morgan, *Jr., Judicature*, Vol. 53, No. 9; "Disparity of Sentencing Function," 14 *Howard Law Journal*, 29, Winter 1968, "Race Makes the Difference," Special Report of the Southern Regional Council, Atlanta, March 1969, "Discrimination Against Negroes in the Administration of Criminal Justice in Missouri," *Washington University Law Quarterly*, Vol. 3, 1970, p. 415 (this report shows, among other things, that 75 percent of the black defendants convicted of a crime, but only 61 percent of the white, were sentenced to prison); and "Jury Discrimination, The Next Phase," Roger Kuhn, 41 *Southern California Law Review* 235, 1967-68.

[91] Other studies reaching similar conclusions include Philip H. Ennis, *Field Survey II, Criminal Victimization in the United States: A Report of National Survey*. The National Opinion Research Center, University of Chicago, May 1967.

[92] U.S. Department of Commerce, Bureau of the Census, "Public Employment in 1970."

[93] Faced with inadequate statistics, the President's Commission on Civil Disorders chose to examine minority employment in 28 selected police departments. They found that 7,046 of 80,621 police were nonwhite—or around 9 percent (p. 169). In the same departments, the commission compared the percentage of nonwhite officers to nonwhite population in the city, and the number of nonwhite sergeants, lieutenants and captains to officers. Nonwhites were decidedly underrepresented in all these categories.

[94] *The New York Times*, April 17, 1972, p. 18, citing statistics from the Race Relations Information Center. The article pointed out that New York had only 10 blacks out of a total of 3,250 members of its state force, Florida had two blacks on a force of 1,000. In the eight Southeastern states, more than 99.5 percent of the 5,000 state highway patrolmen and troopers are white. (*Congressional Record* E3373, March 30, 1972.)

[95] The Police Foundation also found that some departments did not allow women to take promotional examinations, or let women take them only when a "women's" position opens up. They are often not provided uniforms. (*Women in Policing*, Catherine H. Milton, The Police Foundation, 1972.)

[96] *Davis v. Washington*, Civ. Action No. 1086-70 (DC DC 1970).

[97] Ben Bagdikian, *The Washington Post*, Feb. 5, 1972, p. A1.

[98] The Civil Rights Commission report on Mexican-Americans and the Administration of Justice, *supra*, stated: "Mexican-Americans are underrepresented in employment in police departments, state prosecutors' offices, courts and other official agencies. Consequently, these agencies tend to show a lack of knowledge about and understanding of the cultural background of Mexican-Americans." (p. 87)

[99] Proposed LEAA Regulations on Equal Employment Opportunity, memorandum to Richard W. Velde and Clarence M. Coster from William H. Rehnquist, July 10, 1970.

[100] *Federal Civil Rights Enforcement Effort*, a report of the U.S. Commission on Civil Rights, 1970 (hereafter Civil Rights Commission Report, 1970), p. 576.

[101] "Title VI Enforcement Practices in Major Federal Programs," memorandum to Jerris Leonard from Thomas R. Ewald, Oct. 23, 1970.

[102] The U.S. Commission on Civil Rights recommends equal rank with program officials for civil rights compliance officers.

[103] The compliance office has conducted two day-and-a-half training sessions for the national audit staff and plans training courses for state auditors. The General Accounting Office and others have pointed out that a 38-man audit staff is not adequate to perform proper fiscal audits for a program the size of LEAA, much less to assume civil rights enforcement responsibilities.

[104] At least one formal proceeding was filed with the agency, alleging the failure of the regulations to meet the legislative standards established by Title VI of the Civil Rights Act of 1964. See "Petition for Regulatory Change," filed by the Center for National Policy Review before the U.S. Department of Justice, Law Enforcement Assistance Administration, Dec. 15, 1971.

[105] The absence of minority representation on a state planning agency board was challenged in *Allen v. Mississippi Commission on Law Enforcement*, Civ. Action No. 4487 (SD Miss. 1970),

filed by the Lawyers' Committee for Civil Rights Under Law. The suit alleged that white domination of the board led to program and grant decisions that adversely affected blacks. The Congressional Black Caucus also criticized the failure of the LEAA program "to insure adequate minority and community representation on planning boards at all levels" in its Fall 1971 presentation to President Nixon.

[106] LEAA's regulations permit it to cut off funding to an agency that has been found to discriminate. But LEAA has stated that, as a matter of practice, no cut-offs will occur except as a result of a court order at the end of litigation.

[107] For example, the Mississippi Commission on Law Enforcement has received millions of dollars during the pendency of the *Allen* suit.

[108] Patterson Memorandum on Afro-American Patrolmen's League Complaint of Discrimination by the Chicago Police Department, Aug. 4, 1971.

[109] See *Federal Register*, Aug. 12, 1972, p. 16401. The lack of clear-cut procedures has resulted in lengthy delays in the processing of complaints. The U.S. Civil Rights Commission in November 1971 reported that "of the 18 complaints . . . received during the second half of fiscal year 1971 . . . 12 are still pending. In one case, LEAA is awaiting information from a recipient concerning its allocation of funds in order to respond to a complaint it received five months earlier." *The Federal Civil Rights Enforcement Effort: One Year Later*, November 1971, p. 146.

[110] In an interview, Jerris Leonard suggested that Section 518 of the Safe Streets Act bars any affirmative action by LEAA to eliminate discrimination by grantees. Leonard called Section 518 "very debilitating" to civil rights enforcement and suggested that some private civil rights organization challenge its constitutionality. He would not, however, ask Congress to remove the section from the law.

[111] On March 30, 1972, Rep. Charles Rangel (D N Y.) offered amendments to the Safe Streets Act to ensure a more vigorous civil rights compliance effort on LEAA's part. Commenting that "the federal government has, without any strings attached, funneled nearly $1 ¶ billion to state and local enforcement agencies, even though many of these agencies remain staunch bulwarks of racial discrimination," Rangel proposed amendments to: prevent the granting of federal funds to a grantee that is in noncompliance; prohibit discrimination in the composition of state planning agencies and local planning units; require a finding of civil rights compliance before a grant is awarded; delete Section 518 and provide for "affirmative action to overcome the effects of past discrimination by the grantee in employment and in the services provided." (*Congressional Record* E3372, March 30, 1972.) The amendments have not been acted upon.

[112] As far as its own internal staffing patterns are concerned, LEAA has established hiring quotas for minorities. All federal and regional offices were instructed to reach one-third minority staffing. Reports from most of the regions indicate that this level was being met, although in a number of regions minority hiring appears to be limited to lower-level positions.

[113] Several small-city police departments have requested assistance. The center feels its resources are too limited to fill these requests but hopes eventually to put out a manual for smaller cities.

[114] *The Federal Civil Rights Enforcement Effort: One Year Later*. The U.S. Commission on Civil Rights, November 1971, p. 147

[115] This suit was brought by the Jackson office of the Lawyers' Committee for Civil Rights Under Law.

[116] In the Impact cities LEAA apparently examined patterns in employment, provision of services to the community, enforcement of "status" crimes, and the conduct by the police of "internal investigations" to assess the existence and scope of racial discrimination. Neither the information design nor the findings of the studies have been made public.

Chapter II

Computerized Criminal Information and Intelligence Systems

The application of computer technology to criminal justice information systems was recommended by the President's Crime Commission as an important tool for improving the deployment of criminal justice resources and for keeping track of criminal offenders. The commission warned, however, that special precautionary steps would have to be taken to protect individual rights and recommended that primary control of computerized information systems be retained at the state and local levels to avoid the development of a centralized file subject to Executive manipulation.

LEAA has effectively concentrated a variety of resources, including research, discretionary and block grants, in the development of computerized information and intelligence systems. It has not, however, given adequate attention to the warnings of the Crime Commission or demonstrated adequate appreciation of the consequences of a massive accumulation of personal dossiers at the national level.

Millions of dollars of Institute and discretionary grants have supported the creation of a national computerized file of criminal histories that is fed by LEAA block grant-funded state information systems. The initial design of the system followed the decentralized model recommended by the Crime Commission, but in January 1970, former Attorney General John N. Mitchell decided—over the objections of LEAA—to make the system a more centralized one. To accomplish this purpose, he transferred the file system from LEAA to the FBI.

LEAA has simultaneously given the states substantial grants to create intelligence systems directed primarily toward organized crime, civil disorders and the activities of dissenters. (See Chapters I and IV.)[1] Some of these files are being maintained by the same agencies that operate the more reliable information files, creating the possibility that the two will be used jointly. At the federal level the Attorney General has the power to combine intelligence with information files, but he apparently has not exercised that power, on a regular basis.

All of this has occurred without broad public policy debate about the desirability of the new systems and with little serious effort to determine whether the contribution they make to controlling crime outweighs their potential for eroding privacy and individual autonomy, or whether that potential can be reduced or controlled.

LEAA's investment in information and intelligence systems must be placed in the context of the over-all Justice Department strategy for strengthening the law enforcement capability of the federal government and for building up the powers of police and prosecutors at all levels. During his tenure as Attorney General (1968-72) John N. Mitchell made it clear that these were major goals of his administration. To this end he greatly expanded federal surveillance of citizens thought to be threats to internal security, justifying his action on the theory that the Executive has inherent and discretionary power to protect itself.[2] He made aggressive use of existing laws, and sought and obtained significant new legislation to arm police and prosecutors with expanded authority to monitor individual conduct in order to prevent or punish potential crimes.[3] These developments, when viewed in conjunction with the new surveillance technology funded by LEAA grants and the national computerized file on criminal offenders, greatly increase the capability of the government to monitor the activities of all citizens and to step in to prevent or punish those activities where it chooses to do so.[4]

The new criminal justice information network can be used in conjunction with the vast government and

private computer dossiers being compiled by credit bureaus, insurance companies, welfare agencies, mental health units and others.[5] Cumulatively, these files threaten an "information tyranny" that could lock each citizen into his past; they signal the end of a uniquely American promise—that the individual can shed past mistakes and entanglements, and start out anew.

There are no federal and few state laws regulating the national criminal information system or its components. Few laws control the host of related public and private information systems. And any constitutional protections that exist are limited and narrowly defined.[6] Without controls, the systems continue to evolve primarily by force of their own momentum. In part through the well-meaning actions of LEAA the prophecy of Dr. Jerome Weisner, MIT president, is being realized:

Such a depersonalizing state of affairs could occur without overt decisions, without high-level encouragement or support and totally independent of malicious intent. The great danger is that we could become information bound, because each step in the development of an information tyranny appeared to be constructive and useful.[7]

Computerized Criminal History Files

When the LEAA program began, a few states had established centralized files of criminal offender histories to assist police departments in the identification and prosecution of suspects. For example, New York State's Identification and Intelligence System (NYIIS), operating on an annual budget in excess of $5 million, had more than two or three million fingerprints and 500,000 summary criminal histories on its computer.[8] Additional fingerprints and criminal histories existed in manual files. Included in both the files were "criminal wanteds" for felonies and misdemeanors, escapees from penal institutions, parole and probation absconders, elopees from mental institutions and missing persons. More than 3,600 local law enforcement agencies submitted information to the files and used them to check out suspects and new arrests. Other states, such as California, Michigan and Florida, were developing systems, but for the most part centralized, computerized record-keeping was rudimentary. The extent to which the state files expedited or otherwise improved law enforcement had not been demonstrated.

At the national level the FBI maintained the National Crime Information Center (NCIC). This system operated through local law enforcement control terminals (as of early 1972 there were 102 terminals, of which 48 were computerized) that put the FBI in direct touch with approximately 4,000 of the nation's 40,000 local law enforcement agencies. NCIC cost about $2.3 million per year to operate. The system contained files on stolen items, such as vehicles, firearms, boats and securities, and on wanted persons. Of the 3.1 million NCIC files, only about 300,000 were active criminal offender records. On an average, the NCIC system found a record or produced a "hit" on about 6 percent of the queries it received from local agencies (some estimates have been as low as 2 percent). In addition to the NCIC system, the FBI maintained more than 190 million identification and fingerprint files and approximately 20 million criminal offender records in permanent manual files.

Federal, state and local law enforcement agencies all contributed information to and could extract information from the NCIC files. In addition, NCIC records were searched as part of the identification service that the FBI provides for agencies of federal and state governments and other authorized institutions, including hospitals and national banks, which seek information on an individual's arrest record for purposes of employment clearances and licensing.[9]

Today it is clear the NCIC and the few systems such as NYIIS were relatively primitive, first generation data banks. In the past three years, with the investment of more than $50 million in Institute, discretionary and block grant funds, LEAA has launched a program that by 1975 promises computerized criminal history files kept by all 50 states that will be tied in to ("interfaced with") a massive national file run by the FBI. The states will place in the central FBI file only information of public record pertaining to people who have been accused of "serious and other significant violations." The central file will consist of comprehensive histories of persons who violate federal laws or who commit crimes in more than one state and summary histories on offenders who have been involved solely in intrastate crimes.[10] Any authorized inquirers[11] will have access to the central records, and will be referred to the relevant state files for further information. The individual state systems will include whatever information or intelligence the states choose to put into them and will be accessible on terms defined by each state.

This ambitious centralized program developed out of the System for Electronic Analysis and Retrieval of Criminal Histories (Project SEARCH), a $16-million demonstration project supported by LEAA discretionary and Institute grants, in which 20 states shared criminal histories through a computerized central data index.[12] SEARCH was intended as a prototype for a national computer file which would facilitate prompt apprehension of interstate felons.[13]

The project was funded through the California Council on Criminal Justice. Primary developmental responsibility was contracted to Public Systems Inc. (PSI), a research and development firm based in San Jose.[14] PSI was aided by task forces and advisory committees com-

posed of representatives from the participating states. The major assignment of the SEARCH group was to develop standard, computerized criminal history records, summaries of which could be filed in a central index. Computer terminals in the individual states could submit information to the central index and query it for identification of suspects. If the central index contained matching references concerning the subject of a query, the summary index data was transmitted to the inquiring police officer and he was told which state had the full file on the suspect. The officer could then request and obtain a copy of the suspect's full record via teletype from the state agency. The initial focus of the system—like its predecessors—was on police requirements; but the project design anticipated subsequent development of a capability to service the information needs of courts and corrections officials as well.[15]

On March 9, 1971, LEAA Associate Administrator Richard W. Velde testified before the Senate Subcommittee on Constitutional Rights that:

The basic problems facing SEARCH in the demonstration period have been solved. A common format for criminal histories was developed, and in machine-readable form. Each active participant converted at least 10,000 felony records to the SEARCH system for the demonstration. As the test period showed, a state making an inquiry of the central index with perhaps no more information than a driver's license number could find out if that person were in the (national) index and then be switched to the state holding the complete criminal history. It takes merely seconds to do all of that and receive the information.[16]

Computer experts were less sanguine about the success of the experiment. Some noted that only a small number of the SEARCH states had actually participated in the demonstration and suggested that the test simply duplicated what the FBI's NCIC had already demonstrated. *Datamation* magazine reported on the SEARCH demonstration as follows:

Ten states officially participated in the demonstration, but only New York made any extensive operational uses of the system, and a total of only five states conducted any demonstrations. . . . SEARCH met its demonstration objectives from a conceptual point of view, but did not achieve much operational success, because of design compromises, lack of updating capability for the central index and failure to develop record formats acceptable to all users, among other reasons.[17]

Despite these criticisms, and over the protests of LEAA Director Jerris Leonard and the states that had participated in the project, SEARCH became the launching pad for an expanded and "improved" criminal offender system to be operated by the FBI. Transfer of system control to the FBI meant that, instead of a network of state-controlled files tied into a limited central index, the SEARCH system became a national file run by a line operating agency. More importantly, judging from the debate on the subject that raged for months, FBI control meant diminished operational standards for the system's integrity, and attenuation of safeguards for individual privacy.

The conflict between the FBI and the Project SEARCH group had emerged in May 1970. In a letter dated May 8, 1970, Jerome J. Daunt, then director of the FBI's NCIC system, wrote to the SEARCH group complaining about various recommendations in the Interim Report of the SEARCH Committee on Security and Privacy. Among other items, the letter stated:

Throughout the report Project SEARCH is described as an ongoing system. Future developments of this system are not the proper objectives of the Project SEARCH group. . . .

In view of the limited purpose of the Project SEARCH, further studies in the area of privacy and security are not justified. If there is a need, it should be done by some other body.

The conflict became more pointed. In a letter of Oct. 15, 1970, John F. X. Irving, then chairman of the state planning agency's executive committee, wrote to Attorney General Mitchell protesting the proposed transfer of control over the SEARCH system to the FBI as well as certain "changes in direction" of the system. Irving complained that duplication would result because the states intended to continue developing their own systems[18] and protested that the FBI's plan to focus on data useful to the police only ignored the needs of courts and corrections agencies. Irving also argued that the FBI system, by dealing directly with city police departments instead of going through the states, would subvert the federal-state relationship contemplated by the Safe Streets Act.

The strongest protest in Irving's letter was directed to the potential invasions of privacy inherent in a federal information system.

Last, but certainly not least, the FBI's proposed file is significantly different in both conception and content from the state-held files contemplated by Project SEARCH. The basic underlying concept of Project SEARCH is that no new national data banks or criminal history files should be created because of the inherent threats to individual privacy and the security of records. The Project SEARCH operating concept is state-held files with a national index or directory of offenders. . . . The FBI file, on the other hand, would contain as much detailed data on offenders as the FBI was willing and able to collect. It is not a true index but rather a federal data bank on offenders.

The FBI countered that expanding SEARCH as a state-dominated system would increase the over-all costs and would duplicate the NCIC system. More im-

portantly, a system subject to the control of 50 state executives could be abused too easily. As Jerome Daunt put it: "If the governor controlled the system, he could control who gets elected."

The protests by the states and by Jerris Leonard were to no avail. The FBI took control of the SEARCH index in December 1970. The decision was John Mitchell's. In November 1971 the bureau notified the press that:

The Federal Bureau of Investigation has begun operation of a computerized criminal history data bank that eventually will give police almost instantaneous access to an individual's criminal arrest record from all 50 states and some federal investigative agencies and the courts. . . . The system . . . will make available by 1975 on a nationwide computer network most of the information now handled through the FBI's vast criminal record and fingerprint files. . . . It replaces a pilot effort, called Project SEARCH, in which only a computerized index was maintained, capable of telling police if a suspect had a record.[19]

Although the November 1971 announcement signaled the end of LEAA control of the system, the agency has continued to be involved in the development and expansion of information systems. Project SEARCH has been given discretionary and research grants for developing related technology, such as satellite transmission of information, automatic fingerprint identification/verification and additional work on transaction-based criminal justice statistics. And LEAA block grants have continued to serve as the primary source of funding for the state information systems that will be the major components of the NCIC criminal history information system. Despite LEAA's expressed concern for privacy considerations in the operation of information systems, it has not sought to precondition the use of its funds for such systems on the development by the states of adequate statutory or regulatory safeguards.

It is difficult to obtain reliable information concerning the present or projected scope, cost or structure of the new FBI data bank. At the federal level a variety of agencies are scheduled to participate in the system, most of which have been previously active in the NCIC system. Among others, the system will receive data and answer inquiries from the Secret Service, the Internal Revenue Service, the Alcohol and Tax Division of the Treasury Department, the Bureau of Customs, the Immigration and Naturalization Service, the Bureau of Prisons, the U.S. Courts, U.S. Attorneys and U.S. Marshals. As far as the states are concerned, at the time of the FBI's November 1971 press release, only one state—Florida—was actually contributing information to the file. The next two states—New York and California—were not scheduled to participate until July 1972. (As Chapter IV shows, California will probably not be ready for full participation until 1973.) In most instances, the states do not have their own systems operational—or even designed.

Official estimates of the total number of individuals who will eventually be included in the national file range from five million (the FBI estimate) to 20 million or more (the LEAA estimate). The number of files in the total system including all the state files will, of course, be much greater. Neither LEAA nor the FBI will provide information on the total costs involved.

Nor is it clear whether the FBI's file will be comprehensive, or simply a summary index that refers inquirers to the state files. The FBI has stated that it plans to maintain complete files only on offenders who have been arrested in more than one state, maintaining "summary files" on offenders who have been arrested within a single state only. State control centers will be able to add or remove information from the national file. However, for those states that have not yet built a central computerized information file, the FBI is presently maintaining complete offender files in both situations. The fact that the agency is presently maintaining complete files for all states makes it doubtful that they will subsequently abandon those files.[20]

The kinds of information to be stored in the data file and the conditions of participation in the system are not defined by statute or by formal regulations. The only standards regulating the system are those set forth in the NCIC Advisory Board policy paper.[21] Each state seeking to participate in the system must sign a contract with the director of the FBI, agreeing to abide by the terms of the policy paper and by any "rules, policies and procedures hereinafter adopted by NCIC." The contracting state must also agree to indemnify the federal agency against any legal claims arising out of the operation of the information system. The FBI claims that the majority of the states—"all but three or four," according to Daunt, "and those have technical not substantive problems with the system"—have signed the contract and thereby accepted the terms of the policy paper.

The NCIC standards are substantially less rigorous than those developed by LEAA's Project SEARCH, and in many instances their adoption was met by vigorous objections from LEAA, the SPAs and the Project SEARCH participants.

Under the NCIC policies, the national file is restricted to data on "serious and other significant violations." This is defined by exclusion:

Excluded from the national index will be juvenile offenders as defined by state law (unless the juvenile is tried in court as an adult); charges of drunkenness and/or vagrancy; certain public order offenses, i.e., disturbing the peace, curfew violations, loitering, false fire alarm; traffic violations (except data will be stored on arrests for manslaughter, driving under the influence of drugs or alcohol,

and 'hit and run'); and nonspecific charges of suspicion or investigation.[22]

Narcotic or mental commitment records will be maintained if they are part of the criminal justice process. Domestic crimes such as nonsupport or adultery and victimless crimes such as homosexuality, gambling and others are considered "serious" in some jurisdictions.[23] Moreover, any state or locality may store additional information in its own files, which can be disseminated upon requests referred to the state or local police department by the central index.[24] Besides the criminal record data on serious offenders, the Justice Department has asserted an absolute right to keep records on persons who are "violence prone" and other "persons of interest" for national security reasons.

Contributions to each individual file depend on participating state and local agencies. According to the NCIC policy paper, each file is supposed to show arrests, charges, the disposition of each case, sentencing details and custody and supervision status, but experience indicates that agencies contributing to the files rarely remove arrests records that do not lead to convictions[25] and often include damaging extenuating information. Personal identification information such as name, age, sex and physical description are included as well as FBI numbers, state numbers, social security numbers, date and place of birth and other miscellaneous numbers. At least one criminal fingerprint card is filed in the FBI identification division "to support the computerized criminal history record in the national index."[26]

No federal law or regulation calls for deletion of outdated records. The NCIC policy paper states: "Each control terminal agency shall follow the law or practice of the state . . . with respect to purging/expunging of data entered by that agency in the nationally stored data" (p. 12). Most states have no purging requirements at present. The policy paper endorses the concept of state and federal penalties for misuse of the data,[27] and suggests that the individual be given the right to see and correct his file, but makes no specific recommendations. Experience at the state and local levels indicates that it is extremely difficult for an individual to correct an erroneous or incomplete file without resorting to lengthy court proceedings.

The major deficiency in the guidelines and the system as a whole is the absence of proper controls on access to the data contained in the files. The policy paper states that access will be provided primarily to criminal justice agencies in the discharge of their official responsibilities. In addition, "agencies at all governmental levels which have as a principal function the collection and provision of fingerprint identification information" will have access, as will all those agencies that presently use NCIC. This means that the files will still be used for clearing federal employees and the employees of federal contractors,[28] and the information will be shared with federally insured banks, hospitals, insurance companies, etc.[29]

At the state level, the NYIIS experience suggests that a wide range of state agencies and some private firms will have access to the files for clearing potential employees or licensees.[30] The guidelines provide that state agencies (except for criminal justice agencies) cannot use the data in connection with licensing or state and local employment, unless "legislative action at the state and federal level or Attorney General Regulations" provide otherwise. But, as the New York experience shows, a number of states already have clearance authorization laws, and, since Congress has authorized the sharing of identification information with such states—with the approval of the Attorney General—the exclusion promises to be of limited value. (The Attorney General has never withheld approval from a state agency seeking access.) Even if approval or clearance should be denied, local policy will inevitably determine the terms of access because the NCIC system lacks adequate sanctions to apply to nonconforming states. At least one state, Iowa, is considering making the information available to anyone willing to pay for it.[31]

The looseness of the access provisions becomes more ominous in view of the parallel rapid growth of law enforcement intelligence files containing sensitive and unsubstantiated information.[32] In addition, the provisions virtually invite linkages with information files maintained by public and private agencies. LEAA is presently cooperating with HUD and several other federal agencies to fund experimental programs in six cities[33] that will provide city managers or mayors with "integrated municipal information systems" (IMIS) for management purposes. The IMIS is being promoted by the National League of Cities as a "significantly new approach to the process of local government itself," one "that will require a degree of commitment and level of expenditure by municipalities which has never before been associated with computer-based systems." The new systems will eventually include data from all urban service departments—police, welfare, schools, etc.—as well as underlying demographic and other facts that could be useful in making urban management decisions. The enlarged, organized data base supposedly will point to new relationships among urban problems, and consequently will improve policy-making.

The IMIS could present serious problems; total recall of statistics could be extremely harmful to the individual citizen. As Robert Knisely, the director of the program, has written:

If vital statistics, and school, employment and criminal justice records can be pulled together on a named individual at will, a child's teachers may find out he is illegitimate, his poor grades may keep him from getting a

job, his lack of a job may lead to crime and his criminal justice records may keep him permanently unemployed.[34]

Although Knisely sees certain potential benefits in the program, he concludes that they are overbalanced by the likelihood that neither the courts nor the legislatures will exert adequate control over the emerging technology. In any event, the possibility that criminal information files will become a part of a larger citywide integrated information system is a real one. In California, Iowa and other jurisdictions, data from a variety of social service agencies are already being combined in a single administrative unit that is also responsible for criminal justice data.[35]

Beyond IMIS, which is a deliberate, small-scale experiment, it is likely that private and public decision-makers will step up their generalized demands for whatever data are available on the individuals with whom they are concerned.[36] Senator Sam Ervin (D-N.C.) has described the problem this way:

'Interrelationship' is the key word here. Once the correlating process begins on individual personal data in the many files of government, all the weaknesses and limitations of the computer as a machine will be operating on a grand scale to make possible a massive invasion of the privacy of millions, and it raises the spectre of a possible program of routine denial of due process. Interagency, inter-business networks are being established of computers that talk only to each other. Decisions affecting a person's job, retirement benefits, security clearance, credit rating or many other rights may be made without benefit of a hearing or confrontation of the evidence.

The computer reduces his opportunity to talk back to the bureaucrats. It removes his chances to produce documents, photographs or other evidence to alter a decision.[37]

The problem of potential linkages between criminal justice system and other governmental files on individuals has been centered in a debate that has plagued the new system since its inception. The NCIC guidelines initially required participating states to utilize computers "dedicated" to law enforcement uses only and managed by law enforcement personnel. Many of the states have opposed this policy on the grounds that dedicated computers cost more and, in some cases, that state law requires that all computer systems be centralized under the control of the governor.[38] According to Donald Roderick, Jerome Daunt's successor, the FBI will now permit each state to set its own rules in accordance with existing provisions for statewide computer administration. If a decision is reached to use a non-dedicated computer, however, that state must make a showing that the criminal justice data are under the control of law enforcement officials.

The Need for New Legislation

Neither the FBI nor LEAA, the two agencies of the Justice Department with the resources or powers to impose regulatory controls, has developed adequate safeguards for the fast-growing computer files on criminal offenders. The NCIC guidelines are inadequate. As we have indicated, most of them are nonspecific, relying on state statutes to spell out specific protections. Since most of the states have no regulatory legislation on the books and the few laws that have been passed are inadequate, the system affords little protection against abuse. Further, the enforcement of the few NCIC standards that are binding depends exclusively on the FBI's willingness to exclude a noncomplying state from the system. This ultimate sanction has never been invoked.

Project SEARCH developed more comprehensive privacy and operational guidelines,[39] but these guidelines are advisory only, and not legally binding on the states. LEAA has been unwilling to impose the SEARCH standards as a condition of its grants. It has simply suggested that states contemplating the purchase of information systems with LEAA money "ensure that adequate provisions are made for system security, for protection of individual privacy and the insurance of the integrity and accuracy of the data collection."

Congress anticipated the need for regulation of the growing law enforcement information network in 1970 and added an amendment to the Safe Streets Act requiring LEAA to submit legislation by May 1, 1971, to ensure:

The integrity and accuracy of criminal justice data collection, processing and dissemination systems funded in whole or in part by the federal government, and protecting the constitutional rights of all persons covered or affected by such systems.

On Sept. 20, 1971, Senator Roman Hruska (R-Neb.) introduced S 2546, "The Criminal Justice Information Systems Security and Privacy Act of 1971," on behalf of the Administration. The bill essentially would codify the standards established by the NCIC policy board and give the Attorney General the authority to alter the scope of the national system as he deems necessary. The bill, which has been severely criticized for failing to provide adequate protection against misuse of data, was never assigned to an appropriate subcommittee for hearings.

In addition in 1970 Congress mandated the creation of a National Commission on Individual Rights to study, among other things, the impact "of the accumulation of data on individuals by federal agencies as authorized by law or required by executive action" and to determine which practices "are effective, and whether they infringe upon the individual rights of the people of the United States." (Section 12, The Organized Crime Bill of 1970.) This provision has never been implemented.

There are serious questions whether the state and national computerized files are necessary, whether they are worth their cost, both social and financial, and whether they work. Perhaps with more experience the FBI or LEAA will develop a convincing case concerning the manner in which the computerized information systems have developed. However, the Justice Department has not yet confronted the very real problems that the new NCIC system is creating, particularly in regard to governmental overreaching, invasions of privacy and infringement of basic constitutional rights.

Underlying the deficiencies of the new NCIC criminal offender records system is the vagueness of the legislation under which it operates. 28 USC § 534 enables the Attorney General to set up (and alter) a system to "acquire, collect, classify and preserve identification, criminal identification, crime and *other records*," and to "exchange these records with, and for the official use of, authorized officials of the federal government, the states, cities and penal and *other institutions*." (Emphasis added.) The statute contains no standards; and despite the fact that the Attorney General has full power to do so, no regulations have ever been issued to govern the information system except to delegate the Attorney General's administrative authority to the FBI (28 CFR §0.85).

In addition to the question of the Justice Department's statutory power, several aspects of the system as it is presently administered raise important constitutional questions. To include information unrelated to criminal convictions in the state files (and by automatic referral in the national file) may well violate the First Amendment and the due process and equal protection clauses of the United States Constitution.

For example, on numerous occasions the Supreme Court has held or indicated that the Fifth and Fourteenth Amendments' guarantee of due process protects individuals from injury caused by public bodies acting without giving the individual the opportunity to challenge or clarify the factual assumptions on which the agency is operating.[40] The protection against arbitrary action and the right to be heard apply even when the activities involved do not entail direct civil or criminal penalties, and extend to the circulation by the government of prejudicial information.

In *Joint Anti-Fascist Refugee Committee v. McGrath*,[41] the Supreme Court confronted a situation remarkably similar to that posed by certain aspects of the present-day Justice Department data distribution program. Ruling that the Attorney General must provide an opportunity for a hearing before including an organization on his subversive list, Justice Felix Frankfurter stated:

The heart of the matter is that democracy implies respect for the elementary rights of men, however suspect or unworthy; a democratic government must therefore practice fairness; and fairness can rarely be obtained by secret one-sided determination of facts decisive of rights. . . . No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it. . . . The Attorney General is certainly not immune from the historic requirements of fairness merely because he acts, however conscientiously, in the name of security. 341 U.S. at 170-174.

Under the new NCIC system the federal and state agencies which disseminate background intelligence information or data pertaining to arrests not followed by conviction, without giving the subject the chance to clarify or correct his record, could be found in violation of the due process clauses of the Fifth and Fourteenth Amendments.

It is also quite possible that the NCIC criminal history file violates the equal protection clause, by magnifying the consequences of present discriminatory police practices. Because the data it collects focus on street crimes and offenses that tend to be committed by the disadvantaged and minorities, and because of its indiscriminate inclusion of data on arrests for ill-defined crimes (such as arrests for suspicion) and arrests not followed by charges or convictions, the NCIC file reinforces the existing class and racial bias of the criminal justice system. Arrests for "suspicion" or "investigation," for vagrancy and other vague crimes, constitute a major form of police discrimination against blacks and Chicanos. Keeping permanent computerized files of such arrests (and in some cases convictions) adds another layer of discrimination to the criminal justice system, encouraging surveillance, the imposition of stiffer penalties, etc., on minorities. When such records are made available to employers, discrimination in the hiring process is compounded. (See *Gregory v. Litton Systems.*)[42]

CONCLUSIONS AND RECOMMENDATIONS. LEAA is investing substantially in the creation of a national computerized criminal offender information file serving state and local contributors and users. The files at present contain too much information and are accessible to too many agencies, including private business concerns. Few safeguards protect legitimate rights of personal privacy or prevent use of the information in a discriminatory manner. Standing alone, the new information systems require immediate and comprehensive regulations and controls. The potential harm that they could inflict, however, is made even more critical by (a) the coincident development of new state-level intelligence files on civil disorders and dangerous persons that are maintained by the same agencies that administer the information files and that are accessible to participants in the national sys-

tem, and (b) the rapid expansion of computerized records on individuals maintained by welfare, health, education and other public and private agencies that can be (and have been) readily interfaced with the criminal offender files. To ensure integrity and fairness of such systems:

No further federal funds should be distributed for the operation, expansion or development of state and/or national information systems prior to the completion of a study by a neutral and reputable scientific body—such as the National Academy of Sciences or the National Commission on Individual Rights—setting forth the policy options facing the nation in regard to such systems. In particular, the study should examine: the necessity for various possible kinds of information (and intelligence) systems to effective law enforcement; the most appropriate structure(s) for such systems (centralized, decentralized, state controlled, law enforcement controlled, etc.); the kinds of safeguards that can and should be built into such systems; the relationship of the data banks developed under such systems to other data banks; and the proper forms for public regulation of such systems.

If a national or multi-state criminal justice information system is found to be justified after the full report by the independent body, federal legislation should be passed creating an affirmative right to privacy, which would require the government to justify in advance any activity that would conflict with that right. In addition, regulatory laws should be passed to control all information systems (1) developed and maintained by agencies of the federal government, (2) operated by state or local agencies but supported wholly or partly by federal funds and (3) interfacing with federal systems or federally supported systems. (If such legislation is not passed, the Attorney General should issue formal regulations under his present powers.) Among the kinds of safeguards that should be considered for inclusion in the legislation are the following:

- *The legislation should spell out with specificity (rather than defining by exclusion) the scope of the criminal history offender files and the matter to be included therein. Only serious crimes that pose actual danger to the public and are likely to involve interstate mobility should be included.[43] The national file should contain only identifying data, records of active arrests, convictions and sentencing and an identification of the state agency maintaining the full records. Records of arrests not followed by indictment or information within one year, or conviction within two years, should be deleted from the files. When a criminal law is repealed, the record of prior violations of it should be deleted from the computer. An affirmative obligation should be placed on all participating states to delete such information from their own files as well as the FBI files. Failure to do so should result in termination of participation in the system and imposition of financial penalties.*
- *Specific congressional approval should be required for any expansion or modification of the initial system, such as a decision to interface with other data banks within the Justice Department or other federal agencies.*
- *The legislation should provide for operation and/or monitoring of the national system by an independent agency or commission that would conduct audits and spot-checks on both the operating agency and the contributing agencies, and would report annually (and periodically, as requested) to Congress. The commission, which should include constitutional lawyers, representatives of citizens' groups and other civilians, would share responsibility with the operating agencies for the development of detailed guidelines to govern the operation of the system. No state should be allowed to participate in the federal system until such time as it has passed its own statute reflecting the national standards, creating a state monitoring body and providing for the protection of individuals whose records are included in the system.*
- *Each individual should be granted the right of access, notice and challenge to all information pertaining to him. A person should receive notification when his file is opened, and upon each entry he should be informed of his right to access and challenge. During a challenge, to protect the individual from incomplete and inaccurate information, an embargo should be placed on use of the information.*
- *The legislation itself should establish general standards for the operation of the system and should require the Attorney General to issue more specific, mandatory regulations to govern dissemination of the information to criminal justice agencies, the courts and corrections institutions and other public agencies. The information should be graded so that only the summary computer record (not access to supplementary state investigative files) will be available to certain recipients, such as federal and state employers, or courts seeking to determine sentences.[44]*

[1]See also Chapter III, describing the new kinds of intelligence and monitoring devices that LEAA grants have purchased.

[2]See the statement of William H. Rehnquist, *Hearings on Federal Data Banks, Computers and the Bill of Rights*, Senate Subcommittee on Constitutional Rights, 92nd Congress, 1st Session (February-March 1971) p. 597, *et. seq.* March 11, 1971. (Referred to hereafter as *Senate Constitutional Rights Subcommittee Hearings.*) The Supreme Court rejected the argument that warrantless wiretapping is permissible, in *United States v. United States District Court*, ___ U.S. ___, 40 U.S.L.W. 4761 (1972).

[3]For example, under Mitchell's leadership the Justice Department implemented Titles II (expanding federal wiretapping powers) and III (weakening the strict exclusionary rules developed after the Supreme Court's ruling in *Miranda v. Arizona*) of the Safe Streets Act of 1968. In addition the department has sought and obtained new legislation such as the D. C. Crime Bill, the Organized Crime Act of 1970 and the Comprehensive Drug Abuse Prevention and Control Act of 1970, which greatly expanded federal law enforcement powers. These three bills include a number of provisions of dubious constitutionality, such as authority for preventive detention of suspects, for police to enter homes without warning ("no-knock"), for courts to impose greatly expanded sentences for "dangerous special offenders," and for grand juries to function with increased powers.

[4]A recent federal court ruling on another matter describes the congressional intent *not* to create a national police force through the LEAA program. In *Elrv. Velde*, 451 F.2d 1131, at 1136 (4th Cir. 1972), the court stated: "The dominant concern of Congress apparently was to guard against any tendency toward federalization of local police and law enforcement agencies."

Congress feared that "overbroad federal control of state law enforcement could result in the creation of an Orwellian 'federal police force.' .. The legislative history reflects the congressional purpose to shield the routine operations of local police forces from ongoing control by LEAA—a control which conceivably could turn the local police into an arm of the federal government."

[5]The courts can and do protect individuals' constitutional rights when they are specifically threatened by overt government action. But judicial intervention is, by nature, episodic and primarily remedial rather than preventive. Until government overreaching ripens into concrete, demonstrable injury—such as the use of illegal evidence at trial, the loss of employment or the disbanding of a political organization—the courts will not recognize that it is harmful. See, for example, *Laird v. Tatum*, ____ U.S. ____, 40 U.S.L.W. 4850 (June 26, 1972), rejecting a claim that military surveillance of persons involved in domestic political activities violates the Constitution.

[6]In many ways these data banks are far more threatening than those maintained by criminal justice agencies. The over-all problem of computers and privacy is well presented in Miller, *Assault on Privacy: Computers, Data Banks and Dossiers* (1972), and in the hearings cited above, n. 2.

[7]*Senate Constitutional Rights Subcommittee Hearings*, March 11, 1971, p. 671.

[8]NYIIS performs a variety of functions in regard to this data: fingerprint processing (not yet computerized), name searching, wanted system (NCIC interface), personal appearance/arrestee file searches and review of latest fingerprinting material. (NYIIS Fact Sheet)

[9]Executive Order 10450 (April 1953) calls for an investigation of any individual appointed "in any department or agency of the government," and provides that "in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the FBI), and written inquiries to appropriate local law enforcement agencies . . . ." In *Menard v. Mitchell*, 328 F. Supp. 718 (D.D.C. 1971), the court suggested the Executive Order should be reexamined, but refused to enjoin the use of NCIC for this purpose. The court did preclude the distribution of arrest records except for law enforcement and federal employment purposes, but Congress overruled this exclusion in approving the FBI's 1972 appropriation. (See n. 29, *infra*.)

[10]Summary criminal histories contain public record information such as fingerprints (where available), personal description, arrests, charges, dates and places of arrest, arresting agencies, court dispositions, sentences, limited institutional data and limited information concerning parole and probation.

[11]"Authorized inquirers" include any agency that now participates in the FBI's system, plus any agency subsequently permitted to do so by the Attorney General.

[12]The states participating in the SEARCH experiment were Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Texas, Utah and Washington.

[13]As the FBI put it: "The purpose of centralization . . . is to contend with increasing criminal mobility (NCIC Advisory Board, "Computerized History Program: Background, Concept and Policy," as approved March 31, 1971, and amended Aug. 31, 1971.) FBI data show that 25 percent of arrests involve interstate movement by felons. A preliminary survey by SEARCH put the figure at around 27 percent but estimated that most of these arrests were in contiguous states.

[14]Eight of PSI's key personnel are from Sylvania Sociosystems Lab (a research and development arm of GTE Sylvania), and one is the former head of California's SPA, the California Council on Criminal Justice.

[15]We disagree with LEAA's assumption that across-the-board increases in offender data are desirable for all decision-making processes within the criminal justice system. For example, arrest records not followed by convictions or juvenile offenses probably should not be made available to sentencing judges or to parole boards. LEAA recently made a grant to the Federal Judicial Center to finance the transfer of all data processed through the federal courts to the Justice Department. Sen. Ervin has questioned the propriety of this arrangement under the separation of powers principle (Letter of July 27, 1972, from Sen. Ervin to the Hon. Alfred P. Murrah, Federal Judicial Center.)

[16]*Senate Constitutional Rights Subcommittee Hearings*, p. 611.

[17]Phil Hirsch, *Datamation* magazine, June 15, 1971, pp. 28-31.

[18]By altering the basic system design for SEARCH, FBI requirements could increase the cost by 30 to 40 percent, apart from the possible duplication involved. Interview with Jerry Emmer, LEAA official.

[19]Justice Department news release, November 1971.

[20]The basic policies developed for the FBI system by the NCIC Advisory Policy Board state:

"In the developed system, single state records will become an abbreviated criminal history record in the national index with switching capability for the states to obtain the detailed record. Such an abbreviated record should contain sufficient data to satisfy most inquiry needs, i.e., identification segment, originating agency, charge data, disposition of each criterion offense and current status. This will substantially reduce storage costs and eliminate additional duplication."

[21]The NCIC Policy Paper, *supra* n. 13. The board is appointed by and serves at the discretion of the director of the FBI. Its members are individuals responsible for the administration on state information systems or state or local terminals on the NCIC system. Recently, procedures were introduced for electing board members from among participating state officials. It does not include constitutional lawyers, computer experts or other nonlaw enforcement representatives.

[22]NCIC Policy Paper, *supra* n. 18, p. 11.

[23]HR 1, the welfare reform proposal which was extensively revised by the Senate Finance Committee before the 92nd Congress adjourned, would make nonsupport a federal crime and place a special assistant U.S. attorney in every judicial district to prosecute violators whose desertion caused their families to go on welfare. This new crime would assure that personal data files on welfare recipients will be mingled with the files on criminal offenders.

[24]A number of jurisdictions maintain harmful, irrelevant data. The Kansas City, Mo., ALERT System, for example, includes the following categories of information in its computerized Warrant/Want Real Time Files. "local and national intelligence on parole status, active adult and juvenile arrest records with abstract data, area dignitaries, persons with a history of mental disturbance, persons known to have confronted or opposed law enforcement personnel in the performance of their duty, college students known to have participated in disturbances primarily on college campus areas." (Statement of Sen. Charles Mathias, March 9, 1971, *Senate Constitutional Rights Subcommittee Hearings*, p. 576.)

[25]The inclusion of arrest records that do not lead to conviction is particularly onerous. In 20 to 30 percent of arrests, the police do not bring charges for a variety of reasons including mistaken identification, lack of evidence, etc. Yet only eight states have statutes providing for expungement of such records. And of the eight, only one allows expungement of arrest records for an individual who has had a previous conviction.

[26]NCIC Policy Paper, *supra* n. 13.

[27]At present the only penalty for misuse of data maintained in the NCIC system is the provision in 28 USC §534 allowing the FBI to withdraw the privilege of participating in the exchange system from an agency that fails to abide by NCIC standards. As the exercise of that sanction means that the agency would also cease contributing data to NCIC, the provision has been invoked rarely. 18 USC §1905 provides weak criminal sanctions for the disclosure of confidential financial information by federal officials. It would not extend to the state participants in the NCIC system, and it protects only white-collar criminals whose offenses involve financial misdealings.

[28]Federal contractors such as Lockheed Aircraft have in the past obtained such records from the federal departments with which they do business.

[29]On Dec. 3, 1971, Congress approved, as part of the fiscal 1972 FBI appropriation, the following blanket authorization for the distribution of FBI data:

"The funds provided in the Department of Justice Appropriations Act, 1972, for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by state statute and approved by the Attorney General, to officials of state and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned Act." (*Congressional Record*, Dec. 3, 1971, S 20461.)

In 1972 a proposal was submitted to Congress to reverse the 1971 action. At the time of this report that proposal, an amendment to the pending Justice Department appropriations bill, was before a House-Senate Conference Committee. In the meantime the Justice Department (through Sen Hruska) introduced S 3834 (HR 15929) to assure the broad availability of FBI records.

[30]See letter from Aryeh Neier, executive director of the American Civil Liberties Union, to Sen. Sam J. Ervin (D N.C.), March 23, 1971 (copy on file with the Senate Subcommittee on Constitutional Rights), listing state agencies with access to NYIIS files.

[31]*Des Moines Sunday Register*, July 2, 1972, p. 3A.

[32]We have already pointed out that LEAA is funding regional and state intelligence networks for the collection and analysis of data on organized crime, as well as state and local intelligence-gathering systems on civil disorders and militants and other nonconformers. Because of the difficulty of standardizing intelligence information, it is unlikely that interstate computer exchange of such data will be realized, at least for some time. However, once the data are centralized at the state level under the auspices of the agency responsible for operating the central criminal information files, it becomes accessible to other state or federal agencies who will be directed to the state of record through the NCIC system. And the Attorney General has the power under the present statutory scheme to combine federal investigative and intelligence files with the NCIC criminal offender files.

[33]The IMIS cities are: Dayton, St. Paul, Long Beach, Calif., Reading, Pa., Charlotte, N.C., and Wichita Falls, Tex. Other jurisdictions are combining criminal justice computer data with information from other public agencies on their own.

[34]Knutsen, Robert A., "The Fruit of the Tree of Knowledge—Privacy Problems in Integrated Municipal Information Systems," Dec. 7, 1971, p. 7.

[35]Iowa's TRACIS (Traffic Records and Criminal Justice Information System), for example, will connect with the state's Department of Public Instruction, the Department of Social Services and others. And the California CLETS system (see Chapter IV) will be able to relate to records from the public schools.

[36]In recognition of this growing tendency and the immense data files available through his department, particularly those tied into social security numbers (as is the NCIC system), HEW Secretary Elliot L. Richardson has appointed an Advisory Committee on Automated Personnel Data Systems to develop safeguards to "protect against potentially harmful consequences to privacy and due process." (See "Charter of the Secretary's Advisory Committee on Automated Personnel Data Systems," Feb. 27, 1972.)

[37]"The Computer and Individual Privacy," address of Sen. Sam J. Ervin (D N.C.) to the American Management Association, March 6, 1967.

[38]Jerris Leonard sided with the states, saying, "As long as I am here, we are going to carry out the philosophy of this administration and that is the states will decide what they need . . . If the FBI doesn't want to provide the service, we'll find someone else." (Washington *Evening Star*, Jan. 22, 1972) In addition the National Association for State Information Systems formally protested the dedication requirement to Attorney General Mitchell.

[39]See Technical Report No. 2, July 1970, "Security and Privacy Considerations in Criminal History Information Systems," prepared by the Project SEARCH Committee on Security and Privacy. The committee has also prepared a model state statute and model regulations for the governance of state information systems. These have been introduced but not acted upon in several state legislatures.

[40]See, e.g., *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123 (1951), *Greene v. McElroy*, 360 U.S. 474 (1959).

[41]*Supra*, n. 40. Although the Attorney General was ordered to institute proper procedures before adding an organization to the subversive list, the majority of the Court did not join any one opinion. Justice Frankfurter's constitutional reasoning has become the most noted of the opinions entered in that case. In *Wisconsin v. Constantineau*, 400 U.S. 433 (1971), the Supreme Court held unconstitutional a Wisconsin statute authorizing local authorities to post public notices prohibiting the sale of liquor to persons who drink excessively, without affording the interdicted individual a right to challenge the determination.

[42]316 F Supp. 401 (C.D. Calif. 1970). The President's Commission on Federal Statistics, Vol. III (1971), p. 546, reported: "An applicant who lists a previous arrest faces at best a 'second trail' in which, without procedural safeguards, he must prove his innocence, at worst the listing of the arrest disqualifies him *per se*. The arrest record is the first of a series of status degradation ceremonies in the criminal law process." The commission pointed to the fact that in a recent survey of 39 counties, not one lists arrests that have not led to convictions. "The 'criminal record' in these 39 counties includes only convictions, and often only those for serious crimes." (p. 548) For a detailed treatment of the problems inherent in the broad dissemination of arrest records, see *Security and Privacy of Criminal Arrest Records*, Hearings before Subcommittee No. 4 of the House Committee on the Judiciary, 92nd Congress, 2nd Session (April 1972).

[43]This would remove most victimless crimes from the file as well as the other petty offenses that are most subject to enforcement patterns that are socially discriminatory.

[44]The legislation should probably also waive sovereign immunity on behalf of the United States and make them jointly liable with any individual who disseminates information to an unauthorized recipient, on a strict liability basis. The law should include minimum damage penalties, attorneys' fees, and a provision for treble damages; the individual defendant and the governmental employer shall have the burden of proving a good-faith effort to make sure that the recipient did have authority to request and receive the information, in order to escape punitive and treble damages. The same sanctions should apply for dissemination of erroneous information. U.S. district courts should be given jurisdiction without regard to the amount in controversy.

Chapter III
The Hardware Industry

The Scope of the Industry and the Major Participants

The massive new federal funding in the anti-crime area has primed the pump for a growing criminal justice industry.[1] The companies that comprise the industry include major computer manufacturers such as IBM, Burroughs and UNIVAC; companies that manufacture communications equipment, such as Motorola and RCA; gun and weapons manufacture concerns such as Colt, Smith and Wesson and Federal Labs Inc.; and companies that manufacture surveillance devices, command and control systems, night-vision equipment and other technology developed originally for the Vietnam war including GTE Sylvania, RCA, Westinghouse and Litton Industries.[2] This new industry emphasizes the combat role of the police. It has alarming potential—supported by LEAA funds—for the creation of a domestic military apparatus far removed from the traditional local service-oriented police department.

LEAA funds have enabled police departments to purchase helicopters, the latest computer data storage and retrieval systems and night vision and photography equipment—all with no threshold analyses of actual needs and with no weighing of countervailing individual rights or community values about the proper function of police in a free society. Police departments are purchasing the new technology because it has been developed and is ready for marketing and because there is ample "no-strings-attached" federal money with which to buy it.

Restraint will not come from equipment manufacturers, of course. At the same time that serious questions are being raised in the courts about the constitutionality of collecting photographic and other "intelligence" files on persons who have done nothing more than participate in peaceful demonstrations or be present in high-crime neighborhoods, a number of companies have proposed blanket surveillance techniques that will indiscriminately collect and record information on all persons in an area. Computer companies are pushing information systems that focus more on what can be collected than on what it is necessary to know.[3] And, during a period when leading police and urban officials are recognizing that police activities will never be successful without solid community support and confidence, a leading company in the field, in outlining marketing potential to other members of the industry, has recommended that law enforcement operations "be updated for effectiveness in a noncooperative or even hostile environment . . . . This continuing and prevalent attitude will cause law enforcement agencies to develop more centralized and responsible command and control."[4]

LEAA has spent millions of dollars for equipment, and allowed the states to spend millions more from block grant funds, without paying much attention to its necessity or utility,[5] and without demonstrating that less exotic (or potentially repressive) means are not available. LEAA's clearinghouse, already discussed in this report, has not even served to inform state planning agencies of hardware purchases proven ineffective in other jurisdictions. An editorial in the February 1972 issue of *Police Chief* magazine described the problem as follows:

As more funds become available to long-neglected enforcement agencies, some heretofore unknown manufacturers begin announcing the production of 'breakthrough cure-all' products for crime-fighting. The sheer numbers of 'police' products are overwhelming. Some work, others don't and many have no law enforcement application

PHOTO: BILL GRESHAM

whatever . . . . The most regrettable fact is that under our own system of free enterprise, there is little that could be done in official circles to combat these enterprises. (p.8)
And a report prepared for both the National Science Foundation and LEAA complained of "inadequate procedures for weapon evaluation; lack of standards and guidelines concerning weapons needs; lack of certification, testing and quality controls; overblown claims and inadequate research and development by manufacturers; . . . lack of training in weapon use."[6] Prices have been inflated, and in some cases adequate checks have not been imposed on companies previously active in the defense industry that have dressed up war supplies in police disguise.

Optimistic observers of the proliferation of new equipment claim that it is harmless, since much of it is useless anyway and the police do not know how to use some of it. Other observers, such as MIT's President Jerome Weisner, are less sanguine. They stress that if the equipment is there, it will be used; more importantly, it will shape the very nature of police operations.

The 40,000 law enforcement agencies in the country spent more than $4.4 billion in 1971.[7] At present they are spending about 15 percent of that amount—almost $700 million annually, including LEAA funds—on equipment. The public law enforcement market is expected to reach $14 billion by 1975, representing an increase of 10 to 15 percent a year, and the equipment market is growing just as rapidly. Electronics industry representatives alone estimate the market available to them in 1975 at $500 million annually.[8]

Compared to the $67-billion health industry, or the $60-billion education industry, law enforcement expenditures are small. Because of the rapid growth of the industry and the nature of its impact on the criminal justice system, however, it merits special attention.

Computers. In June 1971, *Business Week* reported that there had been a tenfold increase in the number of government-owned computers between 1960 and 1970, but stated, "The rise stopped this year (1971)." Not surprisingly, computer salesmen had already shifted to police prospects.[9] By 1971, almost half the police departments in the country were using automated data processing equipment, spending at least $40 to $50 million annually for hardware and software. In fiscal 1971, LEAA invested millions of dollars in research and development grants to provide for the expansion and renovation of existing computer systems and the installation of new systems. By 1975, it is likely that 95 percent of all police departments will be using computers, and gross sales by computer companies will reach an annual level of between $100 and $150 million.[10] Competition is hot and heavy. *Electronic News* reported on Oct. 12, 1970, that the major computer companies were vying for contracts with state police agencies in South Carolina, Colorado, Oregon and Pennsylvania:

IBM has Maryland and Ohio State Police, the National Crime Information Center (the FBI files) and the New York City Police Central Computer. RCA has Chicago and Cincinnati and has just displaced UNIVAC in the New York State Police.[11] . . . UNIVAC has the Pennsylvania statewide law enforcement computer, the city of Houston, and within the last month grabbed the North Carolina State Police Computer. Burroughs has state police computers in Florida, Massachusetts and Michigan.

Despite expert warnings that the current trend toward uncontrolled data collection without thorough planning could result in a data hodgepodge, some of the state expenditures, such as those in California, have reached the $10- to $20-million level, and information subsystems[12] are proliferating.

LEAA-funded computers have been used primarily for the storage and retrieval of data pertaining to criminal offenders and suspects. The new computer files are intended to provide an information base for police decisions, but other officials in the criminal justice system will have access as well. Another application of LEAA-funded computers is remote-control or automated patrolling; a computerized surveillance system modeled on an automated patrol developed for the Ho Chi Minh Trail has been installed on the Mexican-American border. Many police departments are purchasing and installing command and control[13] systems that rely in part on computers for decisions about the allocation of manpower and other police resources.

Unfortunately, computer-assisted police decisions seem to have about the same snafu experience as military decisions. The Mexican border patrol is locking on to burros. According to *Business Week*, the Defense Department has concluded that:

[M]any of the early fantasies of automated, computer-controlled warfare have been shattered. The biggest, most spectacular military computer project of all—the development of computers to direct anti-ballistic-missile systems—has been funded but is under fire from many professionals. More than 100 scientists argue that the system is too complex to be trustworthy and that continual changes in programs would keep it inoperative most of the time.[14]

Law enforcement officials appear bent on making the same mistakes.

Communications Equipment. The police communications market consists primarily of two-way radios that transmit and receive messages to and from headquarters. It also includes mobile radio networks, scramblers

(devices that prevent nonpolice interception of police radio communications)[15] and teleprinters that substitute written for oral transmissions between patrol cars and police precincts. The law enforcement communications market is dominated by three corporations: Motorola (50 percent of the market), General Electric and RCA. The current market is estimated at several hundred million dollars. Some industry spokesmen have put it between $800 million and $1 billion. There is general agreement that it is likely to increase substantially in the next few years.

One of the most immediate demands of police departments has been for two-way radios and areawide communications systems, and LEAA's block grants have been used from their inception to fund volume purchases. For example, Wisconsin spent $911,423 from 1960 to 1971 on communications equipment alone. Arkansas spent $1,054,638 or 37 percent of its action grant funds from 1969 to 1972 on two-way radio equipment. As of June 31, 1971, that state had purchased 963 car-mounted mobile radio units, 180 walkie-talkies, 163 base stations, 150 remote stations, 169 monitors, 145 mobile unit scramblers and seven base station scramblers.[16] The states covered in detail in this report (see Chapter IV) also spent substantial funds on communications.

At the same time these vast radio expenditures were being made, the Institute for Law Enforcement and Criminal Justice determined that the models presently on the market did not meet police requirements. Without interrupting the flow of federal funds for radio purchases, the Institute issued grants to three companies to develop an improved two-way radio to meet user needs. The Institute issued the bids for the contract through the Air Force's Aeronautical Systems Division in order to attract military manufacturers. An LEAA official noted that "large numbers of military companies have such a capacity (to develop the radios), but they're not actively in this area now. So we felt we had to deal with them in ways they're accustomed to."[17] In May 1971 the contracts were given to: GTE Sylvania Inc. ($382,167), Martin Marietta Corp. ($200,875) and Teledyne Electronics Inc. ($56,733).[18] The new model should be ready by the end of 1972; in the meantime, block grant funds continue to be obligated and spent for traditional obsolescent models.

Weapons and Vehicles. The law enforcement market for weapons and vehicles has expanded in response to the new money provided by LEAA. This was particularly true in the first two years of the program. (See *Law and Disorder II*, Appendix, p. 19-43.) This trend has abated somewhat,[19] and the market is shifting from traditional equipment to new devices, particularly nonlethal weapons. A. C. Crossen, president of Federal Laboratories Inc., a major equipment manufacturer, described the shift in this way:

There will be a growing demand for more and more exotic equipment, attended by increasing pressure for the industry to replace lethal weapons with nonlethal weapons.

As examples, he mentioned night surveillance equipment, TV cameras that record on video tape at extremely low light levels, detection equipment for dope and equipment capable of incapacitating airline hijackers without endangering passengers. "These changes present us with great challenges," Crossen said, "but if we meet them the (sales) prospects are tremendous."[20]

LEAA is interested in stimulating the development of new technology in the nonlethal weapon field. In January 1972 the agency sponsored a joint conference with the National Science Foundation which examined the state of the art. Among the products discussed were special drugs which, upon injection, immobilize the victim and prevent him from fleeing; the instant cocoon, which releases a plastic spray creating a tough plastic membrane; the wire gun, which releases coiled barbed wire over a distance of up to 80 feet; a number of sticky substances and liquids including "instant banana peel," "instant mud" and low-friction polymers such as Teflon; foam generators that create foam bubbles to limit visibility and produce a slippery surface; "instant jungle," a projectile of quick-setting gel; and "rapid rope," a rapidly projecting nylon rope for blocking off small areas. Many of these products are already being marketed with extensive advertising in law enforcement trade journals, but apparently with limited police acceptance. To improve the products and increase their acceptability, LEAA made a $250,000 grant in the spring of 1972 to the U.S. Army's Land Warfare Labs to test and evaluate nonlethal weapons.

Like other forms of technology being introduced on the police market, nonlethal weapons could bring substantial benefits to police work. However, they also raise problems that must be addressed before they are adopted on any substantial scale. There has been substantial evidence that many policemen abuse the new sprays and chemicals, and proliferation of nonlethal weapons may well encourage excessive use of force by policemen.[21] The physical effects of many of the new products have not been fully tested; some have the potential to inflict unpredictable physical harm.[22] As in other areas of equipment expenditure, LEAA has encouraged the development and sale of nonlethal weapons without addressing the corollary problem of improving police performance.

Closed-Circuit TV. The estimated value for the CCTV market is relatively small, only $20 to $40 million over

the next three years. But, Frost & Sullivan reports: "Police departments across the country are becoming more interested in reconnaissance and surveillance and the market is ready to grow." They point out, as an example, that the city of Philadelphia now has a modest system started in 1970 that will be expanded by a factor of 50 in the next few years. They also describe a recent discretionary grant to Hoboken, N.J., which provides round-the-clock uninterrupted TV surveillance of a downtown area of the city. Mt. Vernon, N.Y., and San Jose, Calif., have similar systems.

In addition to ground TV surveillance, a number of cities such as Los Angeles and New York are experimenting with helicopter surveillance. New York recently completed a two-year test of a helicopter CCTV system that cost $490,000. According to Frost & Sullivan:

The system comprises a TV camera, zoom lens, image stabilizer and microwave transmitting equipment installed in a helicopter. The signal is received at the Empire State Building via antennas. The signal is then relayed via microwave television relay links to police headquarters. The signal can be distributed to various offices throughout the building including the Command and Control Center, where the information can be evaluated and manpower and equipment be assigned to cope with the problem. This installation is equipped with recording equipment so that a permanent record can be made of the transmitted audio and video signals. Live TV images can also be projected on a 6-foot by 8-foot screen for close observation.

Receiving antennas on the Empire State Building provide 360 degrees of coverage to enable the helicopter to fly in any direction and still transmit back to the Empire State Building. The helicopter's omni-directional antenna provides complete flight flexibility as well.[23]

In early 1972 a study prepared by the Committee on Telecommunications of the National Academy of Engineering and funded by the Justice Department recommended 24-hour television surveillance of city streets. The committee, a group of corporate executives which advises the federal government on technological matters,[24] suggested that this kind of surveillance would be more comprehensive than present systems and would free up police time for other tasks. To test the effectiveness of 24-hour TV surveillance, the committee urged the Nixon Administration to implement a pilot program involving the use of 140 low-light-level television cameras deployed at every other intersection throughout an urban neighborhood covering two square miles. Of the estimated $1.5-million-a-year cost, more than $600,000 would go for the salaries of 175 "viewers." These men would receive $2 an hour for watching the TV cameras, with instructions to apply the zoom lenses whenever suspicious activity occurred.[25]

A similar project involving a smaller geographic area and fewer TV cameras has been implemented in Mt. Vernon, N.Y., funded in part by a $74,000 discretionary grant and using GTE Sylvania equipment. The Mt. Vernon police department claims that the new surveillance system has reduced the need for officers in the high-crime area and that it has reduced the number of "incidents" in the area by 50 percent—although the number of arrests has remained static. (Unfortunately, no control study has been made of other parts of the city that might form a basis for comparison.) The equipment has caused some problems because of its sensitivity to cold, heat and light—but by and large the police are pleased with the experiment.

There has been tremendous interest in the Mt. Vernon operation, with numerous inquiries from the military, from college campuses and from urban police forces interested in purchasing similar equipment. It is likely that other cities will implement similar programs with LEAA funding. Former Attorney General Mitchell, while at the Justice Department, placed heavy emphasis on expanded, improved surveillance activity. As one government official pointed out: "The challenge is wide open."[26] There are presently no legal limitations on electronic surveillance of large public areas.

CCTV is not the only form of surveillance equipment now being marketed. Industry spokesmen are enthusiastically promoting new forms of equipment. Eugene G. Fubini, formerly a vice president for research at IBM and now a private consultant, told a National Law Enforcement Symposium a few years ago that the Vietnam war had produced a variety of new devices that would allow police to search and frisk individuals without the problems of personal harassment that have accompanied surveillance efforts in the past:

Wouldn't you like to be able to frisk every citizen without him knowing he is being frisked? If you could do that you will have an easier time providing protection. Well, I think, just to take an example, that you can put multi-dimensional magnetometers in turnstiles and movie theaters, and lots of other places. Let me try another one: You could put on all bridges and parkways a device which reads license plates and automatically matches them against a list.

Fubini also suggested that some of the procedures for tracking and tagging individuals (with powders, scents, indelible markings, etc.) developed in the Vietnam war should be adopted domestically, for identifying individuals involved in criminal activity.

Another expert, J. A. Meyer, has recommended a "transponder surveillance" system that would attach electronic beeper devices (transponders) to all parolees, bailees, recidivists or dangerous persons. The radio signal emitted by the beeper would be picked up by a network of surveillance transceivers that would tie in to

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a computer. The system would enable the police to keep track of all accused or convicted persons and to intercept any potential criminal activity. To prevent "lack of cooperation" on the part of the offender, discarding the transponder would be a felony.[27]

Frost & Sullivan recommends a limited market only for eavesdropping and wiretapping equipment, suggesting that legal restraints limit the use of those devices. At least one company, Audio Security Institute Inc., sees the picture differently. In a circular letter sent to such small jurisdictions as Valley County, Idaho, the president of the company wrote:

Title 18 of the United States Code permits the use of court-authorized eavesdropping. No law enforcement agency, no matter how large or small, can afford to ignore this outstanding aid in combatting organized crime . . . . Audio Security Institute Inc. is the solution to . . . all of your eavesdropping problems because the institute was founded and formed by and for police officers who have already experienced these problems in the field, where it counts.

The letter goes on to offer a special course—as well as the opportunity to purchase eavesdropping equipment.

Helicopters. We have already noted in the chapter dealing with discretionary grants that more than 150 helicopters are being used by police departments around the country and the number appears to be increasing rapidly. Local communities seeking LEAA funds for helicopters have made representations that the new equipment will help reduce crime rates substantially. To date the evaluations that have been completed of the actual effectiveness of helicopters in police work are inconclusive, but the data suggest that in view of the high cost of each unit (Frost & Sullivan puts it at the $100,000 level with an additional investment for training),[28] squad cars, or more conventional vehicles, may be equally effective.[29]

The major manufacturers are Bell Helicopter and Hughes Aircraft. Judging from their vigorous advertising campaigns, the market is a lucrative one. Bell pushes its equipment with such appeals as "With a Bell, you become more professional," or "Put a Bell over a high-incidence burglary area, and watch the (crime) rate go down. It works." One Bell ad also suggests that it is the only helicopter with the capacity that will be needed in time of riot or insurrection: "Only the Bell can handle the Nite Sun searchlight or the bulky armament baskets and barricades and loudspeakers you may need some day." Hughes claims of its patrol helicopters: "When the Hughes 300 goes up, crime goes down."

As for the future of the helicopter, the industry predicts:

All municipal and county law enforcement agencies are practically unanimous in their agreement that the helicopter is vital to law enforcement activities. This market should be truly a growth area.[30]

Night-Vision Equipment. Electronic equipment that enables the police to see in the dark is also a product of the Vietnam war. These devices, capable of amplifying light levels 40,000 times, were developed during the 1960s to meet the urgent needs of the military for detecting night-fighting guerrillas. The equipment was declassified in 1969 and is now sold at prices ranging from $2,000 to $8,000 per unit. (The Sylvania model sells for $3,945.) LEAA itself is in the process of developing a cheaper model. As one journalist put it:

The enthusiasm of the police for night-vision equipment is surpassed only by that of the electronics industry, where one executive has predicted that by the end of 1970 virtually all of the 40,000 police departments in the United States will be using night-vision equipment.[31]

The major night-vision suppliers are RCA, Litton Industries, Sylvania, Zenith (believed to be the largest supplier to the military), Raytheon and Aerojet General. Westinghouse manufactures a similar product.[32] These "night-vision" photography devices make it possible to conduct unobserved, uncontrolled surveillance both indoors and outdoors at great distances.

Marketing Techniques

Not only do some companies offer to write LEAA grant proposals for their customers, but many of them obtain LEAA training grants so that law enforcement officials can be taught to use their equipment as they develop the market. For example, a Cleveland paper reported that a sergeant in that city's police force obtained LEAA funds to attend a six-day course given by the B. R. Fox Co. Inc., "makers of sophisticated electronic equipment that can readily be applied to police work." The course was designed to acquaint the student with the latest available equipment, its usage and limitations. The sergeant, in his request for funds, pointed out that the course "prepares the student to properly set up a contract for desired equipment to comply with Public Law 90-351" (the Safe Streets Act).[33]

Smith and Wesson, the gun and riot-control equipment maker, operates a police academy to train public and industrial police in the use of various types of equipment. LEAA funds can be used by police to pay for tuition for the school; the company points this out in brochures advertising the academy. A reporter notes:

There are other types of heavy promotion. Manufacturers set up elaborate displays of equipment at police conventions and offer a hard sell. Helicopter companies park their craft outside some law enforcement convention halls and give free rides to prospective customers. In con-

vention hospitality suites, salesmen . . . circulate among police officials and tout the latest developments from computers to night-vision scopes to cigars rigged with radio transmitters. The Progressive, March 1972.

Equipment manufacturers even go so far as to include statements in their advertisements that LEAA funding is available to foot the bill—a practice unheard of in other fields where the federal government has become active in urban aid programs. Kodak Microfilms, for example, in advertising a Miracode II System, "advanced criminal detection equipment," includes the following statement in bold print: "With LEAA funding you can't afford not to get one." A clippable coupon states: "Please send me your new Miracode II System booklet and LEAA funding details."

The sales practices of a major communications equipment manufacturer—Motorola Communications & Electronics Inc.—have recently been documented by the House Government Operations Committee. According to the committee, Motorola made nearly 90 percent of the communications equipment sales in Arkansas and Wisconsin (see above), often without competitive bidding and on specifications that the company had prepared. The equipment was sold at list price or above, resulting in Wisconsin in an estimated overpayment of $175,000. Further, the committee report points out, in many cases Motorola salesmen made large entertainment expenditures for state planning agency officers and helped them prepare LEAA grant applications. At least two states—Iowa and Pennsylvania—have put a freeze on the purchase of Motorola communications equipment, and LEAA has asked the Antitrust Division of the Justice Department to investigate the marketing practices of the company for possible violations of the law.

A paper assessing for the Electronics Industry Association Conference in 1969 the potential of the law enforcement market correctly predicted that the first flood of money would result in substantial waste. The paper stated:

LEAA has been authorized funding in the amount of $200 million for fiscal 1970, and it has been estimated that this funding will rise to $1 billion by 1972. Since most of the federal funds are to be administered on a matching grant basis to states and cities, considerably more money is involved. It is broadly assumed that, at least initially, most of these funds will go into buildings, larger buys of standard equipment, stepped-up training programs, etc. There is a substantial "pent-up demand" for such conventional items within local enforcement agencies. Then too, most experts would agree that there will be a substantial amount of money devoted to visionary but impractical programs. This is to be expected in a field where an increasing number of "experts," knowing a great deal about space exploration, missiles or electronic warfare, attempt to serve a relatively unsophisticated customer community which desperately needs solutions and is willing to try almost anything. The first phase will pass as knowledge and sophistication grow on both sides.[34]

America is well into the first phase described above; there is no sign of its passing. Nor is it clear that the technological "advances" being purchased with LEAA funds will have much of an impact on law enforcement. As Professor James Vorenberg of the Harvard Law School, director of President Johnson's Crime Commission, put it: "There is very little relationship between equipment and crime-cutting."[35] The sophisticated equipment developed by the military and now being purchased with LEAA funds may be appropriate for certain highly unusual and complex crimes, but it is not likely to provide much help in dealing with alcoholics, drug addicts, traffic violators, gamblers and other petty criminal offenders, nor will it improve the performance of the patrolman on the beat. Worst of all, it moves urban police departments increasingly toward a militaristic model, one that leading police chiefs have judged inappropriate for local law enforcement.

LEAA funds are being used to create a new "police industrial complex." The industry is busily creating its own demand and increasing the size of the market. The resulting new equipment promises only to increase an already extensive, easily abused police capability for surveillance, harassment and interference with noncriminal activities. The burden of this increase in police activity will fall, as with many of the other LEAA-funded programs discussed in this report, primarily on poor and minority residents in the nation's urban centers. CCTV from helicopters will increase the noise level in ghetto areas, while prying into the daily lives of ghetto residents; night-vision equipment will be similarly (but more quietly) used; nonlethal weapons can—and therefore will—be abused; and computerized files will keep careful track of the arrest records of the ghetto residents, who will be more frequently and more efficiently detained. LEAA has not caused this development directly. However, it has encouraged it by refusing to impose strict standards on the disposition of its funds and by neglecting much-needed research into improving police performance through means other than widespread reliance on new technology.

CONCLUSIONS AND RECOMMENDATIONS. The undirected distribution of the massive LEAA funds has stimulated a growing police hardware market composed in substantial part of technology developed for the Vietnam war. Some of the new equipment is highly useful in limited situations, but it is being purchased and applied indiscriminately. Neither corporate vendors nor LEAA-supported customers have given adequate attention to the

potential for invasions of civil rights and civil liberties that such equipment provides; nor have they assessed alternative approaches that could do the job in an effective but less harmful manner. We recommend:

- *That LEAA's National Institute begin to study the effectiveness of new technology and of its actual and potential impact on the exercise of civil rights and liberties.*
- *That LEAA subject corporate proposals for new technology to careful review by a panel of judges, constitutional lawyers or others familiar with the rights of the individual in the criminal justice system.*
- *That Congress and state legislatures carefully scrutinize the development and expansion of new police technology within their jurisdictions with particular attention to changes the technology is likely to produce or is producing in the traditional role of the local police.*

[1] *The New York Times*, Jan. 12, 1972, p. 48.

[2] In addition, the federal program has given rise to a host of new criminal justice consulting firms or criminal justice branches of existing firms such as Ernst and Ernst; Peat, Marwick; Systems Development Corp.; Touche, Ross. The House Committee on Government Operations reported that as of Feb. 19, 1972, Touche, Ross had received more than $3.149 million in LEAA contracts; $2 million of this had been from the city of Detroit alone. Three other outfits, the International Association of Chiefs of Police, Systems Development Corp. (McLean, Va.) and Ernst and Ernst had received, from a variety of contracts, sums totaling $2.5 million, $2.2 million and $1.1 million, respectively.

[3] For example, the proposal developed by GTE Sylvania in 1969 for a Santa Clara County Law Enforcement Information System would introduce booking information into the system—that is, data on persons who were fingerprinted and booked at a police station whether or not the police considered the detention a formal arrest or subsequently charged the detainee with a law violation. That proposal also recommends the inclusion of data from juvenile probation reports (including welfare investigation information), even though the confidentiality of youthful offender records is generally preserved (p. II-3). Finally, the system would include detective investigation reports (p. II-4). No input from the offender's attorney was recommended, although the information system would give him data on the financial status of his client.

[4] See "Law Enforcement," a working paper for the Electronics Industry Association Convention, June 24, 1969, presented by R.J. Radway, Sylvania Electronics Systems.

[5] In some instances, LEAA has allowed its funds to be expended for equipment in regard to which it has outstanding evaluation or development contracts. For example, dozens of cities have purchased helicopters at the same time the Institute contracted for an evaluation of the effectiveness of helicopter policing. Millions of dollars have been spent for radios and communications equipment at the same time the Institute has let a major contract to three manufacturers to develop an improved two-way radio. And, organized crime intelligence grants have been made to a number of states at the same time that an LEAA-funded demonstration project is seeking to determine actual intelligence needs in this area.

[6] Security Planning Corp., *Non-Lethal Weapons for Law Enforcement, Research Needs and Priorities*, January 1971.

[7] Frost & Sullivan Inc., (hereafter Frost & Sullivan), 1971, *The Public Law Enforcement Market*, p. 153. This publication is the Dun & Bradstreet of the law enforcement market.

[8] *Electronic News*, March 16, 1970, p. 40.

[9] *Business Week*, June 5, 1971, p. 61.

[10] This is the Frost & Sullivan estimate. Computer experts suggest that it is probably low.

[11] RCA dropped out of the computer market in September 1971, leaving its service contracts to UNIVAC. In addition to the contracts listed in the text, it also provided the hardware for the huge California information system and had a $4.8-million (seven-year lease) contract with the NYIIS system.

[12] See Chapter IV for a full discussion of the California system. In Iowa, Polk County has already spent $545,000 on an information system, LENCIR, that parallels but may not be compatible with TRACIS, the statewide system that will cost $5-6 million over a four-year period.

[13] North American Rockwell describes these systems as follows: "'Command and Control' is military terminology for the planning, direction and control of operations. It involves the organization of personnel and facilities to perform the functions of planning, situation intelligence, force status monitoring, decision-making and execution. These concepts are applied to analogous police operations. (Internal letter, Aug. 25, 1970, from St. T. Delbridge to P.A. Kreider.) GTE Sylvania has suggested that one of its reasons (in addition to financial) for switching to the police market "is to improve its recruitment efforts. By showing that the company's emphasis is not on the military, it will help us recruit more young people." (*Electronic News*, March 16, 1970, p. 40)

[14] *Business Week*, June 5, 1971, p. 61.

[15] Boeing Electronic Products is the major manufacturer of scramblers.

[16] House Government Operations Comm. Report, p. 19.

[17] *Electronic News*, March 16, 1970, p. 45.

[18] At the same time, the three companies signed contracts with the Air Force for $108,974, $100,117 and $14,239, respectively. *As Electronic News* put it, "Value in the winning contractor is far in excess of the development contract. The Law Enforcement Institute hopes to develop the radio which then could be procured by local police agencies around the country." (Nov. 16, 1970) GTE Sylvania had already completed a major communications contract for the San Francisco police department. Each car unit in the system cost about $1,000.

[19] Frost & Sullivan report that Colt and Smith and Wesson dominate the handgun market (almost 90 percent); Remington dominates the shotgun market, Winchester and Remington, the rifle market, and Thompson Submachine Guns, the automatic weapons market. General Ordnance Equipment Co. and Federal Labs dominate the aerosol irritant projector market, and Federal Labs is the nearly exclusive supplier of chemical grenades. Federal Labs also has a corner on the chemical projectiles market, as well as the market for masks and helmets. Police vehicle sales are shared by Ford, GM and Chrysler.

[20] *The New York Times*, Jan. 12, 1972, p. 48.

[21] The ACLU has stated its objections as follows: "The experience with nonlethal weapons has not been a happy one. Unfortunately, even if the scientific wrinkles can be ironed out, the use of these weapons cannot solve the problem of the dynamics of police abuse. We have not yet managed, with all our efforts, to bring the billyclub, the first less-than-lethal weapon, under control."

[22] See "Nonlethal Weapons for Law Enforcement: Research Needs and Priorities," a report to the National Science Foundation and the Law Enforcement Assistance Administration, January 1972, prepared by Security Planning Corp., p. 42. Although LEAA has given some attention to nonlethal weapons, it has ignored the recommendation of the Violence Commission to develop radioactive seeding materials for the tracking of ammunition in guns.

[23] Frost & Sullivan, p. 137.

[24] The committee includes high-level officials from such companies as RCA, GE, IBM and Motorola—many of which are active in the police technology industry.

[25] Sylvania, the company that manufactured the equipment, boasts that the cameras can "spot a black cat walking on an unlit street." Sylvania has also provided equipment to the U.S. Border Patrol for surveillance of the Mexican-American border. The surveillance system, as noted earlier, relies on unmanned remote-controlled planes formerly used in the anti-infiltration program in the Vietnam war. In that case, Sylvania noted: "The political implications of using surveillance equipment along a friendly foreign border have been considered by selecting equipment that can be deployed without attracting attention and easily concealed."

[26] *Boston After Dark*, Jan. 25, 1972, p. 17.

[27] Crime Deterrent Transponder System, "IEEE Transactions on Aerospace Electronic Systems," Vol AES. 7, No. 1, January 1971. Mr. Meyer sees the following as one of the major virtues of the system:

> *A transponder surveillance system can surround the criminal with a kind of externalized conscience—an electronic substitute for the social conditioning, group pressures and inner motivation which most of the society lives with—and this may be useful in keeping him out of the inmate life of a prison while keeping him always conscious of social controls.*

Mr. Meyer's recommendation may have some merit in regard to high-risk detainees in penitentiaries. The problem with his proposal is its inclusion of persons awaiting trial, persons who have criminal records but are not presently accused of a crime and potential offenders.

[28] Some of the helicopter purchases are for small jurisdictions, where the need for such equipment is doubtful. In Kettering, Ohio, a suburb of Dayton, with a population of 150,000, the police have bought two helicopters to keep an aerial watch on the town. Each craft is complete with radio, searchlights, siren and public address system. The police have a video-tape camera they can take aloft if they want to record a capture, or possibly even a crime, on film. There is no question that helicopters are useful to metropolitan communities for traffic regulation, crowd monitoring, emergency transportation, etc. They appear to be less useful in police patrol work.

[29] Michael D. Maltz, an LEAA official who has been responsible for evaluating and assessing helicopters, has written that it is unclear how effective helicopters are in fighting crime. He refers to the helicopter as the "post-computer status symbol for some police departments" and suggests that squad cars are probably equally effective and considerably cheaper. The Baltimore police department has recently purchased bicycles for patrol purposes.

[30] Frost & Sullivan, p. 72. Some LEAA funds have also been expended to assess the feasibility of using short take-off and landing (STOL) aircraft in police work. The cost of a fully equipped STOL is estimated at over $70,000, and Frost & Sullivan claims that they do not appear to be as effective as helicopters.

[31] Robert Barkan, "Bringing the Toys Home," *Boston After Dark*, Jan. 25, 1972.

[32] Markets are developing for other kinds of equipment not treated above. These include voiceprint equipment, fingerprint transmission by satellite, laser fingerprint analyzers and a variety of other devices.

[33] *Point of View*, Rolda Bartimole, Vol. 3, No. 10.

[34] "Law Enforcement" by R.J. Radway, GTE Sylvania, presented June 2[illegible]969, to an Electronics Industry Association conference.

[35] *The Wall Street Journal*, Aug. 9, 1971, p. 10.

Chapter IV
The Story of the States

The five states examined here—California, Massachusetts, Ohio, Pennsylvania and South Carolina—have different criminal justice problems and different approaches to the administration of the LEAA program. A number of themes, however, are common to them all:

- Most states lack the expertise or know-how necessary to reform their criminal justice systems. Those that have taken the problem seriously have found it difficult to get the money where the problems are in a manner that will effect significant change. In tackling this problem, the states have received little or no assistance from LEAA.
- All of the states have experienced trouble designing and structuring adequate planning mechanisms. Again, LEAA has provided no assistance. The states have had difficulty: (a) broadening participation in the planning process beyond officials of the criminal justice system to include social service agencies with necessary supportive resources as well as community representatives; (b) establishing a relationship between the state planning agencies and the intrastate regional planning units that allows for local choice but imposes state standards; and (c) working closely enough with state legislatures, county supervisors and city councils to secure local government commitment to the program's continuation.
- The program has been plagued by a sense of temporariness and by shifting priorities (caused in part by frequent staff turnovers at all levels). These uncertainties, combined with lengthy bureaucratic delays in getting the money from the federal grant-making agency through state and regional planning bodies to the ultimate grantee, have caused many local officials to focus exclusively on equipment and material requirements—one-shot investments that will not suffer from a termination of funding.

These problems—lack of know-how, bad planning mechanisms and a sense of impermanence—have been responsible for great wastes of time and resources on the development of planning processes and on program experiments that did not pan out. A relatively small percentage of LEAA funds has gone directly to programs that have improved the criminal justice system or contributed to a reduction of criminal behavior.

A summary look at planning in the five states shows that Ohio puts great faith in local urban leadership by giving metropolitan areas full control of their action funds (once an appropriate plan has been approved), and at the same time recognizes the different needs of rural areas by placing rural counties under the direction of the state. The state also has insisted that officials of "civilian" agencies and community representatives be fully integrated into the planning process. Ohio's program thus depends heavily on committed local leadership. Where leadership is lacking, the program is unimpressive; where it is present, as in Dayton (which has enjoyed the special advantages of being an LEAA "Pilot City,") the program has made some significant strides.

Planning in Massachusetts has evolved through several structures—from a system of regions, to a highly centralized state system, to the development (with strong state guidance) of local urban capabilities for planning and local control. The only city where the planning capability has begun to emerge is Boston, and there the program has had extreme ups and downs.

Pennsylvania has a regional system that relies heavily on state-selected regional staff. The selection of personnel is highly politicized and therefore reflects the degree of the governor's commitment to reform. There is little local control; until recently, there was little state direction.

PHOTO: CLAUS MEYER, BLACK STAR

South Carolina has a regional structure that gives control of the program to local officials, primarily law enforcement officials. The state is unwilling to provide direction to the program—state leadership has a strong commitment to local control—and LEAA has done little to alter the picture. The South Carolina picture illustrates LEAA's failure to develop program standards that can differentiate the needs of predominantly rural states from those of big-city, high-crime states. In South Carolina, the LEAA program is simply a fiscal relief operation for poor local government units.

California has regions but has not yet worked out a role for them. The SPA has vacillated between giving the regional planning bodies substantial funding control (along the Ohio model) and ignoring their recommendations and plans. The resulting confusion has left the state government—and particularly the governor's office—in control.

As this chapter will show, the quality of programming has varied significantly among the states. Over all, a lot of money has bought very little. There has been a dearth of state and local leadership. There are, however, some notable exceptions.

Massachusetts' juvenile programs have been highly successful. If the present trend continues, they alone may justify the LEAA programming in the state. One expert has described the state's program as the most spectacular juvenile correctional reform ever accomplished in the United States.

In Ohio, Dayton has made an impressive effort to reach into a backward police department and restructure its operation—from hiring practices to patrol tactics to performance standards. And Cleveland, with the guidance of the privately funded Administration of Justice Committee, is one of the few cities that has begun to effect changes in its court system.

There are few similarly positive examples in Pennsylvania, although recently Philadelphia has begun to focus on developing institutional planning and programming capabilities in individual agencies, such as the probation department and the courts, and the state has created a Division of Community Services that is providing the stimulus for corrections reform.

The program in South Carolina has been mediocre since its inception and there is little sign of change. Most of the state's funds have been dissipated for riot equipment and other hardware for small, often overlapping, law enforcement agencies that could better have been eliminated or consolidated.

California manifests all the problems discussed in Chapters II and III of this report; in many ways it has been the bellwether for LEAA's development of computerized information systems and focus on "crime specific" programs. The state's primary emphasis has been on new technology; zero emphasis has been placed on efforts to reform the agencies that will be applying that technology.

The following case studies of each of the five states seek to highlight the problems that have plagued the state programs and to provide a fair appraisal of what has worked and what has not. They provide suggestions on the kinds of changes that need to be made, at both the federal and state levels, to make the LEAA program a more meaningful and productive one.

California

The LEAA program in California is administered by the California Council on Criminal Justice (CCCJ). The CCCJ was created by the state legislature in 1967 prior to, but in anticipation of, LEAA block grant funds. The original legislation called for a 25-member council chaired by the state attorney general; during the 1969 session, the membership was increased to 29.[1]

In 1972, the legislature passed a bill (AB375) that sought to amend the existing law to provide for a five-member, full-time policy-making board of salaried professionals. The remaining council members were to be relegated to an advisory role. However, on Aug. 28, Governor Reagan vetoed the bill, thereby ensuring the continuation of the CCCJ in its present form.

According to the original statute, the purpose of the CCCJ is:

(a) to develop plans for prevention, detection and control of crime in the administration of criminal justice . . . [T]he council may conduct studies, surveys, resources and identify needs for research and development in this field;

(b) to encourage coordination, planning and research by law enforcement and criminal justice agencies throughout the state and to act as a clearinghouse for proposals and projects in this field;

(c) to develop plans for the dissemination of information . . . ;

(d) to advise the governor, legislature and the various state departments and local jurisdictions . . .

The council may "develop plans to fulfill the requirement of any federal act providing for the adoption of comprehensive plans" (including HEW juvenile delinquency programs as well as LEAA) in order to get federal funds. The council is expressly precluded from undertaking direct operational responsibilities.[2]

A complementary piece of legislation, also adopted in 1967, provided for the organization of the California Crime Technological Research Foundation (CTRF), a public corporation to "encourage scientific and technological research, development and education in the field of the prevention and detection of crime . . . and to develop research in the area of police

management administration." The foundation's 20-member board of directors is appointed by the governor (the membership is specified). Until late 1971, when CTRF's enabling legislation was amended to make it an independent agency,[3] the chairman of the foundation served as the chairman of the CCCJ's science and technology task force, and the foundation's board of directors served as the members of the task force.

The chairman of CTRF is Orville J. Hawkins, assistant director in charge of identification and information in the law enforcement division of the state Department of Justice. Mr. Hawkins is the administrator of California's criminal justice information system. He has exercised strong influence on the work of the CCCJ, which explains in part its heavy emphasis on information technology.[4]

To carry out its work, the CCCJ has a staff of more than 70[5] and a budget approaching $1 million. Two standing committees—operations and executive—and nine task forces[6] control the CCCJ's decision-making process. The operations committee reviews all action grant proposals and assigns over-all priorities within the criminal justice system. In addition, its 11 members act as liaison between the council and its task forces. The previously open meetings of this committee were closed to the public in 1971[7] and, according to one observer, "the staff has minimal input." The five members of the executive committee (all of whom are on the operations committee) are responsible for reviewing and approving the CCCJ budget and working with the council's executive director.

The Legislature. Unlike other state programs, the California anti-crime effort has been subjected to vigorous oversight by the state legislature. The California Assembly's Select Committee on the Administration of Justice has held extensive hearings on the program, focusing on such important problems as the failure to define regional responsibilities (with a consequent erosion of local control), the lack of program evaluation, the failure to acquire an adequate statistical base to assess program needs or to predict necessary expenditures and, ultimately, the failure to define the state crime problem properly. By and large, the Select Committee's hearings have shown that there is a high degree of disorganization in the administration of the program, with repeated shifts of policy and direction.[8]

In a report issued in June 1971, the Select Committee listed the CCCJ's chief problems as:

- an inability to comply with the requirements of federal and state law with regard to the coordination of statewide criminal justice activities, the concentration of resources upon high-crime areas and the most serious crimes, and the technical components of the annual plan;
- a failure to develop a planning organization and procedures that would satisfy the needs of the variety of jurisdictions in the state;
- a project-funding pattern that is not in accord with any official consensus on priorities, and an explicit lack of commitment to future priorities.

To address these problems, the committee proposed a series of legislative recommendations. The key proposals were as follows:

- That representation of local government on the council be increased and that local planning units increase the representation of members of the community. (One proposed bill provides for the creation of permanent local boards.)
- That the *minimum* elements of the state plan to be reviewed by the legislature consist of current criminal justice agency expenditures in relation to federally funded projects; the identification of projects in relation to federally defined problems and California law; and the technical means by which aims are to be implemented.
- That the respective roles of state and local planning agencies be defined in the state statute.
- That the legislature appoint a committee to produce an annual review of the state plan for the use of the council and legislative budget committee.
- That the executive officer of the council be appointed by the governor.
- That the objectives of criminal justice planning be defined in the state statute.

Many of these proposals were included in AB375, the reorganization bill mentioned above. Among other things, the bill would have required the proposed criminal justice board to "establish priorities for the improvement of criminal justice throughout the state; cooperate with and render technical assistance to the legislature, state agencies, units of general local government, combinations of such units, etc.; (and) conduct evaluation studies of the programs and activities assisted by the appropriate federal acts."[9] Priorities were to be established by a majority of the full board "after providing ample opportunity for full public discussion." The bill also spelled out specific requirements for the annual plan, as well as described priorities for reporting to the legislature.

Besides its oversight responsibilities, the Assembly has become directly involved in the anti-crime program itself. It has received a substantial LEAA discretionary grant to develop a true cost reporting system for criminal justice agency activities. A final report is due in late 1972 and may form the basis for mandatory local reporting legislation.

Another tie between the legislature and the council is created by Article XII of the CCCJ's by-laws. This provision requires council staff to "analyze and report on the status of pending federal and state legislation directly or indirectly relevant to the work or function of

the council." The same by-law requires the council to maintain liaison with the appropriate staff of the California Assembly and Senate and to "cooperate" with members of the legislature. In actuality, the CCCJ has generally refrained from getting involved in legislative issues.[10]

Proposals to reform the state's criminal code have been prepared by another group which has kept the CCCJ informed of its work but has not relied upon the CCCJ for assistance. The Project for Reform of the Penal Code presented a full revision of the code to the legislature during the 1972 session. Hearings have been held on the new code, but it has not yet been presented for a vote to either the Senate or the Assembly.

The Regions and the Planning Process. The Assembly hearings show that California has had difficulty defining the powers and responsibilities of its regional boards and establishing a working relationship between the regions and the state planning agency. Many regional planning directors complained that the requirements for regional planning and roles seem to change every month; the state changes its mind all the time.

The state originally created 11 geographically based regional planning bodies. In early 1971, the number of regions was expanded to 21. Each regional body is composed of an advisory board and a full-time staff.[11] Most regions also work through task forces.

Regional boards are the creatures of the council and as such are subject to whatever conditions the council may establish.[12] The original board members were selected by the CCCJ. (Vacancies are filled by the remaining board members.) Each board is supposed to represent "all criminal justice functions and the community" and be representative of the "total geographic area" it serves. CCCJ by-laws specify that each board should include at least five members from local government, three from the criminal justice system and three "lay" representatives. They also recommend that the local Model Cities administrator be a member. However, most of the regional bodies are dominated by criminal justice interests with minimal attention to the other recommended membership.

Each region or subregion develops its own comprehensive plan[13] which is submitted to the state as a basis for the development of the statewide plan. In the past, the state treated the regional plans arbitrarily, adopting those provisions it chose and ignoring others, frequently without notice to the region. In regard to action grant clearances, the regional role was one of review and comment; all decision-making authority was reserved to the council. Often the CCCJ would fund project applications from a region before the region had completed its planning process, thereby diminishing the funding available to form the basis of the plan.

For example, in May 1971 the newly formed Los Angeles County Subregional Advisory Board requested a moratorium on CCCJ approval of all grants going to that region. In a letter dated May 26, the chairman of the board indicated that the region was in the process of formation and was just beginning to define its priorities. The letter pointed out that funding decisions by CCCJ, giving money to applicants from the region at the same time that their needs were being reviewed for regional priority development purposes, would subvert the planning process. The council, at its May 27 meeting, formally voted to deny the moratorium. A major factor in the denial was the concern that if the funds were held up, congressional appropriations for the following years would be affected negatively.

During the last year, an attempt has been made to correct this duplicative situation by the institution of a "certification" system. The region submits its plan which is, in effect, a list of program priorities. The council, after a highly complicated review procedure, "certifies" the plan. The region then receives the funds necessary to implement the programs listed in the plan, following a final order of priorities set by the council. Before a region submits its plan, it must obtain the endorsement of all units of local government located within its borders.[14]

In addition to a lack of clearly defined lines of responsibility between the regions and the state, the regions have complained of the CCCJ's failure to provide them with technical assistance in planning or program design. Although all states are required by law to provide such assistance, California has been unusually derelict in this regard.

The State Council. The state has been unable to assist the regions because of lack of clarity concerning its own mission. Minutes of CCCJ meetings indicate that as late as mid-1971, council members were still unclear about their role and felt that inadequate data had been collected to give them a basis upon which to make judgments concerning funding priorities. Because of the manner in which the staff presents decisions to the council—with long lists of individual grant applications but without any effort to relate the applications to the needs of the criminal justice system as a whole—several members have complained that they cannot engage in effective planning.

As Assemblyman Charles Warren put it, "Without a list of acceptable priorities, it is impossible for me to intelligently weigh the projects in front of me." (Minutes, July 28-29, 1971, p. 8.) When one member, Judge Joan Dempsey Klein, suggested that the council should address the structural and operational problems raised by the Assembly's Select Committee on Crime before deciding on funding proposals, she was voted down

because of the urgency of getting the money out.[15]

For the most part, CCCJ members have not become seriously involved in the development of the annual plan and have simply given the state plan a last-minute review before the staff submitted it to LEAA. Nor, until recently, has the staff taken the planning process seriously. During the first two years of the program, the staff regarded the planning process as a necessary but burdensome precondition to obtaining federal grants. Executive Director Robert Lawson described the procedure to the California Assembly as follows:

Frankly, the first two plans were submitted and developed only for one purpose, and that was to meet a federal requirement. It bore little relationship to the operations of the council itself from the standpoint of how it pursued it.[16]

The 1971 plan was apparently the first serious effort. Lawson told the CCCJ meeting of Feb. 25, 1971, "This will be an honest plan and not a make believe one." But one member of the council complained that while the plan did very well in describing how crime and criminal justice problems would be approached, it never said what would actually be done. Nor did it set priorities for the state's criminal justice agencies. LEAA Regional Administrator Cornelius Cooper made the same observation, faulting the plan for its lack of priorities and its failure to indicate how the money would actually be spent, while complimenting it on its description of the problems. (Minutes, July 28-29.)

Besides reviewing individual project applications, the council has spent most of its time discussing general statewide policies. The staff has been asked repeatedly to prepare position papers on such topics as the role of the regions; the role and responsibility of the staff; the role of the council; the establishment of priorities; and the role of consultants. Many of these subjects deal with important policy questions that should have been answered at the inception of the program. The fact that they are still open questions, three years after the creation of the program, indicates a lack of leadership at both the federal and state levels as well as the inability of the council to adhere to policies once established.

The refusal of the council to take any action on some issues, combined with its frequent amendment of other policies, have led to a high degree of staff turnover at both the regional and state levels.[17] This was an important reason for the recent restructuring of the state board. As Assemblyman Robert Crown, the chairman of the Select Committee that has been trying to review the CCCJ put it:

The minutes of the present council show a continuing revision of policies, guidelines and broad funding allocations. Many members miss meetings. Policy issues are raised at one meeting, sent to staff for analysis, then voted on at a future meeting by members who missed the original debate. This is probably inevitable when 30 men try to determine the use of millions of dollars in their spare time.

Even in its project-review capacity—perhaps the simplest of its functions—the council is unable to establish a consistent philosophy. For example, at its July 1971 meeting, the council was presented with two proposals: one to fund the San Francisco Own Recognizance Release Project; and the other to fund a Los Angeles-based mental health program to provide in-depth, presentence reports to the courts. Both proposals had failed to receive the approval of the council's judicial process task force for essentially the same reasons: they reflected approaches that had already been proven effective (and hence were not experimental) and there was no indication that local government would take over the funding. The council decided to fund the first project—even though it had been operating for more than seven years with private funding—and to reject the second. The only difference in the review procedures appeared to be the submission of a letter from the Board of Supervisors of San Francisco complaining of their financial straits and their high property taxes and promising to fund the program if revenue sharing was ever passed.

The CCCJ's decision-making process repeatedly reflects the same arbitrary approach. A major Urban League proposal to work with juveniles was turned down because a council member heard it was "against the establishment." On the other hand, proposals for equipment purchases have been approved despite a general council policy against such expenditures.

Use of LEAA Funds. From 1969 to 1971, California received more than $62.9 million in LEAA grants. Although this is a substantial sum, it represents only 6 percent of the state's annual criminal justice budget of $1 billion.[18] Nevertheless, like other states, California has had difficulty distributing the LEAA funds with sufficient speed to keep up with the federal grants. CCCJ programming has emphasized development of new equipment and technology, particularly for the police.

DISTRIBUTION OF ACTION AND DISCRETIONARY FUNDS[19]

Category	State Action Grants	Discretionary Grants	Total	Percent of Total
1. Police	$24,447,900	$7,797,284	$32,245,184	51
2. Courts and Prosecution	2,363,842	629,626	2,993,468	5
3. Juvenile	10,138,647	1,253,195	11,391,842	18
4. Drugs and Alcohol	566,435	563,331	1,129,766	2
5. Corrections	8,002,370	598,108	8,600,478	14
6. Other[20]	6,257,723	388,528	6,646,251	10
		Over-all Total	$63,006,989	

As of March 1971, the CCCJ reported that of the $52.6 million in action funds made available by the

federal government since the beginning of the program, only $13.3 million had been awarded. This suggests that the state was receiving the funds too rapidly. State officials explained that the nonuse of roughly $7.9 million of the unspent remainder was caused by the difficulty that local governments were having in raising the required matching funds.

POLICE. The CCCJ's expenditures in the police area are probably the most technologically advanced of any state in the nation. They include command and control systems; centralized criminalistics laboratories supported by satellite labs;[21] numerous information systems; intelligence systems; command and control systems; automated manpower and resource-allocation systems; helicopter patrol programs and unique investigative techniques. In addition, the state has funded expensive police training programs relying heavily on audio-visual equipment and computers.

Information and Intelligence Systems. It is virtually impossible to compute accurately the total investment of state and federal funds in computerized information systems. State officials are either unwilling or unable to provide the figures. During 1971, expenditures of federal funds alone reached between $10 and $12 million. This was supplemented by substantial additional expenditures of state and local funds. Many of the systems serve agencies other than the police—but the bulk of expenditures meet police needs. In fact, California has such a proliferation of information systems that the Comptroller General of the United States wrote to LEAA Administrator Jerris Leonard warning him to take steps in other jurisdictions to prevent the overlapping of multiple information systems that had developed in California. Subsequent to the Comptroller General's communication, the CCCJ announced that it would not fund new systems or renew outstanding grants unless they interface with existing systems. A recent count indicates that the state criminal justice system as a whole has more than 100 information systems and that Los Angeles County alone has 24.[22]

The statewide system is known as the California Criminal Justice Information System (CJIS). It is based in the state Department of Justice's law enforcement division and will eventually tie into the FBI's NCIC,[23] as well as into a number of state agencies—the Department of Motor Vehicles, the California Highway Patrol, the Youth Authority and the Corrections Department. In addition, 1,000 local terminals connect the system with 450 intrastate locations, as well as with a number of locations in border states. (The message transmission system that ties the local terminals together is known as the California Law Enforcement Telecommunications System—CLETS.)

The CJIS was created by enabling legislation passed in 1965 after the completion of a study by the Lockheed Corp. of the manual data flow at the local level among the agencies of the criminal justice system. CJIS presently contains files on several hundred thousand persons; it is expected to include nine million individuals within the next few years.[24] No estimate of over-all CJIS costs are available, but CCCJ officials testified before the California Assembly that actual costs have already greatly exceeded anticipated costs.[25]

In addition to grants made to the California Department of Justice for CJIS, the major information-system grants have been made to Los Angeles, San Francisco and Santa Clara County (San Jose, the county's major city, is an LEAA Pilot City).[26]

Los Angeles County has received more than $3 million for the development of the Los Angeles Regional Justice Information System (RJIS) which will "eventually carry 40 percent of all criminal cases in California." RJIS is designed to provide a single access point to the multiplicity of subsystems storing criminal justice information that exist throughout Los Angeles County. Its first task was to merge the massive files maintained by the Los Angeles police department and the county sheriff's office. Although RJIS is moving more slowly than anticipated in converting subsystem records, the CCCJ described the system as follows in its 1971 annual report:

During the first year of this project, justice agencies in Los Angeles County . . . have designed a comprehensive person and case-following system that facilitates improvement, substantiates legislative recommendations, builds a basis for research and accommodates the inevitable changes in the law and organizational model.[27]

In addition to the computerized criminal-offender file and related files in the RJIS system, a number of computer projects have been funded in the Los Angeles area that could at a later date enlarge the already broad data base of RJIS. These information projects are known as PATRIC (Pattern Recognition and Information Correction), ECCES (Emergency Command and Communications System) and LEMRAS (Law Enforcement Management Resource Allocation System). PATRIC—which the state agency says is "an outgrowth of a three-year systems analysis"—attempts, on the basis of crime reports, field interviews and other data, to predict those areas where crime is likely to occur and to develop resource-allocation models for the police on the basis of those predictions. LEMRAS is the system that actually allocates police manpower, presumably relying on the PATRIC-inspired model. ECCES, on the other hand, deals with emergency situations only. It combines records from the police department, the fire department and other agencies equipped for handling emergencies and, operating through an electronic wall map, assigns available vehicles to the source (or sources) of the emergency. Although only a few million dollars have

been spent on ECCES to date, the total cost of the system is estimated at $58 million. (Among other projected accomplishments, ECCES will "serve as an energizer to the aerospace industry.")[28]

No relationship has been spelled out between these systems and RJIS, but it is not unlikely that the data collected for the purposes of predicting crime patterns will be fed into the information system. This data includes information that is not of record, such as the details included on "rap sheets"—that is, information included in the booking process even if there is no formal arrest.[29]

The city of San Francisco has received roughly a half million dollars for CABLE (Computer Assisted Bay Area Law Enforcement). This will pay for only the developmental phase of the system. As the CCCJ put it, "A final system performance specification and a three-year master development plan have been completed" (1971 annual report); full implementation of CABLE will require additional millions of dollars. Related to the development of the information system, San Francisco has received substantial support in discretionary funds to improve its police communications system and to establish a command and control capability within the department.

Santa Clara County and the city of San Jose have received more than $1.3 million in LEAA funds for the creation of a multi-purpose criminal justice information system. According to the state council, the system will:

Be able to trace any subject through the entire criminal justice process. It will provide extensive information regarding prior criminal histories. It also will be building a data base to help participating public agencies improve and support their management processes, daily criminal justice operations and comprehensive planning.

The state views the San Jose system both as a tool for improving the apprehension of offenders through quick identification and as a broad mechanism for assessing the performance of the local criminal justice agencies. The state has indicated that the system is a model for other cities and counties of the same size.

Beyond these major expenditures for information systems, the state has given smaller grants to other cities and counties for the same purpose. It has also funded related projects, such as those described for the Los Angeles area, in other cities.

By far the most significant of the related developments, however, is the funding of intelligence systems. A major goal of the CCCJ's task force on riots and disorders has been "to initiate and develop a coordinated intelligence system for the collection, analysis, interpretation and dissemination of information on riots and disorders."[30] Similarly, the task force on organized crime, although it has not been able to define the scope of syndicate crime in the state, has set as one of its chief goals "to provide systematized, computerized intelligence information for more effective investigation and prosecution of organized crime and racketeering; to correlate computerized information on organized crime with a national electronic data bank."

The state has not developed a clear definition of the kinds of offenders that are to be included in either the civil disorders or the organized crime intelligence files, and many of the grants appear to lump militants and dissidents under either or both categories.[31] For example, one project report filed with the state Department of Justice's Organized Crime Unit states that the files include data on "revolutionary activity, motorcycle gangs and groups of two or more persons who continually engage in assault or theft." The Huntington Beach police department received a grant for a special intelligence unit to concentrate on "the movements of militants and persons associated with organized crime." Orange County, on the other hand, received a $117,000 grant for an expanded intelligence operation that was not defined in terms of subjects. The CCCJ 1971 annual report described the operation:

Immediate goals of the project are to increase the amount of intelligence information collected and to develop programs upgrading the effectiveness of intelligence operations. The Orange County Intelligence Unit is the first such county organization in the state to have extensive operations, making it a prototype for intra- and intercounty intelligence units. (p. 43)

Another system, the PIN information system in Alameda County, collects data on "persons who are considered potentially hazardous to law enforcement."[32]

Most of the intelligence systems developed to date are not computerized, although a grant is in the works for a computerized system in Long Beach. California criminal justice experts expect that eventually every county and city will have its own system and that there will be a computerized statewide intelligence system operated by the state Department of Justice within the same unit that operates the statewide information system, CJIS.

The CJIS system is not yet subject to regulatory legislation that would provide safeguards against the invasion of privacy or the infringement of civil liberties, although several bills are pending before the state legislature. (One of these is patterned after the SEARCH Privacy Committee's model statute.) At present, the system and the local systems that feed into it (or will feed into it) suffer from the same deficiencies as the NCIC system discussed in Chapter II in regard to the nature of the data included and the range of public and private agencies that have access to the files.[33]

The danger of abuse of the file data is particularly great in California not only because of the growing intelligence files, but also because of the extent to which

other social service agencies have computerized their files, increasing the potential for interface among the systems.[34] The state education system, for example, maintains extensive files on individuals from their date of entry in the school system. (The state college system alone operates more than 100 computers, many of which have personal data.) The health department files include detailed information on all those persons who have had abortions, including the circumstances surrounding the abortion. And so on.[35]

Other Equipment. In addition to the investments for information systems, the CCCJ has made numerous grants in the police area—supplemented by LEAA discretionary funds—for improving and "professionalizing" police management and for purchasing new technology. These grants have included the development of command and control or command and communications systems for San Diego (a three-year project costing $5 million), San Jose, Huntington Beach, San Francisco and Santa Barbara; automatic police-vehicle locating systems for Oakland and Montclair; a closed-circuit television system for the Sacramento police department and another for the Los Angeles police; a special project to test the effectiveness of "investigative mapping" techniques for small and medium-sized law enforcement agencies (this grant to the Fremont police department is adapted from the military PERT system and is designed to help focus police resources on those burglary cases that are most likely to lead to clearances); improved record keeping with microfilm and improved message transmission with teleprinters; and the institution of management evaluation programs or the creation of permanent planning and research divisions.[36]

California has purchased more than its share of helicopters, probably because it is the home of the airplane industry. State funds have been used to purchase such equipment and establish patrols in Sonoma County (for "surveillance," pursuit and an airborne command post during emergencies); the San Francisco police department (two helicopters for Project Sky Watch); Kern County; the Ventura County sheriff's department; the San Bernardino County sheriff's department; and the San Diego sheriff's office. In addition, LEAA has given discretionary grants for helicopter purchases to the Los Angeles police department, the Riverside police department, the Richmond police department (the two latter grants set as their goal the reduction of crime by 8 to 10 percent in the first year) and the Long Beach police department (the goal in this grant is "the suppression of burglaries and violent street crimes to an acceptable level").[37]

Training. Outside of the equipment area, the CCCJ's major area of investment has been for training police personnel. A number of training programs are directed to officials of the criminal justice system as a whole, but the majority are directed to law enforcement officials.

Since the inception of the LEAA program, California has spent more than $3 million for training programs. Of this, $250,000 was a grant to the Commission on Peace Officers Standards and Training to develop a model training program; additional sums have been invested for local programs to implement the commission's model. Another $250,000 grant went to the Los Angeles police department to pay for a facility "where officers can use firearms in simulated field stress situations." And large sums have supported executive or management development courses.[38]

The state has not performed any evaluations of the quality or effect of the training programs being funded with LEAA grants, and it is difficult to determine what percentage of the funds is going for education—as opposed to "how-to"—programs.

Big-City Police: Los Angeles.[39] The preceding discussions of CCCJ grants for law enforcement have listed a number of key grants to the Los Angeles area, particularly grants dealing with computerized information and resource-allocation systems. Additional millions of dollars in grants have gone to Los Angeles, primarily for police purposes. These grants have not attempted to alter, but instead have reinforced, the already clearly established pattern in that agency of reliance on advanced hardware and technology. As one observer put it: "Professionalism, specialized training, sophisticated equipment and complex information and communications systems supervised by increasingly sophisticated management personnel are the trend in the L.A. region."

Through August 1971, the Los Angeles police department had received close to 50 percent of all the funding in its region (Region X). The figure would have been even higher except for the fact that the CCCJ vetoed $3.7 million worth of additional Los Angeles police projects that had been approved by the regional board. (By far the largest share of all applications submitted to the regional board have been police requests.)

More than 95 percent of the funds received by the Los Angeles police were spent for equipment, with the greatest emphasis on the information, communications and management systems discussed above.

Other Los Angeles police projects included training programs directed at upgrading public management skills through "executive workshops" and "academic degree-related" programs. Typical of these are the L.A. County Sheriff's Academy course on criminal justice administration and the Long Beach State College instructional program presenting "new planning and research skills for improving the state's law enforcement system." Besides developing new content for police training programs, LEAA grants have been used to purchase mechanical automated training equipment.

The final area of police grant investment is that of community relations or community education. Most of these programs assist law enforcement personnel to provide instruction on the work of the police or the responsibilities of citizens under the law. Some create new personnel in the police department, such as community service officers or community aides. Following the pattern established by LEAA in the programs that it administers (see Chapter I), no grants have b n given to increase the role of the community in pol.cy-making or in defining priorities.

JUVENILE DELINQUENCY. The CCCJ has given $10,138,647 for juvenile delinquency programs. Although this is not the greatest financial allocation for a single problem area, it represents the biggest volume of projects funded. The state plan has repeatedly described juvenile crime as one of the most serious problem areas and pointed to the importance of dealing with youth and students before they have any contacts with the criminal justice system, as well as with those who have been determined delinquent or predelinquent.[40]

The juvenile programs reflect a range of priorities. A substantial number of well-sounding projects seek alternatives to arrest for juveniles or seek to divert youthful offenders away from the juvenile justice system. Most of these are based in county probation departments (such as a $202,125 discretionary grant to the Orange County Probation Department for a diversion program; or a $120,715 state action grant to the Sacramento County Probation Department for a diversion program). These and related prevention programs provide family crisis counseling, foster homes, tutoring, vocational education, recreational programs and other intensive services to motivate young people away from crime. Another group of grants provide special drug-abuse education programs involving the schools, parents, law enforcement officials and others.

The California juvenile program appears to be a pacesetter for the nation in terms of its efforts to work with children before they have engaged in anti-social behavior or had their first encounter with the authorities. The CCCJ has funded numerous projects to place specially trained police officials in the sr hools, generally for a dual purpose: to maintain order through the identification of problem children, and to educate students about the law and the criminal justice system.[41] (The grant to the city of Tulare states that the police officer will handle all police and juvenile matters and promote a better understanding of law enforcement.) For example, the Palm Springs police department has received two grants for "A Values Instruction School Resource Officer Program." The CCCJ's 1971 annual report states:

The value instruction system is being conducted at the fourth through eighth grade levels. It teaches students to perceive a greater risk in socially undesirable behavior and a greater amount of personal gain from socially desirable behavior.[42]

These are undoubtedly important objectives for the public schools; there is, however, serious question whether the police are the best equipped officials for pursuing them and whether the early identification system brings sufficient benefits to warrant the current extension of police and youth authority officials into the schools. Moreover, it is unclear what techniques are being used to identify or diagnose possible problem children and whether those techniques are reliable.[43]

The city of Modesto has received a $40,000 grant to support a neighborhood youth advisory program that places a police officer on a full-time basis in one of the junior high schools. Besides counseling students, he is to "provide information," presumably to the police department.

In addition to its efforts to predict delinquent behavior, the California program has two other interesting characteristics. For one, many of the juvenile grants appear to focus on youngsters at a very early stage, starting in kindergarten with students who have learning problems, or attempting to provide drug-abuse education from age five on. Secondly, a number of the programs are described in terms of behavior modification—a "behavior assessment and treatment center" in Orange County, a program for "simplified analytical methods for behavior systematization" in San Diego, a grant for a "community-based behavior modification program for predelinquents" in Ventura County, and others. These projects may be simply wrapped up in sociological jargon; however, behavior modification grants are highly desirable for a federal anti-crime program.

A program investment that is likely to affect all the projects discussed in this section is the development of computerized files for juvenile records. Statewide, the CCCJ is funding a program known as "correctionetics" to computerize and centralize all juvenile records, including information on psychiatric treatment. A number of counties have received grants for the purpose loosely described as automating their juvenile files and "combining them with other files."

The dimensions of these files are unclear at present, but there are obvious potential hazards. The greatest of these is that the files will include information gathered by police officers stationed in the schools and by officials who work in early assessment programs, about predelinquent youth or youth who have not yet been involved in the system. And, ultimately, there is the problem of combining these files with the "of record" information on adult offenders included in the CJIS and in the host of other information systems scattered across the state.

Like LEAA itself, the CCCJ has not funded programs that involve juveniles in decision-making. Initially, however, it was more willing to fund private agencies such as the YMCA, the American Friends Service Committee and other groups, and it supported at least one grant (a $100,000 grant to San Francisco Legal Aide) for a program to protect the legal rights of students and juveniles.[44] As indicated above, the most disturbing aspects of the program are the heavy involvement of the police in the schools—particularly when viewed in combination with the new information systems—the vagueness of the programs that seek to identify potential delinquents at an early age and the behavior-modification programs.

CORRECTIONS. The CCCJ has given roughly $8 million for corrections programs, focusing on four goals: expansion of community corrections facilities, including half-way houses; improvement of traditional corrections facilities and their programs; enlargement of probation and parole resources; and development of a corrections information system intended to provide the data base necessary for assessing the effectiveness of corrections programs. To date, there has been no evaluation of the corrections grants and no measurement of the effects of the expenditures. In fact, the state corrections system lacks the requisite base-line data for assessing performance and does not appear interested in collecting it.

The grants for community-based facilities are generally small and scattered. They range from employment-oriented programs to special treatment programs, and include a number of small grants to private organizations,[45] among them groups of ex-offenders. These grants do not reflect any particular pattern of institutional reform—certainly nothing like the Massachusetts juvenile corrections programs.

One of the programs, a $71,273 grant to the Public Systems Research Institute (PSRI) of the University of Southern California,[46] had the rather ambitious goal of finding new methods to create more meaningful relationships between inmates and the professional staff at a narcotics rehabilitation center. "Because of difficulties encountered in the early stage of the project," BEAM ("Behavioral and Attitudinal Modification"), as the project was known, was forced to redefine its goal to the development of new guidelines for future research in the correctional field.

The single largest corrections grant was made to assist Alameda County officials in complying with a court order compelling them either to close down or to drastically upgrade the Santa Rita Rehabilitation Center. The CCCJ awarded the county $700,000 for the latter course of action. Other renovation programs included a $115,787 discretionary grant to the San Diego police department to reopen the city jail after renovation and training of personnel; a second discretionary grant to cover the planning phase of a new facility for the Mendouno County sheriff; and a state action grant for renovation of the Fort Bragg jail. In the field of probation and parole, most of the grants have gone for training or personnel increases.[47]

The state Department of Corrections has received roughly $600,000 for three projects: Project Resources, a computerized job-match program for adult offenders; a special informational program to improve decision-making in corrections agencies; and the expansion of the state parole staff. The first two programs have been slow in getting started and there has been some suggestion that they exist only on paper.

COURTS. The CCCJ has invested only $2.3 million, or 5 percent of its funds, for court programs and most of these are insignificant. LEAA discretionary grants have provided an additional $629,626 for court programs.[48] Apart from programs to improve management procedures, to computerize court records, information systems and calendaring procedures and to measure manpower needs, little has been accomplished except for continued support of already proven bail or release-on-recognizance projects.

In fact, a number of the areas that the CCCJ's judicial process task force approved for funding, but for which no applicants were approved, are of greater interest than the projects that have been funded. The 1970 annual plan, for example, shows that the goal of developing a uniform system of crime-charging by prosecutors and of analyzing the procedural differences occurring among California counties in prosecutorial practices was never funded, even though there are few standards to guide the exercise of prosecutorial discretion.

Similarly, the goal of developing a bail procedure system to reduce pretrial detention to a low level consistent with the security of the community and to correct inconsistencies in California's bail system was not funded. (This report has shown above that in 1971, the San Francisco bail reform project received reluctant approval from the CCCJ; this is the only such project funded to date.) Nor were any projects funded under the goal "to study means by which high public confidence in the courts and the over-all judicial system might be restored." A final project area under the judicial process task force's priorities was dropped when some council members suggested that it might be unconstitutional. That was a program to study the feasibility of extending the right of appeal to the prosecution.

More than half of the court grants have been spent on a variety of automated data-processing systems designed to reduce delays, and to improve calendaring and case-assignment procedures. The Judicial Council of California has been given a grant of $200,000 to develop "a set of comprehensive automation guidelines which will provide the basis for evaluating, selecting, designing and

implementing court processing procedures." The long-range goal of the project is an integrated court information system which would be adaptable to small, medium or large courts. The Judicial Council's investigatory work has just begun; in the meantime, the CCCJ has funded a variety of scattered automated data grants.

Other Programs[49]

CTRF. The role of the California Crime Technological Research Foundation (CTRF) has been an interesting one. As indicated earlier in this section, it served as the CCCJ's science and technology task force until late 1971 and has since become an independent entity. The primary goal of the foundation is to apply advances developed in a variety of fields of science and technology to the criminal justice system. Foundation publications state that "it is science's turn" to solve social and other human problems, and warn that "unless we keep ourselves strong, the revolutionists will replace our values with theirs by force."[50]

In the first three years of its operations, CTRF had an annual operating budget of $75,000[51] and received roughly $2 million in state and federal grants, the largest proportion of which was allocated to its coordinating-administrative role for Project SEARCH. (See Chapter II.) Besides the funds that it spent directly, the council affected the distribution of millions of dollars of state action grant funds in its CCCJ task force capacity.

CTRF's primary focus has been on the development of criminal justice information systems, on computerized management programs and on physical security (drafting a model building code and developing new alarm devices, such as "a laser security fence" for a low-income housing development project that relies on a laser beam tied into a computer to detect unauthorized entry). In addition, the foundation has special organized crime and riot-control projects. The former focuses on the development of a centralized intelligence index (assisted by a $200,000 LEAA grant); the latter deals with a variety of problems including the development of "early detection measuring devices for the propensity of a person to riot or commit a criminal act." A top priority of the foundation is the analysis of "the etiology of civil disorders." (The group also runs a special program to test nonlethal weapons use in riots and for related law enforcement tasks.)

In 1970, CTRF obtained research findings and documentation of technological developments by NASA and established a working relationship with the space agency. This has resulted in the use of NASA technology for "photo image processing and for the transmission of fingerprints intra- and interstate." CTRF's application of NASA technology, like other CTRF projects, places heavy emphasis on improved techniques for the apprehension and detection of crime.

Over all, the foundation has been in the forefront of promoting advanced technology for law enforcement. Until the 1971 amendments of CTRF's enabling legislation, the foundation was closely tied in to CCCJ operations, and its activities could be scrutinized, to a certain extent, by the public. (The minutes of CCCJ meetings, for example, were available to the public, as were the council's grant decisions and other basic policy-making processes.) At present, the foundation is answerable only to the governor and, as one observer put it, serves as his "private National Science Foundation."

ORGANIZED CRIME PROGRAMMING. This report already has referred to a number of the organized crime projects funded by the CCCJ: the grants to develop local intelligence programs in police departments and the state Department of Justice's integrated program to combat organized crime. Other grants have been directed to training prosecutors and police officers, to building special organized crime detection units and to purchasing "detection" equipment. A total of roughly $7 million in such projects has been supported.

Besides the intelligence system, with its extended definition of persons involved in organized crime, the most interesting aspect of this program has been the lack of interest of the CCCJ's organized crime task force in developing data on the existence or extent of the problem. As indicated earlier, Dr. C. Robert Guthrie, of Long Beach State College, chairman of the task force, was closely questioned by the California Assembly as to how he spent millions of dollars on organized crime without first assessing the problem. Assemblymen questioned the utility of buying equipment and training people to fight an unknown. Guthrie was unable to answer.

Similarly unsatisfactory answers have been given in CCCJ meetings. For example, the council questioned a $265,000 grant to San Mateo County for a countywide organized crime unit, suggesting that neither the population nor the crime rates of that county merited the grant. A smaller grant to Tulare County was questioned, with the suggestion that the county had no organized crime. Guthrie said the grant was justified because of "hijacking of interstate transports and indications of organized crime involvement in some land development projects." Furthermore, he suggested, the project "would provide data on the subject."

Relationship to LEAA. This report already has shown that the CCCJ frequently has blamed LEAA for its own deficiencies, as in its testimony before the Assembly. Like other state planning agencies, the council has used LEAA's guidelines to generate local compliance when it is in accord with those guidelines and has ignored others that do not fit its priorities.

Typical of those it has ignored are LEAA's requirements in regard to civil rights reporting. When Executive Director Lawson first told the CCCJ of LEAA's new reporting requirements on Jan. 27, 1971, he stated, "We will make it clear to the people to whom we send this request for reporting that this is an LEAA requirement and not the council's." (Minutes, p. 4.) Predictably, the regions have not been enthusiastic about civil rights reporting.

The CCCJ has supported LEAA's policy decision not to interfere with states that are performing at an adequate level and to concentrate its limited direction on less successful programs. And, naturally, the council has lauded the LEAA decision to follow California's lead in developing "crime specific" programs in the High Impact cities and other areas.

Conclusions. Unlike officials in some other states, CCCJ officials do not claim directly that the program is reducing crime. Sam McCormack, head of the staff of the San Francisco Regional Planning Council, states: "Safe Streets wasn't an answer to crime; maybe it's the answer to updating and professionalizing police departments." And Alvin Taylor, of the CTRF, puts it this way: "Even if we make the whole system more effective, we still have a hell of a problem testing the notion that this will have a significant impact on crime."

Of all the states, California has focused most clearly on building up the technological resources of the police. For the most part, the LEAA program has not introduced new directions into California criminal justice programming but has simply reinforced existing trends—particularly the heavy emphasis on professionalizing and equipping the police and on complicated information and intelligence systems.

The net result of these efforts is an increased militarization of the police. The transfer of military terminology and technology to law enforcement, the new advances in surveillance and intelligence-gathering, are all preparing the police for a combat role. There is a real possibility that the preparations themselves will contribute to conflict between one group of citizens and another.

In short, the CCCJ has given priority to building up the police—without concern for ensuring justice or improving the laws that control the operations of the police, and with little expectation that the build-up will have any significant effect on the incidence of crime.

Massachusetts

In Massachusetts, the LEAA program is administered by the Governor's Committee on Law Enforcement and the Administration of Justice. The committee was created, without legislative action, by an executive order of the governor on July 25, 1968.[52] Unlike most state planning agencies, the committee has the power to conduct or operate programs itself.[53] The governor has designated the state attorney general the chairman of the committee and requires that he report directly to the governor.[54]

The political locus of the committee has allowed it to operate in a protected position, relatively insulated from legislative pressures.[55] As a result, the committee has tended to operate independently of the old-line criminal justice agencies, in some cases administering model programs that parallel the programs of those agencies. Although this has been conducive to innovation in the initial stages of the program, it militates against basic reform of the old-line agencies or permanent adaptation of those model programs that prove successful. The basic problem of the Massachusetts program is how it can be integrated into the existing criminal justice system.

The Governor's Committee. The Governor's Committee currently has 34 members,[56] 21 of whom are representatives of the criminal justice system. Of the total membership, three members are black and one is Puerto Rican. For the most part, the state committee is relatively removed from community involvement.

Primary operating authority for the committee rests in a nine-member Review Board, which is chaired by the attorney general and operates as an executive committee, making final decisions on grant proposals after they have been cleared by the staff and by the relevant technical advisory panels. There are several technical advisory panels broken down by subject area, including administration of justice, citizen participation and education, corrections, organized crime, police and science and technology. These panels are composed of experts in the field who are not on the Governor's Committee.[57]

The staff of 73 persons is broken down into four working divisions: planning, research and evaluation; program development; grant management; and internal administration. The most important unit is the grant management division. Staff from grant management work directly with the state criminal justice agencies and with the cities. A special "Metropolitan Area Development Group" visits the cities and assists potential grantees in the development of their plans.[58]

Although Massachusetts relied for a brief time on multi-county regional planning commissions that had a variety of responsibilities in areas other than the criminal justice system, it scrapped this arrangement in early 1970 and now deals directly with the cities. Boston has had its own criminal justice planning body since 1970, located in the office of the mayor, supported by a staff and responsible to an advisory committee designated by the mayor. The state has used its planning

funds to stimulate similar bodies in other cities. Criminal justice coordinating committees with advisory committees (none of which is fully functional at present) exist in: Worcester (staff of four), Springfield (staff of two) Cambridge (three), Fall River (three), Lynn (three) and New Bedford (which was organizing at the time of this report).[59] These bodies still depend heavily on the state for guidance, but they are expected eventually to develop independent capabilities for metropolitan and regional program development.

In 1971, the state greatly increased its over-all leadership role. It narrowed the range of choice available to localities by allocating 59 percent of the block grant funds ($3,600,000) for noncompetitive programs—that is, programs designed by the state agency for a specified purpose in a designated locale, or designed for administration by a designated state agency. The noncompetitive approach is intended to reduce the dissipation of program funds and to encourage a greater focus on those urban areas where the crime rate is the highest,[60] but it may have the unfortunate side effect of reducing local innovation. Massachusetts' resolution of the city-state relationship through reliance on noncompetitive grants is the direct opposite of the block-grant-to-cities program recently implemented in Ohio.

The remaining 41 percent of the funds (roughly $4.8 million) is being distributed on a competitive basis. This means that the state lists in the annual plan those program areas that it has determined to fund. Localities compete for those programs having relevance to their local needs. The "shopping list" approach has been reduced (over all, the total number of programs funded—competitive and noncompetitive—has been reduced from 115 in 1970 to 63 in 1971, and further reductions are projected for 1972). But the problem of unrelated programming discussed in *Law and Disorder II* (see p. 27) remains.

Massachusetts may develop a comprehensive program in regard to a single area of crime—drug abuse, for example—and then spread program segments among several local jurisdictions, thereby negating "comprehensiveness." The state committee recognizes that this lack of "comprehensiveness" is a problem—particularly in controlling and preventing specific crimes such as auto theft (in which Massachusetts ranks first in the nation) and burglary. The hope is that the combination of noncompetitive grants and increased planning capability in individual cities will help to overcome this.

Total grants made by LEAA to the state are illustrated in the chart above.

Appendix C lists the action grants made by Massachusetts since 1969, indicating the breakdown for 1971 between competitive and noncompetitive grants. Appendix D breaks down the LEAA discretionary grants to Massachusetts.

	LEAA Planning Grants	Action Grants	Discretionary Grants	Total
1969	$464,000	$ 658,635	$ 174,176	$ 1,296,811
1970	516,000	5,393,748	1,337,837	7,247,585
1971	668,000	9,429,000	2,296,807	12,393,807
1972	914,000	16,717,180	0[61]	17,631,180
			Over-all Total	$38,569,383[62]

The stated goals of the Governor's Committee have undergone fundamental revision. The 1969-1970 plan stated that the Governor's Committee "was unanimous in the view that the main goal of this plan should be to reduce crime." By 1971, the emphasis had switched to a more achievable goal: the development within cities of a "capability to improve their own criminal justice agencies on a coordinated basis."[63] The state plan put primary emphasis on assisting state criminal justice agencies to "redirect the focus of their activities to meet the state's new criminal justice priorities."

Use of LEAA Funds. The expenditures made by Massachusetts to date reflect neither clear priorities nor a unified approach to the problems of crime or the criminal justice system. Some projects are duplicative; others have no clear goals or objectives. A number have disappeared after a year or two of support without clear explanation. Successful demonstration projects are rarely taken over by the state; they are either terminated after the experimental period or continue to be supported with LEAA dollars. Approximately 50 of the 63 projects funded in Massachusetts in fiscal 1972 are continuation grants. Between 60 and 70 percent of Massachusetts' total funds are tied up in ongoing projects.

DISTRIBUTION OF ACTION AND DISCRETIONARY FUNDS[64]

Category	State Action Grants	Discretionary Grants	Total	Percent of Total
1. Police[65] (state and local)	$8,041,273	$1,915,859	$ 9,957,132	52
2. Juvenile Programs	2,829,578	472,543	3,302,121	17
3. Corrections	1,893,552	848,695	2,742,247	14
4. Courts	221,050	100,000	321,050	2
5. Prosecution/ Defense	601,125	—	601,125	3
6. Drugs and Alcohol	1,433,100	349,548	1,782,648	9
7. State Agencies and Other[66]	101,705	122,175	223,880	1
8. Governor's Committee[67]	360,000	—	360,000	2
		Over-all Total	$19,290,203	

POLICE EXPENDITURES. Massachusetts has placed over-all emphasis on the police in the distribution of both block grant and discretionary grant funds. This emphasis has remained consistent, although the uses to which the funds have been applied have changed.[68]

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Information and Communications Systems. The state's total expenditures on the design and implementation of communications and information systems and equipment for 1969-1971 reached more than $3.6 million—or approximately 23 percent of the total block grant program.[69]

The state's information system, LEAP (Law Enforcement Agencies Processing), when fully operative, will link the Department of Public Safety, the Commissioner of Probation, the Registry of Motor Vehicles, the Metropolitan District Commission, more than 160 municipal police departments and the FBI's NCIC. It will provide information on missing and wanted persons; lost and stolen property; lost and stolen securities; stolen guns; outstanding warrants; narcotic and other drug intelligence; stolen cars; and suspended and revoked drivers' licenses and auto registrations.

LEAP became fully operative in 1970. Since fiscal 1970, $185,000 in LEAA funds have been allocated to expand the system, with an additional grant of $175,000 to "analyze the feasibility and desirability of adopting the Massachusetts records to the SEARCH system." LEAP is now developing criminal-offender files to tie in with SEARCH.

Massachusetts anticipates a 1971-1975 investment of more than $19.5 million in block grant funds for information and communication systems. The money will be allocated to two priority areas: providing continued support for police emergency communication and frequency management systems; and developing a statewide information system that will serve all the state's criminal justice agencies.[70]

In 1969, approximately $120,000 in block grant funds was awarded to a number of small communities to strengthen their communications capabilities. The money was for "data handling and communications technical assistance and equipment." This was followed in 1970 and in 1971 by grants of more than $1 million for police communications equipment and statewide communications planning. According to the plan, these expenditures will *develop and implement more effective and efficient methods of creating, preserving, manipulating and disseminating essential information. (p. 363)*

Communications grants also have supported the planning of state and municipal police radio systems in the past three fiscal years, as well as a special emergency communications system, for a total of almost $575,000. A Communications Planning Board was appointed by the governor to oversee these grants. The board is composed of persons who are "technically proficient" in communications, project management and police science. Consultants selected by grantees are supposed to submit their work plans to the board for review. The Communications Planning Board is all but inactive, however.

In Boston, a special program has been launched to develop the police department's information/communications capability and, in a related effort, to establish a command and control system for the department. In 1969, the National Institute awarded a grant of $89,878 to the department to "study and develop an integrated communications and information system." In fiscal years 1969-1971, $880,300 was allocated to implement this project.[71] Almost half of the implementation grant will be spent on equipment—portable TV equipment, walkie-talkies, computer hardware and automated records equipment. The rest of the money will go to consultants, including more than $100,000 to Arthur D. Little, a management consulting and research organization with little previous experience in the area.[72]

Other Intelligence Systems. Massachusetts is developing two programs for the collection of intelligence, one for organized crime, the other for drugs. Both programs are under the direction of the state attorney general.

The organized crime intelligence system began with a discretionary grant to the Governor's Committee of $174,176 in 1969 to develop a model prototype system in cooperation with several other states. In 1970, a grant of $598,430 was awarded by the National Institute to the Governor's Committee for the establishment of an interstate analysis and dissemination center to provide information on organized crime in New England, continuing intelligence and strategy-sharing and coordinated enforcement. To "supplement" the discretionary grant, $8,520 in block grant funds were awarded. An additional $120,000 of block grant money will be used to establish an organized crime unit to provide technical assistance to localities.

The state has not issued any reports on organized crime in Massachusetts, so few reliable statistics are available. The attorney general, however, considers organized crime programs, particularly the development of intelligence systems, a top priority. More than $200,000 has already been spent on training programs for local police, technical assistance to prosecutors and computerization of the organized crime files.

A grant of $75,000 out of block funds was allocated for the development of a computer-based data system on the dimensions of the drug problem in Massachusetts. The system will include information on addicts as well as drug peddlers. There has been difficulty in designing this project, however. The original proposal submitted by the attorney general to the Governor's Committee was not approved, and the future of the project is unclear.

Massachusetts recently enacted legislation to regulate the information and intelligence files being developed under these programs.[73] The new law provides for the establishment of a criminal history systems board with policy-making responsibilities in regard to the installation, operation and maintenance of the system

and in regard to decisions to connect the system "directly or indirectly with similar systems in this or adjoining states." The board is also charged with developing regulations pertaining to the kinds of data that will be collected as well as the sanctions that will be imposed for misuse of the data. Besides criminal justice agencies, the bill specifically permits information-sharing with "such other individuals and agencies as are or may subsequently be authorized access to such records by statute." The bill provides for an advisory committee[74] and for a security and privacy council which will have some public members.[75]

Police Equipment. Despite efforts of the Governor's Committee to focus attention on nonhardware reform activity, expenditures for police equipment remain high. Projects which seem creative and innovative turn out, on exploration, to be equipment projects with misleading names. For example, a 1971 grant of $265,000 was awarded to the state Department of Public Safety for "implementation of a state police reorganization plan." According to an informed source, the money was used to buy approximately 60 new patrol cars. Similarly, $387,000 has been appropriated since fiscal 1969 to "improve the ability of large cities and regional groupings of police departments to respond effectively to civil disorders and confrontations using a minimum of force." The bulk of that money has been spent on gas masks, batons, shields, nonleaded gloves, helmets and jumpsuits. Only a small amount went for techniques which could be used to avoid confrontation.[76]

Innovative Police Programs. Massachusetts earmarked $300,000 in its 1971 plan for the implementation of new approaches such as team policing,[77] family crisis units and neighborhood aides. These projects generally involve retraining the police in new ways of operating. They often seek to introduce neighborhood residents into the police department at lower levels in hopes of providing them career ladders.

Massachusetts is spending substantial funds on other aspects of "personnel development." More than $700,000 in block funds were earmarked for this purpose in 1971 alone and an additional $29,500 in discretionary funds was awarded to the Massachusetts Police Training Council for the development of an in-service training curriculum.[78] These programs are difficult to assess; much of the money has been used to purchase "training and reference materials"[79] or to provide specialized in-service training in areas such as community relations for both state and local police or to design "curriculums to meet general police recruitment and in-service needs."[80]

An interesting program in the police personnel area has been the effort to establish "vertical patrols" in high-rise public housing projects in Springfield and Boston. Two discretionary grants totaling $258,540 have been awarded.

In Boston, the project has run into management difficulties. Approximately half of the money went for "overhead, salaries, dickering and bargaining"—apparently because it proved difficult to structure tenant input in a satisfactory fashion. The tenants now are operating their own patrol in cooperation with the Boston police department. Tenant patrols are paid $3,400 for six months' work. They are equipped with uniforms, walkie-talkies and dispatchers to tie them in with the central police department. The program has achieved a high degree of tenant acceptability. Its major problem at present is twofold: future funding support and the lack of a coherent program for integrating tenant patrol members into civil service police positions. The latter omission has created the impression among patrol members that they are being exploited by the police department, whose officers make substantially higher salaries.

The project in Springfield is facing a somewhat different problem. The tenant patrol was instituted as an arm of the city housing authority—an agency which the tenants have long distrusted. The tenants resent the patrol and the patrol does not feel it really is a part of the "community."[81]

JUVENILE PROGRAMS. The second largest area of funding in Massachusetts has been juvenile services, particularly the restructuring of the state Youth Services Bureau. The availability of substantial new money from LEAA has coincided with the appointment of a vigorous, effective new Commissioner of Youth Services, Jerome Miller. The result has been that Massachusetts has instituted a number of entirely new programs for the treatment of juvenile offenders.

Juvenile programs have received more than $2 million in state action money and $517,713 in LEAA discretionary grants since 1969.[82] Much of the money has been spent for programs that the state probably would not have supported on its own. The basic thrust has been to shift away from traditional institution-based corrections programs to community-based treatment centers. Under Miller's leadership almost all the traditional state juvenile institutions have been closed, all but two county juvenile "schools" have been closed and juvenile services are now community-based in local probation and parole offices, group homes and special contract clinics.

Massachusetts has spent almost $1 million for six local Youth Resources Bureaus (in Brockton, Cambridge, New Bedford, Springfield, Worcester and Middlesex County); another bureau has been established in Fall River's Model Cities area, with a $100,000 LEAA discretionary grant.[82] Each bureau will act as the coordinator in making services available to youth in trouble and their families and in following up with diagnosis and treatment. The objective of the bureaus is to divert significant numbers of juveniles from the juvenile justice

system and reduce the number of youths referred for court action by the police. An additional $365,000 in block funds has gone to a complementary project—the establishment of actual residential centers in Boston, Lynn, New Bedford and Springfield. In Springfield and New Bedford, these programs will operate in conjunction with the Model Cities programs. LEAA plans to fund a number of delinquency prevention programs in high-crime areas of Boston and Somerville and additional programs to try to identify and treat potentially delinquent children. LEAA has also allocated $20,000 to the Governor's Committee to develop a revised Juvenile Code for submission to the Massachusetts legislature for enactment sometime in the 1972 session. The new code will be drawn up by a commission composed of experts from various disciplines concerned with delinquency.

The Governor's Committee has given the Harvard University Center for Criminal Justice a $90,000 grant (a continuation grant of $140,000 has been requested) to assess methods of achieving "organizational change" within the Department of Youth Services. In addition, the center will assess various types of institutional environments relied upon for youth corrections.

The successes achieved by the youth commissioner ensure continued support of his program as long as LEAA funds are available. It is unclear, however, whether the state legislature is committed to picking up the bill once LEAA funds are exhausted. The state has not yet provided any appropriations for the new program.

CORRECTIONS. Adult Correctional Services have received only $1.8 million in state action funds,[83] supplemented by $848,695 in LEAA discretionary grants.

An initial program launched by the governor, a Joint Correctional Planning Committee, gave promise of coordinating resources and achieving effective planning but it has been allowed to lapse. The group brought fragmented correctional interests together with citizen and bipartisan legislative representatives. Just as real progress was being achieved, the funding was discontinued and the staff was all but totally disbanded. It was apparently downplayed because the attorney general had other priorities. During its short existence, the group helped prepare and achieve the passage of the Omnibus Correctional Reform Act, an important new corrections bill for the state.

Massachusetts is not building any new corrections facilities with its funds. The largest portion of the corrections funds has been spent on work-release programs and community-based corrections. Boston, for example, received more than $423,000 (1969, 1970 and 1971 funds) to develop four community-based centers, each of which will house 15 to 25 individuals.[84] (This represents roughly 20 percent of the city's total requirement for such facilities.)

Some of the work-release projects funded by discretionary grants provided interesting models, but the projects have terminated and there is no indication that the state will pick up on them. One project, "The Development of Interagency Cooperation in Corrections," received $199,915 in a two-year period to work with 172 offenders. The project was designed by Technical Development Corp. to bring together the many agencies involved in corrections with private sector employers, to ensure better employment opportunities for inmates. The project was successful in securing jobs for a number of offenders, many of whom were still employed as of Oct. 20, 1971, the date of the final report of the project.[85]

For the most part Massachusetts' corrections projects are too small in scale and too sporadic to have a significant impact on the problem. The discretionary grant funds, which seem to have been used with some success, apparently have not provided the impetus to begin to move the corrections system.[86] And as we show in the discussion of the Boston program, major deficiencies in the present system, such as the condition of the Charles Street jail, are being ignored.

COURTS. Court-related programs (including defender and prosecutor programs) have received only 5 percent of the state's LEAA funds. The most important—and most successful—project has been the Roxbury-Dorchester Community Defenders Office, supporting a public defender service in Boston's largest ghetto. The project received approximately $179,000 in action funds in the 1969-71 period. The grant goes to the Massachusetts Defenders Committee, a state body which provides counsel to indigents in criminal cases. This committee, appointed by the state Supreme Court, serves as a board of directors to which the project staff is responsible. There is growing friction between the defenders committee and the project.[87] As the project is now structured, the advisory committee and the defenders committee exercise joint supervision of the office—including hiring. The attorneys working for this project are of high quality and appear to have the respect of the judges who handle the cases.

This project has the potential for changing the traditional methods of operation of the defenders committee and enhancing the quality of services available to indigents. The Governor's Committee is currently evaluating the project and indications are that it has been successful, especially considering the relatively modest funding. The problem of continuity of support remains, however.

The district court prosecutors program, a program to replace police prosecutors with professional prosecutors, has received $351,500 in block funds in 1969-71 (almost twice as much as the Roxbury-Dorchester Defenders Office).[88] The project will enable district attorneys' offices to initiate (or continue) the use of assistant DAs and

student prosecutors in district courts. Programs are operating in a number of courts.

Other court programs have included a project for the accreditation of probation departments, to bring them up to minimal standards of operation, and a number of court management studies.

According to the director of the state planning agency, the court program for fiscal 1972 will be a priority item—getting $2.25 million (the same amount as police and juvenile delinquency). It is difficult to see how this money can be spent effectively because so little foundation has been laid by past expenditures.[89]

Boston's LEAA Program. Boston, the largest city in Massachusetts, has the highest crime rate in the state. While Boston's population is only 11.4 percent of the state's, it accounted for 25 percent of the crime index in the state in 1968 and 44 percent of all serious crimes committed against persons in the state. The city's LEAA program reflects at the local level many of the same problems faced by the state.

THE MAYOR'S COMMITTEE. The Mayor's Committee and its staff have had an unstable history. In 1969, a Coordinating Committee for the Administration of Justice was appointed by the mayor; in the same year a Mayor's Advisory Committee for the Administration of Justice, allegedly citizen-based, also was formed. The Coordinating Committee was composed entirely of police and other city officials, and the Advisory Committee included—in addition to police and officials—clergy, representatives of community organizations and organizations such as the Chamber of Commerce. In 1971 the two committees were merged to form the Mayor's Safe Streets Act Committee.[90]

Neither the role nor the power of the Mayor's Committee has been clearly delimited. The committee has never been sure of its role vis-a-vis the mayor or the state planning agency. Unlike most city planning bodies, the Boston Committee has actually administered some of its own programs instead of limiting its function to that of planning. Most of the programs have originated with the staff which has also suffered from frequent turnover.[91]

In December the committee voted to commission the staff's executive director to propose a reconstituted committee which would have a greater voice in the direction of the program. Committee members complained of an overbalance of law enforcement representatives in the group, and an underrepresentation of community people. They also were frustrated by the difficulties in planning for any long-range, sustained efforts with no guidelines or parameters set by LEAA or the state, and by the necessity of operating on an ad hoc basis because of the difficulty in getting funds quickly. After money was "committed," it was very slow in arriving, and projects were delayed time and again. (To date there have been meetings and discussion about reconstitution of the committee, but nothing specific has been done.)

The mayor has taken a passive role in regard to the program. He has always had at least one of his staff members assigned to the committee, but unless a high-visibility program is involved, the staff has operated largely on its own.

The relationship between Boston's criminal justice planning committee and the City Council reflects some of the same problems as the relationship of the Governor's Committee to the Massachusetts legislature. For the first year or so of the program, the City Council was literally unaware of the planning committee's existence. By the time the council was informed of the committee's operations, the committee had built a staff of 45, and that situation created considerable hostility on the part of the council.[92] The Mayor's Committee feels that it is now beginning to develop a cooperative, supportive working relationship with the new City Council elected in January 1972. The council recently voted $69,000 to the committee—and with no strings attached. In addition, the council has begun to take an affirmative role in the design of the city's anti-crime plan.

The Boston Committee has worked hard, with great difficulty, to develop effective community involvement and awareness, both at the policy-making level and in the administration of programs selected by the committee for funding. Members of the committee complain of lack of state and LEAA guidance in this regard: "The mechanism for bringing together law enforcement agencies and the community under a common banner has never been spelled out." Community agencies and people in the community have not been "made aware on an equal basis of the funds that are available in Boston." A representative of the mayor's office put it another way: "There is very little community awareness of the program and as a result, there has been neither controversy, feedback nor much impact."[93] But at least a beginning has been made toward providing for community involvement.

The relationship of the Boston Committee to the Governor's Committee has been characterized by some distrust and lack of cooperation, but, compared with most other major city-SPA relationships it has been generally satisfactory. The city is given a firm commitment of available funding prior to the development of its plan each year. This makes the planning process a pragmatic one, related to action programs, rather than a theoretical exercise.[94] The major problem of the city has been the cumbersome delays involved in getting money from the Governor's Committee to Boston and from Boston to the projects. At a minimum there is a three-to-six-month delay between the award of a program grant by the SPA and the receipt of the money by the applicant agency. The delay has been as long as 14 months.[95]

HOW BOSTON HAS SPENT ITS MONEY. Through fiscal 1971, Boston had received approximately 37 percent of the state's block funds[96] and 11 percent of the state's discretionary grants.

	Planning Grants	Action Grants	Discretionary Grants	Total	Percent of State Total
1969	$ 45,000	$ 196,130	$ ——	$ 241,130	18
1970	60,000	2,016,012	150,390	2,226,402	31
1971	150,000	3,500,000	258,540	3,908,540	32

This funding, substantial as it appears, represents only a small portion of the total criminal justice budget for the city. In 1970, for example, the budget of the Boston police department was $41,198,450; the municipal court had a budget of $5,550,000 in 1968-69.[97] During the early stages of the program, the money went, according to a staff member, to "short-term quick reactions to crises" such as riot-control equipment and training, police recruitment and personnel problems and police data handling.[98] The police got the bulk of the money because initially they were the only ones with any ideas about how to spend it. In the past year and a half, the staff feels, Boston has begun to take steps toward the intelligent use of available funds, including some long-range planning.[99] But most of the projects have been slow to produce results. An inordinate amount of time has been spent in planning and preparing to start programs.

Boston initially attempted an ambitious corrections program (funded for $200,000 in 1970 funds) relying on providing pre- and post-parole services to offenders as well as community based treatment and rehabilitation. The goal of the program was to provide—"in a number of treatment modules—the type of emotional and environmental security best suited to a given individual in the rehabilitative process."[100]

According to persons connected with the program, it is still getting started. To date nothing has been done to correct the abominable conditions in the Charles Street jail, an adult detention facility, or to close down or restructure the city's Deer Island facility, an equally archaic detention center. Boston's one relief program, the Bail Reform Agency, has been abolished for lack of funding.

The detoxification project for the rehabilitation of alcoholics, administered by the Boston Committee, has been a substantial success. The project, which provides medical treatment for alcoholics rather than processing them as criminals, will expand from a 20-bed unit to a 77-bed unit capable of treating more than 2,000 persons a year. This program costs approximately $341,000 a year according to budget estimates. The city is not interested in supporting the project from municipal funds, although it costs the city more than $1 million a year to process approximately 19,000 drunks through the criminal justice system.[101]

Another of the more successful programs has been the Citizen Security Project. This project, which hopes to increase the security of persons in specific high-crime neighborhoods, has several components which are listed in the chart below.

According to the deputy director of the program, these projects have had "an impact on the attitude of persons toward the police and, particularly in the area of the Sav-More Project, there has been a marked decrease in the crime rate."

The Vertical Policing Project discussed above, financed with discretionary funds in 1971, was also designed to increase citizen security in public housing through resident patrols. The history of the project demonstrates the delays, false starts and difficulties inherent in programs such as this. As of April 1972 only half the money allocated had been spent. There was a conflict concerning who should administer the project—the staff of the Mayor's Committee or a local group. LEAA, which initially had suggested the project to Boston, of-

1. Sav-More Association	Within a 17-block area of Roxbury, a neighborhood group is working out of a multi-service center to improve police-community understanding and on methods neighborhood people can use to improve their security.	1971—$ 77,643 1970—$ 25,000 $102,643
2. Park Guides	Franklin Park is located in a high-crime area. A school nearby has contracted to operate a playhouse in the park and to present numerous cultural, etc., activities. The program also will supply eight guides to provide security and guidance in the park.	1971—$ 53,000
3. Street Lighting	To provide street lighting for a playground and two or three other sites to increase security in that area, and throughout the city.	1971—$ 91,175
4. Line-up Project	To enable the police department to pay for people to stand in police line-ups for identification of suspects.	1971—$ 6,500 1970— [102]
5. "My Friend, The Policeman"	A project designed to familiarize black and poor school children with the law enforcement process.	1971—$ 44,357 1970—$ 30,515 $ 74,872
	TOTAL	$328,190

fered no help. The state was not interested because this was a discretionary grant which did not really fit in with its priorities. According to a staff member:

The program was a learning experience for all. . . . Unfortunately it has been an expensive learning program. . . . At present we are trying to interest HUD and the Boston Housing Authority in continuing the program and starting similar ones in other developments.[103]

Many of the programs Boston is funding—especially the detoxification program, the Roxbury defender program, the community resident centers for delinquent and predelinquent children, and the programs involving the community in crime prevention—hold out promise that the goals of LEAA—to make improvements and changes in the criminal justice system—can be accomplished. But the pressure to design a "new" program each year and to obtain quick results, the uncertainties of funding and the lack of firm commitment by the city to take over these projects if LEAA funds are not forthcoming, put these programs in a precarious position. It is much easier to design sophisticated communications systems which are tangible and visible and once set up do not require continual funding.[104]

EVALUATION. Until recently Massachusetts had no full-time program to monitor and evaluate its grants.

Perhaps this fact reflects the absence of a philosophy or workable concept against which grants could be evaluated. Fiscal accountability is all that is required at present, although we were told by the Governor's Committee that "minimum evaluative components have been written into almost every project."

There are signs of change in this area. Evaluations of the Massachusetts Defenders Committee and its relationship with the Roxbury Defenders, and a preliminary analysis of Youth Resources Bureaus, have been funded but are not yet completed. For fiscal 1972, the Governor's Committee will allocate approximately $400,000 to evaluate the impact and effectiveness of programs in seven areas:

a. high-crime areas and specific crimes, to determine the effectiveness of programs in these areas;
b. police personnel training, to determine the most effective training methods;
c. the Boston Command and Control System;
d. the attempt to deinstitutionalize the Department of Youth Services;
e. the effectiveness of district court prosecutors and improved defender services;
f. community-based corrections (youth and adult), to determine how the process works and how the community reacts;
g. the way all the programs in a specific city (probably Cambridge) interact and complement each other.

The regional LEAA office responsible for Massachusetts has not been very active in reviewing the state plan before it becomes final, nor does it undertake any independent evaluation of projects even on a spot-check basis, although one of its primary responsibilities is "monitoring programs on a day-to-day basis." The LEAA regional officer in charge of reviewing the state plans for Massachusetts at the time of this report indicated that he did not feel there was much point in evaluating the use of block grant money because this money comes to the state virtually automatically and the state has control over its use. He viewed the LEAA funds as a "domestic foreign aid program" and said that, as with the aid program, "we sometimes do not know what we are buying." The discretionary grant monies probably "should be evaluated," he said, but the regional office has not done so. To date, LEAA has been of little help in developing guidelines which the state might use in its own evaluation, and the current policy seems to be to make "someone else responsible" for evaluation.

The minimal attention given to Massachusetts by the regional office may be explained by the fact that Massachusetts is generally held out by LEAA as an example of a state with a forward-looking agency, one that has gone far beyond the funding of hardware and needs little help. LEAA seems to have rejected the approach recommended by OSTI, a Boston consulting firm, to the Task Force on Implementation of the President's Crime Commission, that special additional support be given "front runners"—programs that are especially promising—so they will serve as transferable models to other jurisdictions facing similar problems.

The regionalization of LEAA[105] may change the grant review process. At this time, however, persons interviewed in Massachusetts stated that—beyond conducting audits of selected programs to see if the money is being spent in accordance with LEAA's fiscal guidelines—LEAA personnel had little impact upon the substance of the program. As one member of the Boston staff said, "They simply ask are you spending the money the way you said you would in the state plan, and they go no further. LEAA does not differentiate between project priorities and who is sweeping the floor."[106] Most of the persons interviewed in Massachusetts felt that LEAA could be helpful in developing an exchange of information on what other states or cities were doing.

RELATED FEDERAL PROGRAMS. Massachusetts has made an attempt to bring related federal programs together. As we have noted there has been relatively good coordination in Massachusetts with the Model Cities program and there are some joint projects with HEW's juvenile delinquency program.

HUD provided money to the Massachusetts Department of Community Affairs to hire a staff member to be

assigned to the Governor's Committee as the coordinator of law enforcement and Model Cities programs. The staff member, a former police officer with Model Cities experience, has facilitated coordination between these two programs. In fiscal 1970-71, HUD had Model Cities projects in Boston, Cambridge, Fall River, Holyoke, Lowell, New Bedford, Springfield and Worcester which had some relationship to LEAA programs.[107] They included drug programs, police community relations, youth programs (including youth resources bureaus) and a number of others.

Conclusion. Although the Governor's Committee and its local affiliates have spent an inordinate amount of time and money in getting projects through the "planning stages," some significant projects have begun to take shape in Massachusetts. Fundamental change has already occurred in the way the state deals with juveniles, and changes have been initiated in the treatment of alcoholics, in the services provided by public defenders and in community security projects. The state is also evolving a realistic planning process which could have a significant impact on the future of the criminal justice system in Massachusetts. But there are problems: no procedures have been developed to ensure state or local assumption of demonstrably successful programs; apparently promising projects such as the Joint Corrections Planning Committee have been started with much fanfare and then abandoned; and in many instances, the most successful programs have had the shortest lifespans. If the federal money stops, the innovative programs may well stop—leaving only computers and other equipment behind.

Ohio

The Safe Streets Act program in Ohio is run by the Administration of Justice Division of the state Department of Urban Affairs,[108] under the guidance of the Ohio Criminal Justice Supervisory Commission, a policy-making board appointed by the governor. The location of the division is designed to encourage a close interrelationship between criminal justice programs and urban programs.

The commission is composed of 32 members: 14 from criminal justice agencies, eight elected officials, three other state agency representatives and seven persons from "the community," including a retired psychologist, a Model Cities representative and two businessmen. It is staffed by 43 professionals (as of March 10, there were 72 authorized positions). The work of the commission is performed through five task forces (law enforcement, courts, corrections, community relations and crime prevention and juvenile delinquency) and a steering committee composed of commission and staff members.[109]

Like the Governor's Committee in Massachusetts, the Ohio Supervisory Commission has operated in relative independence from the state legislature, although several commission members are legislators. There have been no legislative hearings or reviews of the progress of the LEAA program, and until 1972, no legislative appropriations were required or made. This spring, in anticipation of the July 1972 "new money" requirement for matching funds, the legislature voted without debate to appropriate $3 million to enable the LEAA program to continue in Ohio.

The Regional Planning Structure. During the first two and one-half years of the LEAA program, Ohio was divided into 15 planning districts, a number of which had previously existed as general planning units or councils of government. Each district received a flat planning grant as well as a contribution based on population. The arrangement was highly unsatisfactory.

The districts were poorly drawn and poorly administered. Urban centers were merged with less populous counties, and the powers and responsibilities of the districts were never defined. One city, Cleveland, had filed a lawsuit challenging the composition of its region; the city had only 6 percent representation on the district board, but 25 percent of the district's population.

In mid-1971, the state began a reorganization that by 1973 will make each of Ohio's six metropolitan areas (Cleveland, Columbus, Cincinnati, Toledo, Akron and Dayton) a regional planning unit (RPU) and will divide the 82 nonmetropolitan counties into four planning quadrants directly under the supervison of the state agency. Action funds will be allocated to both the RPUs and the quadrants on the basis of a crime/population factor. The crime factor is to be weighed twice as heavily as the population factor.[110]

The state's role in regard to the quadrants will be more controlling than it was in regard to the previous districts. The state will assign a team to each of the areas to prepare the plan for that area and will continue to review each project proposal. However, the six urban RPUs will have a high degree of independence, receiving block grants from the state after the submission and approval of local plans, in much the same way the state receives its block grant from LEAA.

The state will audit and monitor the performance of the RPUs and their grantees and will provide technical assistance as requested. The new arrangements will eliminate the requirement of state review of each project proposal; once an RPU is certified as properly structured and its annual plan is approved, it will operate independently.[111]

At the same time that the state has increased the decision-making powers of its urban regions, it has im-

posed stringent requirements on them in terms of structure. An RPU must be centered around one or more units of local government and must have the cooperation of the remaining units of general government within the county. It must operate under the direction of a supervisory board that includes, in addition to representatives of the criminal justice agencies and of local government, representatives from related public agencies and from community and citizen interests.[112] In addition, the RPU must develop an adequate staff and demonstrate that it is capable of carrying out planning functions. The state is playing a vigorous oversight role in the development of the RPUs, withholding certification from an RPU until all standards are met.[113]

Establishing RPUs that ensure full representation, particularly of citizen interests, and provide for the kind of city-county cooperation that the state has mandated, is a difficult process. Each metropolitan area first had to dismantle an existing organization—or at least radically change it—and then establish a new one. As of March 1972, only two RPUs—Columbus and Akron—had been approved by the state. RPUs in Cincinnati, Dayton and Toledo have been organized but not formally approved. Cleveland was experiencing difficulty because of the change in city administration, the conflicting interest of city and county officials and the selection of that city as one of the High Impact cities.[114]

Cincinnati's experience in launching its RPU illustrates some of the general difficulties. District 13, of which Cincinnati was a part, had a board heavily dominated by law enforcement officials. When the city and its county (Hamilton) began developing guidelines for the new RPU structure, members of the former board sought to retain control, contending that the program should continue to have a strong police orientation. Community groups opposed this, and eventually a compromise was worked out that provided for community participation in the program.[115]

A Criminal Justice Control Board was created and was composed of six members, three selected by the board of Hamilton County commissioners and three elected representatives of the city selected by the mayor (with the advice and consent of the city council). The board will appoint a staff and will be assisted by a Criminal Justice Coordinating Panel of up to 30 members who will prepare the area's LEAA plan. The panel will rely on six advisory committees, each chaired by a citizen appointed by the board. Final approval or rejection of the plan will rest with the six-member board.

Fiscal 1972 was the first year under Ohio's new system; the system will not be fully operational until fiscal 1973. RPUs will be allocated a base of $50,000 with the balance of planning funds distributed on the basis of population (determined by the 1970 census). The planning grants will range from $78,000 for Toledo to $151,000 for Cleveland.

The planning funds for the nonmetropolitan quadrants—$90,000—will be administered by the Administration of Justice Division staff, working closely with government officials and community leaders in the nonurban areas.[116]

The Ohio reorganization, particularly the development of RPUs for metropolitan areas, reflects a major effort on the part of the state to focus federal anti-crime funds on high-crime areas. The reorganization also is an attempt to give the cities enough certainty about the levels of action fund commitment to allow them to engage in long-term planning and to focus on high-impact projects.[117] The restructuring of Ohio's grant-making system and the apparent vigor with which it is being pursued is the most promising aspect of Ohio's program. However, its effect has not yet been felt and Ohio's past record of grant-making and expenditure is an unimpressive one.

Use of LEAA Funds. At the end of 1971, the Criminal Justice Supervisory Commission had allocated $28,354,177 of its allotted LEAA funds. In addition, the state had been awarded $3,721,448 in LEAA discretionary grants and $396,387 from the National Institute, for a total of $32, 472, 012.[118]

POLICE EXPENDITURES. The cumulative 1969-1971 figures combining state action grants and discretionary grants show that more than 49 percent of

DISTRIBUTION OF ACTION AND DISCRETIONARY FUNDS[119]

Category	State Action Grants	Discretionary Grants	Total	Percent of Total
1. Police (Personnel, equipment, investigative units, etc.)	$13,946,112	$1,751,818	$15,697,930	49
2. Juvenile Programs	5,494,000	304,500	5,798,500	18
3. Corrections	4,019,459	750,827	4,770,286	15
4. Courts	1,854,000	265,903	2,119,903	7
5. Organized Crime	561,000	98,400	659,400	2
6. Narcotics, Alcohol and Dangerous Drugs	1,141,899[120]	200,000	1,341,899	4
7. Criminal Justice Training		350,000	350,000	1
8. Research	1,339,952		1,339,952	4
		Over-all Total	$32,077,870	

Ohio's anti-crime funds went to police.[121] Of the total police grants, $5.2 million was spent on training new personnel and on improved police facilities; more than $2.6 million was spent on information systems, communications equipment and command and control systems; $1.46 million was spent on riot-control equipment and training; and $1.7 million went to police laboratories. The remaining funds were distributed between "police-community relations" programs ($760,229), narcotics enforcement efforts ($953,000) and equipment expenditures, including $331,249 to develop helicopter surveillance programs[122] and $141,665 to purchase 67 police cruisers.

Police Facilities. Ohio has spent both action and discretionary funds to build new facilities and to improve existing facilities in approximately 15 police departments. A total of $400,000 in state action funds have been allocated to the State Highway Patrol to expand the present Patrol Academy facilities, increasing the academy's capacity from 100 to 200 men. Columbus will use funds to construct a mobile police substation. Dayton will use a $350,000 discretionary grant to establish an "interdisciplinary" training center. Cleveland has received a commitment of more than $1.3 million to plan and build a Criminal Justice Center.

Riot-Control Training and Equipment. Ohio has placed unusual emphasis on riot control and training, apparently in an overresponse to the Kent State incident in 1970.[123] More than $1.4 million in state anti-crime funds have been spent for training, equipment and the creation of intelligence-gathering units to "provide warning of impending disorders." Of the 88 counties in Ohio, all but 14 have received LEAA funds in this category. One grant provides $253,000 (FY 1971) to be divided among the 10 state-supported universities to develop special campus-oriented riot-control capabilities.[124]

In addition to the state action grant expenditures, Ohio has received a $60,000 LEAA discretionary grant to establish a Civil Disorder Tactical Unit within the state planning agency. The Ohio National Guard is independently applying for a $700,000 grant from the National Guard Bureau to support nine planning districts (only two of which are urban). The money will be used to purchase "helmets, armored vests, batons, gas grenades, pepper foggers, and training in the use of mace and chemical agents, press relations and the apprehension of snipers." The Guard's expenditures also are directed to communities that have college campuses within their borders.

At the local level, the money has been spent to purchase riot-control vans, chemical agent launches (Ashtabula), shotguns and loudspeaker units. Only one city (Cincinnati) has apparently used some of its money for police "sensitivity training."

The only evaluation of the programs is a sentence in the state plan commenting that the programs "were highly successful."

Information Systems and Communications Equipment. Ohio has given high priority to the development of computerized information systems that will assist law enforcement in identifying and processing offenders. More than $750,000 had been spent in this area through fiscal 1971. These expenditures represent start-up costs only, and the state anticipates a total statewide investment of $20 million. In addition, the state has invested more than $2 million in interdistrict communications networks that will eventually link together law enforcement agencies throughout the state at a total cost of $10 million to $12 million. The improved communications capability will, of course, increase the reach and efficiency of the state's information network.

At the time of the implementation of the Safe Streets Act, the state already operated a statewide information-communications system dealing primarily with traffic offenses. The Law Enforcement Automated Data System (LEADS), which became operational in 1968, was located in the Ohio State Highway Patrol and was fed by more than 315 local terminals. LEADS interfaced with the FBI's NCIC, with the Law Enforcement Information Network (LEIN) in neighboring Michigan, and with the newly developed information system in Cincinnati (CLEAR).[125] (A hook-up is also projected with the system planned in Cleveland.)

LEAA funds have been invested to expand the LEADS system beyond its initial focus on traffic-related offenses. Files on outstanding warrants and on wanted persons are now being fed into LEADS. And in a separate but related development, Ohio has given funds to the state attorney general's office to develop computerized criminal history files in the Bureau of Criminal Investigation and Identification (BCI and I). This effort, which is being handled by the consulting firm of Ernst and Ernst, has been supplemented by two LEAA discretionary grants totaling $140,000 to enable the bureau to conform its system to the SEARCH model. Eventually, the state contemplates an integrated system combining the LEADS and Bureau of Identification files in a single operation, probably under the control of BCI and I.[126]

The 1971 state plan described the future of this system as follows:

As a long-range project, the state is looking to the implementation of a dedicated computer complex which will serve the entire criminal justice community. Among the agencies which will function as a part of this dedicated complex are: the Ohio Youth Commission and the Department of Mental Hygiene and Correction, which agencies are presently in the process of developing a shared system for their own purposes; BCI and I and Project SEARCH, the Ohio Highway Patrol and Project LEADS; the Ohio Court System; and the State Police Training

Academy, which will be operated by the Ohio Peace Officers Training Council.

Such a system, to be interfaced with a machine-to-machine interface with all the established local systems, will provide a complete state network for communications and will provide a completely available file for criminal history and other identification information for the entire state of Ohio.

The long-range establishment of a state system would involve approximately five years. The local facilities which would be associated with this system could be developed concurrently. At the present time, Hamilton County/Cincinnati is already in operation with a system meeting the above requirements. It is estimated within the next two to three years that at least four or five of the major metropolitan areas, Dayton/Montgomery County, Toledo/Lucas County, Cleveland/Cuyahoga County, Columbus/Franklin County and Akron/Summit County, will have their own operating systems. The other major metropolitan areas are just in the early planning stages. The program is tentatively feasible, both from the standpoint of manpower and facilities.

Communications equipment, in the words of the 1972 plan, "will probably represent the second largest and most permanent investment after construction made by the LEAA program in Ohio over its first 10 years." (1972 plan, p. 366) The Administration of Justice Division has contracted with Kelly Scientific Corp., of Washington, D.C., ($125,000) to develop a comprehensive statewide plan for improving the effectiveness of police communications. The plan will form the basis for developing statewide radio frequencies, improving police dispatching services, establishing emergency numbers (Dial 911) and other communications devices.

In fiscal 1969-1971, allocations for communications equipment totaled approximately $1.8 million. Substantial portions of this were spent on two-way radios, walkie-talkies and other equipment sold primarily by Motorola, Westinghouse and RCA. In fiscal 1972 alone, it is estimated, LEAA funds will be used to install radio equipment in at least 87 jurisdictions at a cost of more than $2.06 million.[127]

Other Equipment. Ohio has purchased additional equipment in large volumes: investigative aids, closed-circuit TV, motor scooters[128] and other general police equipment. Most of these purchases are small (for example, $800,000 worth of equipment costing an average of $200 to $750 per item). The expenditures reflect a philosophy that was expressed in the early days of the program regarding the Cleveland police department: "To get their cooperation, we have to first buy what they want for them." The same attitude is applied in the 1971 plan in regard to rural areas. The plan states that the lack of resources in those areas made it necessary "to limit the planning effort to a consideration of items of long-standing need in order to 'catch up' with other areas of the state." (1971 plan, p. 481)

These grants often have gone to small departments which, without federal funding, might have found it necessary to go out of business. The proliferation of small grants continues, even though the 1971 plan states that the "overriding problem in the criminal justice field today" is "the problem of convincing the criminal justice community that ideas, not hardware, are the real key to the solution of crime problems in our society." The plan also asserts that no state funds should be given to police departments with fewer than five full-time sworn officers.[129] (In 1969-71, the more than a third of a million dollars that was spent on general police equipment went to more than 150 separate grantees throughout the state—a large percentage of them rural.)[130]

Ohio has more independent police units than any state except Texas, but the state has made no attempt to compel consolidation of local police departments.

JUVENILE PROGRAMS. Juvenile programs represent the second largest area of expenditure in Ohio, with the grants divided into four major categories: juvenile specialist training ($795,709); community juvenile treatment programs ($1,914,301); juvenile institution programs and techniques ($734,586); and juvenile rehabilitation facilities ($2,051,025).

Here again, the funds have been scattered among a large number of projects. In the area of community treatment, for example, the grants have been divided among some 47 projects, including youth service bureaus, juvenile volunteer programs, juvenile residence centers and youth-police "live-ins" (police and young people spending a weekend together). All of these programs combined involve only a small number of children, and even if effective would not have a substantial impact on the juvenile system. Unlike Massachusetts, Ohio has not attempted to close down outdated facilities or to build a state capability for over-all reform of the system.[131]

CORRECTIONS. The 1971 state plan states succinctly the major problem in corrections:

There is no general acceptance of the idea at the local level that the primary function of penal and correctional institutions is to rehabilitate the inmate. In Ohio, the emphasis is on custody and punishment.

Despite its awareness of the problem, the commission has tended through its grants to reinforce the orientation that it criticized. Of the $4,019,459 the state has spent on adult corrections programs, only $402,105 has been invested in building up the capabilities of probation departments or other efforts to ensure the release from custody of inmates who do not require incarceration.[132]

Almost $740,000 in block grants has been spent on the design or construction of new facilities[133] and the improvement of existing facilities. By and large, these grants are addressed to long-outstanding plant im-

provement needs of the Corrections Department, rather than to experimental programs. As in the police equipment area, Ohio is using the LEAA program more as fiscal relief to overtaxed agencies than as seed money for reform. Grants of $1.35 million have been invested in expanded training programs for adult correctional specialists; but almost no funds have gone for community-based treatment programs. Two grants for halfway centers totaling $177,500 were made in 1971, but these facilities combined will be able to handle only 25 persons.[134]

In February 1971, the governor of Ohio appointed a Citizens' Task Force on Corrections.[135] In June 1971 this task force issued a preliminary report that was scathing in its criticism of the state's adult corrections system. (Department of Urban Affairs, "Report of the Citizens' Task Force on Corrections: An Interim Report," undated.)

The report recommended separation of the Division of Corrections from the Department of Mental Health and a shift away from large institutions to small treatment units (maximum 400-bed size) emphasizing greater programming and treatment opportunities and located in or near large urban areas. The committee also recommended the creation of an ongoing citizens advisory group to the Division of Corrections to bring "a more dynamic, objective approach to the problems of control and treatment of the offender."

The governor has indicated a positive response to the preliminary report. The report should be an effective blueprint for future LEAA expenditures in the corrections area, providing the Ohio program with much-needed guidelines.

COURTS. The 1971 state plan calls the response to the state's request for information concerning court plans and programs "disappointingly slight." Program funding patterns confirm this. Investments for the court system focus on training, new facilities and management improvements. Here again, Ohio's grant program is not impressive, even though the 1971 plan raised some interesting questions concerning the proper role of the courts.[136] Ohio has used LEAA discretionary grant funds to establish a Department of Court Services in Hamilton County (Cincinnati) to relieve "the court from administrative details and to provide increased services to offenders" ($50,000); to develop architectural plans for a municipal court facility to serve the area around Toledo ($225,000); and for a variety of programs designed to reduce docket delay ($172,840).

A major court-related problem in Ohio has been the lack of a statewide system to provide counsel to indigents in criminal cases. Legal aid offices have been operating in Cleveland, Toledo, Columbus and Dayton, relying primarily on private funding. The level of resources in all of these offices has been inadequate.[137] Both the governor and the Administration of Justice Division are hoping to provide at least one state-supported public defender for each criminal court in the state. But proposals introduced into the state legislature for the creation of a tax-supported defender office (like the prosecutors) have been defeated in the state House of Representatives in each of the last six sessions. As an interim measure, Ohio is using LEAA funds ($250,000) to expand public defender programs in Dayton and Toledo and to try to establish an office in Cincinnati.

In the distribution of its LEAA funds, Ohio appears to have treated the federal anti-crime program as special revenue sharing—that is, tax funds returned to the states by the federal government to meet outstanding needs that were not being met by state and local government. The program has not been a "reform" program, and has not substantially altered the operations of the criminal justice system, except to the extent that it has opened the system to popular review. The 1971 reorganization of the state into RPUs operating on a block grant formula, and the restructuring of both the state planning body and the RPU boards to reflect broad citizen concerns, is probably the single biggest accomplishment of the program in Ohio to date. The substantive programs were unimpressive; the structural reforms give promise.

Dayton/Montgomery County—A Pilot City at Work. Dayton was designated a Pilot City in July 1970. The city has a population of 243,601 (sixth largest city in Ohio) with minorities comprising 30 to 33 percent. In 1970 it ranked 13th in the United States in homicide, rape, robbery and aggravated assault. Data from the 1970 census showed the unemployment rate near 12.9 percent and subemployment ($80 per week or less) at 36 percent. Other factors that weighed in the selection of the city were a city manager form of government that tended to blunt political opposition and a police chief who had shown a willingness to experiment with new police techniques and methods of operation, including the introduction of a planning/programming/budgeting approach to departmental activities.

To date, Dayton/Montgomery County has received $2,681,253 in discretionary and National Institute funds for the Pilot Cities program; in addition, it received $427,414 in action grants from the state.[138] (This represents almost one half of the Dayton police force's 1970 budget of $6.3 million—exclusive of federal funds.)

Community Research Inc. (CRI), a private, nonprofit research foundation that specializes in urban problems, is responsible for administrative and fiscal control of the Pilot Cities grants. (CRI has received $238,399 in Institute funds to fulfill this function.) A team of four CRI staff persons—a systems analyst, a police specialist, a court specialist and a corrections specialist—have primary responsibility for the program. The job of the

team is to assist criminal justice and city administrators in designing, implementing and evaluating programs that will improve the agencies of the criminal justice system.[139]

CRI has developed a five-year plan for the city with the primary goal to "establish a research team equipped for the study of the criminal justice system at the local level, to institutionalize a capacity to analyze the system and design new programs for it."[140] Reducing the incidence of crime is viewed as an incidental goal of the program.

An element of tension has developed in the relationship between CRI and the operating agencies. The Institute is more interested in the development of mathematical models and in over-all systems design, while the individual agencies prefer action-oriented projects that improve their effectiveness immediately. So far, both approaches have been accommodated, although CRI has complained about the time it has had to spend developing demonstration programs.

MODELS AND SYSTEMS. CRI places great emphasis on the importance of data collection and systems analysis to improve management decisions in the criminal justice system. In addition to the planning/programming/budgeting system for the police department, CRI has developed a centralized information system to be used by both operational and planning criminal justice agencies. Known as CIRCLE (Concept for Information Retrieval for Crime and Law Enforcement), the system will include criminal files, data on agency operations and resources and cost data, geared to particular programs.[141] CIRCLE will tie into LEADS and the FBI's NCIC system and will perform many additional functions for the city. The start-up cost for this program has been approximately $314,271.

CRI also is developing a number of other models in the criminal justice system. For example, a grant for $120,000 was given by CRI to the Systems Development Corp. in California[142] to prepare a model for the juvenile justice system which would aim to provide for more effective allocation of police, court, corrections and social-service resources in the handling of juvenile offenders.[143]

CRI's other major emphasis has been on the development of a criminal justice training center which received a grant of $350,000 to provide for "the continuous development of skills and for ongoing self-examination of the career and functional practices of the criminal justice system." This program is intended to upgrade the way in which persons in all criminal justice agencies are trained and to bring together a badly fragmented system.

DEMONSTRATION PROJECTS. The Dayton Pilot Cities program has been relatively effective in designing and implementing new projects, particularly in regard to the police.[144]

Police. Dayton has developed a Community Service Officer (CSO) program, funded with a $115,226 discretionary grant (an additional request of $249,852 is pending). The program seeks to develop career ladders for "socially and economically disadvantaged" recruits from ghetto areas who are given special support and training in pursuing police careers.[145]

The CSOs were supposed to have special responsibilities in minority neighborhoods, such as participating in the team policing project described below, providing services in the community and working in the conflict management program described below. The program never achieved its goals. The number of persons in the program went from 60 to 13 to 3; untrained low-level city workers were transferred into it; and as a result of the city's austerity program, many CSOs who actually were trained were laid off a few months later. Those who stayed in the program spent their time filing, running errands and answering the phone.[146]

The Dayton police department also received $98,595 for training and instituting a special team of police and civilians—headed by a civilian—to anticipate potential conflict situations, particularly in areas involving juveniles, and to respond to them before trouble occurs. The "conflict management" team claims to have been successful in averting several situations that in the past have led to racial tension or conflicts between juveniles and adults.[147]

The third major experimental police program is the "community-centered team-policing project," similar to the team-policing project described in this report's section on Massachusetts. The Dayton program, which began in the Dayton-View area of the city—a section of older homes that is in transition from white to black residents and is socially and economically heterogeneous—was funded with a $14,506 grant in 1970 and a continuation grant of $143,413 in 1971. Four working teams of police (all volunteers) were organized. Civilian "community coordinators" worked with each team. The first-year evaluation of the project concluded that the program was as effective as conventional policing in terms of crimes cleared, and more effective in terms of relationships with residents of the community served.[148]

All the experimental police programs have met with resistance and hostility from the majority of the police force, which appears to be unwilling to change its traditional approaches to patrol and crowd control and has resisted special programs for minorities. As a consequence, the experimental programs have not been fully integrated into routine departmental operations but remain isolated, much like the more effective police-community relations units in other cities in the past. Police Chief R. M. Igleburger, however, is committed to these new approaches. He feels that the

programs are gaining acceptance among the younger men and officers in the department.[149]

Other police programs have included establishment of a regional crime laboratory located in the city but serving the metropolitan area ($111,527, with a $96,592 supplemental request pending); creation of an organized crime, vice and narcotics division in the police department; adding new staff and tying into other state and federal programs in the organized crime area ($115,853); development of new policy review and implementation mechanisms within the police force ($40,203); institution of a microfilm record system ($70,971); the hiring of a legal adviser, a systems analyst and a psychologist for the department (roughly $45,000); and development of a program to bring graduate students, with planning and management expertise, into the department to work with top executives ($39,285).[150]

Court-Related Programs. CRI believes that the development and funding of programs for the judiciary presents serious separation-of-powers problems. For this reason, it has been unwilling to press for court reforms. The omission is a major deficiency in the program. Only two specifically court-related projects have been funded: a felony complaint evaluation project which establishes an "intake department" in the district attorney's office to screen felony complaints more effectively prior to the institution of prosecution in order to cut down on the number of cases dismissed for lack of probable cause ($140,113), and a project to establish a combined public defender/pretrial release program ($154,257).[151] A third project, a forensic psychiatry center to assist in the psychiatric evaluation of criminal defendants, is scheduled for funding ($158,000) from fiscal 1971 discretionary funds, but no allocations have been made. Other projects already discussed will also have an effect on the courts. Project CIRCLE, for example, will provide data of use to the courts in reaching bail, sentencing and other determinations, but it is now in the early stages. The Criminal Justice Training Center also should aid the courts.

Corrections. Three major grants have been awarded in this area: $250,000 for a Youth Services Bureau to provide 24-hour counseling services and to "fill in the gaps" in service available to juveniles; $187,925 to the Dayton Human Rehabilitation Center[152] to work with male misdemeanants (providing a range of supportive services such as job counseling, academic referral, family counseling, etc.) with the aim of reducing recidivism rates; and $204,933 to improve the city jail, where offenders accused but not yet tried for crimes are incarcerated (a major goal of this project is to reduce the jail's suicide rate). Although conditions at the jail are deplorable, Dayton could probably have invested its funds more effectively in an improved bail or release-on-recognizance program.

SUMMARY. The Pilot Cities program in Dayton is producing some interesting experiments in the police department that represent sincere and vigorous efforts to redirect an institution previously insulated from reform. The combination of new funds and an outstanding police chief, aided by management and research support, could produce important changes. This program demonstrates the effectiveness of concentrating funds and expertise in a single agency with a farsighted leader. Apart from that, the likely achievements of the Pilot Cities program are unclear. It is improbable that even the best systems analyses and mathematical models will make much of a difference in those criminal justice agencies where leadership is lacking.

The program has suffered from serious administrative flaws on LEAA's part. There have been long delays in processing grant applications, uncertainty in regard to fund commitments and almost no sharing of information among the various cities chosen for Pilot Cities programs. When asked how he felt about being chosen as a participant in Pilot Cities, Chief R. M. Igleburger stated, "because of the aggravation I've had, I think it might be a mistake, although I need the money." Lt. Walt Carr, the police officer in charge of preparing police department grant applications, criticized LEAA's lack of long-range planning and lack of coordination. He said he was particularly angered that "the chief had been guaranteed five years on his program and now they do not seem to want to back him up. He had to go hat-in-hand from agency to agency to finally get his money."[153]

Cleveland's LEAA Program. Cleveland is the largest city in the state and has the highest crime rate.[154] As of mid-1972, Cleveland had not yet organized an RPU. The previous regional unit in which Cleveland participated was disbanded in August 1971; and at this time there is no local planning component in Cleveland.

Cleveland has had a difficult history with the LEAA program. Its grants have been delayed interminably, and only one-third of the money allocated has actually been spent. In 1969, a Criminal Justice Coordinating Council, modeled after the New York City Coordinating Council and chaired by then-Mayor Carl Stokes, was organized. This council was active in fiscal 1970 and 1971, but in mid-1971, for a variety of reasons, it ceased to exist.[155]

At present, Cleveland is struggling to establish its RPU (which has been allocated a professional staff of eight to 10 persons and approximately $151,000 in planning funds) and to get this unit approved by the state. The situation has been complicated by the fact that Cleveland was recently named one of the High Impact cities. This program will bring $20 million in LEAA funds to Cleveland in the next three years (Cleveland's block grant allocation for 1972 is approximately $3.4 million). As stated in Chapter I, the program will be run

by a three-man policy board (the coordinator, a representative of the state planning agency and a representative of the LEAA regional office).[156]

Before the High Impact program was announced, Cleveland had received 23 grants totaling $1.7 million (18 were block grants and five were discretionary). The grants broke down as follows: police (61 percent); corrections (15 percent); and courts, juvenile delinquency and research and prevention (24 percent). The bulk of the funds were spent on three major projects.

The largest project is the Criminal Justice Center, scheduled for completion in the mid-1970s. It will house a new jail, the sheriff's department, court facilities and the Cleveland police department in a single complex.[157]

Another major project is the court management project, now in its second year of operation. This project, which has cost more than $500,000 to date, is designed to reduce docket delay, improve information exchange among various agencies and improve planning. It will issue reports and information and devise a criminal case scheduling system that will list attorneys and their caseloads, bail bonds and judges by case assignment—all in an effort to "better manage the courts." An important component of the project will be a comprehensive, integrated judicial information system (JIS).

JIS alone has cost approximately $400,000 to date. The information system will tie in with the municipal courts in the county as well as other components of the criminal justice system and will include civil as well as criminal information. The entire project is being managed directly by the private Administration of Justice Committee.

The third major priority in Cleveland has been the development of a police communications system to tie in with LEADS. The system will connect the county's police agencies and standardize their information systems.[158]

Cleveland's priorities for 1972 focus on further development of the three major projects described above. No 1972 action money is earmarked for organized crime, riots and civil disorders or community relations programs.[159]

The Cleveland Model Cities neighborhood, which has posed grave difficulties because of its high-crime rate, has received relatively little attention. A $100,000 discretionary grant to the police in 1969 to establish a mobile task force to saturate high-crime areas got underway in February 1972. Most of the money was spent on equipment, including night-vision equipment. A police-citizen "cooperative program" ($32,240) designed to "increase the safety of inner-city residents" also has been slow in starting. The only other program directed to the area was a $75,000 grant to employ 500 to 600 inner-city youth with high delinquency potential for the summer of 1971. The young people were placed in various departments of the city government. There was no follow-up to the program.

Discretionary grants to Cleveland (other than those described above) have focused on the police, juvenile crime and the treatment of alcoholics. The police have received $180,121 to upgrade their ability to collect and preserve evidence, to hire a legal adviser and to pay for the services of a psychologist and a systems analyst. One discretionary grant ($112,677) was awarded to organize tenant patrols in and around housing projects for the elderly and another grant ($151,500) was awarded to the Cuyahoga County Juvenile Court to divert juveniles from the criminal justice system. Although these grants were made in 1971, the funds were late in coming and the projects are still in their "initial stages." A $200,000 grant for two centers for treatment of alcoholics and rehabilitation of addicts is also in its "early stage."

Conclusion. In the first years of the program, Ohio placed heavy emphasis on riot-control equipment, training and personnel programs and police expenditures. The reorganization of the program, however, represents a unique attempt to get the money out to where the problems are quickly and efficiently. There is no question but that Ohio has developed the most democratic and the most decentralized of all the state systems for administering the LEAA program—while at the same time imposing minimal statewide structural and performance standards. The RPUs however, have been slow in organizing. The interests previously in control have been reluctant to give up their power and there is some question as to how real the "citizen participation" element in the program is. If these problems are overcome, the Ohio experiment should show whether local communities are committed to and capable of solving their own criminal justice problems.[160]

Ohio is making some attempt at coordinating its LEAA program with related state programs. In addition to the Department of Urban Affairs, state agencies which are directly involved in the LEAA program are the Department of Youth Affairs, the Department of Liquor Control, the Ohio State Highway Patrol, the Ohio Department of Mental Hygiene and Corrections and the Ohio Office of Opportunity (Ohio's anti-poverty program). Coordination has been particularly effective in regard to juvenile programs, involving HEW and Model Cities funds, as well as LEAA grants.

Pennsylvania

The Pennsylvania LEAA program is administered by the Governor's Justice Commission. The commission was established by executive order in 1971.[161] The new commission is the third agency to be designated as the of-

ficial state planning agency. The frequent reorganization has led to considerable confusion in Pennsylvania's LEAA program.

The new commission is chaired by the state attorney general (a former director of the state planning agency) and includes 12 members:[162] six from agencies of the criminal justice system, two from the state legislature, three private representatives and the secretary of welfare. Until recently the commission was assisted by a 50-member advisory council which included a broader range of interests (although it was also dominated by criminal justice representatives). The governor and attorney general have abolished the advisory council and hope to expand the commission to include officials from city government and representatives of citizen groups. As reported in *Law and Disorder II*, the previous state commission and council had "no real citizen involvement," and that is still true. The council consisted of "police-oriented public officials and civic agency people who did not dare tangle with the police or were looking for contracts."

As in Massachusetts, the moving force behind the program in Pennsylvania is the attorney general.[163] The governor, while interested in the program, has made the attorney general his spokesman. The state legislature has taken little active interest in the program and appears to give it a low priority. There has been little legislative debate concerning the program; according to a staff member who has tried to work with the legislature, the mood of the legislature is that "reform of the criminal justice system is not a pressing matter." As long as their constituencies remain unaware of the program and continue to be satisfied with "business as usual," it is unlikely that legislators will become seriously involved. This philosophy permeates the state's entire LEAA program.

The Regional Structure. Pennsylvania has been divided into eight regions for administering the Safe Streets Act. Philadelphia, the largest city in the state, forms a single region. Other cities are included in multi-jurisdictional units. Each region has a planning council and a staff of at least five persons, as well as a number of advisory committees and task forces. More than 200 persons serve as members of regional planning councils or in advisory capacities across the state. In most regions little effort has been expended to make the regional council broadly representative. In fact, an official of the state agency has criticized this omission and suggested that it has contributed to planning inadequacies. The Pennsylvania Criminal Justice Commission said earlier that the councils "could benefit from a broadened viewpoint. . . . [They] should seek stronger contacts with such agencies as Model Cities and Community Action Programs (OEO). These agencies could act as representatives for the low-income and minority groups whose concerns must be reflected in both regional and statewide plans." (Memorandum, April 22, 1972.)

The regional operations in Pennsylvania are under strong state control. Unlike the systems in Ohio or South Carolina, the members of the regional boards in Pennsylvania are selected by the governor from names submitted to him by local officials.[164] The Governor's Justice Commission hires staff in each region who serve, in effect, as the commission's field representatives. This staff is paid for by the state out of the state's share of the planning funds—that is, over and above the 40 percent of the planning funds which must be made available to units of general local government.[165] The regional councils usually hire additional staff for planning, but the state-selected personnel dominate.[166] The expressed purpose of the "field staff" is to "interface with local regional planning councils and to coordinate with the central office and make sure that the actions of regional planning councils are consistent with the state's responsibilities in the program." In addition, the regional staff is responsible for monitoring the local projects and for providing follow-up. Since the regional councils rely heavily on the staff for the determination of planning and program priorities, Pennsylvania's program is, by and large, a state-dominated program.

Each region is responsible for developing its own comprehensive plan which then supposedly is "summarized into a comprehensive plan at the state level." However, the actual responsibility of the state's regions, like those of California and South Carolina (and Ohio before the reorganization), is unclear. Since the state has the authority for deciding on the general categories of programs to be funded, the regions are left with the chore of fitting their "priorities" into the state categories.[167] The state agency has generally taken each of LEAA's 10 functional program categories, broken them into a list of specific projects and then asked the regional planning councils to select their priorities from the list and provide goals, methods of implementation and cost estimates for each. As one state spokesman told us, "The state planning agency is under tremendous pressure to get the money out fast and doesn't really have time to determine either the quality of a particular program or its impact." This approach tends to reduce the local planning function to a pro-forma exercise.

Pennsylvania has received approximately $3 million in planning funds since the inception of the LEAA program. Initially these funds, like the action grants, were distributed according to population among the regions. The state subsequently developed a complicated formula based upon "the incidence of crime, degree of urbanization, geographic size and demographic characteristics." A number of problems arose under this system and in 1971 the state decided to distribute the planning grants as follows: $105,600 each to Philadelphia and

Pittsburgh (Allegheny region), and $50,000 to each of the remaining six regions.[168]

As in other states, the local-state planning process in Pennsylvania appears to be tailored primarily to the receipt of LEAA funds. Frequently the state identifies a major problem area in the plan and then fails to deal with it in the action programming. For example, the 1971 plan described the difficulty of dealing with the roughly 1,400 autonomous and uncoordinated police departments in the state; but the action grant breakdown for 1969 to 1971 indicates that less than $1 million was actually spent on programs to consolidate or coordinate these units, and more than $2.5 million was spent in providing each separate department with sophisticated radio and other forms of equipment, under the heading of "police communications, lab services and auxiliary services." (This figure does not represent total state equipment expenditures; they included an additional $1 million.)

The state plans have also suffered from substantive programming flaws. The most important of these is overemphasis on the police, particularly the apprehension of criminals and the provision of equipment, without similar attention to programs such as bail or probation reforms that could have a more significant effect on the reduction of crime. The Pennsylvania State Planning Board—an executive agency which has over-all planning responsibility for state programs and is required to comment on all plans and programs which affect the state—said the 1971 plan "continues to place significant emphasis on the detection and apprehension of criminals rather than their rehabilitation or the improvement of police community relations" and further, "major improvements must be made in the development of indicators of progress or benefits as criteria for evaluation . . . . [There should be] expanded expenditures for increased research into the quantification of program needs and into basic casual relationships."

Use of LEAA Funds. From 1969 through fiscal 1971, Pennsylvania has received more than $30 million[169] in action grants. The primary emphasis of the Pennsylvania program to date has been on police expenditures, particularly hardware.

POLICE EXPENDITURES. State staff said that the initial emphasis of the program was on police training to create a "more professional force" and on the purchase of "defensive" equipment that the police thought necessary. This year, according to E. Drexel Godfrey, director of the state agency, money will continue to go to the police, but "we have done our thing with hardware and beefing up of police forces." The money will now go to "communications networks to help consolidate police work and for data processing to better handle criminal records."[170]

DISTRIBUTION OF ACTION AND DISCRETIONARY FUNDS[171]

Category	State Action Grants	Discretionary Grants	Total	Percent of Total
1. Police	$13,818,473	$ 852,876	$14,671,349	43
2. Courts and Prosecution	3,996,847	250,000	4,246,847	13
3. Juvenile	5,657,305	230,267	5,887,572	18
4. Drugs and Alcohol	1,945,640	311,821	2,257,461	7
5. Corrections	4,283,941[172]	1,100,952	5,384,893	16
6. Research and Development	561,948	99,650	661,598	2
7. Other [173]	273,443	147,711[174]	421,154	1
		Over-all Total	$33,530,874	

Communications and Intelligence Systems. Pennsylvania has made substantial expenditures for communication equipment—more than $2 million through fiscal year 1971. In 1969-70 most of the regions gave top priority to radio and other communications equipment purchases. The statewide goal was to develop 18 countywide police radio networks, four areawide or intermunicipal networks and two or more regional networks.

Among the larger grants in this category were an action grant of $78,963 to Lancaster to establish a centralized police records and communications system to serve Lancaster and seven other municipalities, and a discretionary grant of $29,103 to Montgomery County to develop a system to improve communications among the county's 57 law enforcement agencies.

A discretionary grant ($75,641) for the development of a new communications system for Delaware County—to link 47 townships—was held up because of the refusal of the Governor's Justice Commission to certify Motorola's bid to build the system. This region is also undertaking an analysis of the needs of the county's 57 criminal justice agencies for information and communications.

Pennsylvania, like the other states reviewed in this report, is investing heavily in information systems, particularly for the state police. From 1969 to 1971 more than $500,000 was allocated to replace the previous teletype system, to develop a computer capability to interface with NCIC and the state Department of Revenue and to update the on-line files related to wanted persons, stolen vehicles and property.

In fiscal 1971 the state police used their funds to "implement" their computerized network and make its information available to all law enforcement agencies within the state. When fully operative, this network will be called the Commonwealth Law Enforcement Assistance Network (CLEAN) and will tie in with NCIC.

At the same time the state information system is being developed, local law enforcement agencies are developing complementary systems to link up with local, state and federal agencies. Philadelphia has received

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several state grants, totaling $81,000, to develop a computerized criminal justice information system, and a $250,000 LEAA discretionary grant to expand the city's present computerized information network beyond the police and courts to include juveniles, probation, parole and corrections officials.

The Allegheny County region (which includes Pittsburgh) received a grant of $10,574 to establish a terminal to the FBI's NCIC system that will service the county's police agencies. The region also received two grants totaling $382,469 to establish an automated information system for the courts to "increase the efficiency of their administrative functions."

The Northeast region (city of Bethlehem) received a grant of $59,774 to develop an automated records information and retrieval system that will "render photographic information, fingerprints and other police-related reports readily accessible . . . ." The region views the improvement of record keeping as the first step toward a computerized information system.

Other regions in the state also plan to institute centralized information systems. Southcentral Pennsylvania communities will develop three interrelated, centralized areawide record systems to include 133 local police agencies in the Greater York and Harrisburg Standard Metropolitan Statistical Areas during 1971 and 1972. The 14 counties in the northwestern portion of the commonwealth are developing centralized record-keeping functions to parallel the police communication networks previously mentioned, and four suburban counties in the Philadelphia metropolitan area will develop 10 subregional record-keeping systems. Criminal identification centers in the Philadelphia and Pittsburgh metropolitan areas will also be developed.

The Governor's Justice Commission has begun to take steps to ensure the security of the state's information systems and to protect individual rights of privacy. Each grantee of funds for those purposes must agree to:

(a) ensure that the constitutional rights of all persons covered or affected by such systems will be guaranteed;

(b) coordinate development of the program with LEAA-supported Project SEARCH or any comparable multi-state effort to secure the benefits of exchange of data . . . and needed interface with national criminal justice information systems; and

(c) pursue the development of a complete statewide system covering all aspects and areas of the Pennsylvania criminal justice system.

However, no sanctions have been developed to deal with uncooperative grantees.

In a related area, Pennsylvania has funded information/intelligence systems (which are now in a formative stage) for narcotics and organized crime offenses. A $38,871 grant has been given to the Reading-Berks County narcotics information system for a special intelligence network designed to reduce the flow of illicit drugs into that area from Philadelphia.

Organized Crime. Reduction of organized crime has been a high-priority project in Pennsylvania (it is a particular interest of the attorney general). Over the next five years, Pennsylvania plans to spend more than $20 million on organizing and equipping units at the state and local levels to deal with this problem.

More than $2 million in block and discretionary grant funds has already been spent in the state on organized crime problems. More than half the funds are being used to establish a system under the jurisdiction of the state Department of Justice and operating through its Pennsylvania Crime Commission which will gather and disseminate intelligence on organized crime activities throughout the state. The state police also received a portion of this money to "coordinate investigative activities." In addition to the state-level activities, Pittsburgh received a grant of $118,899 to establish its own organized crime intelligence unit within the Pittsburgh police department.

Other Police Programs. Pennsylvania has allocated more than $1.3 million of its block grant funds to police training programs and facilities, with several larger grants (from $90,000 to $150,000) going to establish regional training facilities throughout the state and more than 170 smaller grants going to local agencies.[175] Very little of Pennsylvania's money has been expended on new or innovative police techniques—only $345,444 in 1971 funds was allocated for "model type" projects in high-crime areas. These projects include $144,663 to Harrisburg to recruit and train 20 additional police officers to provide 24-hour security in public housing projects. (Unlike Ohio or Massachusetts, Pennsylvania has not attempted to experiment with tenant patrols.) The police have received large sums to expand patrol forces and purchase "basic and modern sophisticated equipment" (including facilities renovation) and to provide incentives for recruitment and retention of personnel (more than $5.2 million divided among more than 225 grantees—both local and state). Another project is designed to prevent crime in the Philadelphia subway system by increasing lighting and installing television monitoring equipment. It is almost impossible to assess the impact of these widely diffused grants on the police, and the state has made no effort to do so.

In the riot-control area, Pennsylvania has distributed $584,511 in block grants and $58,080 in discretionary grants. The block grant funds have been used to establish special local units to deal with "tension-laden situations" and to provide riot-control equipment (patrol vans, gas masks, tear gas, etc.) to police. Typical grants in this area:

- Harrisburg received a $17,709 grant in fiscal 1970 to purchase two patrol vans, riot caps, a videoscanner, ar-

mor vests, armored hoods, combat vests, tear gas grenades and projectiles, high-intensity light chemical steamers, gas masks, riot shields, tear gas transport vests and other riot training items.

- The borough of Pottstown received $1,554 to purchase a bomb blanket, four bullet-proof vests, one bullet-proof hood, an arm and leg unit and a storage cabinet as well as 35 storage bags for helmets and one auto guard window protector.
- The state Department of Military Affairs received $21,441 to purchase 15 portable radios with rechargeable batteries, 250 face shields and 100 armor protective vests for use in "civil disorders."

The discretionary funds were invested in a state-level civil disorder and riot-control unit.

In contrast to the heavy expenditures for equipment and personnel, only $500,275 has been allocated over a three-year period to "improve police-community relations." Most of these programs involved the support of a single police-community relations officer. The majority of the grants have gone to small cities; Philadelphia and Pittsburgh have not taken an interest in this program category.[176]

COURTS. Court and court-related programs in Pennsylvania have received $4.26 million in action and discretionary funds. As with police projects the funds have gone to a wide variety of projects—with no apparent plan. Funds have been provided for court training programs and facilities ($102,628); for improving court management procedures ($1.45 million)—primarily by using computers and other modern technology in an effort to avoid court delay and backlog; and for expansion and renovation of court facilities ($332,815).

In the critical areas of prosecution and defense, $1.4 million has been allocated primarily to increase prosecutorial resources.[177]

Pennsylvania has funded interesting bail bond reform programs in Pittsburgh and Philadelphia. Under them, $418,411 will be used to establish court-operated cash bail agencies which in effect will put the professional bail bondsmen out of business.[178] In both cities the programs include provisions for advising defendants of trial dates and securing rearrest of defendants who fail to appear.

In its 1971 state plan Pennsylvania said one of its priorities was reform of the state's criminal code, which has not been amended since 1936. For this purpose, $80,095 was approved out of 1971 funds but to date the funds have not been allocated.

JUVENILE PROGRAMS. The director of the state planning agency, E. Drexel Godfrey, stated that the emphasis in future LEAA programs in the state "will be on juvenile services—an area in which Pennsylvania has been notoriously poor." This new priority will present problems for the state. It will, according to Godfrey, "be difficult to spend the money as fast as we have to because we don't know exactly what to do. There are longstanding rivalries in the state concerning who should do what with any given child. There is no statute to protect the child and no sound experience on which to build."

Godfrey feels that research to identify the problems is a key issue here. In 1971, $5,657,305 in action funds and $230,267 in discretionary money was allocated for the prevention and control of juvenile delinquency.[179] This represented more than 18 percent of the state's money—an amount second only to the sum allocated for police. Most of the money went to the construction or improvement of juvenile detention facilities and the establishment of youth service bureaus; a smaller share went to programs designed to prevent delinquency —programs largely centered in Philadelphia, which is faced with a serious gang problem.

The goal of one program was the "inculcation and acceptance of positive and socially acceptable behavioral patterns in gang youth" through job counseling, tutoring and recreational activities. Most local observers are highly critical of the juvenile gang programs, describing them as the traditional recreation center-pool hall approach that has failed to produce results in the past.

A grant of $82,230 went to the YMCA in Harrisburg to operate a 24-man program to "channel" anti-social youth into "constructive areas of interest." This will be done by opening "places of supervised recreational activity," providing "vocational and collegiate educational advancement" and making "special effort" to reach youth who ordinarily do not participate in the YMCA. Again, the primary emphasis has been on recreation.

In Upper Darby, an area outside Philadelphia, $35,181 was awarded to:

Provide facilities for the hostile male juvenile offender to vent his opposition in a manner he readily understands. The project is designed to give supervision and direction to his energies; coordinate his efforts toward something constructive, which will make him an acceptable member of the community; give pride in personal achievement; develop the self-confidence of standing alone . . . . The above will be accomplished through a recreation project related to the Upper Darby police department. The project provides for staff salary and extensive boxing, wrestling and weight-lifting equipment.

The rural area of Wyoming Bora received $23,165 to develop a third grade text book to teach children "an understanding of their community and the role of laws and law enforcement in their daily life."

Community-based treatment facilities for juveniles have been appropriated approximately $1.3 million, but to date only several small projects in small cities have been started. Efforts to start youth service bureaus in Harrisburg and Philadelphia have been abandoned or delayed. And no action money has been spend on

research and/or evaluation of juvenile problems.

The many recreation projects may be well-intentioned, but the money probably could have been better spent in other ways, such as providing jobs or educational opportunities for school drop-outs. Pennsylvania's lack of over-all plan and direction in the LEAA program shows up clearly in the juvenile programs that are poorly related to the needs of both the juveniles and the community.

CORRECTIONS. Pennsylvania's $5,384,393 for corrections programs included grants for staff training programs at both the state and local levels ($668,903), grants to add personnel to various jails and probation departments ($382,754) and grants to improve adult detention facilities ($624,887). Funds have also been allocated to treatment programs in state correctional institutions. One effort will provide a college degree program for inmates to test the thesis that education reduces recidivism. Some attempt is being made to improve adult probation and parole services, especially in Philadelphia, by expanding the capabilities of the department and by using ex-offenders in treatment situations. And the state is spending a large sum ($389,154) to provide a research, development and evaluation capability within the state probation department. In addition, the Board of Probation and Parole received a discretionary grant of $250,000 to develop a comprehensive staff preparation program through sensitivity training and similar means.

Community-based corrections was allocated $550,950 in the 1971 plan but most of the projects funded are not sufficiently advanced to comment upon.[180]

Philadelphia's LEAA Program. The local planning body in Philadelphia has undergone several reorganizations. Initially, the state planning agency contracted with the Philadelphia Law Enforcement Planning Commission, a private, nonprofit organization headed by a former FBI agent, but this arrangement was not satisfactory and the agreement was terminated in late 1970. At that time the Philadelphia Regional Planning Council was established and a professional staff was hired.[181] Philadelphia now has the same relationship to the state as do the other regions.

The current planning council is chaired by Judge Paul M. Chalfin of the Court of Common Pleas. It has 31 members representing a wide variety of interests in the city—although it lacks representation from community groups or anti-poverty groups. There are also a number of advisory committees[182] which include regional council members, citizen representatives and outside "experts." The composition of the council is presently under challenge from Philadelphia Mayor Frank Rizzo, who feels it is unwieldly and not responsive to city needs. He has proposed reduction of the council to 10 members, most of whom would be designated by official position. The state has opposed the reduction, and as of August 1972 the matter was stalemated. LEAA has refused to give Pennsylvania its planning funds until the state agency reaches a compromise with the mayor.

The procedures followed by the council's task forces illustrate the difficulty of achieving effective programming in this as well as other state programs. At each meeting the police task force, for example, is presented a range of proposals by representatives of the Philadelphia police department. The number of proposals presented adds up to the total projected fund allocation for police expenditures so there is no opportunity to veto grants on quantitative grounds. The only option available is to shift priorities. More importantly, the proposals are not presented in the context of over-all program operations; even within the police category itself few basic choices are presented. There may be a choice between a CCTV system and computerized offender files, but there is no choice between decriminalization of deviant but harmless behavior and new technology, or between focusing all resources on probation programs and saturation policing. This fragmentation of focus continues through all planning levels including the state council. It is a process easily dominated by criminal justice professionals and SPA staffers.

The current director of the Regional Planning Council, John Snavely, feels that until fiscal 1971 the city never had enough LEAA planning money to do comprehensive planning. With the 1971 planning grant of $125,000 the council has enough to do its own planning—but not to support a planning capacity in the major city agencies with which it must deal. Snavely feels that this is a drawback to serious attempts to design any long-range programs. Action grant funds therefore, have been made to the police department and other city agencies to hire planners; in addition, there is a planning analyst on the staff who relates to key agencies which cannot afford planners. For the first time the city planning council is beginning to apply its resources to the collection of basic data on crime distribution in the city so that action grants in the future can be correlated to real needs.[183]

The major problems facing Philadelphia are how to meet the new hard-cash matching requirement and how to get the city agencies to absorb programs that have proven successful.

Through fiscal 1971 Philadelphia was allocated $7,612,978. (Much of this sum has not yet been awarded.) A breakdown of where the action grants have gone in fiscal 1969-71 appears on page 91.

POLICE. The police in Philadelphia have received, as the chart shows, a relatively small proportion of LEAA funds.[184] The police grants have gone to develop a planning capability, to establish a citywide information sys-

	Amount	Percent of Total
Police	$1,403,245	24
Courts	667,557	11
Corrections	1,339,779	22
Juvenile	1,731,815	29
Defense/Prosecution	547,024	9
Drugs/Alcohol	220,286	4
Other	59,490	1
TOTAL	$5,969,196	

tem and to purchase a variety of equipment, particularly communications equipment. A major project to establish a citywide CCTV system to link police headquarters to local precincts has been approved but has met with delays on the part of the contractor, the Franklin Institute. Other grants have been directed to reducing the department's warrant backlog, developing a narcotics enforcement capability, adding bomb detection units and purchasing a wireless "stakeout" system. Police projects have not attempted to involve the community in crime prevention or control, as in Boston, or to introduce innovative patrol tactics, as in Dayton.

COURT-RELATED PROGRAMS. The most impressive programs developed by the Philadelphia council have resulted from the strong, effective leadership of Judge Chalfin and have focused on court-related reforms. The city courts have received the usual grants for improved management, computerization of information and the like. But the heaviest concentration has been placed on upgrading the operations of the adult and juvenile probation units.[185]

Adult probation was greatly understaffed before the LEAA program, with caseloads that virtually precluded effective assistance or counseling. Grants for the Philadelphia council in the past two years have enlarged the staff of the probation unit, improved personnel training, added a special unit ($140,000) for research and development of new, more effective approaches and for the evaluation of over-all operations; opened a community-based office; developed a drug rehabilitation program; and created a special program for employment counseling and job referral. A special group treatment unit has been established in the juvenile probation office.

In related developments, Philadelphia has funded a bail reform project that relies heavily on release on recognizance; this project is a part of the effort to eliminate the money bail system in the city, including the nonprofit bonding program funded by LEAA. The city has also established a diversion program to separate out of the criminal justice system those adult and juvenile offenders charged with minor offenses and demonstrating a capacity for job training or rehabilitative assistance.

More than $285,000 has been given to the Defender Association of Philadelphia to add 17 attorneys and supporting staff. Besides the addition of staff, the project is seeking to bring the defenders operation up to the level defined in the American Bar Association's Minimum Standards for Defenders. Funds have also been given to the district attorney's office to improve clearance procedures to reduce improper or unsubstantiated complaints. In short, Philadelphia has taken a comprehensive approach to its courts that has focused on the key problems—including inadequate prosecution and defender services, understaffed probation and reduction of unnecessary prosecutions and trials—rather than focusing on new buildings and technology. So far it is an impressive program.

JUVENILE PROGRAMS. Programs dealing with youth crime have received the largest percentage of the city's funds. Collectively, these programs are less significant than the court-related efforts. A large volume of funding has been given to the welfare department, poverty organizations, the district attorney and others for programs to combat gang crime. As indicated earlier many of these programs do not go beyond the offering of recreational resources. The city's youth service bureau has had difficulty in getting started. Promising but less expensive programs in the juvenile category are: the group treatment unit in the juvenile probation office; a new "crisis intervention" unit to divert juveniles from the criminal justice process; the satellite offices to be established under the Family Courts Counseling and Referral Service; and a prehearing intensive supervision unit, also court-based.

ADULT CORRECTIONS. Philadelphia has spent some funds to upgrade its detention facilities by providing a diagnostic and classification system, by introducing improved job training and by establishing a special closed-circuit TV system that has the dual purpose of keeping watch on inmates and training them in the operation of audio-visual equipment. The largest—and by far most important—emphasis in this area has been on keeping offenders out of jail through expanded probation facilities.

SUMMARY. Philadelphia has only recently achieved a stable planning structure, and it is presently threatened. The city has just begun to collect basic data required for effective planning (where crime is and what its characteristics are). Despite the slow start and the general mediocrity of most of its programs, the city has begun to effect important changes in the resources and operations of the courts. Philadelphia reflects in the court area the same kind of leadership that has characterized the juvenile corrections programs of the state of Massachusetts, although the programs are not as far advanced and hence less certain of success. It is unclear, however, whether the court-related programs will continue to be supported exclusively by LEAA continuation grants or whether the city and state governments will assume their costs.[186] During fiscal 1972, $3.8 million of Philadelphia's $5.9-million allocation will be tied up in continuation grants. The officials in charge of the

program are pushing for special revenue sharing from the federal government.[187]

South Carolina

The LEAA program in South Carolina presents problems substantially different from those that have characterized the states discussed earlier. South Carolina is predominantly rural (only 17 percent of the people reside in the eight communities with populations over 25,000) and has not experienced the "big-city" crime problems to which the Safe Streets Act was directed. Its two largest cities, Columbia and Charleston, have populations of 128,400 and 90,000, respectively, and have crime rates below the national average for all crimes included in the UCR index except murder. The population of the state is 34.8 percent nonwhite.

The state's criminal justice system, including the courts and corrections systems as well as the police, is highly fragmented and decentralized. There are more than 200 separate local law enforcement agencies in the state, including sheriffs' departments and municipal and county police forces. Although the state is divided into 16 judicial circuits, there are, in addition, numerous autonomous lower courts (county, municipal, family and magistrate) with overlapping jurisdiction. Finally, each county operates its own jail and work camp. These are independent of the state corrections facilities.[188] Cities and villages also maintain local jails.

Unlike highly urbanized states such as California, Massachusetts, Ohio and Pennsylvania, South Carolina has not experienced severe narcotics, juvenile and street crime problems. Its problems are still "handleable," even though its criminal justice system is uncoordinated and antiquated. Major goals of the LEAA program in such a state should be to end the multiplicity of overlapping criminal justice agencies, to foster the kinds of community support that will prevent the development of the problems experienced in more urbanized states and to develop a long-term planning capability that will allow adjustment of criminal justice agencies to future needs. The South Carolina program to date has done just the opposite.[189]

The Governor's Committee. The Law Enforcement Assistance Program (LEAP) in South Carolina is administered by the Governor's Committee on Criminal Administration and Juvenile Delinquency. The governor, who created the committee in 1968 by executive order,[190] is an active participant in the program. He is opposed to any kind of state control in law enforcement and favors the distribution of LEAA money directly to local agencies, with no strings attached. For the most part his philosophy has prevailed.

In addition to the governor, the committee includes the attorney general, eight representatives of the criminal justice system,[191] a professor from the University of South Carolina School of Social Work (the chairman), the mayor of Spartanburg (vice chairman), two attorneys, a newspaper editor and the head of the regional FBI office.[192]

The committee has created six statewide advisory task forces in the following areas: law enforcement, courts, corrections and rehabilitation, probation and parole, juvenile delinquency and criminal information and communications systems. Most of the task forces have met fewer than three times since their creation. All were inoperative during the 1971-72 fiscal year.

The state planning agency is located within the governor's office in the State Planning and Grants Division, which also includes three other agencies: state planning, community affairs and highway safety.

LEAP has a professional staff of 10: an executive director, a deputy director of planning, a deputy director of administration, four staff coordinators,[193] a grants manager, an auditor and a fiscal officer. Most of the staff come from law enforcement backgrounds. The director and two of the LEAP staff coordinators are former special agents of the FBI. The staff coordinator for civil disorder planning served 12 years as a fraud and arson investigator with the FBI. The staff coordinator for law enforcement is a retired police chief of Orangeburg (population 13,252 in 1970). The staff coordinator for corrections is a retired warden of a military prison. Local critics of the program suggest that the heavy law enforcement representation among the staff has led to overemphasis on police funding.

The Regions. South Carolina was divided by the governor into 10 multi-county regional planning districts varying in population from 90,000 to 535,000 and in size from three to five counties. These districts are responsible for all state and federal grant programs, not just LEAA. Each district has a planning commission appointed by the counties within the district. The commission, in turn, organizes a law enforcement task force or subcommittee with responsibility for the LEAA program. Each commission has a planning staff of at least two. A number of the regional planners are retired military personnel with no experience in either planning or criminal justice problems.[194] For the most part both the regional planning commissions and their task forces suffer from a gross underrepresentation of minorities: minorities constitute slightly more than 16 percent of the former and roughly 7 percent of the latter.

Each regional planning district receives both planning[195] and action grants on the basis of population. Crime rates are not considered in fund allocation.[196]

The regions are responsible for developing the annual

comprehensive plans for the expenditure of their allotment of state action funds and for distributing the funds approved by the state to localities within their borders. But the state clearly retains control. In many instances final state funding decisions bear no relationship to the regional plans. Because of the confusion over their status, most of the regions simply tailor their plans to the list of projects the state has committed itself to fund.

A number of regional planners stated that in the early stages of the program, equipment vendors had more influence on local law enforcement agencies than did the planners themselves. Local criminal justice agencies were unwilling to accept recommendations from either regional planners or task forces. And the state itself gave planning a low priority, being more interested in keeping the funds moving than in adhering to the plan. An important deterrent to effective regional planning is the fact that the staff has not been given and has not developed the basic data needed for making funding decisions. Specific localities having relatively high levels of crime and law enforcement activity have never been identified. The only local statistics kept at present are standard reports of arrests by county and city police departments.

South Carolina's state plan for 1971 continues the tendency that has characterized the program since its inception: funding a large number of small projects in a variety of jurisdictions (grants of $500 or $1,000 are not unusual). It establishes these priorities for the state:

- efforts to control organized crime, riots and civil disorders;
- actions to resolve law enforcement problems as defined by criminal justice officials and "citizens who have become involved in assisting in the law enforcement process";
- programs to prevent and/or control crime in South Carolina, and programs to meet the needs of the larger cities where the incidence of crime is the greatest.[197]

For 1972, the construction and rehabilitation of facilities and the purchase of operational equipment are the two top priorities.

Use of LEAA Funds. LEAA funds going to South Carolina have increased from $270,458 in 1969 to an estimated $5.2 million in fiscal 1972.[198] Even though the state is predominantly rural, it has spent the largest proportion of the funds, roughly 49 percent on the police, with heavy emphasis on equipment and riot-control expenditures. (See Appendix I for a breakdown of the state block grants to South Carolina and Appendix J for the discretionary grants.)

THE POLICE.[199] Police expenditures for 1969, 1970 and 1971 were concentrated on communications equipment, the development of a computerized information system, construction and riot-control hardware.

DISTRIBUTION OF ACTION AND DISCRETIONARY FUNDS

Category	State Action Grants	Discretionary Grants	Total	Percent of Total
1. Police[200]	$3,855,807	$236,306	$4,092,113	49
2. Courts[201]	503,582	110,978	614,560	7
3. Juvenile	850,730	583,923	1,434,653	17
4. Corrections	867,500	728,931	1,596,431	19
5. Other	630,730	18,000	648,720	8
	Over-all Total		$8,386,477	

State Information Systems. The 1969-70 comprehensive plan approved by LEAA included a program to establish a computerized criminal justice information system, based in the South Carolina Law Enforcement Division (SLED).[202] The program was initiated on March 1, 1970, utilizing federal and state funds.[203] Known as the Criminal Information System, the statewide system will provide for the collection and distribution of criminal information to and from the police, the courts, and corrections, probation and other agencies. The computerized files will include data on wanted persons, warrants, stolen property, drivers' licenses, vehicle registration, stolen vehicles and plates, criminal histories and other criminal-related files, and it will interface fully with the FBI's NCIC system. Since 1969, $290,697 in block grant funds have been awarded to this project. The cost of installing the system through fiscal 1975-76 is estimated at roughly $2,750,000.[204] In addition to the statewide system, South Carolina is developing a regional criminal information system in Charleston County. This system (CALES) will have its own computer (a Honeywell), will link a tri-county area and eventually will tie in with SLED. CALES has received $179,915 in LEAA funds through fiscal 1971.

Communications. South Carolina has invested heavily in communications, teletype and radio systems. The larger police agencies have recently modernized or are in the process of modernizing their radio communication systems. Many of these systems have been funded by LEAA (or, as in the case of Greenville, with Highway Safety Act funds). The largest project financed by LEAP to date is the multi-year funding of the Anderson County radio system. During fiscal 1972 eight to 10 county- and regionwide radio systems will be funded, and an additional 10 agencies will receive grants to expand and improve their radio systems. The cost of these programs and related equipment expenditures has been more than $500,000.[205]

Riot-Control Programs. South Carolina has made a large volume of grants for the purchase of riot-control equipment (80 percent of the grants in this category have been for equipment); many of these grants have gone to rural towns, some with populations of less than 1,000. Many of the grants are smaller than $200.[206] Under the heading "Past Progress," South Carolina's 1971 plan lists

the following riot-control grants:

During fiscal year 1969, forty (40) subgrants in the amount of $108,200 were approved for a number of items of equipment useful in managing civil disorders. Included in equipment purchased were one hundred thirty (130) protective vests, two hundred thirty-seven (237) shotguns, three hundred sixty-five (365) helmets, five hundred forty-eight (548) gas masks, four (4) gas guns, sixteen (16) rifles, nine (9) public address systems, three (3) cameras, seventy-one (71) radios, one (1) radio base station, two (2) repeaters stations. Other miscellaneous items were purchased such as batons, ammunition, binoculars and chemical mace.

During fiscal year 1970, thirty-two (32) subgrants were approved for various items of equipment amounting to $51,881. Among equipment purchased were eight (8) rifles, one hundred two (102) shotguns, three (3) pistols, eight (8) gas guns, ninety-nine (99) helmets, eighty-five (85) protective vests, twelve (12) public address systems, three (3) vehicles, one hundred sixty-five (165) gas masks, twenty-one (21) radios, sixty-three (63) pairs of boots, forty-two (42) riot squad uniforms, two (2) jet foggers, as well as other incidentals such as batons, gas projectiles, ammunition and mace.[207]

In addition to block grant funds, the South Carolina state planning agency has received two discretionary grants totaling $48,275 to fund a director of a state-level civil disorder unit operating within the state planning agency. The purpose of this unit will be to provide technical assistance and leadership to localities in the prevention, detection and control of disorders. And the South Carolina Highway Patrol is setting up, with LEAA funds, seven specially trained and well-equipped anti-riot squads, made up of highway patrolmen, at various locations in the state.

In 1970, the state highway patrol spent $6,379 in LEAP funds for riot-control equipment, including: 80 riot helmets, 80 gas masks, 81 cans of chemical mace and 100 riot batons. The following year the highway patrol was awarded $40,000 for riot-control and anti-sniper squad equipment and $68,743.92 for personnel training costs for the seven anti-sniper squads.[208]

Finally the Governor's Committee has approved substantial grants for riot control to the South Carolina Law Enforcement Division. In fiscal 1972, $134,367 was allocated to SLED for this purpose. The division operates statewide and is well-equipped with an arsenal that includes machine guns, automatic rifles, shotguns, tear gas, hand grenades and gas projectiles.

The result of all of this expenditure has been that nine "cities" in South Carolina—none of them with more than 128,000 people—have fully trained and equipped civil disorder squads.[209]

South Carolina's rationale for this expenditure was stated in the 1971 plan (p. 193):

Although South Carolina experienced fewer incidents of civil disorders during 1971 than in the previous year and the disorders which did develop were of lower magnitude than the year before, the state is not without problems which could spark a disorder. . . . Among the causes of possible disorders are the following:

- *Unrest among high school and college students;*
- *Integration of public schools;*
- *Busing of students outside their own neighborhoods to achieve racial balance within the public schools;*
- *Labor disputes involving equality of races;*
- *Congregation of numbers of students and other young people at resorts and beaches;*
- *Unemployment and underemployment of minorities;*
- *Substandard housing;*
- *Minority workers' poverty conditions.*

The most offensive aspect of the anti-riot grants is not their wastefulness but their blatantly racial motivation. Localities requesting riot-control equipment are required by LEAA guidelines to provide a justification for each proposed purchase. In South Carolina the "justification" in many instances is simply the existence of a substantial minority population. For example, in Region VIII, applications submitted by Williamsburg County (population 34,243), Kingstree (population 3,381) and Georgetown (population 10,449) cited their high percentages of nonwhite citizens—68 percent, 70 percent and 52 percent, respectively—as sufficient justification for their riot equipment purchases. Conway (population 8,151) stated that its riot equipment purchases were justified by an incident wherein some "glass was broken in the colored section of town" and noted that the equipment would be used for "riots or other racial problems." In Region V, Aiken (population 13,436) received 1971 anti-riot grants simply by representing that 16 percent of its population was minority and it was likely to experience racial tension. The year before, Aiken had been more subtle, giving the following three reasons: "newspaper accounts of daily civil disturbances in South Carolina," incidents of "drunk and disorderly conduct at a local colored tavern," and the existence of a potential civil disturbance group estimated at 16 percent of Aiken's population. These grant applications, approved by the state agency, suggest that the applicant communities view their black populations as a hostile group and intend to keep them in line by LEAA-funded force and intimidation.

It is questionable whether such anti-riot squads and lethal hardware are either necessary or reasonable for South Carolina—a predominantly rural state with a widely dispersed population. Even the state director of LEAP, Carl Reasonover, has admitted the excessive focus of expenditures in the riot area. In a recent interview he stated that, following the first year of action grant spending, the Washington office told him that

"South Carolina law enforcement agencies had enough anti-riot equipment to start another Civil War." But because local agencies continue to request the equipment, the program is continuing to fund it.

At the same time South Carolina has been so eager to make riot-control expenditures, it has spent virtually nothing on programs to improve relations between the police and the community. Only two grants have been made in this category: $42,000 for a community service officer program in Rock Hill (an additional grant of $61,920 has been sought) and $71,310 in LEAA discretionary grant funds to Spartanburg for a special community relations unit in the police department (which will also serve as a civil disorders unit).

Construction. South Carolina has spent more than $1 million for the construction of training facilities for the police. Half of this has gone to a state-level training council and the remainder to assist three to 10 cities in building their own training facilities and police headquarters. Funds also have been invested in training equipment for the police including a closed-circuit TV installation and a full-time bomb disposal technician for SLED ($15,000).

More than $300,000 has been spent for the "Improvement of Detection and Apprehension of Criminals." This breaks down into a multiplicity of small grants for vehicles, weapons, crime detection equipment and office equipment, many of which have gone to small departments that would have benefited more from consolidation with other departments than from new equipment.

COURTS AND PROSECUTION. South Carolina has spent 7 percent of its funds for court programs. All these grants have been relatively small and have been divided among personnel, equipment (office supplies, law books, renovation and alteration) and training. The major need in the state—for the development of regional courts, particularly for family courts—has not been addressed. The state's 16 judicial circuits are not congruent with the state's 10 regional planning districts, and the planners contend they have no way of even designing an appropriate consolidation plan.

Three LEAA discretionary grants have been received for court programs, one to improve misdemeanor court operations in Columbia ($47,592), one to add an assistant attorney general responsible for training and assisting local prosecutors ($32,186) and one to employ law students in prosecutors' offices ($31,200).

JUVENILE AND ADULT CORRECTIONS. Despite its multiplicity of independent, underutilized detention facilities, South Carolina has invested a large portion of corrections funds in broadly distributed construction[211] and renovation programs, once again ignoring the possibility of consolidation. Since 1969, more than 50 grants have gone to local jails or other corrections facilities for equipment or renovation of facilities. Only one grant ($79,000) has been allocated for a feasibility study of the possible consolidation of facilities. Of the $253,500 allocated for corrections in 1970, $225,400 (almost 90 percent) went into the construction and renovation of facilities.[212] In 1971, 80 percent of the $592,400 available for corrections went to construction or to the purchase of equipment (including office equipment and uniforms) and architectural studies. The remaining funds have gone for personnel expenditures: new positions, training and salary increases. No state funds have been spent on community-based or other new treatment programs.

The Department of Corrections is now developing, for the first time, a research division (with an initial LEAA grant of $100,947 and more being sought). The division is collecting and putting in computerized form "comprehensive data including criminal and social history" on all of the 3,200 inmates in state institutions. This data base is to be used to design and evaluate " all treatment, training and educational programs of the department." The system will tie in with the Criminal Justice Information System

To blunt the over-all bricks-and-mortar and hardware emphasis of the state corrections grants, LEAA has focused 75 percent of its discretionary grants to South Carolina (more than $1.3 million) on corrections programs. They include a community release program, a program to launch a statewide campaign to enlist business to provide jobs for ex-offenders and a work-release program for female offenders. One of the larger discretionary grants—$296,000—is for an "intensive behavior modification program to modify the criminalistic aberrent behavior of the juvenile recidivist," in which 80 boys aged 15 and 16 will be taught "how to function within a middle-class society." A discretionary grant of $11,500 was given to the South Carolina Department of Corrections to prepare a manual on how to handle prison riots and disturbances.

Taken together, the state and federal corrections expenditures have done little to alter the basic fragmentation of the South Carolina system or to provide for new, more effective treatment methods.[213]

CIVIL RIGHTS ENFORCEMENT. The South Carolina LEAP program has thus far failed to take any steps to ensure that its grantees adopt equal employment practices or operate in a nondiscriminatory fashion. Blacks and other minorities continue to be excluded from job opportunities in the criminal justice field; and the anti-crime program continues to subsidize discriminatory state and local practices.

According to the 1970 census, there are 789,014 nonwhites in South Carolina, which has a total population of 2,590,516. This ranks the state second in the nation in nonwhite citizens. However, a recent survey prepared

by the University of South Carolina for the governor disclosed that only 1,861 blacks are employed in all state law enforcement and corrections agencies. Of that number, the study shows, only 69 are professional as opposed to custodial or secretarial personnel. The South Carolina Highway Patrol, for example, has four black patrolmen on a force of 669.

Employment discrimination is even more marked at the local level where many small, predominantly black towns have few black policemen.[214] As in the area of employment, South Carolina's LEAA program has been oblivious to discrimination in the provision or denial of services. Each year South Carolina has signed the obligatory civil rights compliance forms in submitting its state plan. LEAA—at both the regional and national levels—has never questioned this or asked the state for substantiation of its claim of nondiscrimination. In the four plans submitted by the state to date, the civil rights issue has never been mentioned—except as a justification for riot equipment.

LEAA has recently agreed to process complaints concerning racial discrimination in the LEAP program through the South Carolina Human Rights Commission. This may lead to a more responsive attitude than in the past, but the commission has only one salaried staff member responsible for complaints for all agencies of state government. At present the commission lacks the power to compel response to its inquiries and has no way of compelling the production of agency documents. A representative of the Human Rights Commission has attended many of the LEAP meetings and the civil rights issue has not been brought up.

There is no civil rights component to the South Carolina program. The LEAA regional office in Atlanta sometimes talks about lack of comprehensive statewide planning, but it has not put pressure on LEAP to deal with the issue of discrimination.

Summary. Major deficiencies characterize the South Carolina grant program: funds were widely dissipated on duplicate criminal justice agencies; the state has failed to take steps to make certain that the program will not worsen the racial discrimination already extant in the state's criminal justice agencies; and both LEAA and the state have failed to develop adequate programmatic concepts for addressing the problems of rural areas. We have already pointed to the multiplicity of local police equipment, riot-control and training grants and the similar pattern (although on a lesser scale) in regard to corrections facilities. There is little promise that the state agency will take steps to correct the situation in the future.[215] The state LEAP staff admit that LEAA policy emphasizes coordination both among the various categories of criminal justice agencies (police, courts, corrections) and within single categories (police, sheriffs, highway patrol, etc.) but they despair of achieving that goal for South Carolina. Carol Reasonover, the executive director, says that although he opposes the prevailing "home rule" concept favored by most of the law enforcement agencies in the state, he believes there is little that LEAP can do to change it. According to Reasonover, "the politics is too strong."[216]

There is not only a serious question whether the state's anti-crime program is doing any good, there is also a possibility that by perpetuating and equipping an antiquated discriminatory law enforcement apparatus, it is doing harm. The program should be required to set state standards, to terminate small grants to small jurisdictions and to focus on functional reforms rather than construction and equipment purchases. In addition LEAA must take a more vigorous stand—not only in seeking civil rights compliance but in providing technical assistance in designing programs which meet the specific needs of rural states—or in discontinuing grants to those states where the program is of more than questionable usefulness. The South Carolina experience suggests that LEAA has not yet begun to differentiate between the needs of predominantly rural low-population states and highly urbanized states such as Massachusetts or California.

Conclusions and Recommendations

The experience in the five states reviewed in this report shows a diverse range of program performance in terms of both the structure established to administer the program and the kinds and quality of projects funded. Although each state presents different problems, a number of common themes have emerged: LEAA has done little to assist the states and localities in developing effective reform programs and has declined to impose minimal standards. The states have had difficulty in evolving workable planning processes, and particularly in establishing effective relationships with local units of government. They have had similar problems determining what works in upgrading the criminal justice system. Where outstanding leadership exists in the local criminal justice agencies, impressive programs have been launched, but these programs have not been given special support or duplicated by LEAA in other jurisdictions. The states have not been willing to assume financial responsibility for those programs that have proven effective and have instead relied on LEAA continuation grants to keep the programs in operation.

To ensure that the federal anti-crime program has its intended effect of upgrading state and local criminal justice systems and effectively dealing with the problems of crime, we recommend the following:

- *LEAA must develop minimal performance standards*

for all states. This should not involve an increase in federal forms or bureaucratic red-tape. It should involve instead the establishment of a series of general, over-all criteria. For instance: no grants should be given to police departments, local tribunals or correctional facilities that fall below a certain size of population area served, as defined by qualified professional bodies; no new correctional facilities should be constructed (or old ones rehabilitated) until it has been demonstrated that the underlying problem of overcrowding could not be better handled by a release, probation or bail project; no grants should be made that are likely to result in increased racial discrimination or unjustified interference with civil liberties. These criteria should leave room for the expenditure of state action funds for outstanding material needs, but only if the expenditures conform to minimal national standards. The standards must be accompanied by an improved, intensified program-monitoring function.

- *We have already recommended that LEAA play an increased "clearinghouse" role, promptly disseminating information on successful programs supported by its funds or developed independently by criminal justice agencies (see Chapter I on the Institute). In addition, LEAA should give primary attention to "front runner" programs—that is, programs that have been highly successful, such as Massachusetts' juvenile services program, Dayton's police reforms and Philadelphia's court-related programs. Instead of viewing these programs as "doing so well they should be left alone," LEAA should devote special resources to expanding and institutionalizing them and using them as models for other jurisdictions. Concentration of resources on a single department or city-wide problem, as under the Pilot Cities program, should replace the present scattered funding approach.*
- *LEAA must develop program models for areas that do not suffer from "big-city" crime problems. Special attention should be given to appropriate planning and programming goals for rural areas as well as medium-sized cities.*
- *The LEAA program should be restored to its original purpose of providing seed money to the states to enable them to design reform programs which they eventually will absorb. To enable the program to continue with this focus, rather than becoming increasingly absorbed in continuation grants, LEAA should be authorized to provide continuing support to a proven local program for three years only; and the federal support should be reduced by 25 percent each year.*
- *To ensure that the program does not become isolated from social service agencies which possess the primary resources to deal with deviant behavior, or from the community at large, state and regional planning bodies should be required to include representatives of these agencies and of the community. In regard to the distribution of grants, all states should be required to give priority to those projects which will be sponsored or directed by the communities affected or which will involve employment of members of the community.*
- *In regard to the relationship between state planning bodies and local planning units, we recognize advantages that can be gained from diverse experimentation, reflecting the differing governmental structures and political traditions of the states. However, we favor, and recommend that LEAA encourage approaches like that adopted by Ohio which establish clear-cut lines of authority, with minimal but vigorously enforced state guidelines, and which allow the localities to set their own priorities and control their own funds.*

CALIFORNIA

[1]California Code Sec. 13800 *et seq.* Sixteen of the 29 members of the CCCJ are appointed by the governor, six by the state Senate and six by the state Assembly. Additionally, the attorney general serves as chairman. Only 11 of the total are elected or appointed officials of local government.

Members of the CCCJ are listed below. Asterisks indicate members of CCCJ's operations committee; double asterisks indicate executive committee members. All executive committee members are on the operations committee.

Evelle J. Younger (Chairman)
Attorney General of California

Arthur Alarcon
Superior Court Judge,
Los Angeles County

Herbert L. Ashby
Chief Assistant Attorney General,
Department of Justice

Louis P. Bergna
District Attorney,
Santa Clara County

Wayne H. Bornhoft*
Chief of Police,
City of Fullerton

Allan F. Breed*
Director,
California Youth Authority

Paul Caruso
Attorney at Law

Bernard J. Clark**
Sheriff,
Riverside County

John T. Conlan**
Supervisor,
Ventura County

George Deukmejian
State Senator

Douglas F. Dollarhide*
Mayor,
City of Compton

Robert O. Eckhoff
Public Defender,
Santa Barbara County

Herbert E. Ellingwood**
Legal Affairs Secretary,
Office of the Governor

Howard Gardner**
Associate Director,
League of California Cities

Arlen Gregorio
State Senator

Dr. C. Robert Guthrie**
Long Beach State College

Orville J. Howard*
Assistant Director,
Department of Justice

Harvey Johnson
State Assemblyman

Joan Dempsey Klein
Municipal Court Judge,
Los Angeles County

Ralph N. Kleps
Executive Director,
Administrative Office of the Courts,
Judicial Council of California

Patrick G. LaPointe
Supervisor,
Shasta County

Jack M. Merelman
General Counsel and Manager,
County Supervisors Assn.

Gene S. Muehleisen
Executive Officer,
P.O.S.T.

Cecil Poole
Attorney at Law

Raymond K. Procunier
Director of Corrections

Alan Sieroty
State Assemblyman

Raymond C. Simon*
Councilman,
City of Modesto

Harold W. Sullivan*
Commissioner, Comprehensive
Health Planning

Charles Warren
State Assemblyman

[2]Sec. 13807 See Executive Order R 13-69, which specifically empowers the council to plan for LEAA funds. The prohibition against the assumption of direct activities distinguishes the CCCJ from the Governor's Committee in Massachusetts which, as indicated earlier, administers some programs directly.

[3]The CCCJ formally voted against the separation of the two agencies, predicting that it would lead to fragmentation and duplication. The State Department of Finance was also opposed, for fiscal reasons.

[4]As of late August 1971, the California Department of Justice had $13.4 million in grants approved by the CCCJ. Of these, $11.2 million went to two major projects: the integrated program to combat organized crime and the criminal justice information system.

[5]The key staff people are from the state's criminal justice establishment. The executive director was formerly with the state Department of Corrections; his assistant was a parole agent. The chief of the program services division was a corrections consultant and a former boys' school superintendent; the chief of the planning section was a police science instructor. Few of the staff have had local government experience—which explains, in part, the CCCJ's problems in relating to local problems.

[6]In addition to the full-time staff, each task force has its own resources, a substantial portion of which are used on outside consultants. In fiscal 1969, for example, the task forces spent $457,751 on contracts. The largest of these were with other state agencies, such as the Department of Youth Authority, the Department of Justice or the Department of Corrections. Task force chairmen are all members of the CCCJ. Each task force is required by CCCJ by-laws to "maintain a representative character in terms of its mission, units of local government, geography, disciplines and the public."

[7]In response to a query concerning the CCCJ's power to close the operations committee's meetings, the state attorney general advised that since it was a subcommittee and not "a state agency," the meetings were not required to be open to the public. (See letter of attorney general, April 7, 1971, to CCCJ Executive Director Robert Lawson.)

[8]See hearings, May 6, 1971, of the Assembly Select Committee on the Administration of Justice.

[9]In addition to defining the responsibilities of the board to coincide with the obligation created in the federal legislation, the bill clearly defined its goals: "to reduce crime, to improve the quality of justice, to reduce unnecessary costs of criminal justice system activities and to establish basic criminal justice information for the purpose of determining the extent to which the above goals are being accomplished."

[10]CCCJ's membership includes five legislators. Many of these have a poor attendance record (see Minutes, April 29-30, 1971). The most active is Sen. Deukmejian, the author of the enabling legislation for both the CCCJ and the CTRF as well as of numerous other state crime bills.

[11]As of mid-1971, 75 staff positions were authorized for the regional boards.

[12]CCCJ Minutes, April 29-30, 1971.

[13]California's planning funds have been distributed to date in the following manner:

	FISCAL YEARS			
	Total	1968-69	1969-70	1970-71
For use by Council's Staff	$2,241,123	$ 832,480	$ 837,327	$ 571,316
Region I	64,232	14,000	5,607	44,625
Region II	66,058	13,000	9,827	43,231
Region III	60,984	14,000	4,133	42,851
Region IV	141,697	31,420	28,928	81,349
Region V	477,771	113,000	167,706	197,065
Region VI	38,291	11,000	6,730	20,561
Region VII North	91,144	18,246	17,907	54,991
Region VII South	160,441	28,754	41,153	90,534
Region VIII North	78,047	13,500	14,155	50,392
Region VIII South	69,812	13,500	8,938	47,374
Region IX	31,998	11,000	547	20,451
Region X	1,225,075	235,000	372,848	617,227
Region XI	178,543	39,000	50,194	89,349
Total regional allocation	$2,684,093	$ 555,420	$ 728,673	$1,400,000

[14]The major cities and counties in California are pushing for a direct relationship to the CCCJ and control of their own planning funds. The Assembly has been highly critical of the general tendency of the regional system in California to undercut local government control.

[15]In many ways, the California program demonstrates the problems of executing a federal planning program when the federal funds available for both planning and action programs are dwarfed by total state and local expenditures ($68 million v. $1 billion). The federal carrot simply isn't big enough to effect a major reorientation of the entire state system. As in the area of health planning, the state's major resources come from other sources—sources that have little to gain from federally imposed planning schemes.

[16]Hearings, May 6, 1971, p. 43. Lawson blamed LEAA for its failure to assist the states in designing appropriate planning procedures: "It's very difficult to talk with anybody in LEAA about the process of criminal justice planning."

[17]A report by the state's Joint Legislative Audit Committee (May 1971) faulted the CCCJ for not developing priorities, for not communicating existing policies to staff members or to the regions, for understaffing the operational planning unit (the chief technical assistance unit), and for a cumbersome, inefficient procedure for answering inquiries from the regions.

[18]Following are the criminal justice expenditures by function and by level of government in California in fiscal 1969:

	LEVEL OF GOVERNMENT			
Function	*State*	*County*	*Municipal*	*Total*
1. Police (criminal)	N/A	$129,420,309	$326,238,970	$455,659,279
2. Courts	$19,002,301	55,401,520	N/A	75,063,821
3. Prosecution	2,678,217	35,931,495	—	38,609,712
4. Defense (public)	N/A	18,864,719	N/A	18,864,719
5. Corrections—				
Institutions	158,420,183	94,577,717	—	252,997,900
6. Corrections—				
Probation & parole	26,543,706	74,649,972	N/A	101,184,678
7. Other	147,259,556	N/A	N/A	147,259,556
TOTAL	$353,903,963	$408,845,732	$326,238,970	$1,089,579,665

[19]See Appendices A and B for a breakdown of all grants to California.

[20]This category includes funds for criminal justice planning, evaluation, research into causes of crime and research and planning for the criminal justice information system.

[21]California has spent roughly $750,000 on improved criminalistic facilities.

[22]Some of these service the courts and corrections systems and not the police. There is no available breakdown of the police systems alone.

[23]CJIS will not be sufficiently developed to tie into NCIC for another year. However individual components of the system relate directly to the FBI computer file.

[24]State estimates show that three million persons are arrested in California each year. The nine million estimate for CJIS, therefore, may be low.

[25]This situation may become more acute when the present third generation computers are replaced by fourth generation technology.

[26]As indicated in Chapter II, CCCJ has received substantial grants in its role as coordinator of Project SEARCH. Most of these grants have gone to CTRF, and through it to PSI for the actual operational costs. The SEARCH grants are not discussed in this section.

[27]This communication is typical of CCCJ reporting. It explains, in part, the problems the state legislature has had in understanding actual program expenditures.

[28]Edward M. Davis, chief of police, city of Los Angeles, "LAPD and Computers, 1972-1973." This report documents additional computer developments, including: the Automated Field Interview System (AFIS) that collects much of the basic data for PATRIC and other systems; the Automated Want Warrant System (AWWS), a computerized file of outstanding warrants; Automated Worthless Document Index (AWDI), a $1-million, three-year project to create "the first known computerized file of worthless document reports information in existence"; and the Master Plan Project (MPP), a 10-year development program to integrate all the computer based information systems described above into a single departmental master plan. Eventually, the plan will relate to the Los Angeles Municipal Information System (LAMIS), which will encompass all computer developments within the city.

[29]Another project now in the developmental state that may affect the overall collection and storage of information in the Los Angeles area is the Sheriff Department's Project ORACLE, an optical scanning system that transfers the written page to the computerized information system. ORACLE makes possible not only the rapid transfer of massive manual files to the computer but also the introduction of a variety of written evidence. The effectiveness of the system has not yet been determined.

[30]Dr. William W. Herrmann, chairman of the CCCJ's task force on riots and disorders, has been a leading advocate of intelligence systems. Dr. Herrmann, who is a counterinsurgency specialist for the Systems Development Corp. (a think tank active in military work), initially recommended that the California Department of the Military become the central repository for collecting civil disorder intelligence. However, that proposal has been abandoned.

[31]A former Assembly staff member has described the development as follows: "Organized crime, as the specific provision on explosives in the Organized Crime Bill of 1970 made clear, refers not just to the activities of organized professional gangsters, but to the activities of civil rights and anti-war groups. This expansion of the definition is evident in the LEAA program in the fact that proposals funneled through the Riots and Disorders Task Force actually have to do with setting up surveillance and information-gathering, sorting and communicating equipment which will be used in fighting organized crime. Proposals under the name of organized crime also apply to riots and disorder. A practical reason for the interchangeability between riots and disorders and organized crime is the similarity in dealing with the people involved in both areas. Since most do not have criminal histories, it is necessary for the agencies fighting either group to develop information on these people and store it in systems that provide immediate access."

[32]See memorandum to all PIN members from Sgt. Robert Wilson, chairman of the PIN Phase I Committee, April 12, 1968.

[33]The prejudicial effect of making arrest records available to private employers already has been discussed in Chapter II. A leading California banker has stated that he is one of the few employers that does a check to see if the arrest resulted in a conviction—and that the majority of his checks indicate that there was no conviction.

[34]LEAA discretionary funds totaling roughly $300,000 have gone to the city of Long Beach to develop an integrated municipal information system that will combine data from human resources, public finance, public safety and physical and economic development for management purposes. The project, whose cost greatly exceeds the LEAA contribution, raises serious questions of abuse of criminal justice data.

[35]For abuses that are likely to occur in regard to credit risk reviews, see "Credit Probers: Consumers' Past Still Fair Game," *Los Angeles Times*, Aug. 22, 1972, p. 1, detailing the practices of Retail Credit Co., a company that prepared reports on 20 million people last year and that was indicted for bribery for obtaining confidential arrest records from the New York City police.

[36]A discretionary grant of $68,351 has been awarded the Los Angeles County sheriff for "a model personnel development system."

[37]In addition, the Los Angeles County sheriff has received a $594,107 grant to determine the cost-effectiveness of different types of police air mobility—helicopters, STOL aircraft and fixed-wing aircraft.

[38]California also has invested substantial funds in training for riot control procedures. The CCCJ points to the Watts riots as the initial justification for such grants, stating that "there is, unfortunately, no indication that the numbers or intensity of these disturbances will diminish in the foreseeable future. These disorders take varying shapes and are constantly changing in motivation and form." Following the model of riot control training provided by the U.S. Army at Ft. Gordon, Ga., the CCCJ has given the California Military Department a $430,367 grant to operate the newly created California Civil Disturbance Operations School. The project has a three-year goal of training 3,400 officials.

[39]The materials in this section are taken from a draft report prepared by the Institute on Law and Urban Studies.

[40]Under the California Code Section 601, a youth six years of age or older can be declared predelinquent if he is "in danger of becoming delinquent" or of danger to himself. He is then accountable to the state Youth Authority.

[41]The CCCJ also has funded several programs to develop educational materials to inculcate a respect for the law. For example, grants have been given to the California Bar Association and to the Foundation of Research in Education for this purpose. Some counties are developing their own programs.

[42]Many of the police-in-the-schools grants have less grandiose goals and simply provide for visits by uniformed officers to the schools to show the kids that "Cops Care."

[43]Another grant dealing with values went to Tulare County. Described as a "value clarification" project, it focuses on whether "the life values of individual students in the fifth through 10th grades affect the incidence of drug abuse and related crime." There is no indication of what steps will be taken if a causal connection is established or suggested.

[44]Recently, the council has reduced its grants to private agencies, choosing to rely almost exclusively on public agencies. Observers in California (including members of the state legislature) regard this as an unfortunate development and say that it has resulted in the termination of a number of experimental, effective programs.

[45]State grants directly to private agencies for fiscal 1971 totaled $400,000. Additional funds went to private agencies that received their grants through public sponsors.

[46]In California, the universities and their private foundations have been heavily involved in grantsmanship and have obtained substantial contracts from the CCCJ. PSRI has received a

number of grants, as has the University of California at Long Beach.

[47]California has been widely praised for its probation subsidy program, a system of providing state funds to localities to encourage them to expand their probation programs, thereby reducing incarceration of individuals awaiting trial. This program was in operation prior to the Safe Streets Act and has not been significantly altered by the federal funding program.

[48]The discretionary grants have supported a management study of the Ventura court system; a pretrial release program in Santa Clara County; an alternative processing system for the Los Angeles Superior Court; an industrial engineering analysis of the criminal court system in San Diego County; and a program to place law students in prosecutors' and defenders' offices.

[49]The CCCJ has funded a number of projects that initially appeared interesting but that terminated for lack of support or interest. At one time Ventura County was labeled as a showcase county, but it received roughly the same amount of funds as other areas and subsequently lost its special designation. The Pilot City program in San Jose began some interesting initiatives but enthusiasm over the program has diminished as a result of changing priorities at LEAA.

[50]CTRF Annual Report, 1970.

[51]In addition, the foundation has received contributions from private resources (the use of electronics equipment from Hewlett Packard; the use of Hughes Aircraft earth stationing equipment; use of General Electric's communications handlers; services from IBM; and the use of Ampex Corp. video file-system equipment). Services also have been given to CTRF by the FBI, the Department of Defense and the National Aeronautics and Space Administration.

MASSACHUSETTS

[52] The order directs the committee to "advise the governor on all phases of the system of law enforcement and criminal justice in the Commonwealth; to develop and revise comprehensive law enforcement and criminal justice plans; to study the problems and needs of and set priorities for improvements in law enforcement and criminal justice at state, regional, county and local levels; to design and conduct programs to reduce crime to rehabilitate offenders, to increase the effectiveness of law enforcement and to prevent or reduce juvenile delinquency, to conduct research, collect statistics and other data, and encourage and facilitate the dissemination of technical assistance to regions and units of general local governments on law enforcement and criminal justice; to make grants and administer grant programs, including the development of appropriate procedures for the review of grant applications and the supervision, evaluation and auditing of expenditures of projects funded by the committee . . . and to encourage the development of effective coordination among law enforcement agencies of the Commonwealth and with those of other states."

[53] Commonwealth of Massachusetts, Executive Order No. 60, July 25, 1968.

[54] The attorney general in Massachusetts is an independently elected state official. This has occasionally subjected the program to partisan rivalry when the attorney general and the governor have been of different parties.

[55] As we have indicated throughout this report, the insulation of a state's LEAA program from legislative scrutiny has been further ensured by the low level of state matching funds required by the program. Most of these funds have come from in-kind contributions and therefore have not involved the normal state appropriations process. In Massachusetts, state legislators have shown little interest in the program except in regard to fund or staff cut-backs for programs in their districts. For example, no Massachusetts legislator attended a meeting sponsored by the regional LEAA office to inform state lawmakers about the program.

[56] The members of the Governor's Committee are (asterisks indicate members of the committee's proposal review board):

Robert L. Anderson*
District Attorney, Plymouth County

William T. Buckley
District Attorney, Worcester County

George G. Burke
District Attorney, Norfolk County

John P. S. Burke
District Attorney, Eastern District

Garrett H. Byrne
District Attorney, Suffolk County

Paul K. Connolly
Justice, Superior Court

Martin Davis
Chairman, Parole Board

Paul Doherty
Chief, Capitol Police

John J. Droney
District Attorney, Middlesex County

John O. Boone*
Commissioner, Department of Correction

John Callahan
District Attorney, Northwestern District

Livingston Hall*
Professor, Harvard Law School

Charles W. Hedges
Sheriff, Norfolk County

Mrs. Gwendolyn Jefferson*
Family Planning Project
ABCD Inc., Boston

Walter J. Kelliher
Mayor, City of Malden

Robert P. Liddy
President, Massachusetts
Police Association

Francis J. McGrath*
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Alex Rodriguez
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Phillip Rollins
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Matthew J. Ryan, Jr.
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John W. Sears
Commissioner, Metropolitan District Commission

Donald Taylor
Executive Director,
South End Neighborhood
Area Program

James Vorenberg
Professor, Harvard Law School

Richard Levine
Attorney, Hale and Door

Peter G. Guduras
Superintendent, Lowell Police Department

[57] For juvenile programs, the committee relies on the juvenile delinquency technical advisory committee established initially to administer HEW-financed juvenile programs.

[58] The staff of the committee is a competent one. The director is a lawyer who has had experience as a deputy assistant attorney general for the state; the associate director for grant management has wide experience with community programs; the other associate director is both a lawyer and an M.P.A. The staff is young and well educated, with a high percentage of lawyers.

[59]Major Massachusetts cities have received the following planning grants since the inception of the LEAA program:

	1969	1970	1971	Staff 1972
Boston	$45,000	$60,000	$150,000	22
Cambridge	15,000	12,050	23,000	3
Lawrence	10,000	10,000	17,508	
Lowell	-0-	-0-	20,000	
Lynn	-0-	-0-	20,000	3
New Bedford	-0-	12,000	10,000	
Brockton	-0-	-0-	10,000	
Springfield	15,000	-0-	27,100	2
Fitchburg-Leominster	-0-	-0-	10,000	
Worcester	43,400	24,000	50,000	4
Fall River	-0-	-0-	48,465	3

[60] The cities of Boston, Cambridge, Lynn, New Bedford and Springfield account for only 22.5 percent of the state's population, but 44.9 percent of the state's serious crimes are committed in them.

[61] At the time figures were compiled for this report no 1972 discretionary grants had been awarded.

[62] An additional source of LEAA funds going into Massachusetts has been the Institute. The Institute awarded $35,885 to several state agencies for a variety of projects; colleges and universities received $225,304 (including two grants totaling $191,929 to Boston University for projects directed by the former head of the state agency), police departments received $89,632, and private consulting groups received $209,681. The total amount received from the Institute ($782,431) covers fiscal years 1969, 1970 and part of 1971. Massachusetts also has received more than $1.5 million in LEEP funds and a technical assistance grant of $8,429.

[63] The 1972 plan continues the focus of the previous year and provides for increased concentration on the needs of Massachusetts' six largest cities—the continued development of the "major city strategy."

[64] See Appendices C and D for a breakdown of all grants to Massachusetts.

[65] Police grants include grants for organized crime as well as general purpose grants to state and local law enforcement agencies.

[66] These funds were not identifiable by specific program area.

[67] As indicated above, the Governor's Committee runs programs itself. In 1970 and 1971 it received funds for the following projects:

1970		1971	
$20,000	Model Community College Curriculum	$50,000	Civil Service Improvements
25,000	Committee Program Evaluation	150,000	Committee Program Evaluation
10,000	Juvenile Law Revision	50,000	Mass Media Publication Education
45,000	Information and Communications Technical Assistance	10,000	Juvenile Law Revision

[68] For example, in 1969 and 1970 a total of $315,509 went to a number of smaller cities for riot control and training, but by 1971, none of the non-competitive funds was made available for such programs; and only $250,000 in competitive funds were provided for "regional and local disorder control units" (available to cities or regional groupings with more than 75,000 people). Despite the decline in riot expenditures, police spending in other areas increased.

[69] No evaluation has been made of these programs. It is impossible to assess their impact on the operations of the police or on the rest of the criminal justice system.

[70] For example, the office of the Commissioner of Probation now has responsibility for maintaining the Probation Index, which provides criminal history information primarily to courts and police and secondarily to correctional agencies. LEAA funds will be used to computerize this index and to collect the information in a form consistent with that developed by Project SEARCH.

[71] Boston originally hoped to supplement these funds with a grant from the federal Department of Transportation for the development of a vehicle locator system—a system which can automatically keep track of all police vehicles. These plans have been dropped.

[72] Data Architects of Waltham, Mass., will receive a substantial grant to convert criminal records and histories to computers. MITRE Corp. will receive $99,599 to design the emergency communications system. The use of consultants has been extensive in Massachusetts. The Governor's Committee was unable to provide us with exact figures, but the executive director of the committee said it was a real problem to get his money's worth from consultants.

[73] The system will among other things, provide for the computerization of intelligence data.

[74] The advisory committee membership will consist of one or more representatives of each of the following: the Boston police department; the departments of the attorney general, corrections, public safety, youth services; the director of teleprocessing of the governor's Public Safety Committee; the Massachusetts District Attorneys Association, the office of the Commissioner of Probation; the Parole Board; and the Superior Court. There are no civilians included.

[75] The security and privacy council will consist of the chairman and one other member of the advisory committee chosen by the committee, and seven other members appointed by the governor, including representatives of the general public, state and local government and the criminal justice community.

[76] Under these grants, training in the use of the new equipment can be provided by the grantee as a "matching contribution."

[77] In Holyoke, for example, a team of police has been organized and made responsible for all facets of police work in a particular area. They operate both as the usual patrolman (generalist) and as specialists, investigating all aspects of a particular incident rather than turning the case back to headquarters for the experts. The program attempts to involve the community by establishing a citizens' task force to meet regularly with the police. The program operates out of a storefront and members of the team do not wear uniforms. This program has received approximately $40,000 in block funds, an additional $200,000 discretionary grant and $20,000 from the Model Cities program. The program is being closely coordinated with the Holyoke Model Cities agencies, a number of the target areas have "teams" assigned to them.

[78] The three-year total for these programs is $1,224,638.

[79] For example, a handbook entitled "Enforcing the Criminal Law" will be developed by the attorney general and distributed to more than 12,000 police officers.

[80] Among the specific projects funded in these categories are: Lawrence—$12,240 to implement a college-level program in French, Spanish and the criminal law; Boston—$91,400 to upgrade and expand its police in-service training; Quincy—$22,300 to implement a curriculum focusing on the provision of man-law enforcement services; Department of Attorney General—$50,000 to develop a referral manual for use of police officers in referring drug-dependent individuals to community resources.

[81] Massachusetts provided $123,230 in 1969 and 1970 and $400,000 in 1971 for police management studies. Almost every police department in the state, as well as a number of district attorneys' offices, let contracts for such studies. The Governor's Committee now finds that it is acting as the mediator between the agencies and the consultants over the performance of the consultants. The committee has agreed that it will discontinue the funding of these studies.

[82] This figure includes the allocations for fiscal 1971 from the state's action money, some of the projects may not have been fully funded as of the date of this report.

[83] An additional $200,000 was allocated to a Joint Correctional Planning Commission which is to focus on the total "correctional system" and come up with legislative recommendations for a reorganization of the correctional agencies and activities within the new Office of Human Services. According to the state plan, "The major goal of the commission is to direct this cooperative activity toward establishing a continuum of integrated services to the offender throughout his involvement with the correctional process." (p. 300)

[84] The operating costs are expected to be about $8,000 per month per residence.

[85] Although this program has had some measure of success, TDC concluded:

Little planning is yet using into state takeover of federally supported projects. In general, projects die when federal support is withdrawn . . . If these problems are not addressed [by the state legislature] . . . there will be little long-term benefit derived from all these programs by anyone but the staff who operates them.

[86] Massachusetts has received additional corrections funds under Part E. Approximately $1.38 million will be divided among five priority needs. These programs are:

1. Department of Youth Services reorganization to emphasize community-based corrections.
2. Local juvenile delinquency prevention and rehabilitation programs.
3. Reintegration of adult offenders into their community by a wide range of programs.
4. Specialized training of correctional personnel.
5. Codification and revision of correctional administrative regulations and procedures, including legislative reform.

[87] One of the problems is that the attorneys for the Roxbury Project make $3,000 more per year than do the Massachusetts Defenders for doing essentially the same thing. The community provides majority membership on an Advisory Committee to the project and feels that the project should be independent of the Defender Committee.

[88] Specifically, these funds will support 18 to 22 assistant DAs, at the district court level; continue three student prosecutor programs, assist 40 to 50 police prosecutors and provide 80 to 100 student prosecutors for selected district courts.

[89] The problems of the lower courts in Massachusetts were documented in a study done by the Boston Lawyers' Committee in 1970, "The Quality of Justice in the Lower Criminal Courts of Boston." Many of the recommendations in this study have not yet been implemented.

[90] Until December 1971 this committee had 32 members appointed by the mayor. Thirteen persons represented the criminal justice system and six were from the mayor's office. The other members represented a variety of activities: two from local universities, the superintendent of schools, four from community service agencies, a lawyer in private practice, a representative from the Model Cities program, a representative from the department of health and hospitals, a representative from a community self-help organization and two persons from community organizations financed by LEAA funds.

[91] The staff plays the same role in regard to city grantees that the state plays over-all; they provide technical assistance in proposal development and funding; review proposals, monitor and evaluate selected programs and educate the public. In addition, 15 staff members actually administer a project—the Boston Detoxification Project.

[92] The staff size has since been reduced to 22 (including clerical help).

[93] Interview with Robert Weinberg, former special assistant to the mayor.

[94] The Boston planners find some of the state-imposed priorities "too theoretical, not reflective of actual operating problems," but this appears to reflect normal city-state rivalry.

[95] In more detail, the procedure for a competitive grant award is as follows: Once the grant award is made, the staff must send it to the city federal funds coordinating officer. From there it goes to the mayor's office for signature. The mayor's signature creates a contract between the governor and the mayor for performance of the project. The grant award is then sent back to the staff which must return the signed grant to the Governor's Committee along with a cash request and report of expenditures on the project. At the same time, the staff must submit the grant award to the City Council for authorization of receipt and expenditure of funds. The order passed by the council must be signed by the mayor. All these procedures must be carried out for each grant. In addition, if the grantee is not an agent of the city government (i.e., police, courts, etc.), additional steps must be taken. This may indicate why projects always seem to be incomplete at the time the grant period indicated in the initial application has ended and why continuation grants are always being sought.

[96] In 1969, Boston received approximately 29 percent of the state action funds, in 1970, 41 percent and in 1971 estimated 36 percent. In fiscal 1972 the Boston allocation is estimated at between 35 and 40 percent.

[97] This is the largest lower court in Massachusetts. It has original jurisdiction in criminal cases punishable by a maximum of no more than five years as well as drunkenness, motor vehicle violations and other misdemeanors.

[98] Interview with George Cooper, deputy director, The Boston Committee.

[99] The priorities for the fiscal 1971-72 plan were as follows: 1) the need for improvement in police response time and in police resource allocation; 2) the need for citizen security in high-crime areas; 3) the need for more effective prosecution in Boston's district courts; 4) the need for improvement of rehabilitation in the corrections system; 5) the need for alternatives to present mechanisms for dealing with violent crime; 6) the need for an effective city drug program; 7) the need for a comprehensive alcohol program; 8) the need for the development of new strategies to combat specific crimes; and 9) the need for continued system planning.

[100] Mayor's Coordinating Committee for the Administration of Justice, *Challenging Crime*, April 17, 1970, p. 37.

[101] In Boston six out of 10 arrests made by the Boston police department are for the "crime" of public drunkenness.

[102] This project was part of a larger 1970 program and the exact figure is not available.

[103] Interview with George Cooper, deputy director, The Boston Committee.

[104] It may be that Boston, like many other cities, does not really know how to spend its money in the most effective way. If this is true, the city is getting very limited guidance from the state and none from LEAA.

[105] According to the new deputy administrator of the region "the main extra dimension to be gained from reorganization will be the employment of five technical assistants in program areas of police, courts, corrections, systems analysis and manpower development, whose role it will be to assist states and through them cities, towns and counties in developing innovative programs." The new staff of the regional office is considered a competent one. The new administrator was the Massachusetts Commissioner of Public Safety and his deputy was formerly the majority leader of the New Hampshire state legislature and is a strong believer that the regionalization of LEAA is a vital necessity if the program is to succeed.

[106] Interview with George Cooper, deputy director, The Boston Committee.

[107] The city-by-city breakdown of these funds, which totaled $2,328,790 was: Boston—$1,128,505; Cambridge—$354,176; Fall River—$183,000; Holyoke—$155,439; Lowell—$150,223; New Bedford—$47,000; Springfield—$25,598; Worcester—$278,849.

OHIO

[108] In addition to the Administration of justice division, the urban affairs department also includes a housing and community development division and a human resources development division. On Jan. 11, 1972, the governor, by administrative action, merged this department and the Department of Economic Development. If the Ohio legislature ratifies this merger, the new department will be known as the Department of Economic and Community Development. The administration of justice division will remain intact as one of the four operating divisions within the new department.

[109] The commission's current members, appointed in October, 1971, are:

William J. Ensign
Director,
Ohio Youth Commission

Col. Robert Chiaramonte
Superintendent,
Ohio State Highway Patrol

William J. Brown
Attorney General

C. William O'Neill
Chief Justice,
Ohio Supreme Court

Dr. Bennett J. Cooper
Commissioner of Corrections

Dr. Kenneth D. Garver
Director,
Department of Mental Hygiene and Correction

Ellis L. Ross
Executive Director,
Ohio Civil Rights Commission

Robert O. Greer
Assistant Superintendent for Urban Education,
Department of Education

William E. Mallory
State Representative

Ralph S. Regula
State Senator

Robert A. Manning
State Representative

Andy Devine
Judge, Municipal Court, Toledo

Henry Meshel
State Senator

Robert M. Igleburger
Chief of Police, Dayton

Paul Abbott
Chief of Police, Worthington

Charles W. Carter, Sr.
Director,
Lucas County Adult Probation Department

John V. Corrigan (Chairman)
Chief Justice,
Cuyahoga
County Common Pleas Court

Robert Campbell
Sheriff,
Summit County

John Palermo
County Commissioner

James T. Henry
Mayor,
Xenia

Frank Radeloff
County Commissioner

Wilbur Race
County Commissioner

C. Lyonel Jones
Director,
Cleveland Legal Aid Society

Dr. Jack D. Foster
Youngstown State University

Miss Leona Bevis
Associate Director,
Greater Cleveland United

Mrs. Doris Brown
Executive Director,
Residential Neighborhood Community Association

Dr. Alberta Taylor
Psychologist

Jarrett C. Chavous, Jr.
President,
CMACAO Board of Trustees

Thomas J. Roulston
Businessman

Henry J. Sandman
Safety Director, Cincinnati

A. J. Young
Sheriff,
Tuscarawas County

Joseph R. Grunda
Prosecutor,
Lorain County

[110] As we have already noted, the data contained in the Uniform Crime Reports is not a sound basis on which to make funding allocations or other policy determinations. However, the Ohio officials say "it is the most reliable information we have."

[111] Among other things, the new arrangement should substantially reduce the time lag between application and funding. In the past this often took six months. State officials say that all grants will be processed within a maximum period of 90 days from the date of application.

[112] State regulations provide specifically that the supervisory board "should include representation from such groups or interests as legal services agencies, civil rights groups, welfare rights organizations, religious agencies and poverty groups." In addition, the RPU should adopt a system to ensure inclusion of minority groups in employment and on the supervisory board (Sec. 5.21).

[113] The state has established a rule that not more than one-third of an RPU's planning grant should be used for contracting with nongovernmental agencies or organization to provide planning services or assistance.

[114] The $20 million guaranteed under the High Impact program has insulated Cleveland to a large extent from the state operation and has given the mayor greater independence vis-a-vis the

county. The Cleveland situation, according to one observer "is a mess." (Interview with Alan Wright, Administration of Justice Committee.)

[115]The Cincinnati experience provides a good example of how effective community leadership can shape state planning agency policy and programming. One of the most effective community groups was the Metropolitan Area Religious Coalition of Cincinnati. An executive of MARCC explained the rationale of their involvement: "It is impossible for governmental administrators to sell their programs to the public unless there has been grass roots participation initially." MARCC felt that without citizen involvement, the program had no chance to have a significant impact on the criminal justice system.

[116]Ohio's total planning allotment since the inception of the LEAA program has been as follows: 1969—$803.350; 1970—$911,000; 1971—$1,164.000; 1972—$1,625,000; 1973 (projected)—$1,625.000.

[117]The governor of Ohio sees LEAA funds as the catalyst for the development of a coordinated system of justice in the state. The governor describes the long-range goals of this system as: statewide radio communication and criminal justice information systems; diversion of drug and alcohol abusers; a state public defender program; a stronger Organized Crime Prevention Council; and development of community-based corrections programs for juveniles and adults. (Letter from Gov. John Gilligan to John J. Jemilo, director, Region V, LEAA, March 15, 1972)

[118]This figure represents approximately 17 percent of Ohio's state and local police expenditures of $196 million in fiscal 1971.

[119]See Appendices E and F for a breakdown of all grants to Ohio.

[120]Much of this money went to the police for the establishment of undercover programs and for "education" programs; specific figures were not available.

[121]The police percentage of total state funds has been declining. In 1969 it was estimated to be 83 percent; in 1970, 58 percent; and in 1971, 45 percent. The director of the state Department of Urban Affairs, Bruce Newman, hopes that the breakdown of funding eventually will be 40 percent to the police, 20 to 40 percent to corrections and 20 percent impacting on juvenile programs.

[122]The helicopter grants are going to Kettering (a suburb of Dayton), to Toledo and to rural Northeast Ohio.

[123]The anti-riot grants continue, even though the 1971 state plan expressly stated, "Riots and disorders, unlike many other criminal acts, are not day-to-day or common occurrences. Since . . . the spring of 1970, Ohio has experienced relative calm in this field."

[124]Ohio University, for example, spent $23,623 on a 36-man security force, closed-circuit telephone system, high-intensity lighting equipment, communications equipment and "defensive and offensive" riot equipment.

[125]The CLEAR System ties 38 autonomous law enforcement agencies into a single network. Its files include wanted persons, stolen vehicles, stolen articles and guns and a limited number of criminal history records. CLEAR was initially funded by a $1-million local bond issue.

[126]It is unclear at present how effectively the development of the various components of the Ohio system is being coordinated. The potential for overlap appears to be substantial, but state planning agency officials claim that all systems are being designed and expanded in a manner that will ensure efficient interface. The state has not yet developed formal guidelines or legislation to regulate its computerized information systems. Both input and access presently depend on the discretion of participating agencies.

[127]Kelly Scientific is responsible for reviewing all applications for communications equipment to assure compatibility, but it is unclear how effective they have been.

[128]Cincinnati, for example, in a program designed to mobilize the police force to curb street crime, will use a $117,180 discretionary grant supplemented by $7,000 in block funds.

[129]The 1971 plan indicates a commitment to new directions, particularly to the collection "of additional information regarding the scope and the results of the operations of the police departments" and to a review and overhaul of "the basic structure and assignment of responsibilities and authorities for the police system." If these are followed, the program in Ohio should improve substantially.

[130]The number of separate police action projects funded in Ohio is not only high, but increasing. It went from 70 in 1969 to 280 in 1970 to 400 in 1971 without any apparent effort to achieve a greater concentration of resources.

[131]The state's 14 discretionary grant projects ($304,500) have been used to fund traditional approaches.

[132]This was supplemented by an LEAA discretionary grant of $250,000 to be used primarily to hire 20 additional probation officers for the state Department of Mental Hygiene and Corrections.

[133]Ohio is building a major new maximum-security penitentiary to house 1,500 inmates, but no LEAA funds are involved to date.

[134]A discretionary grant for $56,334 was awarded to the Ohio Department of Mental Hygiene and Corrections to establish a half-way house for adult female offenders. A $37,722 LEAA discretionary grant was given to the Ohio Department of Mental Hygiene and Corrections to establish a central statewide unit to direct the state's community services program, but this new office is not yet fully operative.

[135]Even in the area of research, the state's grants give little promise of new directions. Corrections research is focusing on the development of personnel standards and salaries, inventories of need in metropolitan area "to determine deficiencies in detention, probation and institutional service," and the development of an education program for male offenders in the state's prisons. No research is being done on new forms of treatment or alternatives to the present system. ($330,000 was allocated for these studies, most of it to the Department of Mental Hygiene and Corrections.)

[136]Among the questions posed were: What should be the fundamental basis of court structure—geographical or functional? Should there be a unified court of justice of the state (returning to the concept of "circuit courts")? What should be the role of the grand jury? When should defense counsel be provided? Are "community council" courts desirable? When can unification of judicial and parajudicial functions be accomplished? Is the bail system necessary? Does it require a major overhaul? What is the balance between fair trial and free press? What should be done about perjury? How can a system retain competent judges and get rid of incompetent ones? Could time periods be established for the completion of certain steps in criminal cases? Can sworn statements be substituted for police-officer testimony in court?

[137]These four legal aid offices have 20 lawyers and eight other staff persons and handle approximately 4,000 cases per year.

[138]These figures include fiscal 1970 and 1971 funds through April 1972.

[139]CRI also must coordinate its efforts with the regional planning unit in which Dayton is located. Since the statewide reorganization, Dayton has shifted from participation in the program as part of the Miami Valley Council of Governments to a new Dayton-Montgomery County RPU. The RPU has not yet been established and the program is presently operating somewhat independently of the state. The former planning unit gave primary weight to rural counties instead of the Dayton Metropolitan Area. In addition, it was overwhelmingly police-oriented. The new RPU arrangement gives greater weight to Dayton and is viewed as an improvement.

[140]Community Research Inc., "Dayton/Montgomery County Pilot Cities Program—First Phase Report, June 1, 1970, to Dec. 31, 1971," p. 1.

[141]CIRCLE was designed under a contract with the Westinghouse Justice Institute. CRI sought $587,000 in discretionary grants for a computer to implement the design, but the grant was denied. A block grant for $64,271, which was to be a "supplement" to this project, has been approved.

[142]Systems Development's primary work has been in the defense analysis field for the federal government. A Dayton official said it took SDC consultants three months to "familiarize themselves" with the criminal justice system.

[143]Some police experts have expressed doubt concerning the effectiveness of CRI mathematical models and "super-data" systems in changing the real world.

[144]CRI views demonstration projects as of considerably less value than the systems approach, which it thinks is more likely to produce permanent change.

[145]This program had potential significance for the police department since there were only 22 blacks on the force, none above the rank of a patrolman.

[146]Community Research Inc., Dayton/Montgomery County Pilot Cities Program, "Evaluation of the Community Service Officer Program, 1971."

[147]Community Research Inc., Dayton/Montgomery County Pilot Cities Program, "Evaluation of the Conflict Management Program, 1971," p. 22-23. An evaluation of the program prepared by Wright State University concluded that conflict management has probably had a "salutary effect" on reducing the number of and percentage of disturbance situations in areas where it was most active, but pointed out the difficulties in measuring a project of this nature.

[148]Community Research Inc., Dayton/Montgomery County Pilot Cities Program, "Evaluation of the Community-Centered Team Policing Program," p. 63.

[149]Opposition to the new programs was so acute that Police Chief Igleburger issued a release warning the department that "the police tactics of the 1950s will not allow us to meet the challenges of the 1970s." He urged the department to greet experiments such as the CSO program with flexibility.

[150]Additional programs scheduled to be funded are $15,000 for a communications program to give detectives two-way radios and a program to divert addicts and alcoholics out of the criminal justice system ($375,000). The City Law Department is preparing the legislative changes needed to process these cases through treatment programs.

[151]Prior to this project, Dayton/Montgomery County lacked a public defender's office, even though 60 percent to 64 percent of criminal defendants in the area are indigent.

[152]The rehabilitation center, which is administered by the city, has an average population of 125 inmates ranging in age from 18 to 27. The 1969 budget for the facility was $642,000.

[153]The state has played a relatively limited role in the Pilot Cities program. When asked for an evaluation of the program, a state official told us:

It is extremely difficult for us to evaluate Dayton's Pilot Cities program because we really lack good criteria for determining its success. It has generated special discretionary grants, but it has a fund to draw against. It has enhanced interagency cooperation, but it was a fairly cohesive community before Pilot Cities was introduced. On the other hand, the Pilot Cities team has created some dissention between the city government and the Miami Valley Council of Governments, and has contributed somewhat to increasing the confusion over the creation of an RPU.

There seemed to be some feeling on his part that LEAA was trying to usurp the state's role by designing these programs and by-passing the state completely.

[154]Cleveland was responsible for more than 70 percent of the crime in Cuyahoga county. The city also ranks 11th in the nation in crime rate (as well as in population).

[155]During this time, a privately funded group, the Administration of Justice Committee, provided much of the staff work and technical assistance for Cleveland's LEAA program.

[156]The preliminary design for the two-year expenditure of the Special Impact funds specifies six categories to be funded. The categories and the funds sought are:

Family	$ .265 million (2%)
Individual	$ 220 million (35%)
Environment	.138 million (1%)
Police	4.058 million (21%)
Courts	3.123 million (21%)
Corrections	1.975 million (13%)

The expenditures would be the same in fiscal 1973 and 1974, totaling almost $29 million—or $9 million more than the program has allocated. The preliminary plan says this $29 million is necessary for the development of a comprehensive, crime-specific program. If the additional $9 million is not available, certain activities will be reduced—among them prevention of delinquency, reduction of court backlog, innovation and improvements in the police department, community-based corrections and impact and information programs (such as "lock your car").

[157]The center will be supported by a $61-million bond issue and a large block of LEAA funds. Block grant funds ($166,000) were awarded to plan the center and in October 1971 a grant of $1.2 million (the largest single LEAA grant ever awarded in Ohio) was announced for site development and preparation. (The city has not yet received these funds.) An additional discretionary grant of $150,000 is pending "for continued study of functional interrelationship and Justice Center design." The 1972 plan for Cleveland/Cuyahoga county requested $2.5 million for this center.

[158]According to one spokesman, it is not planned at this point to feed this information into the state system which will link up with Project SEARCH, but this may happen in the future.

[159]An additional $40,000 was given to the Administration of Justice Committee for a series of conferences to bring together members of the judiciary, law enforcement officials and corrections of officials in the county.

[160]Ohio is making some attempt to evaluate the effectiveness of LEAA funds. Bruce Newman, the director of the Department of Urban Affairs, stated that while evaluation is very important, "until criteria are established, we should not make a fetish of it." Newman felt that the best form of evaluation is one built into the grant application by requiring the prospective grantee to tell you exactly what he plans to do with the funds.

PENNSYLVANIA

[161]Executive Order, March 5, 1971, Gov. Milton J. Shapp. The program was previously run first by the Pennsylvania Crime Commission and later by the Pennsylvania Criminal Justice Board. (See *Law and Disorder II*, p. 40)

[162]The commission members are: J. Shane Creamer, attorney general; John D. Case, director, Department of Corrections; William Sennett, attorney; K. Leroy Irvis, state representative; James J. McCaughey, superintendent of police; Lower Merion Township; William G. Nagel,

director, American Foundation; Harold Rosenn, attorney; Richard Snyder, state senator; Leo P. Weir, county commissioner; Charles Wight, judge, Court of Common Pleas; Rocco P. Urella, commissioner, Pennsylvania State Police; Helene Wolgelmuth, secretary of welfare.

163 The program is staffed by 50 persons, divided into three major units: Operations (prepares the state's comprehensive plan and provides liaison and technical assistance to the state's regions and units of local government); Administration (has fiscal and personnel responsibility for the program); Statistical Bureau (Pennsylvania recently passed a law requiring uniform crime statistics under the office of the attorney general; that operation has been combined with the work of the commission; it supervises the form and content of the records maintained by the state's criminal justice agencies).

164 The members allegedly are selected according to the following formula: elected local officials and their representatives (including officials of the criminal justice agencies) 80 percent; citizen representatives ("persons representative of local, business, professional or citizen groups or representatives of public or private nonprofit agencies, organizations or institutions having expertise in the criminal justice system . . . ") 20 percent. By and large the citizen representatives do not include the poor, blacks or other minorities; they represent the established community forces such as the bar or education.

165 For example, of the $1,278,000 allocated to Pennsylvania for planning in 1971, $511,200 will be divided among the eight regional planning councils and an additional $500,000 will be used by the Criminal Justice Planning board to staff the regional offices. The remaining funds are used by the state for its own administrative apparatus and to support a variety of projects.

166 For example, the South Central region of the state which includes Harrisburg—the state capital—and three small cities, and covers eight counties, has a regional office of six state-hired staffers, including a director, two field representatives, a fiscal monitor and two clerks. Working in close cooperation with this staff are four staffers hired out of the region's planning funds: a criminal justice planner, a planner/analyst, a communications consultant and a secretary.

167 As in Ohio, the entire state apparatus for planning and distributing Safe Streets Act funds has undergone restructuring since the election of a new governor in 1970. The results of this activity have not yet been fully felt, and the state of confusion that normally accompanies such changes is still present. Given the state of flux, conclusions about Pennsylvania are necessarily tentative.

168 Pennsylvania planning grants, by state and region in fiscal 1969-1971:

Region	1969	1970	1971
State	$528,350	$ 601,800	$ 767,000
Allegheny (includes Pittsburgh)	47,253	99,802	105,600
Central	32,091	33,266	50,000
Northeast	53,955	33,266	50,000
Northwest (includes Erie)	29,623	33,266	50,000
Philadelphia	62,419	99,802	105,600
South Central (includes Harrisburg)	35,618	33,266	50,000
Southeast	53,250	33,266	50,000
Southwest	38,439	33,266	50,000
TOTAL	$881,000	$1,001,000	$1,278,200

169 The action funds have been distributed among the regions as follows:

Allegheny (includes Pittsburgh)	$5,767,326.00
Central	1,210,545.00
Northeast	2,283,025.00
Northwest (includes Erie)	1,204,375.00
Philadelphia	7,612,978.00
South Central (includes Harrisburg)	1,219,505.00
Southeast	3,297,313.00
Southwest	1,226,626.00
TOTAL	$23,921,693.00

This total includes funds actually distributed, as opposed to the larger sums which were allocated. Pennsylvania has faced the same bureaucratic delays getting the funds to the grantees as have the other states.

170 The 1971 state plan allocates $1,599,840 for communications systems, computerized records and lab services and an additional lump sum of $833,882 for the "provision of necessary equipment." In 1969-70 approximately $850,000 was allocated for this category. According to Godfrey, the success of the police programs should be measured not only by a decrease in crime but also by the extent to which "the public feels that the streets are safe." He acknowledged that the Governor's Commission had not yet attempted to quantify either of these factors.

171 See Appendices G and H for a breakdown of all grants to Pennsylvania.

172 This category includes some juvenile corrections projects.

173 This category consists primarily of grants for public education to prevent crime.

174 This is a grant to Reading for a criminal justice coordinating council.

175 Pittsburgh also received a discretionary grant of $146,894 to set up a three-year career development program for the police department and to provide in-service training for 150 to 200 police.

176 Typical of the grants in this category is a $106,548 grant to the Legal Services Association of Dauphin County to present a series of television programs to "enhance youth's understanding of the law and encourage a positive attitude toward the criminal justice process."

177 An important grant in this area is the $286,592 allocated to increase the staff of the public defender's office in Philadelphia (see section on the Philadelphia program).

178 In Philadelphia the defendant posts 10 percent of the amount of bail set and receives 90 percent of the amount posted upon appearance for trail. In Pittsburgh he posts 8 percent and the entire amount is refunded.

179 Additional funds for juvenile programs were awarded in other categories.

180 The state also received $232,792 in discretionary funds for three outreach centers in high-crime areas of Pittsburgh to (1) localize and increase availability of services to clients and families, (2) utilize services more effectively and (3) reduce probation and parole violations.

181 The staff is headed by the former director of the South Central region in the state. He is a trained urban planner

182 These committees are: juvenile delinquency; police; comprehensive plan; corrections; courts; and coordination of drug treatment programs.

183 For example, in the past juvenile grants have been given without knowledge or quantification of the distribution of juvenile crime. A grant was given to a district that turned out to have 1 percent youth crime, while the two districts with the highest rates were ignored.

184 This sum has been complemented by $139,733 in discretionary grants to the Philadelphia police department. (This is approximately 5 percent of the total discretionary grants awarded to date in Pennsylvania.)

185 Probation programs have received inadequate attention in many states because they "fall between the cracks" of court reform and corrections improvement programs. Although probation is viewed as a corrective tool, the officials that staff the system are generally under the control of the courts. This makes probation reform dependent upon the leadership of the judges.

186 There is a real danger that if Mayor Rizzo succeeds in restructuring the city council, Judge Chalfin's influence will be reduced, with a corresponding reduction in emphasis on court programming.

187 Pennsylvania Gov. Milton Shapp has proposed legislation to provide for greater state assumption of court and corrections costs. This should relieve the city's fiscal burden somewhat.

SOUTH CAROLINA

188 There are 53 separate county prison units operating in 40 counties (capacity 3,000; actual population 1,500). There are 46 county jails in operation (total capacity 2,500; actual inmate population less than 1,000). With the exception of the facilities of the South Carolina Department of Corrections, all these institutions are independent and autonomous.

189 The South Carolina program is generally typical of low-population states. In a series of articles written in early 1972, *The Des Moines Register* reported on the similar dissipation of funds and lack of direction in the Iowa program. The Report of the House Committee on Government Operations scores Mississippi and Arkansas for the same problems.

190 The order (Executive Order 25) defines the membership of the committee as 16 persons from state and local government, law enforcement, the legal profession, education and the citizenry; and establishes as its mandate the "responsibility and the duty" to administer both the LEAA program and the Juvenile Delinquency Control and Prevention Act.

191 A police chief, a sheriff, two state police officials, one representative each from the Department of Corrections and the Board of Probation, Pardon and Parole, a judge and a probation counselor.

192 Only two members of the committee are black, despite the fact that blacks comprise 34 percent of the state population. The members of the committee are:

Robert E. McNair Governor	J. P. Strom Chief South Carolina Law Enforcement Division
Dr. Joseph I. Hungate (Chairman) University of South Carolina School of Social Work	Melvin D. Adams Chief of Police Florence
Robert Stoddard (Vice Chairman) Mayor of Spartanburg	Daniel R. McLeod Attorney General
Robert Jenkins, Jr. Probation Counselor, Family Court Charleston County	Col. P. F. Thompson Commander State Highway Patrol
William D. Leeke Director Department of Corrections	Paul McChesney Judge, Family Court Spartanburg
J. Curtis Moore Director of Probation Parole and Pardon Board	James Martin Special Agent in Charge FBI
I. Byrd Parnell Sheriff Sumter County	J. Mitchell Graham Attorney at Law Charleston
Matthew J. Perry Attorney at Law Columbia	Wayne Freeman Editor *Greenville Piedmont News*

193 The LEAP staff coordinators' chief responsibilities are to review project applications and to write that section of the state comprehensive plan for their area of expertise. They are available to local planners for technical assistance and some spend substantial portions of their time in the field.

194 One of the staff members of the LEAP state agency said the military officers are preferred because they know how to fill out forms and handle the paperwork. In at least one region the planner writes all grant applications after the project proposals have been approved.

195 South Carolina has received the following planning grants:

1969 - $ 12,320	1971 - $355,000
1970 - $163,000	1972 - $471,000

196 South Carolina feels that the larger population centers have the highest incidence of crime and that therefore their formula meets LEAA's requirement that special attention go to high-crime areas.

197 An analysis of South Carolina crime statistics shows that while only 17 percent of the state's population lives in eight communities with more than 25,000 people, more than 35 percent of the seven major UCR crimes were committed in these communities. And more than 50 percent of the increase between 1967 and 1968 in robbery, burglary and auto theft for the state can be accounted for by the increase in these crimes in the principal cities of the state.

198 In 1969-70 the budget for law enforcement and criminal administration at the state and local levels was $33,241,866.

199 Several law enforcement planners explained the state's overemphasis on police expenditures as a means of buying credibility and acceptance locally, with LEAP funds. Many criminal justice agencies in South Carolina were reluctant to accept federal funds early in the program. Hardware, or "beans and bullets," was considered by many to be the means to get the subgrantees interested in the program.

200 Includes riot/civil disorder grants and drug and alcohol grants.

201 Includes defense and prosecution projects.

202 SLED is a powerful arm of South Carolina's law enforcement system. Its 102 people offer investigative, technical and manpower law enforcement assistance to all sheriffs, chiefs of police, solicitors, grand juries, mayors and the attorney general's office. The agency is divided into

several branches, including a criminal squad and an arson squad. The communications section, which will house South Carolina's criminal justice information and communications system, is the center for the intrastate police teletype network—which has 57 terminals and also operates its interstate network. South Carolina has been tied in with the NCIC system since 1968.

203 Enabling legislation was passed by the state legislature to establish a statewide system within SLED and to provide for reporting of crime-related information to the system. South Carolina *Code*, Title 53, Chapter 2.1(19).

204 The program has been delayed by the withdrawal of the contractor, RCA, from the computer field.

205 Motorola has been the most active supplier of this equipment.

206 There is no logical relationship in South Carolina between the size and density of a county and its anti-riot equipment purchases. For example, Aiken County, with a population of 91,000, has made some of the largest purchases of anti-riot equipment in the state. However, the county is not listed among the nine counties designated by LEAP as metropolitan areas.

207 1971 South Carolina state plan, p. 306-307.

208 Equipment purchased included 56 riot helmets, 156 gas masks, 56 cans of chemical mace, 100 flack vests, 60 ammo pouches, 50 coveralls, 21 portable radios, 25 spot lights, 7 bull horns, 8 36-mm. cameras.

209 Between May 1970 and August 1971, 45 law enforcement personnel from the state attended SEADOC.

210 For a more complete treatment of the subject, see *Power to the Police, A Report on the Law Enforcement Assistance Program in South Carolina*, by Kenneth D. Pangburn and Paul W. Mathias, a draft report of the South Carolina Council on Human Relations.

211 South Carolina was fifth in the nation in 1970 in LEAA expenditures for construction (of all kinds).

212 The state is greatly in need of a state inspection system for its outmoded (created in 1861) county corrections system.

213 The 1971 Part E funds ($314,000) were spent in the same ways as the block funds—$102,918 going for equipment, facilities and personnel; $100,000 to enlargement of treatment "programming" within the Department of Corrections; $26,782 to renovation of facilities; and the remaining $84,300 to a variety of small projects.

214 The breakdown of black employees in law enforcement-related jobs at the state level is as follows:

	Blacks		Total
Law Enforcement Assistance Program (including staff and regional planners)	0	of	32
Attorney General's Office	0	of	19
State Highway Patrol	4	of	669
State Law Enforcement Division	8	of	112
Probation, Pardon and Parole	7	of	147
Juvenile Corrections (no figures available for adult corrections)	37	of	77

215 In addition, South Carolina has not begun to monitor or evaluate its programs, with the exception of informal self-evaluations conducted by grantees. State officials do not see much need for evaluating equipment grants and—because equipment purchases have dominated the program—have given little emphasis to evaluation.

216 South Carolina typifies the problem of the states that decided to distribute the LEAA money widely and without priorities in the first years of the program to get law enforcement "on board." Once accepted, this approach has proven very difficult to alter.

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Appendix A

CALIFORNIA ACTION GRANTS, 1969-71

Project Title	Description	FY 1971 Grantee	FY 1971 Amount	FY 1970 Grantee	FY 1970 Amount	FY 1969 Grantee	FY 1969 Amount
I. Upgrading of Law Enforcement							
Interdisciplinary training	To establish regional training facilities and develop curricula for all criminal justice personnel within particular areas	14 grants to units of local government, state agencies, universities	$ 655,038	Comm. on Peace Officer Standards and Training, to develop standards ($285,000), Yosemite Jr. College ($237,675), 2 other projects	$ 556,230	4 projects	$ 29,550
Training for police services personnel	To ensure at least 400 hours of basic training	18 grants to units of government, universities, private agencies	$ 1,076,695	10 projects ranging from $3,400 to $100,000, Los Angeles ($1,010,341)	$ 1,268,363	Los Angeles ($93,000), Oakland ($71,821), 3 other grants	$ 180,393
Training for judicial system personnel	To standardize sentencing, prosecution and defense procedures; to speed case processing	14 grants	$ 462,347	Regents of Univ. of Calif. College of Trial Judges	$ 38,571	Regents of Univ. of Calif. College of Trial Judges	$ 30,000
Training for corrections personnel	To provide minimum training for all corrections personnel	7 projects	$ 125,372	3 projects	$ 68,689	—	—
Aid for criminal justice agencies in recruiting	To increase minority representation in criminal justice agencies; to attract lawyers into DA and public defender positions	9 grants	$ 412,602	Inglewood ($155,981), 5 other grants	$ 498,932	Richmond ($90,276), Compton ($77,964), Colton ($11,056)	$ 179,296
	SUBTOTAL, Category I		$ 2,732,054		$ 2,430,785		$ 419,239
II. Prevention of Crime (Including Public Education)							
Crime specific prevention	To develop strategies to attack: narcotics and drug abuse, auto theft, burglary, non-sufficient fund checks and forgery, crimes of violence (domestic violence, riots and disorders), robbery	8 grants	$ 1,392,456	Port Hueneme ($7,731), San Francisco ($30,000)	$ 37,738	Plymouth	$ 4,222
Improvement of law enforcement resources for prevention of crime	To reduce crime by providing security systems for public facilities, increasing patrol surveillance; to treat causes of crime; to eliminate from criminal justice system the mentally ill	15 cities and counties	$ 315,855	Ventura County ($96,766), Sacramento ($1,327,000)	$ 1,773,561	—	—
Increase in community resources for crime	To provide for education and information, volunteer participation, walk-in counseling and crisis intervention	15 projects	$ 441,496	Glendora ($31,485), Univ. of Calif. at Los Angeles Drug Program ($50,740)	$ 82,225	Glendora ($10,000), Merced ($3,000)	$ 13,000
Alcoholism treatment (outside of police-custodial system)	New sources of treatment for inebriates, including detoxification centers	6 projects	$ 480,782	Salinas Valley ($54,905), Santa Clara ($24,248)	$ 79,153	Monterey County	$ 6,500
	SUBTOTAL, Category II		$ 2,630,589		$ 1,972,677		$ 23,722

III. Prevention and Control of Juvenile Delinquency							
Development and improvement of delinquency prevention in the community	To provide youth service bureaus, summer camps, housing and day care, vocational training, family and individual counseling	65 projects	$ 3,548,462	25 projects ranging from $7,500 to $150,000	$ 1,654,729	Calif. Youth Authority ($150,000)	$150,000
Prevention of drug abuse via education and treatment	To provide training for teachers, school administrators, etc., education of parents, community treatment resources	14 grants primarily in metro areas	$ 1,325,189	27 projects ranging from $14,479 to $971,820 in San Diego	$ 2,331,222	3 projects	$ 62,388
Improvement of law enforcement capacity to prevent and control delinquency	To provide school resources officers, delinquency prevention units, special patrol and youth bureaus, police/youth service agencies	15 projects	$ 575,345	8 projects including $928,099 to Shasta County Sheriff	$ 408,091	Davis ($20,049), Tulare ($25,653), Ventura ($39,519)	$ 83,221
	SUBTOTAL, Category III		$ 5,448,996		$ 4,394,042		$ 295,609
IV. Improvement of Detection and Apprehension of Criminals							
Police communications	To provide for command and control, interagency linkups, development of system requirements, consolidation and coordination of communications	14 projects	$ 1,583,768	8 projects including $202,879 to Los Angeles, $212,728 to Long Beach, $254,069 to Oakland	$ 784,352	3 projects	$ 53,820
Criminal justice information system	To provide local systems with equipment for microfilming, record storage, etc.; to assist state system (CJIS)	28 local grants, state $1,000,000	$ 4,441,080	8 grants including $416,740 to Los Angeles	$ 1,296,449	4 grants including $117,448 to Santa Clara	$ 170,625
Crime laboratory improvement	To establish state crime lab system as part of state Dept. of Justice and to improve local labs	State Dept. of Justice $500,000, 8 local labs	$ 633,949	2 projects	$ 26,550	Contra Costa County	$ 6,950
Coordinated law enforcement among jurisdictions	To provide multi-agency tactical squads, interagency drug abuse control squad, police services coordinators and planners	7 projects	$ 210,349	State of Calif. ($69,224), Ventura County ($124,943)	$ 194,167	—	—
Upgrading of equipment, facilities and related staff	To provide helicopters, improved weaponry, electronic protection systems, mobile police services	10 projects	$ 1,175,159	2 projects	$ 34,701	2 projects	$ 22,570
	SUBTOTAL, Category IV		$ 8,044,305		$ 2,336,219		$ 253,965
V. Improvement of Prosecution, Courts and Law Reform							
Reduction of trial court delays	To establish an automatic transcribing system, develop settlement and negotiation procedures, expand night court and create more efficient procedures	10 projects	$ 404,258	San Francisco ($38,500), Judicial Council of Calif. ($34,500)	$ 73,000	San Bernardino Municipal Court	$ 13,500
Upgrading and standardizing of judicial practice	To provide courts with resources and equipment; to establish guidelines on processing and sentencing	16 projects	$ 455,574	Judicial Council of Calif.	$ 72,500	—	—
Improvement of judicial information system	To provide automated data systems for the courts	7 projects	$ 528,692	Central Orange Municipal Court	$ 145,039	—	—

Reduction of jail time awaiting trial	To establish a system of misdemeanor citations; to develop and implement release on recognizance	3 projects	$ 58,166	—	—	—	—
Law reform	To analyze and evaluate existing laws, recommend and draft new laws, provide consultation to legislative bodies	3 projects	$ 82,195	—	—	—	—
	SUBTOTAL, Category V		$ 1,528,885		$ 290,539		$ 13,500
VI. Increasing Effectiveness of Corrections and Rehabilitation							
Provision of correctional treatment in the community	To develop alternatives to incarceration; to establish improved community-based facilities	30 subgrants including state Depts. of Youth Corrections and Mental Hygiene	$ 2,351,798	11 projects including $109,262 to Pittsburg and $101,440 to American Friends Service Comm.	$ 595,933	Contra Costa County ($85,231), Salvation Army ($20,000)	$ 105,321
Improvement and expansion of treatment in institutions	To expand diagnosis and classification services, enlarge vocational training programs, establish and improve facilities	15 grants to the state; 15 to local agencies	$ 1,523,210	6 projects including $700,000 to Alameda County	$ 886,805	3 projects including $55,000 to Public Systems Research Inst.	$ 66,946
Increasing parole and probation effectiveness	To decrease the size of supervision caseloads; to provide specialized staff and facilities	5 state agency projects, 10-15 county agency projects	$ 1,433,299	7 projects	$ 285,825	2 projects	$ 89,683
Improvement of correctional information systems	To lease facilities, design and provide consultants, etc., to improve the information system	State correctional agencies	$ 273,970	—	—	—	—
	SUBTOTAL, Category VI		$ 5,582,277		$ 1,768,563		$ 261,950
VII. Organized Crime							
Improvement of capability to contain and reduce organized crime activity	To train intelligence officers in use of electronic detection equipment; to develop special units; to conduct investigations	Organized crime unit, large metropolitan areas (25 projects)	$ 714,820	Calif. Dept. of Justice ($612,604), Long Beach Police Dept. ($15,419)	$ 628,023	Calif. Dept. of Justice	$200,000
Improvement of information systems for identifying and combatting organized crime	To implement an organized crime and racketeering language computer program (OCRIL)	State Dept. of Justice, 2 local units of government	$ 129,066	Orange County ($117,980), San Mateo County ($265,034)	$ 382,814	—	—
	SUBTOTAL, Category VII		$ 843,886		$1,010,837		$ 200,000
VIII. Riots and Civil Disorders							
Information and intelligence systems for riots and civil disorders	To develop and implement the information system to provide accurate information and to gain advance information upon which to predict	7 grants to local government	$ 279,216	Santa Barbara County Sheriff	$ 66,334	—	—
Training	To train, equip and finance local units; to develop command and control systems	4 grants	$ 486,632	Calif. Military Dept. ($75,600), Calif. Disorder Office ($37,500)	$ 113,100	L.A. County ($20,674), Orange County ($25,907)	$ 46,581

Riot control equipment	To provide high-frequency sound equipment, non-harmful chemicals, stroboscopic lights, transportation and communications equipment	6 grants	$ 272,839	Berkeley Police Dept.	$ 44,000	—	—
	SUBTOTAL, Category VIII		$ 1,038,687		$ 223,434		$ 46,581
IX. Improvement of Community Relations							
Community education	To provide for community liaison units, use of news media to change attitudes, training and educational projects in the schools	18 grants particularly in metro areas	$ 560,282	Compton ($143,800), 2 other grants	$ 193,461	Compton ($53,555), Marin County ($70,327)	$ 123,882
Increased citizen involvement	To provide police precinct service centers, team-policing, community relations aides	16 projects, particularly in metro areas	$ 654,709	—	—	—	—
	SUBTOTAL, Category IX		$ 1,214,991		$ 193,461		$ 123,882
X. Research and Development							
Criminal justice planning	To establish criminal justice coordinating councils and assist planning functions and design studies for facilities	20 projects including 10 to cities or counties with pop. of 250,000 or more	$ 1,724,340	$225,080 to L.A. County, 3 other grants	$ 396,238	—	—
Evaluation	To develop program evaluation technology; to conduct studies of current programs	10-12 projects	$ 480,510	L.A. County ($19,244), Calif. Youth Authority ($6,440)	$ 25,684	L.A. County	$ 9,217
Causes of crime as predictors of criminal behavior	To conduct basic research studies	10-15 projects to state and local agencies and colleges and universities	$ 646,025	2 projects	$ 83,504	—	—
Research to improve operations of criminal justice system	To conduct management and organizational studies, analyze costs and provide resource and reference information	20-25 projects	$ 765,616	5 projects including $107,179 to Fremont Police Dept.	$ 218,331	—	—
Development of improved correctional and rehabilitation methods	To conduct basic research into the correctional area; to devise methods of reducing recidivism	5 projects	$ 195,519	—	—	—	—
Research and planning of criminal justice information systems	To identify and include in the data base those elements which are most useful; to develop a state master plan	5 projects (Calif. Justice Info. System and L.A. Regional Justice System)	$ 225,471	L.A. County	$ 1,536,437	L.A. County	$ 146,350
	SUBTOTAL, Category X		$ 4,037,481		$ 2,260,194		$ 155,567
	TOTAL, Action Grants		$33,102,151		$16,880,751		$1,794,015

Appendix B

CALIFORNIA DISCRETIONARY GRANTS, 1969-71

Grant No. (Year)	*Title*	*Description*	*Grantee*	*Amount*
003 (1969)	Planning for justice	To fund a four-day workshop on criminal justice for state planning agency directors and staff from 9 states and Guam	Calif. Council on Criminal Justice	$ 4,600

007 (1969) (See also 009)	Digital communications system	To update police communications system to alleviate radio channel crowding and create a more efficient dispatch system	San Francisco Police Dept.	$ 100,000
016 (1969) 094 (1970)	Closed-circuit TV capabilities (airborne)	To mount closed-circuit TV on a helicopter to establish a visual command link	L. A. Police Dept.	$ 50,000 $ 15,000 $ 65,000
017 (1969)	Management development program and center	To create a center to conduct training programs for law enforcement personnel. Example of workshops: fiscal management, urban insurrection, personnel development, police management use of computers	L. A. Police Dept.	$ 50,000
022 (1969) (See also 041 and 645)	Criminal justice data file and statistics system	To expand computerized law enforcement information system in Arizona, California, Maryland, Michigan, Minnesota, New York through NCIC	Calif. Council on Criminal Justice (Public Systems Inc.)	$ 600,000
041 (1969) 645 (1971) 645 S-1 (1971) 649 (1971)	Project SEARCH	To expand computerized law enforcement information system among several states (see grant 022); to provide rapid interstate exchange of criminal history information	Calif. Council on Criminal Justice (Public Systems Inc.)	$ 832,000 $ 1,552,060 $ 196,570 $ 84,260 $ 2,664,890
042 (1970) and 988 (1971)	San Clemente special project	To enable San Clemente Police Dept. to cope with increased crime problems, crowd control and civil disorders at times when President is in residence and population doubles	City of San Clemente	$ 99,792 $ 113,162 $ 212,954
090 (1970)	Community service officer and community relations specialist	To establish the rank of community relations specialist within the Police Dept. program (will involve 20 men)	Sacramento Police Dept.	$ 150,000
091 (1970)	Psychiatric consultant	To retain a psychiatrist on a half-time basis	L. A. Sheriff's Dept.	$ 10,000
108 (1970) and 1059 (1971)	Legal adviser	To provide the services of a full-time lawyer to the Police Dept. who will advise on legal aspects of all work	Oakland Police Dept.	$ 15,000 $ 11,250 $ 26,250
115 (1970) and 1060 (1970)	Legal adviser	To provide the services of a full-time lawyer to the Police Dept. who will advise on legal aspects of all work	San Jose Police Dept.	$ 15,000 $ 11,250 $ 26,250
118 (1970) and 1066 (1971)	Crime reduction through police-community relations	To reduce street crime by a public education campaign and meetings in high-crime areas, with programs conducted in Spanish and English	Oakland Police Dept.	$ 150,000 $ 25,057 $ 175,057
133 (1970)	School resource and community relations program	To develop channels of communication among citizens, especially among young persons and the police (full-time school resource officers will operate in each of 5 "school complex" areas)	Fresno Police Dept.	$ 78,759
169 (1970)	Legal adviser	To provide a full-time lawyer to the Police Dept.	Ventura County Police Dept.	$ 15,000
185 (1970)	Psychiatric adviser	To employ a clinical psychologist as a psychiatric aide to the Dept.	Richmond Police Dept.	$ 10,000
200 (1970)	Public safety information subsystem	To initiate a pilot project to develop, test and implement a municipal information system (human resources, public finance, public safety, physical and economic development will eventually tie into a subsystem involving police, fire and civil defense — the public safety component — which this grant will develop)	City of Long Beach	$ 198,508
249 (1970)	Model parole workload system	To change the formula of case assignment, for an experimental year, from the usual "head count" method to one which stresses services	Calif. Council on Criminal Justice	$ 168,996
308 (1970)	Organized crime investigatory and prosecutorial unit	To establish a resource pool within the state to supply, as needed, equipment and personnel for use against organized crime	Organized Crime Unit, State Dept. of Justice	$ 250,000

366, 367 and 368 (1970)	Police executive development fellowship	To support continued study for middle management or command level employees	Calif. Highway Patrol	$ 21,000
369 and 370 (1970)	Police executive development fellowship	To support continued study for middle management or command level employees	L. A. Police Dept.	$ 16,000
371 (1970)	Police executive development fellowship	To support continued study for middle management or command level employees	Calif. Youth Authority	$ 7,500
415 (1970)	Legal adviser	To provide legal services to the L. A. County Sheriff's Office	L. A. County Sheriff's Office	$ 15,000
448 (1970)	Expanded laboratory services	To update the Police Dept. crime lab, particularly its program in drug narcotic analysis	San Francisco Police Dept.	$ 47,711
473 (1970) and 1105 (1971)	Vocational training and placement for juveniles	To operate a residential treatment center for 96 juveniles (16 through 18), who will stay for 6 months and then be returned to the community	L. A. County Board of Supervisors and L. A. County Probation Dept.	$ 199,882 $ 230,000 $ 429,882
486 (1971)	Police-student awareness seminars	To conduct 10 three-day sessions, each involving 10 students and 10 officers from Sheriff's Dept., City of Santa Barbara P.D., Calif. Highway Patrol and Campus Police	Santa Barbara Sheriff's Dept.	$ 52,250
490 (1971)	Project ACE (Aerial Crime Enforcement)	To create a unit with 2 helicopters and 3 crews, with a goal of reducing the crime index 8 percent to 10 percent in the first year	Riverside Police Dept.	$ 150,000
491 (1971)	Police helicopter patrol	To create a unit with 2 helicopters and 3 crews, with a goal of reducing the crime index 8 percent to 10 percent in the first year	Richmond Police Dept.	$ 150,000
509 (1971) (See also 007)	Automated command and control program (DIGICOM)	To install a command and control system and continue efforts to reduce radio channel congestion and provide additional management information	San Francisco Police Dept.	$ 250,000
530 (1971)	Law enforcement consultant team	To develop statewide delinquency prevention programs through a team of 6 police officers working with Youth Authority Personnel	Calif. Youth Authority	$ 96,950
542 (1971)	Management study of Ventura court system	To conduct a study of the processing of criminal cases as well as workflow and space utilization	Ventura County Board of Supervisors	$ 51,260
549 (1971)	Command and control system	To develop an integrated computer-assisted system for central coordination and dispatching, including comprehensive information files to support operations, and to develop a law enforcement information system	San Diego Police Dept.	$ 150,000
552 (1971)	Reduction in street crimes, burglary and crimes of violence	To develop an anti-crime street patrol in "target" areas of the city	San Bernardino Police Dept.	$ 145,413
562 (1971)	Calif. Civil Disorders Tactical Assistance Unit	To fund a unit composed of a specialist, secretary and consultants to provide advice on riots and disorders	Calif. Council on Criminal Justice	$ 44,556
571 (1971)	Communications system	To provide for portable radio-equipped police (PREP) for patrol, crowd control, etc. to tie in with TAC (total area coverage system)	Stockton Police Dept.	$ 68,493
572 (1971)	Production and evaluation of firearms training facility	To design, equip and evaluate a facility at which officers can use firearms in simulated field stress situations	L. A. Police Dept.	$ 250,000
573 (1971)	Police executive development fellowship	See 366	Contra Costa County Sheriff	$ 2,168
579 (1971)	Police legal adviser	See 415	L. A. Police Dept.	$ 15,000

611 (1971)	Selective enforcement and crime prevention teams	To suppress burglaries and violent street crimes to an acceptable level in high-crime areas by team on foot, in cars and in helicopters with constant communication to headquarters	Long Beach Police Dept.	$ 132,488
645 S-2 (1971) (See also 022 and 041)	Project SEARCH	To add Arkansas, Georgia, Massachusetts, Nebraska and Utah to Project SEARCH	Calif. Council on Criminal Justice (Public Systems Inc.)	$ 500,000
659 (1971)	Youth counselor program	To train 8 young people to provide counseling to their delinquent and pre-delinquent peers for a one-year period	San Mateo County Probation Dept.	$ 29,415
677 (1971)	Combatting of felonious crime by citizen involvement	To reduce rape, robbery, burglary, auto theft and drug abuse through creation of a citizens anti-crime committee	San Jose Police Dept.	$ 147,706
678 (1971)	Santa Clara County Narcotics Bureau	To reduce supply and demand of narcotics in county by setting up countywide narcotics bureau with 14 specially trained officers and a coordinating council on drug abuse	San Jose Sheriff's Office (Santa Clara County)	$ 175,981
679 (1971)	Methadone treatment and rehabilitation program	To establish 5 clinics over one year to treat approximately 800-1,000 addicts	Santa Clara County Health Dept.	$ 204,863
687 (1971)	Communications system for San Diego County	To purchase equipment which will permit 9 cities within the county to have coordinated service in law enforcement and other areas of city administration (equipment will add terminals to existing system)	San Diego County Administration Center	$ 200,000
694 (1971)	Career development	To conduct a research project to create "a model personnel development system" to "maximize utilization of limited human resources" — particularly to identify management and other special capabilities	L. A. County Sheriff	$ 68,351
701 (1971)	Santa Clara County pre-trial release program	To establish a unit which will examine defendants to determine their suitabilities for release on their own recognizance while awaiting trial	Santa Clara County Board of Supervisors	$ 78,507
703 (1971)	Mutual aid compact	For development by the 22 police departments in the Orange County area of a mutual aid compact for the prevention and control of riots, and for purchase of specialized equipment for this purpose (non-lethal weapons)	Orange County Sheriff's Dept.	$ 155,000
713 (1971)	Project STAR (Systems and Training Analysis of Requirements for Criminal Justice Participants)	To upgrade performance of personnel in criminal justice system through design of model training programs	Commission on Peace Officer Standards and Training	$ 250,000
734 (1971)	Comprehensive rehabilitation program	To plan and design a facility to provide detention and rehabilitation (present facility is inadequate)	Mendocino County Sheriff	$ 18,949
752 (1971)	Police legal adviser	See 108	San Diego Police Dept.	$ 15,000
774 (1971)	Consolidation of city/county narcotics forces	To establish a task force representing personnel from all police departments in the county to control and restrict narcotics traffic	San Mateo Sheriff	$ 163,538
820 (1971)	Public safety information subsystem	To establish a pilot model project to develop, test and implement a municipal information system to improve information and decision-making capabilities of municipalities	Long Beach City Hall	$ 100,000
872 (1971)	Scientific services support unit	To enable the Sheriff to staff and equip 2 mobile crime units to use throughout the county	L. A. County Sheriff	$ 146,563

877 (1971)	Neighborhood crime control programs	To continue a community service officer and a community relations specialist for each division with the Police Dept., to encourage neighborhood participation in crime prevention and to form patrol units for neighborhoods which include community relations personnel	Sacramento Police Dept.	$ 150,000
882 (1971)	Police investigative and administrative microfilm system	To establish a microfilm and microcode system to automate filing and retrieval of investigative information	Berkeley Police Dept.	$ 64,000
909 (1971)	Alternative processing system	To conduct a one-year research study on improved methods of handling felony cases (felony complaints presently are filed in 30 different locations in the county)	L. A. Superior Court	$ 102,980
931 (1971)	Los Angeles research and evaluation unit	To create a three-man research and evaluation team to provide the L. A. Regional Planning Board with technical advice on grant proposals, to evaluate proposals and to conduct research	L. A. Regional Planning Board (Public Systems Institute)	$ 85,420
942 (1971)	Alternate routes for juveniles	To develop a program to divert juveniles from the formal court process by strengthening community institutions and other resources (project to handle approximately 500 youths)	Orange County Probation Dept.	$ 202,125
964 (1971)	Professional foster homes	To utilize 10 professional foster homes for 20 delinquent girls (parents paid $300 per month for each girl placed and collateral services such as psychiatrist or physician)	Solano County Probation Dept.	$ 72,750
1015 (1971)	National youth project using minibikes	To establish a delinquency prevention project designed to reach junior high school age youth and to attract them to the services the YMCA provides by using minibikes donated by Honda as outreach tools	Calif. Council on Criminal Justice	$ 422,073
1025 (1971)	Law student interns in prosecutor/defender offices	To place law students in the County DA's office and the public defenders office (40 students will be involved)	Santa Clara County	$ 88,909
1036 (1971)	Industrial engineering analysis of the criminal court system	To use industrial engineering techniques and procedures to study the operation of San Diego Superior Court and make improvements	San Diego County	$ 107,970
1037 (1971) (See 249)	Model parole workload system	To conduct a six-month reseach evaluation following the operational phase of a model parole workload project now underway	Calif. Youth Authority	$ 13,325
1058 (1971)	Man-to-man jobs therapy for offenders	To recruit 800 to 1,200 "job advisers" who will be assigned to individual inmates to work with them and counsel them on the services available to them as well as help them get jobs	Calif. Dept. of Corrections	$ 300,000
1067 (1971)	Known-offender file	To computerize the known-offender file and provide an interface between the computer and a high-speed microfilm retrieval system containing photographs and fingerprints	Oakland Police Dept.	$ 124,395
1091 (1971)	San Diego City Jail	To re-open the San Diego City Jail (renovation and training of personnel will be paid for), which will provide facilities for 288 persons and relieve overcrowding in the county jail	San Diego Police Dept.	$ 115,787
1119 (1971)	STOL fixed-wing aircraft and helicopter cost/effectiveness study	To determine the cost effectiveness of different types of police air mobility — helicopters, STOL aircraft and fixed-wing aircraft	L. A. County Sheriff	$ 353,925
			TOTAL, Discretionary Grants	$11,359,467

Appendix C

MASSACHUSETTS ACTION GRANTS, 1969-71
NON-COMPETITIVE PROJECTS[1]

Project Description	*Grantee*	*FY 1971 Funding*	*Funded FY 1970*	*Funded FY 1969*
I. Upgrading of Law Enforcement				
Enhancement of investigative strategies in property crimes and crimes against the person	Newton (on behalf of Newton, Quincy and Northern District of Mass.)	$ 135,000	$ 50,000	—
Joint study of laboratories	Dept. of Public Safety	$ 10,000	$ 10,000	—
Crime scene search training and equipment	Dept. of Public Safety (for cities and towns participating in training program)	$ 75,000	$ 50,000	$ 8,000
New England organized crime intelligence system	Governor's Public Safety Committee	$ 8,520[2]	—	—
Major-city high crime area security	Boston, New Bedford, Cambridge, Worcester, Newton	$ 430,000 $ 33,462 $ 20,125 $ 34,830 $ 23,000 $ 591,417	$ 400,000 — — — — —	— — — — — —
Violent crime program[3]	Boston	$ 25,000	$ 25,000	—
Police planning and research units	Dept. of Public Safety 12 cities and towns excluding Boston	$ 85,000 $ 242,650 (over a three-year period)	$ 40,000	—
State police reorganization	Dept. of Public Safety	$ 265,000	—	—
Demonstration police recruits and in-service training	Lowell Police Dept. on behalf of Mass. Police Training Council	$ 135,430	$ 100,000	[4]
Police command training institute	North East Institute of Law Enforcement Management	$ 42,000	$ 20,000	—
Management training for the state police	Dept. of Public Safety	$ 15,000	$ 15,000	—
Law enforcement education master plan	Mass. Board of Higher Education	Not funded	—	—
Civil service improvements (to identify problem areas)	Division of Civil Services	$ 46,000[5]	$ 8,000	—
State police selection and performance analysis	Dept. of Public Safety	Not funded	$ 100,000	—
Emergency communications	Governor's Public Safety Committee	Not funded	—	—
Police teletype terminals[6]	Cities and towns approved by the Board of Teletypewriter Regulations	$ 150,118	$ 96,899	—
Boston police information and communications system[7]	Boston	$ 350,000	$ 350,000	$ 30,300
Frequency management	Governor's Public Safety Committee	Not funded	—	—
II. Courts, Prosecutions, Defense Projects				
Organized crime unit	Dept. of the Attorney General	$ 105,000	$ 80,000	$ 14,850
Judicial and correctional seminars	Dept. of Corrections and Office of Chief Justice of District Courts	$ 22,610	$ 10,000	$ 4,950
Assessment and accreditation of probation offices[8]	Dept. of Probation	$ 35,000	$ 35,000	—
Roxbury-Dorchester community defenders office	Mass. Defenders Committee	$ 120,000	$ 70,000	$ 9,000
Increase in staff resources of Supreme Court	Chief Justice of Supreme Judicial Court	$ 65,000	—	—
Establishment of an Office of Administration	Chief Justice of the District Courts	$ 40,000	—	—

State information systems planning	Depts. of Corrections and Parole and Office of Commission of Probation	Not funded	$ 100,000[9]	—
Juvenile law revision	Governor's Public Safety Committee	$ 10,000	$ 10,000	—
III. Correction Projects				
Vocational rehabilitation	Dept. of Corrections (research into vocational rehabilitation processes)	$ 100,000	$ 25,000	$ 17,000
Community-based follow-up of Norfolk Fellowship[10]	Dept. of Corrections	$ 20,000	$ 20,000	—
Development of comprehensive community-based treatment and rehabilitation programs	Boston	$ 100,000	$ 200,000	—
Parole half-way house	Parole Board	$ 60,000	$ 60,000[11]	$ 12,000[12]
Joint correctional planning and action capability	Joint Correctional Planing Commission (representing state and local correctional and youth service agencies and the public)	$ 100,000	$ 55,000	—
IV. Juvenile Delinquency Projects				
Youth resources bureaus	Brockton, Cambridge, New Bedford, Springfield, Worcester, Somerville	$ 408,482	$ 170,000	$ 62,286
Community residential and treatment centers for juveniles	Boston, Lynn, Springfield, New Bedford	$ 200,000	$ 102,783[13]	—
Community high-crime area delinquency prevention	Boston, Somerville	$ 115,000	$ 70,000	—
Dept. of Youth Services (DYS) planning and development of community services	Dept. of Youth Services	$ 250,000	—	[14]
DYS parole volunteer program	DYS	$ 25,000	$ 25,000	—
Innovative educational programs at DYS institutions	DYS	$ 52,394	$ 60,000	—
DYS planning capability	DYS	$ 50,000	$ 50,000	—
DYS administration and management	DYS	$ 50,000	—	—
V. Drugs and Alcohol Projects				
Community alcohol detoxification	Boston, Lowell and Worcester	$ 400,000	$ 209,000	—
Drug intelligence information system[15]	Attorney General	$ 75,000	—	—
VI. Special Projects				
Committee program evaluation component	Governor's Public Safety Committee[16] (to Harvard Univ.)	$ 89,235	$ 25,000	—
Mass media-public education	Governor's Public Safety Committee	$ 50,000	—	—
	TOTAL, Non-Competitive Projects	$4,718,856	$2,641,682	$ 158,386

Appendix C

MASSACHUSETTS ACTION GRANTS, 1969-71
COMPETITIVE PROJECTS

Project Title	*Description*	*Grantee*	*Federal Funds Allocated (1970-1971)*[17]	*Previous Awards 1969*
I. Police Projects				
Comprehensive attacks on auto theft and burglary	To analyze auto theft and burglary problems and develop methods to reduce these crimes	Boston, Lawrence, Winchester, Revere, Brookline	$ 130,000	—
Regional and local disorder control units and training	To control disorder through cooperative plans, training and limited defensive equipment	10 cities (excluding Boston)	$ 300,000	$ 87,210[18]
Police planning and research units	To develop units within police departments capable of handling information to most effectively control crime, maintain order and provide needed services	12 cities (excluding Boston) and Dept. of Public Safety	$ 270,000	$ 9,000 (to Medford)
Management studies[19]	To study the organization and management of criminal justice agencies and implement management improvements based upon earlier studies	14 cities (excluding Boston)	$ 470,000	(3 cities) $ 53,230
Consolidation	To promote consolidation (study or implementation) among police organizations or with other agencies such as fire departments	(No projects funded to date)	$ 65,000	—
Innovative operations model	To help municipal police agencies develop innovative techniques and procedures such as team policing, to improve supportive services, etc.	Cambridge, Brookline, Holyoke, Lowell	$ 460,000	—
Training and reference materials[19]	To provide for preparation and distribution of training, reference and handbook materials	Suffolk County Dept. of Public Safety, Atty. Gen. Medford	$ 180,000	—
Specialized skills[19]	To provide criminal justice agencies personnel with needed skills such as communications, management or psychiatry	Boston Dept. of Corrections, District Court of Plymouth	$ 220,000	—
Specialized in-service training[19]	To design, demonstrate and implement recruit and in-service training	Boston, 7 other cities and counties, Dept. of Public Safety	$ 467,000	$ 41,145
Police information systems	To design computerized and non-computerized systems	Woburn, State Police (Dept. of Police Safety)	$ 255,000	$ 46,200
Police communications equipment	To support the purchase of communications equipment which meets specifications identified in a statewide police communications plan	Boston, Barnstable, Chelsea, Everett, Medford, Newton, Quincy, Peabody, Brockton, Cambridge, Brookline	$ 300,000	$ 62,800
II. Courts, Prosecutions, Defense Projects				
Model bail program	To implement and evaluate the effectiveness of the money-bail system as an alternative to professional bondsmen in the district court	Superior Court	$ 50,000	—
District court prosecutors	To support the employment of assistant DAs in the district courts	Middlesex, Suffolk, Worcester, Norfolk, Fitchburg, Hampshire, Lynn, Fall River, Acushnet, Franklin, Middlesex County DAs Assn.	$ 330,000	$ 21,500 (Middlesex County)

III. Corrections Projects				
Educational services	To develop high school and college level educational programs and cultural motivational programs within correctional institutions	Boston Dept. of Corrections	$ 115,000	—
County institution resource and referral agents	To provide comprehensive vocational educational counseling treatment programs for inmates of county jails and houses of correction	4 counties	$ 180,000	—
Work release	To establish community-based work-release programs	Norfolk County Dept. of Corrections, Boston	$ 200,000	$ 12,000[20] —
IV. Juvenile Delinquency Projects				
Vocational projects serving delinquent youthful offenders	To provide for development of project by existing job training and placement agencies	Lawrence, New Bedford, Boston, Cambridge, Worcester	$ 180,000	—
Model juvenile probation	To develop innovative probation techniques for the rehabilitation of offenders through improved use of personnel and/or community resources	3 cities, 3 counties, Boston	$ 260,000	$ 43,000
Innovative recreational-educational enrichment	To develop programs outside the school for delinquent and potentially delinquent youth	Springfield, Cambridge, Somerville	$ 200,000	—
Mental health services to delinquents and their families	To develop and test methods of providing mental health services to delinquent and potentially delinquent youth and their families	Boston, Middlesex County	$ 105,000	—
V. Drugs and Alcohol Projects				
Community drug treatment	To design, develop and evaluate community-based treatment	Cambridge, Lawrence, Worcester, Boston, New Bedford, Leominster	$ 450,000	—
		TOTAL, Competitive Projects	$5,187,000	$ 376,085

[1] Often the funding overlaps fiscal years or is delayed; the FY 1971 funding level represents the most accurate figures obtainable by the time of publication of this report.

[2] A discretionary grant of $649,930 was awarded for a three-year period to "implement and evaluate a multi-state organized crime intelligence system and to develop practical techniques for integrating organized crime intelligence data handling at a New England-wide level. A grant of $174,176 had been awarded to Boston previously to develop the prototype for this system.

[3] The purpose of this program is to deal with violent and dangerous persons who come into police custody.

[4] In 1969 the Police Training Council received $15,430 to provide supervisory training for officers.

[5] This grant was used to develop a non-discriminatory entrance examination for police officers. The first use of this test was scheduled for March 1972.

[6] The purpose of this grant is to assist up to 165 municipal departments to obtain teletype terminals for Law Enforcement Agencies Processing system (LEAP).

[7] This is to establish a command and control system in Boston. This project is based on a study made in 1967 for the Boston Police Department with OLEP funds ($30,200).

[8] The objectives of this program are to gather data on probation offices in Massachusetts to design a set of criteria and standards by which they can be assessed and in general to upgrade the performance of these offices.

[9] This was a grant for the purpose of analyzing information needs in the correctional system. It was made to the grantees listed.

[10] The Norfolk Fellowship is a private organization which provides volunteer assistance to recently released inmates in urban areas.

[11] This grant was awarded for the specialized purpose of a drug half-way house.

[12] This grant was awarded to the Department of Corrections for a study of half-way houses.

[13] This also includes some money to Harvard Univ. to evaluate these centers.

[14] In fiscal 1969, there were no grants to the Department of Youth Services.

[15] This is for a "study" of the drug problem in the state using computer technology.

[16] This money is being used to evaluate the Department of Youth Services.

[17] The two fiscal years are combined because the grants overlap and it is difficult to determine the year of funding.

[18] In 1969 this money was awarded to "riot" control units rather than "local disorder" control units, and Boston was included.

[19] These projects are available to agencies other than the police. All elements of the system can compete for them.

[20] This money was awarded in 1969 under the category "data handling and communications technical assistance."

[21] The Dept. of Corrections received $12,000 to conduct a study of half-way houses.

Appendix D

MASSACHUSETTS DISCRETIONARY GRANTS, 1969-71

Grant No. (Year)	*Title*	*Description*	*Grantee*	*Amount*
021 (1969)	Pilot organized crime information system	To develop a model prototype organized crime intelligence system; to provide for conversion of data into a computerized format	Governor's Comm.	$ 174,176
044 (1970)	New England organized crime intelligence system	To establish an Interstate Intelligence Analysis and Dissemination Center which should (1) provide an understanding of the complexity of organized crime in New England, (2) show whether or not state-local initiative with federal funding is an effective way to deal with the problem and (3) provide a continuing intelligence and strategy unit in New England	Governor's Comm.	$ 598,430
073 (1970)	Comprehensive drug abuse program	To combat the drug problem through education, treatment, prevention and law enforcement	Boston	$ 150,390
105 (1970)	Police policy manual	To develop a policy manual to use in sensitive social situations and to include updated department rules and regulations	Cambridge Police Dept.	$ 21,295
135 (1970) and 707 (1971)	Development of interagency cooperation in corrections	To affect rehabilitation process through jobs and job training (a private consulting firm will train and obtain job commitments from private industry in the state; 172 offenders will be served)	Technical Development Corp. (Bedford)	$ 124,300 $ 75,615 $ 199,915
145 (1970)	Management operations and study	To focus on the court's criminal case disposition process (this court handles more than 25,000 cases annually and its backlog increased 330 percent between 1963 and 1969)	Mass. Superior Court (MITRE Corp.)	$ 75,000
172 (1970)	Community youth residence	To establish within the Model Cities area of Cambridge a youth residence combining psychiatric and vocational services, etc. (LEAA funds will provide staff salaries for one year)	Cambridge (DARE, an agency which has operated youth houses in Greater Boston, will operate this one)	$ 22,250
265 (1970)	Day/night care — drug crisis center	To house 20 youth between 15 to 20 in the center and reach approximately 800 annually (all disciplines — police, courts, public and private social agencies — are participating)	New Bedford Area Mental Health Clinic	$ 45,172
341, 382 and 383 (1970)	Police executive development fellowships	To support one year of advanced training for middle management or command level employees of the state police	Mass. State Police	$ 16,000
421 (1970) and 517 (1971)	Vertical policing service — multi-story housing	To provide security in public housing through improved liaison with police, establishment of a residence security patrol using project residents as coordinators and assistants and establishment of a resident advisory group	Springfield, Boston	$ 85,000 $ 173,540 $ 258,540
438 (1970)	Regional staff training and treatment unit for delinquents and predelinquents	To train approximately 800 staff workers in various agencies related to delinquent and pre-delinquent children in Northeast, and to establish a treatment program for 60 juveniles to act as a laboratory for the training	Dept. of Youth Services	$ 200,000
487 (1971)	Conflict/disorder assessment group	To provide technical asistance to local governments and public-private groups on avoidance of violence as the end result of conflicts and crises	Dept. of Public Safety	$ 59,981
494 (1971)	Rehabilitation and work release	To provide academic and skill training, work release and job placement for 400 inmates between 17 and 28 at the Billerica House of Correction (the previous training units — a dairy farm and a broom factory — will be closed)	Middlesex County Sheriff's Office (Sylvania Training Services)	$ 180,661

507 (1971)	Emergency communications system	To develop a total statewide emergency communications system, for use primarily in crises or civil disorder situations	MITRE Corp.	$ 99,599
510 (1971)	Mutual aid compact and training development program	To train a tactical unit of 106 men in prevention and control of civil disorder	Lowell (Northeastern Mass. Law Enforcement Council — 22 jurisdictions)	$ 25,000
529 (1971)	Forensic science laboratory improvements	To complement a $135,000 block grant in order to provide more complete lab services to all criminal justice agencies	Governor's Comm. and Boston	$ 120,000
553 (1971)	Half-way house	To provide a treatment unit for 25 inmates of Concord Correctional Inst. who will then be transferred to a half-way house in Boston (addicts will be trained to become treatment staff members)	Mass. Parole Board	$ 154,318
560 (1971)	Police legal adviser	To provide legal services for the Quincy Police Dept.	Quincy	$ 15,000
565 (1971)	Breaking, entering and auto theft program (BEAT)	To develop a program to reduce crimes in these categories by establishing a data bank to provide data necessary for developing crime control programs and devices such as homing, listening and tracking, to develop a preventive capability	Lowell	$ 96,477
566 (1971)	Mutual aid compact and program development	See 510	Western Mass. Law Enforcement Council (Chiefs of Police in Springfield, Chicopee, Holyoke, Hampden and Hampshire Counties)	$ 22,874
578 (1971)	In-service training curriculum design	To analyze in-service training needs and design a curriculum	Mass. Police Training Council	$ 29,500
586 (1971)	Court management study	To identify and describe the existing system of court operation and provide recommendations for improvement	3rd District of Mass. (Cambridge) (MITRE Corp.)	$ 25,000
592 (1971)	State police legal adviser	To provide legal services to the state police	Dept. of Public Safety	$ 15,000
594 (1971)	Legal adviser and psychiatric assistance	To provide full-time legal and part-time psychiatric services to the Boston Police Dept.	Boston	$ 25,000
654 (1971)	Counseling and legal services at Billerica House of Corrections	To reduce the jail population and to stem the 70 percent recidivism rate through a program to include legal services, counseling, rehabilitation and work release (the Mass. Bail Reform Act of 1970 and release-on-recognizance program will be implemented)	Middlesex County Sheriff's Office	$ 149,588
684 (1971)	Volunteers in service, intern training project	To improve and expand existing diagnostic services for juveniles using and training volunteers (measure of success will be reduced recidivism rate)	Essex County Commissioners, Salem	$ 150,293
719 (1971)	Comprehensive drug program	To establish a methadone maintenance program and a half-way house, and to establish a lending library of drug abuse educations kits for the public schools	Norfolk County	$ 153,986
907 (1971)	Educational negotiations project	To develop and implement a model in 3 Mass. schools to institutionalize negotiating in education, so as to avert confrontation and disorder (community relations services also will provide support)	Mass. Dept. of Education	$ 62,194
962 (1971)	Team policing	To adapt the decentralized team-policing concept to a city made up of a variety of homogeneous neighborhoods	Holyoke Model Cities Agency	$ 200,000
963 (1971)	Probation residential center	To establish a residence for 15 male offenders aged 17 to 25 who are on probation	Framingham	$ 164,213

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1065 (1971)	Conflict management and crisis intervention curriculum	To design a conflict management training curriculum and train 2 units of 20 men each — one from the state police special duty corps and one from a local police department	Dept. of Public Safety and local police departments	$ 98,968
1099 (1971)	Juvenile delinquency prevention and control	To provide a youth resources bureau to service the Model Cities neighborhood and establish a system of alarms for the school system to help reduce vandalism	Fall River	$ 100,000
1103 (1971)	Police and community service cadets	To expand the Model Cities community service cadets project; to serve as a recruitment base for the police cadet project; to build rapport between police and youth; to reduce the confrontation and crime rate; to provide for minority recruitment; to develop community leadership	Springfield	$ 100,000
			TOTAL, Discretionary Grants	$3,808,820

Appendix E

OHIO ACTION GRANTS, 1969-71

Project Title	*Description*	*FY 1971*[1] *Grantee*	*Amount*	*FY 1970 Grantee*	*Amount*	*FY 1969 Grantee*	*Amount*
I. Upgrading of Law Enforcement							
Recruiting and testing	Mass media campaign; to help law enforcement agencies develop and establish recruiting and testing programs to upgrade the quality of recruits; to attract recruits from minority groups; to improve selection procedures	State agency and 3 other projects	$ 99,600	Not yet approved	$ 90,000	—	—
Police cadets/ auxiliaries	To attract 18- to 20-year-olds into police work and to upgrade quality through college training of potential applicants; to provide on-the-job training to potential recruits	Cincinnati and 2 other cities	$ 101,400	Attorney General, Ashtabula, Girard, other	$ 70,000 $ 5,656 $ 1,719 $ 2,625 $ 80,000	Dayton	$ 31,108
Recruit-in-service training, specialized training, police	To provide training to all police personnel on a statewide basis; to upgrade and expand training facilities through purchase of training aids, equipment and educational materials	28 projects	$ 852,090	Southeastern COG, Columbus, District 13 and 11 other projects	$ 520,000	Southern Ohio Council of Governments (COG), District 13, Cleveland and 14 other projects	$ 300,826
Personnel administration	To establish personnel management programs through courses at Ohio State attended by persons from various police departments (will provide supervisory training for 20 officers)	20 police officers throughout the state	$ 40,800	Cleveland	$ 30,000[2]	—	—
General facilities improvement	To provide physical resources to police departments, such as firearms facilities, training facilities, detoxification facilities, 2 detoxification centers and a mobile police substation in Columbus	15-20 projects	$ 1,710,750	Ohio State Highway Patrol, Worthington, other	$ 400,000 $ 3,435 $ 1,905 $ 405,340	—	—

General organization systems and procedures	To conduct professional management surveys in large police departments and to undertake manpower allocation projects	District 2 4 cities	$ 18,000 $ 169,800 $ 187,800	Toledo, Columbia, Hamilton, Tiffin, Mansfield, other	$ 1,027 $ 49,000 $ 12,861 $ 4,472 $ 6,320 $ 306,320 $ 380,000	—	—
Equipment	To provide: investigative aids such as fingerprint kits, intercom systems, crime scene search and evidence kits; motor scooters; training aids such as closed-circuit TV and motion picture cameras; closed-circuit TV for maintaining surveillance and security in cell blocks; and computerized records to be compatible with SEARCH and to be used as terminals in the system	40-50 projects from $200-$750,000	$ 800,000	State Highway Patrol, 20 cities and counties (video tape), 16 grants for general police equipment, Cincinnati (motor scooter), 45 grants for purchase of police cruisers, other	$ 60,000 $ 38,071 $ 24,538 $ 7,000 $ 271,274 $ 309,361 $ 710,244	24 grants (for video tape equipment)	$ 44,245
Supporting services	To provide police legal advisers and law enforcement reference libraries	12 projects	$ 181,800	Cincinnati, other	$ 5,912 $ 62,113 $ 68,025	—	—
	SUBTOTAL, Category I		$ 3,974,240		$2,283,609		$ 376,179

II. Prevention of Crime (Including Public Education)

Narcotics, alcohol and dangerous drugs	To establish alcohol detoxification and drug abuse treatment centers in 6 districts	Bureau of Indent. and Invest.	$ 150,000	Ohio Dept. of Liquor Control	$ 1,450	Mad River Valley COG	$ 2,541
	To provide education for law enforcement officials and education programs in the schools	25-35 other projects	$ 850,000 $ 1,000,000	Middletown	$ 13,395	Northwest Ohio, Lake County	$ 11,698
	To establish districtwide programs of "undercover" drug enforcement			Columbus	$ 2,522	Lake County	$ 27,650 $ 41,889
	To provide funds to the State Bureau of Criminal Investigation and Identification, which is responsible for investigating drug abuses or drug distribution, for information and "bugs"			Trumbull County	$ 48,104		
	To establish areawide coalitions on drug abuse and alcoholism			Toledo, other	$ 15,000 $ 19,529 $ 100,000		
High-crime-rate areas	To develop a system design to analyze daily reports of serious crime, so as to indicate how much crime occurs when and where, and forms of police action necessary to decrease the crime rate	District 4 (Cleveland Metro Area)	$ 40,000	Toledo COG	$ 9,000	—	—
Preventive patrols, police	To develop a program of helicopter patrol and surveillance (one grant will be used to continue an ongoing program, the rest to implement 2 new programs)	District 1 (Northwest Ohio), 2 (Toledo), 4 (Miami Valley)	$ 192,000	Miami Valley (Kettering) Cleveland[3] other	$ 139,249 $ 32,240 $ 32,240 $ 203,729	—	—
	SUBTOTAL, Category II		$ 1,232,000		$ 312,729		$ 41,889

III. Prevention and Control of Juvenile Delinquency							
Juvenile specialist training	To train youth counselors; to assist the Ohio Youth Commission program for personnel working with juvenile delinquents; to train paraprofessionals and volunteers; to provide for police juvenile officer training	Ohio Youth Comm., 8 other grants	$ 266,233 $ 323,519 $ 589,752	District 13, Ohio Youth Commission	$ 15,567 $ 168,513 $ 184,080	Summit County	$ 21,877
Community treatment of juvenile delinquency	To provide 6 youth service bureaus, a juvenile volunteer, 5 case aides, clerks, tutors, etc., and a special division of social workers who work intensively with delinquents and families; to fund 4 juvenile court placement programs, 15 police-youth weekends, 2 juvenile training centers and half-way houses and Ohio Youth Commission programs	36 programs	$ 1,164,801	Ohio Youth Commission, Silverton, Akron, Jefferson County, Miamisburg, Miami Valley COG, NE Ohio, other	$ 150,000 $ 20,469 $ 81,889 $ 42,417 $ 9,547 $ 26,400 $ 33,715 $ 385,715 $ 750,152	—	—
Juvenile rehabilitation facilities	To help the Ohio Youth Commission develop a recreation complex to serve 3 institutions for 850 delinquent children	Ohio Youth Comm.	$ 225,025	District 5	$ 83,838	—	—
	Provide local funds for studies to determine needs and/or locations of juvenile detention facilities, and assist in remodeling or improvement of existing facilities and provide planning grants for construction of detention and rehabilitation facilities	5-10 other projects	$ 1,461,000 $ 1,686,025	Lucas County (juvenile home for girls), other	$ 30,000 $ 252,162 $ 366,000		
Juvenile institution programs and techniques	To develop group work techniques (group therapy in juvenile rehabilitation), develop leadership and success motivation, provide community employment training for parolees, improve security systems for personnel and residential groups, improve and expand clinical services, implement community programs for girls 15-19 ("positive reenforcement of socially acceptable behavior") and provide short-term intensive treatment for boys 14-16	10-15 projects	$ 659,586	Ohio Youth Commission	$ 72,879	—	—
	SUBTOTAL, Category III		$ 4,100,164		$1,373,111		$ 21,877
IV. Improvement of Detention and Apprehension of Criminals							
Criminal apprehension and detention	To automate the state criminal index so it will interface with SEARCH and other computer-based systems in the state; to develop a series of regional files to tie into LEADS (Ohio Law Enforcement Automated Data System) and through LEADS to NCIC	State 10 areawide and local information indexes	$ 225,000 $ 371,200 $ 596,200	Attorney General (computerization of state criminal index)	$ 76,500	Ohio State Highway Patrol (statewide warrant and wanted persons system)	$ 66,000

Crime laboratory improvement	To continue a 1970 grant to develop an Institute of Forensic Medicine, Toxicology and Criminal Statistics	Hamilton County	$ 290,000	Attorney General	$ 205,000	Attorney General (Regional Crime Lab)	$ 106,500
	To provide mobile crime lab services	2 mobile crime labs	$ 41,000	Hamilton County,	$ 625,000		
		State	$ 336,122	other labs	$ 425,000		
		Bureau of Criminal Identification	$ 667,122	in cities/ counties	$1,255,000		
Communications	To maintain radio contact with all members of police departments and other police agencies within the same geographical or urban location; to utilize computers for command and control	40 projects (ranging from $1,000-$150,000) to state districts and municipalities	$ 1,000,000	Akron	$ 57,600	Medina County,	$ 29,470
				71 grants to 53 cities and villages, 14 counties, 3 townships, 1 state agency to purchase equipment,	$ 418,006	3 grants for purchase of radios and scrambling devices	$ 52,713
							$ 82,183
				other (projects not yet approved)	$ 349,394		
					$ 825,000		
	SUBTOTAL, Category IV		$ 2,263,322		$2,156,500		$ 254,683
V. Improvement of Prosecution and Court Activities and Law Reform							
Bail system	To provide, in Akron-Summit County, a thorough examination of bail practices and plan of improvement based on findings	3 public defender programs	$ 250,000	Project funds not yet allocated	$ 60,000	—	—
Court operations — pre-trial	To improve the district-wide court system (studies conducted by consultants in public administration and finance) and to help court administrators expedite the assignment of cases for trial (3 projects)	6 projects	$ 150,000	—	—	—	—
Court operations — prosecution/ defense	To fund public defender programs (Toledo and metropolitan area, for example, taking over the Toledo Legal Aid Society), to finance prosecutors' aides and to conduct seminar programs, in cooperation with local law schools, for city and county prosecutors, judges and police	3 public defender programs	$ 250,000	Project funds not yet allocated	$ 60,000	—	—
		2-5 prosecutors' aides	$ 67,000				
		2-5 seminar programs	$ 15,000				
			$ 332,000				
Court operations — trial and sentencing	To fund a study by the Ohio Supreme Court of existing rules of criminal procedure (currently the court has no discretionary power in sentencing), and to fund educative programs designed and conducted by the Ohio judicial conference	2-3 projects	$ 150,000	Project funds not yet allocated	$ 60,000	—	—
Court operations — general and administration	To provide for renovation and construction of a criminal justice complex for the city of Toledo and Lucas County	Toledo	$ 500,000	Cuyahoga County justice center	$ 71,160	—	—
	To improve and renovate courtroom facilities in municipal and county courts	5-10 facilities	$ 175,000	other	$ 188,840		
					$ 260,000		

	To provide funds for equipment to improve court processing and record-keeping	Equipment (3-10)	$ 127,000 $ 802,000				
	SUBTOTAL, Category V		$ 1,684,000		$ 440,000	—	—
VI. Increase in Effectiveness of Corrections and Rehabilitation (Including Probation and Parole)							
Adult correctional specialists	To train corrections personnel	Dept. of Mental Hygiene,	$ 521,070	Dept. of Mental Hygiene	$ 501,000	Dept. of Mental Hygiene	$ 72,000
	To provide in-service training for probation officers	6 other projects	$ 176,930 $ 698,000	Toledo COG	$ 7,500		
	To expand Dept. of Mental Hygiene and corrections staff training programs			other	$ 71,500 $ 580,000		
Adult correctional facilities	To plan renovation or expansion of 5-8 facilities	15-18 projects	$ 500,000	Claremont County,	$ 21,563	14 grants (closed-circuit TV monitoring)	$ 77,137
	To improve security systems with 10 county facilities			6 grants (closed circuit TV),	$ 26,615		
				other	$ 91,822 $ 140,000		
Community treatment of adult offenders	To expand state probation services to criminal courts	Half-way houses	$ 177,500	Toledo	$ 35,032	—	—
	To establish 2 half-way centers, each serving 35 probationers located in Dayton and Butler County	Dept. of Mental Hygiene	$ 240,284	NW Ohio	$ 29,954		
	To improve probation services, including centralization of probation services on a districtwide basis	5 other projects	$ 143,259 $ 561,043	NE Ohio, other	$ 39,384 $ 225,630 $ 330,000		
Correctional programs: "shock probation" and techniques	To continue a program providing for release of inmates on probation by the original sentencing court between 30 and 130 days after confinement (of 1,343 offenders released to date, only 120 had been returned, for a recidivism rate of 8.9 percent)	Dept. of Mental Hygiene,	$ 293,779	Cincinnati (work release),	$ 41,870	—	—
		2-5 other projects	$ 247,500 $ 541,279	Hamilton County, other	$ 9,152 $ 315,266 $ 366,288		
	To fund a central reception center to serve exclusively for reception and for centralized medical service for the entire Division of Corrections						
	To establish general rehabilitation and correctional techniques for alcoholics (a program of "operant condition" behavior modification of inmates with alcohol problems)						
	SUBTOTAL, Category VI		$ 2,300,322		$1,416,288		$ 149,137
VII. Reduction of Organized Crime							
Organized crime	To expand the organized crime unit of the Ohio Bureau of Criminal Identification and Investigation, including operation of an intelligence system	Organized Crime Unit	$ 200,000	Attorney General	$ 142,335	—	—

	To train investigators who will be involved in prosecuting organized crime	3 training projects	$ 61,000 $ 261,000	Cincinnati (electronic surveillance equipment), Indian Hill (intelligence unit), Franklin County Investigation Unit, other	$ 1,481 $ 8,030 $ 82,380 $ 65,774	—	—
	SUBTOTAL, Category VII		$ 261,000		$ 300,000		
VIII. Prevention and Control of Riots and Civil Disorders							
Riots and civil disorders	To provide funds for riot equipment in predominantly rural counties	Equipment for 20 projects	$ 300,000	30 projects	$ 400,000	15 projects (including 8 largest cities)	$ 307,000
	Training for riot and civil disorder control	Training for 10 projects	$ 200,000 $ 500,000				
Riots and civil disorders in state-supported universities	To fund equipment and training for security forces at each of the 12 state-supported universities (security force strength at these schools ranges from 5-6 at smaller schools to 75 at Ohio State)	Equipment for 11 projects[4]	$ 175,000	—	—	—	—
		Training for 11 projects	$ 78,000 $ 253,000				
	SUBTOTAL, Category VIII		$ 753,000		$ 400,000		$ 307,000
IX. Improvement of Community Relations							
Police-community relations	To conduct a course at OSU on "Understanding Human Behavior" for police-community relations officers; to initiate community relations officers programs and expand ongoing ones	10-15 projects	$ 475,000	4 projects, other	$ 103,195 $ 96,805 $ 200,000	3 projects	$ 85,188
	SUBTOTAL, Category IX		$ 475,000		$ 200,000		$ 85,188
X. Research and Development (Including Evaluation)							
Alcoholism and drugs	To conduct studies in the following areas: (1) study to determine the incidence of illicit drug involvement among youth, (2) feasibility study for establishment of detoxification unit, (3) study of drug abuse education and half-way houses, (4) treatment of sociopaths by means of drugs	Alcoholism, 4 projects	$ 150,000		$ 505,000[5]	—	—
		Juvenile delinquency, 4 projects	$ 150,000				
		Corrections, 4 projects	$ 33,000				
		Communications, 1 state project	$ 60,000 $ 393,000				
Juvenile delinquency	To conduct studies in: (1) prevention and control, (2) evaluation of "Friends in Action," a program in Columbus designed to reduce delinquency among young girls, (3) diagnosis classification and differential treatment, (4) behavior modification	Research, 4-8 projects	$ 141,952	—	—	—	—
		State Dept. of Mental Hygiene	$ 300,000 $ 441,952				

Corrections	To conduct studies and surveys in: (1) personnel standards and salaries, (2) districtwide inventory of needs, (3) training program needs and development (comprehensive educational program for all state's prisons) To conduct a statewide communications study	—	—	—	—
	SUBTOTAL, Category X	$ 834,952	$ 505,000	—	
	TOTAL, Action Grants	$17,878,000	$9,387,237	$1,235,953	

[1] 1971 figures are estimated because at the time of this report not all 1971 projects had been funded.
[2] The 1970 grant to Cleveland was to upgrade police personnel management.
[3] This project was to develop a number of "community safety officers" for high-crime-rate areas to assist regular police officers.
[4] Of the nine districts in which these projects will be funded, six are predominantly rural.
[5] Unspecified as to where the money went.

Appendix F

OHIO DISCRETIONARY GRANTS, 1969-71

Grant No. (Year)	*Title*	*Description*	*Grantee*	*Amount*
011 (1969)	Neighborhood crime control, detection and prevention program	To establish a mobile task force which can saturate higher-crime areas of the city (will pay for 2 cruisers, 2 unmarked cars, 2 mobile laboratories, a sound system and other equipment)	Cleveland	$ 100,000
052 (1970)	Reduction of docket delay	To conduct a management study of the courts to reduce docket delay and speed information exchange (involves all 15 courts in the county)	Cuyahoga County Criminal Justice Coordinating Comm.	$ 82,840
147 (1970)	Model evidence technician force	To upgrade evidence collection and preservation capability of Cleveland Police Dept. (grant is for 2 evidence technician cars, each manned by 2 trained technicians, in each of 6 police districts)	Cleveland	$ 141,146
149 (1970) and 887 (1971)	Police legal adviser	To employ a lawyer for the Dayton Police Dept.	Dayton	$ 14,866 $ 11,150 $ 26,016
189 (1970)	Metropolitan narcotics control program	To create a countywide unit of 10 agents from jurisdictions in the county to deal with enforcement, education and treatment	Stark County COG (Canton)	$ 85,136
204 (1970)	Youth services bureau	To create a bureau aimed at preventing 6- to 14-year-olds from becoming delinquent	Toledo	$ 75,900
213 (1970)	Psychological testing and evaluation for Police Dept.	To use a psychologist to evaluate 50 officers for a new experimental district and to review police applicants	Dayton	$ 10,000
263 (1970)	Juvenile detention study	To develop a plan for a juvenile detention and rehabilitation center and to investigate innovations regarding juvenile court procedures	Stark County Juvenile Court	$ 65,100
275 (1970)	"Shock" probation	To expand community bond treatment and supervision for selected offenders who have served 30 to 130 days	Ohio Dept. of Mental Hygiene and Corrections	$ 88,021
281 (1970)	Training program	To provide a training program for group leaders of the child study institute (will involve 40 people who deal with children described as "injurious to themselves or others")	Toledo	$ 12,000
284 (1970)	Management development program for corrections administrators	To improve and develop management skills of top and middle level management in the correctional field	Ohio State Univ.	$ 93,750

292 (1970) and 1111 (1971)	Conflict management	To provide a team of intergroup relations officers to identify and analyze potentials for conflict and develop new types of police responses	Dayton	$ 98,595 $ 70,140 $ 168,735
300 (1970)	Vertical policing multi-story housing in Cleveland	To organize a resident volunteer security system in and around housing for the elderly	Cleveland	$ 112,677
309 (1970)	Dayton alcohol and drug rehabilitation	To establish 2 screening and treatment centers to take a nonpunitive approach to drug and alcohol problems	Dayton	$ 200,000
323 (1970)	"Operation Counterattack"	To mobilize the police force to curb street and violent crime (train and equip 20 motor scooter squad men)	Cincinnati	$ 117,180
395 (1970)	Police executive development fellowship	To support a year of study for middle- or command-level police	Cincinnati	$ 8,000
418 (1970) and 1101 (1971)	Team policing	To establish police-community teams to work in cooperation with community sponsors with wide discretionary power in their area, and to establish a force of 12 community service officers	Dayton	$ 149,506 $ 143,413 $ 292,919
425 (1970)	Civil disorder tactical unit	To establish a civil disorders unit within the state planning agency and hire a director	Ohio Dept. of Urban Affairs	$ 60,000
429 (1970)	Summit County law enforcement commission	To establish a 40-member Summit County law enforcement commission, involving all agencies in the area relating to law enforcement, and staff it with 5 employees	Akron (Summit County)	$ 127,151
433 (1970)	Spanish language course for police	To provide Spanish courses for 40 officers at the Univ. of Toledo	Toledo	$ 6,840
440 (1970)	Expanded police laboratory services	To expand facilities, provide a mobile unit for collection and preservation of information, train personnel, etc.	Columbus	$ 24,505
495 (1970)	Scientific crime control program	To form a regional crime lab at Sinclair Community College to serve the entire Dayton metropolitan area	Dayton	$ 111,527
524 (1971)	Safety program	To merge 30 part-time teacher aides into the police aides program (grant will go for their salaries)	Toledo	$ 24,000
545 (1971)	Police legal adviser	To provide a lawyer for the Cleveland Police Dept.	Cleveland	$ 14,975
547 (1971)	Preventive program for metropolitan Columbus narcotics and drug abuse	To form a special narcotics and dangerous drug bureau, purchase surveillance equipment, conduct training programs and provide an emergency treatment program	Columbus	$ 150,000
556 (1971)	Police legal adviser	To provide a lawyer for the Cincinnati Police Dept.	Cincinnati	$ 12,650
576 (1971)	Police recruits and personality assessment	To permit use of a psychologist to test police recruits and assist in officers training	Cleveland	$ 9,000
633 (1971)	Case scheduling system	To automate the docketing and scheduling of cases and juries and allow for docket modification as delays or changes arise	Franklin County Municipal and Common Pleas Court	$ 90,000
641 (1971)	Half-way house and community services development program	To establish a central office unit to manage and direct the state community service programs and serve as a headquarters for all half-way houses	Ohio Dept. of Mental Hygiene and Corrections	$ 37,722
667 (1971)	Cuyahoga County juvenile court corrections program	To divert juveniles from the criminal justice system through alternative programs (approximately 450 children will be involved)	Cuyahoga County Juvenile Court	$ 151,500
672 (1971)	Correctional center for female parolees	To establish a half-way house for adult female offenders	Ohio Dept. of Mental Hygiene and Corrections	$ 56,334

697 (1971)	Establishment of department of court services and expansion of rehabilitation agencies	To establish a department of Court Services consisting of Probation Services Division, Rehabilitation Division and Psychiatric Clinic (project is to be evaluated by 9 county judges on the basis of reduced recidivism rates)	Hamilton County	$ 50,000
757 (1971)	Coordination and training project	To provide training, technical assistance and coordination to Ohio's county attorneys	Ohio Prosecuting Attorneys' Assn.	$ 43,063
834 (1971)	Regional court and correction center, restructuring	To develop architectural plans for a municipal court facility to serve Toledo and the surrounding area	Toledo	$ 225,000
935 (1971)	Systems analyst for Police Dept.	To provide a systems analyst to (1) translate statistical data into factual information, (2) systematize department planning functions, (3) integrate federally funded projects into the Police Dept.	Dayton	$ 14,361
953 (1971)	Expansion of probation services	Primarily to pay the salaries for an additional 20 probation officers	State Dept. of Mental Hygiene and Corrections	$ 250,000
971 (1971)	Dayton-Montgomery County criminal justice center	To establish an interdisciplinary training center to assist all agencies of the criminal justice system in the area, and to induce cooperation among the agencies	Miami Valley COG	$ 350,000
987 (1971)	Narcotics and dangerous drugs enforcement and prevention group	To establish a multi-state metropolitan group to provide consolidated record-keeping and enforcement efforts, as well as specialized training and equipment	Toledo COG	$ 120,000
1012 (1971)	Systems analyst	To develop and/or revise police practices and policies	Cleveland State Government Administration of Justice Division	$ 15,000
1081 (1971)	Ohio organized crime prevention council	To develop a comprehensive plan to control and prevent organized crime	Dept. of Urban Affairs	$ 78,400
			TOTAL, Discretionary Grants	$3,721,448

Appendix G

PENNSYLVANIA ACTION GRANTS, 1969-71

Project Title	*Description*	*FY 1971*[2] *Grantee*	*Amount*	*FY 1970*[1] *Grantee*	*Amount*	*FY 1969*[1] *Grantee*	*Amount*
I. Upgrading of Law Enforcement							
Participation in police training programs	To pay for participation of local police in a variety of training programs at the State Police Academy and at colleges and universities and to train 30 new drug investigators (Dept. of Health)	Local police agencies, State Police, Dept. of Health	$ 26,082 $ 12,000 $ 54,000 $ 92,082 ($ 492,126)[2]	Pittsburgh, 18 projects from $342-$9,140 Philadelphia	$ 115,335 $ 37,296 $ 131,800 $ 284,431	8 projects (from $125-$1,416)	$ 3,826
Expansion/establishment of police training programs or facilities	To provide for programs such as regional homicide seminars; expansion of police libraries (including equipment); drug seminars for police; upgrading officers' capabilities in reading, comprehension, vocabulary, etc.; police recruit school; expansion of local drug council	Counties and small cities	$ 134,361 ($ 704,795)	3 projects	$ 524,245[3]	9 projects	$ 100,236
Participation in court training programs	To conduct 3 short-term training institutes for 75 juvenile probation officers; to permit 10 judges to attend conferences	Juvenile Court Judges Comm.	$ 10,118 ($ 67,192)	Huntingdon County; Centre County Court Admin.	$ 642 $ 4,224 $ 6,322 $ 11,188	Juvenile Court Judges Comm.	$ 15,000

Establishment/expansion of court training programs and/or facilities	To provide in-service training programs for college students to familiarize them with the courts	Beaver County	$ 678 ($ 85,440)	—	—	—	—
Participation in correctional training programs	To provide a staff training program for Pa. Jr. Republic[4]	George Jr. Republic	$ 14,250 ($ 79,781)	George Jr. Republic	$ 11,400	Allegheny County	$ 8,352
Establishment/expansion of correctional training programs	To aid staff development in the Philadelphia Probation Dept. by advanced training and education; to set up a group dialogue program among corrections officers, inmates and citizens; to conduct a four-day correctional education conference for chaplains	Philadelphia, $ 85,567 Bucks County, $ 48,810 Dept. of Corrections, $ 2,911 Bureau of Corrections $ 93,288 $ 230,576 ($ 265,848)		Philadelphia (2 grants), $ 160,440 Pittsburgh, $ 45,040 Pa. Board of Probation and Parole (2 grants), $ 7,722 Pa. State Univ. $ 12,000 $ 7,664 $ 70,756 $ 303,622		—	—
	SUBTOTAL, Category I		$ 482,065 ($ 1,695,182)		$ 1,034,886		$ 127,414
II. Prevention of Crime (Including Public Education)							
Educational programs to inform the public regarding crime and delinquency	To produce a question-and-answer series for television for 10-to-13-year-olds for 52 weeks on topics such as vandalism, gangs, drugs, etc.; to establish a consortium of criminal justice research organizations and a citizens committee to document key problems in the Philadelphia area; to conduct 5 two-day drug abuse seminars, each keyed to needs of specialized participants such as nurses, clergy or pharmacists (approximately 200 people in each seminar)	WVIA-TV and Lackawanna County Comm. $ 94,043 City of Philadelphia, Court of Common Pleas $ 59,490 Pa. Dept. of Health $ 75,000 $ 228,533 ($ 264,643)		Bucks County Chamber of Commerce, $ 600 Wyoming Area School District $ 8,200 $ 8,800		—	—
Establishment or expansion of treatment facilities/programs for drugs and alcohol	To establish a four-county program for treatment of alcohol abuse, including getting alcoholics out of criminal justice system; to establish a youth crisis intervention and information center; to use Synanon techniques to combat alcoholism; to provide training in basic drug information for teachers and include 630 students in a program on drug abuse; to provide two-to-four-day training seminars for individuals involved in methadone research clinics and hospital emergency rooms	McKean, Elk, Cameron, Potter Counties, $ 81,040 Lebanon County Insight Inc. (Philadelphia Outreach Program) $ 83,060 $ 18,106 Philadelphia School System $ 158,610 Pa. Dept. of Health $ 21,022 $ 361,838 ($ 884,063)		Allegheny County (2 grants), $ 103,104 McKeesport, $ 350,514 17 other projects $ 128,910 $ 469,506[5] $ 1,052,034	Scranton	$ 9,543
Establishment and/or expansion of other programs designed to prevent crime	To provide model-type projects in high-crime areas; recruit and train 20 additional police officers in order to provide 24-hour security in public housing; help reduce juvenile violence by recreational, vocational educational programs	Harrisburg, $ 144,663 Chester-Athletic Brotherhood Assn. Inc. $ 15,000 $ 159,663 ($ 345,444)		Philadelphia Common Pleas Court, $ 21,000 Abington Township, YMCA $ 12,491 $ 83,233 $ 116,724	—	—	—
	SUBTOTAL, Category II		$ 750,034 ($ 1,494,150)		$ 1,177,108	—	$ 9,543

III. Prevention and Control of Juvenile Delinquency							
Youth service bureaus	To create community youth programs to deal primarily with gang activity and violence; to promote use of youth workers	Clifton Heights, Philadelphia	$ 14,862 $ 430,855 $ 445,717 ($ 700,787)	Centre County, Philadelphia	$ 22,675 $ 299,233 $ 321,908	—	—
Establishment/improvement of juvenile detention/reception facilities	To provide homes for predelinquent girls; to remodel institutional facilities of George Jr. Republic; to construct a juvenile detention facility for 20 children	Lycoming County, Mercer County, Erie County	$ 35,568 $ 77,730 $ 36,000 $ 149,298 ($ 1,327,935)	Mercer County, Bucks County, Dept. of Public Welfare	$ 4,320 $ 16,226 $ 227,698[6] $ 248,244	—	—
Juvenile probation programs	To employ additional probation officers; to coordinate a child's needs for institutional placement with proper institution (visits, etc.); to set up a pre-hearing intensive supervision unit and develop a group treatment unit and hire 10 special officers	Lycoming County, Mercer County, Philadelphia Court of Common Pleas (2 grants)	$ 8,163 $ 7,785 $ 87,722 $ 183,357 $ 287,027 ($ 352,910)	—	—	4 small grants to counties, Philadelphia Court of Common Pleas	$ 14,844 $ 75,000 $ 89,844
Community-based treatment facilities	To construct and renovate a facility housing 11 boys and add new personnel, a treatment consultant and some equipment; to operate a diagnostic and classification center serving the Philadelphia Juvenile Court	Mifflin County (2 grants), Pa. Dept. of Welfare	$ 6,512 $ 26,773 $ 153,955 $ 187,240 ($ 951,530)	2 grants	$ 42,608	2 grants (including Dept. of Welfare)	$ 30,538
Programs designed to prevent delinquency	To fund operation of a day school for 50 troubled children; to establish an emergency juvenile control project with the goal of conducting programs to inculcate positive and socially acceptable values in gang youth; to work with the Philadelphia area youth worker program; to coordinate services to teenaged girls referred to the court, using black women volunteers as well as staff; to provide means of crisis intervention; to place workers with gangs, drug oriented youth, etc.; to support the "YMCA Detached Worker Program"; to combine and expand the Detached Worker Program and a volunteer 24-hour service called REACH to provide counseling, housing, coffee house, etc.	Erie County, Philadelphia, Dept. of Public Welfare, Philadelphia Court of Common Pleas, York County Commissioners/YMCA, Harrisburg YMCA	$ 53,490 $ 227,121 $ 62,227 $ 30,806 $ 84,235 $ 141,036 $ 598,915 ($ 776,993)	—	—	—	—
				Philadelphia (2 grants), other	$ 100,000 $ 232,338 $ 255,197 $ 587,535	Philadelphia	$ 25,000
Improvement of treatment services	To use consultants to train 88 persons in 4-to-5-day-long sessions to "develop cohesiveness of team sense"; to provide an experimental treatment program for staff to deal with personality problems of children	New Castle Youth Development Center, Boys Industrial Home (Oakdale)	$ 12,029 $ 48,901 $ 60,930 ($ 75,000)	Philadelphia	$ 126,473	—	—
	SUBTOTAL, Category III		$ 1,729,127 ($ 4,185,155)		$ 1,326,768	—	$ 145,382

IV. Improvement of Detection and Apprehension of Criminals

Consolidation of police services	To expand the patrol force and purchase equipment; to expand the bureau of local government services which provides consultative administrative service to the police	Bradford Township,	$ 16,547	Lock Haven,	$ 11,846	—	—
		Dept. of Community Affairs	$ 133,201	Dept. of Community Affairs	$ 7,200
			$ 149,748		$ 19,046
			($ 425,317)		
Coordination of police services	To support a new criminal investigative unit which would serve the city and surrounding area	Carbondale	$ 11,600	Lancaster County,	$ 30,500	Dauphin County	$ 24,457
			($ 276,005)	Barnesboro	$ 22,650
				Lancaster County COG	$ 30,500
					$ 83,650
Police communications, lab services and auxiliary services	To purchase communications equipment to begin coordination of communications in the northeastern region of state; city emergency communications equipment and radio equipment; to develop a consolidated records system for 11 municipalities; to expand county police radio system; to implement a computerized information network; to upgrade and improve police laboratory services	Bradford County,	$ 16,656	Pa. State Police,	$ 313,060[7]	11 grants	$ 194,570
		Allentown,	$ 4,225	Philadelphia,	$ 170,775
		Camp Hill Borough,	$ 1,121	Philadelphia Park Police,	$ 81,314
		New Cumberland Borough,	$ 960	98 others	$ 1,087,961
		West Shore COG,	$ 18,800		$ 1,653,110
		Bucks County,	$ 27,866		
		Pa. State Police (2 grants)	$ 236,890		
			$ 376,728		
			$ 683,246		
			($ 1,559,840)		
Construction/Renovation of police facilities emphasizing multi-jurisdictional efforts			($ 217,967)	Allegheny County, other	$ 125,000	—	—
					$ 21,897
					$ 146,897
New police units or reorganization of existing functions	To expand the Philadelphia warrant control unit by 27 men; to establish or sustain juvenile police units; to recruit 16 new police for use in high-crime areas; to establish a community advocate unit to alleviate causes and effects of community unrest and alienation of minority communities; to initiate Project Secure, 100 personnel to perform non-arrest community duties	Philadelphia,	$ 216,346	Lehigh County,	$ 62,226	—	—
		Dept. of Public Welfare,	$ 89,235	Allentown,	$ 9,395
		Harrisburg,	$ 120,707	Wilkes-Barre,	$ 63,051
		Pottstown Police,	$ 26,098	Pittsburgh,	$ 19,000
		Pa. Dept. of Justice,	$ 156,881	Glassburg,	$ 38,871
				Berks County,	$ 39,833
		Erie	$ 174,210	other	$ 81,460
			$ 783,477		$ 313,836
			($ 1,691,366)		
Equipment	To provide necessary equipment	3 grants	$ 4,520	Erie,	$ 108,145[8]	49 grants	$ 249,452
			($ 833,882)	37 grants	$ 271,110
					$ 379,255
Incentives for recruitment and retention of personnel	To develop a merit promotion system	Erie	$ 2,640	—	—	—	—
			($ 197,160)		
	SUBTOTAL, Category IV		$ 1,635,231		$ 2,595,794		$ 468,479
			($ 5,201,537)		

V. Improvement of Prosecution and Court Activities and Law Reform

Expansion/renovation of facilities			($ 332,815)	—	—	—	—
Improvement of court management procedures	To provide a computer-based information system for the common pleas court; to expand the warrant control unit to reduce court backlog	Allegheny County,	$ 204,447	10 grants	$ 483,917	Philadelphia	$ 41,123
		Philadelphia	$ 250,000		
			$ 454,447		
			($ 926,550)		
Pre-trial disposition and sentencing			($ 487,159)	—	—	—	—

Reform of criminal code			($ 80,095)	Pa. Bar Assn.	$ 5,500	Pa. Bar Assn.	$ 5,000
More adequate staffing for adjudication process	To hire additional staff for county DA's office; to provide intense counseling for delinquents and families through a group of Catholic Sister (CORA-counseling or referral assistance)	Mercer County,	$ 20,267	Philadelphia	$ 286,592[9]	Chester County	$ 4,000
		Philadelphia	$ 135,040		$ 260,432[10]		
		Court of Common Pleas	$ 155,307	other	$ 86,015		
			($ 818,829)		$ 633,039		
	SUBTOTAL, Category V		$ 609,754		$ 1,122,456		$ 50,123
			($ 2,645,448)				
VI. Increase Effectiveness of Correction and Rehabilitation [11]							
Adult detention facilities	To install closed-circuit TV in jails; to establish a pilot drug screening program for the county prison; to develop, test and implement diagnostic classification in Philadelphia prisons; to prepare up to 90 inmates for employment in the dry-cleaning trades	Mercer County,	$ 1,380	16 grants (from $561 to $49,995)	$ 188,183	Allegheny County,	$ 11,602
		Philadelphia (4 grants)	$ 97,975			Butler County	$ 1,966
			$ 16,834				$ 13,568
			$ 235,742				
			$ 32,713				
			$ 384,644				
			($ 433,136)				
Personnel	To add staff to the county jail; to employ additional probation personnel	Mercer County,	$ 3,083	Pa. Board of Probation and Parole,	$ 37,397	—	—
		McKean County,	$ 6,916	11 other grants	$ 230,927		
		Jefferson County	$ 7,853		$ 268,324		
			$ 17,852				
			($ 114,415)				
Adult treatment programs	To develop a vocational treatment program; to provide pre-college and college training programs for inmates; to provide a college degree program for inmates to test the thesis that education can reduce recidivism	Bureau of Corrections (3 grants)	$ 23,800	Allegheny County,	$ 58,596	—	—
			$ 175,000	Bureau of Corrections (2 grants),	$ 15,000		
			$ 43,910		$ 686		
			$ 242,710	Philadelphia, other	$ 122,311		
			($ 211,093)		$ 143,499		
					$ 372,092		
Adult probation and parole services	To create a 15-probation-officer intake unit; to provide employment counseling and job referrals to adults on probation; to provide research, development and evaluation capability within the probation department; to improve the effectiveness of probation and parole services in the Philadelphia area by establishing 5 outreach centers; to provide college training programs for inmates	Philadelphia Court of Common Pleas (3 grants),	$ 252,443	Pa. Board of Probation and Parole, 5 other grants	$ 141,121[12]	—	—
			$ 82,309				
			$ 139,799				
		Pa. Board of Probation and Parole,	$ 389,154		$ 94,858		
					$ 235,979		
		Bureau of Corrections	$ 98,293				
			$ 961,998				
			($ 1,075,129)				
Community-based services and facilities	To establish a counseling and training center for released women offenders of 18 or over; to develop regional community treatment services within the Bureau of Corrections; to provide pre-college and college training for inmates; to expand the half-way house in Harrisburg for offenders 18 and over who have never been in prison	Philadelphia Common Pleas Court,	$ 118,254	Bethlehem, Allegheny County,	$ 59,420	—	—
					$ 144,694		
		Bureau of Corrections (2 grants),	$ 250,000	Philadelphia, Grubstake Inc. (a drug treatment group),	$ 32,595		
			$ 50,000		$ 141,186		
		York Crest Inc. (a half-way house)	$ 56,625				
			$ 474,879				
			($ 550,950)	Half-way House, other	$ 32,644		
					$ 410,539		
					$ 821,078		
	SUBTOTAL, Category VI		$ 2,082,083		$1,885,656		$ 13,568
			($ 2,384,723)				

VII. Reduction of Organized Crime							
Staffing organized crime units	To establish an organized crime investigatorial and prosecutorial unit; to coordinate the organized crime activities of the Dept. of Justice	Pittsburgh Police, Pa. Dept. of Justice	$ 118,899 $ 43,477 $ 162,376 ($ 918,017)	Pa. State Police, Pa. Dept. of Justice	$ 194,235 $ 453,000 $ 647,235	—	—
Equipping organized crime units	To provide manpower, equipment and supportive operating funds	Pa. State Police	$ 179,733 ($ 270,017)	Philadelphia, Pa. State Police	$ 20,000 $ 9,126 $ 29,126	Pa. State Police	$ 38,800
	SUBTOTAL, Category VII		$ 342,109 ($ 1,188,034)		$ 676,361		$ 38,800
VIII. Prevention and Control of Riots and Civil Disorder							
Establishment of riot and civil disorder control units	To establish special units to deal with "tension-laden situations"		($ 106,595)	5 grants	$ 22,537	—	—
Provision of equipment for riot control	To provide riot caps and helmets, patrol vans, gas masks, tear gas		($ 96,791)	Pa. State Police (2 grants), Dept. of Military Affairs	$ 11,250 $ 20,588 $ 21,441 $ 53,279	Philadelphia, Pa. State Police, 53 other grants	$ 50,000 $ 104,820 $ 126,952 $ 281,772
	SUBTOTAL, Category VIII		($ 203,386)		$ 75,816		$ 281,772
IX. Improvement of Community Relations							
Establishment/expansion of community relations programs	To provide community relations courses to the police through Temple Univ.; to develop a public information program to inform the public of the criminal justice system; to establish citizen education/action groups for the improvement of criminal justice in the largest metropolitan areas	Philadelphia Police, Pa. Board of Probation and Parole, Pa. Program for Women and Girls Offenders Inc.	$ 21,252 $ 28,102 $ 67,038 $ 116,392 ($ 165,455)	Latrobe, Lancaster, Harrisburg, Westmoreland County, Legal Services, other	$ 3,730 $ 6,999 $ 57,886 $ 3,730 $ 106,548[13] $ 17,628 $ 196,521	Pittsburgh, York, 3 Boroughs	$ 20,000 $ 9,224 $ 8,929 $ 38,153
Encouragement of minority group participation in criminal justice process			($ 71,738)				
Development of community relations guidelines for police			($ 28,408)				
	SUBTOTAL, Category IX		$ 116,392 ($ 265,601)		$ 196,521		$ 38,153
X. Research and Development (Including Evaluation)							
Research and development (curriculum)	To establish and/or expand the criminal justice programs offered to persons entering the law enforcement field	Erie Co./ Mercyhurst College, State Police	$ 60,260 $ 75,760 $ 136,020	Dept. of Corrections, Psychiatric Center, Washington County, Montgomery County	$ 21,263 $ 74,243 $ 8,100 $ 16,200 $ 119,806	—	—
Research and development (crime labs)	To establish a radionuclear forensic program (scientific anaylsis of forensic evidence)			Centre County, Lycoming County, Pa. State Univ.	$ 52,390 $ 37,345 $ 26,315 $ 116,050	—	—

Law reform	To lay groundwork for changes of law or procedure leading to fair treatment of offenders, and thereby unburden the courts	Pa. Bar Assn.	$ 4,000	Temple Univ.	$ 57,306	—	—
Evaluation	To evaluate drug abuse and public defender programs	Temple Univ. and Pa. Supreme Court	$ 53,954 ($ 268,786)	—	—	—	—
	SUBTOTAL, Category X		$ 193,974 ($ 268,876)		$ 293,162		
	TOTAL, Action Grants		$ 7,940,742		$10,484,978		$1,173,234

[1] The amounts indicated represent those funds actually awarded — not just those appropriated.

[2] The figures in this column represent the amount awarded as of Dec. 1, 1971. That amount represented only 40 percent of the estimated funding level for fiscal 1971 — an amount in excess of $19,300,000. The figures in parentheses indicate the estimated funding levels.

[3] This figure includes a grant of $140,155 to the Pa. State Univ. to establish a training program for police and a grant of $379,451 to Allegheny County for a police training academy.

[4] The George Jr. Republic is a private school for boys with emotional problems; costs are paid by the court or agency placing the child.

[5] This category includes a number of drug and alcohol treatment facilities as well as educational programs for juveniles and adults.

[6] This grant is for the establishment and operation of a reception and planning center with a capacity for 36 juveniles.

[7] To install new communications system to interface with NCIC, and to update the on-line files related to wanted persons and stolen vehicles and property.

[8] To establish an electronic system designed to facilitate rapid movement of police vehicles.

[9] To expand the Defender Assn. of Philadelphia.

[10] To enable assistant DAs to review all criminal matters at the station houses on a 24-hour basis.

[11] A number of the programs in this category in 1969 and 1970 include funds for juvenile programs as well as adult programs. They were all included in a single category, however.

[12] This includes a program to "employ criminal justice systems planner and statisticians in a planning unit that will evaluate the effectiveness of current services."

[13] The purpose of this grant, to the legal services association of Dauphin County, is to present a series of television programs designed to "enhance youth's understanding of the law and encourage positive attitude toward the criminal justice process."

Appendix H

PENNSYLVANIA DISCRETIONARY GRANTS, 1969-71

Grant No. (Year)	*Title*	*Description*	*Grantee*	*Amount*
014 (1969) and 459 (1970)	Emergency juvenile control project	To develop juvenile service centers involving an assortment of disciplines (project designed to prevent gang violence and civil disorders)	Philadelphia DA	$ 80,267 $ 150,000 $ 230,267
015 (1969)	Closed-circuit TV system study (first phase)	To evaluate mobile subsystem requirements (vans and helicopters); to determine training requirements as they relate to CCTV; to study and evaluate CCTV surveillance techniques; to determine cases for entire CCTV system	Philadelphia Police Dept.	$ 19,733
190 (1970)	Narcotics and dangerous drug prevention and control	To establish a narcotic division in the Wilkes-Barre Police Dept.	Wilkes-Barre Police Dept.	$ 17,986
224 (1970)	Pilot training district	To develop a three-year career development policy for the Pittsburgh police and provide in-service training for 150-200 police	Pittsburgh Dept. of Public Safety	$ 146,984
240 (1970)	Reading crime and justice action program	To establish a crime and justice coordinating council which would be responsible for comprehensive planning, etc., under the Mayor's office	Mayor's Office, Reading	$ 147,711
268 (1970)	Female detention facility	To defray architectural planning costs for a detention center for girls	City of Philadelphia	$ 100,000
293 (1970)	Combined justice information network	To provide a computerization system to expand present [illegible] tems beyond police and courts to include juveniles, probation, parole and correctional institutions; to collect data on drug abusers, organized criminals and hard-core repeaters	Philadelphia Court Administrator's Office	$ 250,000
424 (1970)	Evaluation of imaginal education for use in prison	To fund a two-day conference of 30 persons to investigate "imaginal education" - [illegible] program to improve the self-[illegible] enders	Bucks County Dept. of Corrections	$ 1,006

434 (1970)	Correctional management institutes	To conduct a series of 10 one-week management institutes for agencies serving adults and juvenile offenders (350 will participate)	Pa. Criminal Justice Planning Board (National Council on Crime and Delinquency)	$ 109,910
444 (1970)	Police dept. chemical laboratory section	To update the laboratory (project will pay costs of acquiring modern equipment and necessary personnel)	Philadelphia Police	$ 120,000
458 (1970)	Uniform crime reporting program	To implement a mandatory uniform crime report system — develop and plan for collection of statewide statistics, utilizing the basic format of the national Uniform Crime Report	Pa. Crime Commission	$ 30,000
483 (1970)	Research and development unit (probation)	To plan a model research and development unit for the Philadelphia Probation Dept. for ongoing evaluation of probation practices and formulation of long-range staffing and work plans	Philadelphia Probation Dept.	$ 6,453
515 (1970)	Pa. civil disorder and riot control unit	To establish a three-person unit under the attorney general to deal with riots and disorders	Pa. Dept. of Justice	$ 58,080
539 (1970)	Training crime scene specialists and improving lab facilities	To train police from 129 separate agencies in the county and provide crime scene training kits	Pittsburgh and Allegheny County crime lab	$ 116,940
559 (1970)	Legal adviser	To employ an attorney for the police department	Dept. of Public Safety (Pittsburgh)	$ 15,000
636 (1970)	Recruitment and public education project	To implement a program for recruitment and public education at the high school level — rising visits, films, etc.	Western Pa. Chiefs of Police Assn.	$ 8,000
673 (1971)	Organized crime unit	To provide staff and equipment for organized crime unit to establish a statewide crime intelligence center, to investigate organized crime, to provide legal and technical assistance	Pa. Crime Commission	$ 263,395
776 (1971)	Methadone treatment unit	To establish 2 methadone units in areas with high concentrations of heroin addicts and to evaluate through use of a questionnaire administered before and after treatment	Philadelphia Dept. of Public Health	$ 293,835
854 (1971)	Residential center for adult probation	To establish a community treatment center at the YMCA for 25 probationers, with the aim of reducing recidivism	Philadelphia Probation Dept.	$ 144,000
875 (1971)	Teleprinter communication control center	To establish a countywide communications control center to coordinate police in 49 municipalities	Delaware County Commissioners	$ 75,641
911 (1971)	Pre-trial diversion program	To establish a pilot project to provide rehabilitative services for individuals at the period after arrest and before trial, including a pretrial social and rehabilitative services project and a pretrial employment and training project	Philadelphia Probation Dept.	$ 200,000
946 (1971)	Comprehensive staff development program	To increase the effectiveness of 170 parole agents and supervisory staff members through sensitivity training, visits, etc.	Pa. Board of Probation and Parole	$ 250,000
989 (1971)	Improvement of police communications effectiveness	To study ways of designing a system concept to improve the effectiveness of communications among the county's 57 agencies	Montgomery County Commission	$ 29,103
1028 (1971)	Feasibility study of multi-county correctional needs	To conduct a feasibility study, preliminary program design and architectural planning for 4 correctional facilities	Susquehanna Economic Development Assn.	$ 56,791
1038 (1971)	Establishment of outreach centers	To establish 3 outreach centers in high-crime areas of Pittsburgh, with the aim of (1) localizing and increasing availability of services to clients and families, (2) making better use of services, (3) reducing probation and parole violations	Pa. Board of Probation and Parole	$ 232,792

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1039 (1971)	Evaluation and research	To formulate an independent unit of research and evaluation in the Philadelphia Regional Planning Comm. to evaluate LEAA programs already funded and the designs for new ones, and to advise on how and if programs are meeting goals	Philadelphia Regional Planning Commission	$ 69,650
			TOTAL, Discretionary Grants	$2,993,277

Appendix I

SOUTH CAROLINA ACTION GRANTS, 1969-71

Project Title	*Description*	*Grantee*	*FY 1971 Request**	*FY 1970 Support*	*FY 1969 Support*
I. Upgrading of Law Enforcement					
Criminal justice training facility	To provide a training facility to consolidate training requirements of all criminal justice agencies and related groups in one place (hope is that a program of minimum standards for all law enforcement and criminal justice agencies will be implemented)	S. C. Law Enforcement Training Council	$ 149,800	$ 500,000	—
Training of law enforcement officers	To train local and state officers, to provide local level training courses, to upgrade recruit quality, to provide bonuses for those who complete training	25 to 75 law enforcement agencies ($100-$5,000 per grant); 5 to 10 agencies to establish training schools (total cost $100,000 to $150,000)	$ 225,000	$ 295,000	$ 36,000
Police educational television training	To provide closed-circuit TV training to police and others (will reach approximately 4,000 persons)	S. C. Law Enforcement Division	$ 70,000	$ 50,000	$ 35,376
Police officers handbook	To prepare a manual covering police enforcement authority — its extent and limitation	Attorney General of S. C.	$ 5,000	—	—
Police uniforms	To provide assistance to local agencies unable to afford police uniforms	10 to 15 agencies (grants ranging from $200 to $2,500)	$ 10,000	—	—
Police cadet program	To establish programs for non-sworn personnel who are ineligible for police duties because they are under 21	3-10 larger law enforcement agencies	$ 45,000	—	—
Local police facilities personnel	To provide local training facilities and to provide new and remodeled police headquarters	3-10 cities ($15,000-$310,000 each) to construct new facilities, 4-8 cities and counties ($500 to $10,000 each) to provide training	$ 710,000	$ 300,000	—
		SUBTOTAL, Category I	$1,214,800	$1,145,000	$ 71,376
II. Prevention of Crime (Including Public Education)					
Public education	To make the general public aware of ways to make crime more difficult to commit; to reduce the crime rate in cities; to use the media to publicize changes of drug use	Metropolitan areas to cover cost of developing public safety units; 2-5 grants from $500 to $2,000 each to local bar associations or other legal associations to develop educational programs	$ 25,500	$ 28,300	$ 5,000
		SUBTOTAL, Category II	$ 25,500	$ 28,300	$ 5,000

III. Prevention and Control of Juvenile Delinquency					
Youth recreational programs	To involve police and family court personnel in sponsoring prevention programs such as boys' camps, scouting, athletic programs	5-10 grants of $500 to $3,000 each to family courts or police departments	$ 15,000	—	—
Family courts and rehabilitation	To reduce the case loads of probation personnel dealing with youth by hiring more; to develop more intensive treatment programs for delinquent youth within a community setting	8-12 family courts, $3,500 to $9,000 each, to add personnel; 8-12 courts, $500 to $3,000 each to buy equipment, State Vocational Rehabilitation	—	—	—
Family court training	To train family court personnel to upgrade professionalism of juveniles on probation; to provide conferences for judicial personnel; to provide training for probation officers and judges	30-50 grants of $100 to $500 each for training programs in probation; 30-50 grants of $100-$500 each for family courts	$ 32,000	$ 10,000	—
Attention and foster homes	To provide community-based treatment; to reduce the number of chronic offenders by early treatment	10-15 subgrants to family courts (from $1,000 to $35,000); Department of Juvenile Placement and After Care ($47,500)	$ 133,500	$ 155,000	—
Juvenile correction services	To increase individualized treatment to youth in state institutions, upgrade training and decrease the number of youths escaping by 75 percent	Juvenile Dept. of Corrections	$ 66,000	$ 55,000	—
Family court program		3-5 subgrants to establish family courts	$ 236,230	$ 48,000	—
Juvenile corrections construction	To develop evaluation programs at the Juvenile Dept. of Corrections Reception and Evaluation Center through construction of adequate evaluation and housing facilities and construction of a 40-bed receiving unit for girls	Juvenile Dept. of Corrections	$ 100,000	—	—
		SUBTOTAL, Category III	$ 582,730	$ 268,000	—
IV. Improvement of Detection and Apprehension of Criminals					
Equipment purchases	To provide vehicles, weapons, communications equipment, crime detection equipment and office equipment	SLED (laboratory equipment — $10,000), 68-90 police and sheriffs departments	$ 678,850	$ 248,700[1]	$ 49,850[2]
		SUBTOTAL, Category IV	$ 678,850	$ 248,700	$ 49,850
V. Improvement of Prosecution and Court Activities and Law Reform					
Judicial personnel	To provide clerical, secretarial and investigative personnel in circuit courts and solicitors offices	3-5 grants to circuit courts and solicitors' offices	$ 45,000	—	—
Assistant solicitors	To provide for full-time assistant solicitors in 305 judicial circuits in order to reduce the backlog of criminal cases	3-5 judicial circuits	$ 60,000	—	$ 4,532
Judicial equipment	To provide office equipment, a criminal law reporter, renovation, alteration and construction of court facilities	25-35 grants from $500 to $3,000 each for equipment; 6-9 subgrants for renovation and alternation ($1,000-$10,000 each); 4-6 subgrants for construction ($5,000-$200,000 each)	$ 310,000	$ 17,900	—

Court personnel training	To provide training for judges, public defenders, magistrates and prosecutors on recent developments in criminal law	Grants of $200-$800 each to 8-12 circuit judges, 12-16 magistrates, training seminars ($500-$1,500 each), the Attorney General's office ($10,250)	$ 25,250	$ 11,000	—
Codification of criminal laws	To revise and recodify the S. C. Criminal Code and codify ordinances of small municipalities	Attorney General's Office, 5-7 municipalities	$ 20,000	—	$ 9,900
		SUBTOTAL, Category V	$ 460,250	$ 28,900	$ 14,432
VI. Increase in Effectiveness of Corrections and Rehabilitation					
Training of correctional personnel	To provide training to incumbent and new personnel at the state and local levels who provide probation or parole supervision or perform custodial and correctional functions	State probation and parole agency ($6,500); 3-6 grants to local units of government ($2,000-$5,000 each)	$ 21,500	$ 28,100	$ 21,600
Construction of correctional facilities	To construct and renovate facilities to approach American Correctional Assn. or state jail standards	S. C. Dept. of Corrections; 10-15 subgrants to local units of government	$ 388,100	$ 225,400	—
Correctional equipment	To provide jail equipment (fingerprint and photographic capability, file cabinets, typewriters, uniforms and manuals)	5-10 grants of $500-$5,000 each to county and town detention centers; 20-40 to custodial officers	$ 30,000	—	—
Correctional personnel and salaries	To add custodial and treatment personnel to state and local jail and prison systems and make salary adjustments	Dept. of Corrections ($52,800); 6-8 local units of government	$ 82,800	—	—
Correctional studies	To study the feasibility of consolidating facilities and creating regional detention centers; to conduct architectural studies	6-9 subgrants to counties, cities and towns ($500-$10,000 each)	$ 70,000	—	—
		SUBTOTAL, Category VI	$ 592,400	$ 253,500	$ 21,600
VII. Reduction of Organized Crime					
Investigation of organized crime	To determine the extent of organized crime; to show the potential for attracting crime to state; to provide equipment such as walkie-talkies, private telephone lines, informant rendezvous facilities	SLED	$ 37,500	$ 9,700	—
		SUBTOTAL, Category VII	$ 37,500	$ 9,700	—
VIII. Prevention and Control of Riots and Civil Disorders					
Civil disorder plans	To improve and develop emergency preparedness for riot control and/or prevention, with emphasis on preparing plans at the local level; to coordinate with regional and state plans	Grants ranging from $300 to $2,000 each to 3-6 metropolitan areas; 5-8 combinations of smaller areas; 5-15 departments (for technical assistance)	$ 20,000	$ 10,000	—
Riot control training	To train police officers; to develop coordinated training programs	10-15 police officers and officials; 3-8 metropolitan areas; 3-10 combinations of areas; 4-16 small departments	$ 30,000	$ 10,000	—
Riot control equipment	To provide equipment and facilities to handle civil disorders	SLED ($40,000); 5-12 grants to cities and/or counties ($1,000-$10,000 each); 30-40 other grants ($100-$1,000 each)	$ 124,950	$ 51,881	$108,200
		SUBTOTAL, Category VIII	$ 174,950	$ 71,881	$108,200

IX. Improvement of Community Relations					
Community service officers	To provide trained officers in the communities who can establish rapport between law enforcement agencies and citizens, using people aged 17-21	Rock Hill, S. C., and one other metropolitan area	$ 42,000	$ 55,000	—
		SUBTOTAL, Category IX	$ 42,000	$ 55,000	—
X. Research and Development					
Management studies	To finance studies by local agencies to determine how their operations might be changed to increase efficiency	5-10 local law enforcement agencies ($3,000-$10,000 each)	$ 45,000	—	—
Criminal information system	To continue development of statewide information system; to continue corrections research; to develop criminal records and an identification bureau	SLED, S. C. Dept. of Corrections	$ 319,020	$ 155,900	—
		SUBTOTAL, Category X	$ 364,020	$ 155,900	—
		TOTAL, Action Grants	$4,173,000	$2,264,881	$270,458

[1] This covered 156 grants for the kind of equipment requested in 1971.
[2] This covered 44 grants for the purchase of equipment (primarily radio equipment).

Appendix J

SOUTH CAROLINA DISCRETIONARY GRANTS, 1969-71

Grant No. (Year)	*Title*	*Description*	*Grantee*	*Amount*
005 (1969)	Development of manual on prison riots and disturbances	To prepare a manual for use and guidance of penal institutions throughout the country, with cooperation of the American Correctional Assn., to replace a manual prepared in 1953	S. C. Dept. of Corrections	$ 11,550
054 (1970)	Central diagnostic and community consultative services for local courts	To expand diagnostic services to all local and county court jurisdictions, to implement recent legislation which permits commitment of juveniles to the courts' jurisdiction for 30 days for diagnostic work	S. C. Dept. of Juvenile Corrections	$ 200,000
058 (1970)	Project Re-entry, a community pre-release program	To establish a 60-man community pre-release center in North Charleston to provide training, supportive services, etc.	S. C. Dept. of Corrections	$ 114,433
093 (1970) and 073 (1970)	Civil disorder coordinator staff	To fund a director of a civil disorder unit within the state planning agency to aid in the prevention, detection and control of disorders	State Planning Agency	$ 24,000 $ 24,275 $ 48,275
166 (1970)	Special narcotics and dangerous drug enforcement, education and prevention project	To organize, equip, train and employ a 10-person narcotics section to operate within the city Police Dept.	Columbia	$ 101,721
244 (1970)	Training for prosecutors	To support an assistant attorney general for prosecutors who will supervise and provide asistance to prosecutors throughout the state; to support a six-day S. C. Prosecutors Institute for 50 persons	State Attorney General	$ 32,186
276 (1970)	Volunteers in parole and after-care of youthful offenders	To use 100 volunteers to supervise parolees 17 to 21 (each will supervise at least one parolee for 6 to 12 months)	S. C. Dept of Corrections	$ 87,923
321 (1970)	S. C. criminal justice training council	To organize a state council to promulgate minimum training standards for all law enforcement and criminal justice officers in state, courts and local law enforcement, and to administer, supervise and operate the training academy	S. C. Police Academy	$ 18,000

621 (1971)	Improvement of misdemeanor court operations	To increase the efficiency of the court by adding staff (2 judges, a clerk, a secretary, 4 recorder clerks, clerk stenos and a probation officer), establishing a 24-hour-a-day, 7-day-a-week violations bureau and other innovations	Columbia	$ 47,592
699 (1971)	Police cadet and police in-service training and community relations program	To establish a three-man police civil disorders prevention unit, training division and community relations unit to conduct a 30-hour police community relations training program and a police cadet training program	Spartanburg	$ 71,310
730 (1971)	Application of industrial principles to correctional industries	To improve employment opportunities in S. C. for offenders about to be released through a statewide campaign to involve the business community	S. C. Dept. of Corrections	$ 300,069
807 (1971)	Vocational rehabilitation family court program	To provide specialized probation-release service to 5 communities (counseling, foster home placement, job training, etc.)	Vocational Rehabilitation Dept.	$ 250,000
884 (1971)	Law student interns in prosecutors' offices	To employ 15 law students during the summer and 20 during the school year with primary responsibility for prosecuting serious highway offenses in courts of limited jurisdiction — a function previously performed by the police because of a shortage of legal manpower	Univ. of S. C. School of Law	$ 31,200
905 (1971)	Intensive behavior modification program to modify the criminologic aberrant behavior of the juvenile recidivist	To teach 80 boys aged 15-16 who have a record of 2-5 difficulties with juvenile court "how to function within middle-class society," and to give juveniles work opportunities (the program will be considered a success if 50 percent of the juveniles participating do not commit a crime within three years)	S. C. Dept. of Juvenile Corrections	$ 296,000
906 (1971)	Utilization of community resources for the female offender	To establish a work- or study-release program for 20 women at the state correctional institution and to teach 5 other women whose security classification includes release key punch operation within the institution	S. C. Dept. of Corrections	$ 52,879
1010 (1971)	Bomb disposal technician	To employ a full-time bomb disposal technician	S. C. Law Enforcement Division	$ 15,000
			TOTAL, Discretionary Grants	$1,678,138

STATE OF THE STATES ON CRIME AND JUSTICE

An Analysis of State Administration
of the
Safe Streets Act

A Report by the
National Conference of State Criminal Justice Planning Administrators

June 1, 1973

INTRODUCTION

Crime in America was growing at an annual rate of more than 15 percent when Congress passed the Omnibus Crime Control and Safe Streets Act of 1968. Four years later that trend had been reversed and the nation recorded a 3 percent crime decrease—the first such reduction since 1955.

The *State of the States on Crime and Justice* examines the 55 State Planning Agencies (SPAs) charged with responsibility for administering the national crime reduction program. The *Report* identifies and explains the general strategies employed by the SPAs during the first four years of the program; presents national data on funding patterns; traces the development of SPA capabilities; provides a perspective from which to view early controversy surrounding the Safe Streets Act; and suggests future directions for the nation's crime control efforts.

As a general rule, the *Report* relies upon example and illustration rather than an exhaustive catalogue of projects which would tend to obscure the overview needed by those who desire to objectively evaluate results.

Because the SPAs have action funds available to implement their plans, they can have a significant impact on the quality of American life. Their performance deserves careful, impartial review and the *State of the States on Crime and Justice* is designed to assist objective appraisals. The SPAs welcome the support, advice and constructive criticism of all who share with them the goal reducing crime while assuring justice in America.

The preparation of this material by the National Conference of State Criminal Justice Planning Administrators was supported by technical assistance funds from the Law Enforcement Assistance Administration of the United States Department of Justice. Though LEAA furnished financial support for this publication, this does not necessarily indicate its concurrence with the contents of the report.

STATE OF THE STATES ON CRIME AND JUSTICE

Table of Contents

The Safe Streets Act and Crime Reduction

In 1968, Americans were twice as likely to become victims of crime as in 1960.[1] Violent civil disorders in the cities, widespread drug abuse among the young, and a crime increase eleven times greater than population growth shocked and dismayed the nation.[2] The traditional criminal justice system seemed unable to solve the problem or even to check its growth.

The Omnibus Crime Control and Safe Streets Act began with a recognition of the problems and failures of the nation's police, courts and corrections agencies. It also contained a Congressional determination to leave responsibility for criminal administration with states and local governments. Equally important, Congress mandated a new intergovernmental and system-wide attack on crime through fifty-five State Planning Agencies (SPAs) representing both state and local governments.

During the little more than four years since the SPAs accepted this responsibility, remarkable progress has been made.

First, the rising crime rate was reversed and, in 1972, there was an actual reduction in the number of serious crimes that threaten the quality of life in America. Secondly, the SPAs have brought an unprecedented degree of joint planning and cooperation to the separate components of the justice system that will contribute to the achievement of justice as much as to the prevention and control of crime.

THE NATION'S ANTI-CRIME EFFORT RESULTS AND IMPROVEMENTS

Crime Index Trends
Comparisons With the Previous Year

1967	+16%
1968	+17%
1969	+11%
1970	+11%
1971	+ 6%
1972	— 3%

The SPA effort to stop crime has been concentrated in the nation's major cities, where approximately three-fourths of our serious crimes are committed. The success of that commitment is reflected in the crime decreases experienced by the nation's 154 cities with over 100,000 population.

Cities Over 100,000 Reporting Crime Decreases

1968	12 cities
1969	17 cities
1970	22 cities
1971	53 cities
1972	94 cities

Since the passage of the Safe Streets Act, the rampaging annual increase in crime has been halted and reversed. *For the first time in seventeen years, crime has actually decreased. Moreover, during 1972, 94 of 154 cities (61%) with over 100,000 population reported actual crime decreases. In four years, therefore, crime in the United States has been reduced from an 11% increase to a 3% decrease and the number of large cities reporting actual crime decreases has gone from under twenty to almost one hundred.*[3]

[1]F.B.I. *Uniform Crime Reports*, 1968, p. 2. "Serious" crimes are murder, rape, assault, robbery, burglary, larceny over $50 and auto theft.

[2]During the period 1960-1968, serious crime increased 122%, compared to a population increase of 11%. F.B.I. *UCR*, 1968, p. 2.

[3]The "causes of crime" are extremely difficult to isolate and combat. For example, the President's Commission on Law Enforcement and the Administration of Justice, in *The Challenge of Crime in a Free Society*, wrote: "The underlying problems are the ones that the criminal justice system can do little about. The unruliness of young people, widespread drug addiction, the existence of much poverty in a wealthy society, the pursuit of the dollar by any available means are phenomena the police, the courts, and the correctional apparatus which must deal with criminals one by one, cannot confront directly . . . Unless society does take concerted action to change the general conditions and attitudes that are associated with crime, no improvement in law enforcement and administration of justice . . . will be of much avail." (p. 1) Hereinafter cited as the President's Crime Commission.

General Strategies of the SPAs

Fifty-five states or territorial jurisdictions, thousands of cities and (in mid-1971) an estimated 55,000 individual criminal justice projects, have contributed to the initial success of the Safe Streets Act. The very scope of this undertaking makes any catalogue of projects unrepresentative and renders numerical totals concerning state administration of the Safe Streets Act difficult to obtain and sometimes misleading. Nevertheless, public understanding of the program demands accurate information, and this first *State of the States Report* attempts to provide it while identifying the principal—if not universal—strategies employed by the SPAs.

System-Wide Planning: A First

When the SPAs began operations in 1968, they discovered an American system of justice characterized by disorganization and delay.[4] With rare exceptions, coordinated decision making, resource allocation and response to common problems by police, courts and correctional agencies were fortuitous accidents instead of standard operating procedures. The problems of the criminal justice process in America were interdependent, but attempts at improvement were often isolated and sometimes conflicting.

These problems had been festering for decades, but the concept of criminal justice planning was in its infancy. Four years ago, a criminal justice planning capability did not exist in the United States. As Charles Rogovin, former LEAA Administrator and President of the Police Foundation, said: "It was . . . easy to underestimate the complexity of what Congress asked for—comprehensive criminal justice planning. There was no precedent for coordinated planning in police, courts and correctional reform."[5]

By April, 1967, only 10 states had established criminal justice planning agencies, and by mid-1968, not more than 27 states[6] had taken advantage of the small—usually $25,000—federal grants for criminal justice planning under the Law Enforcement Assistance Act. But increased planning funds and the promise of substantial action grants to follow induced all 55 eligible states and territorial jurisdictions to create planning mechanisms under the Safe Streets Act of 1968.

These SPAs have begun to turn criminal justice agencies toward mutual understanding and cooperation—not only through annual comprehensive plans assessing the needs of all components of the system, but, most importantly, through the exchange of local state and police/court/corrections views on the SPA Boards. In recognition of the vitality and promise of the comprehensive decision-making process represented by the SPAs, the Advisory Commission on Intergovernmental Relations has this to say:

> The States are assigned the major share of administrative responsibility for the [Safe Streets Act]. They must establish broadly representative State level law enforcement planning agencies, prepare comprehensive plans, review and approve applications for financial aid submitted by their political subdivisions, distribute planning and action grant funds to local jurisdictions, and provide appropriate assistance to applicants. The State's overall role is to act as a catalyst in bringing together previously isolated components of the law enforcement and criminal justice system and coordinating, directing and supporting their efforts in a comprehensive attack on crime.[7]

If the federal government is too far removed from state and local units to plan for them, local, city and county governments also have several limitations as comprehensive planners for effective law enforcement: (1) there are too many jurisdictions to maximize the use of available funds; (2) specific localities have narrow geographic boundaries seldom honored by criminal offenders; and (3) localities in general have only primary responsibility for limited parts of the justice apparatus—police and jails, as a rule. Crime, of course, does not respect state boundaries either, but there is a totality

[4]The Task Force Report on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence called the criminal justice process a "non-system" of criminal justice. The President's Crime Commission also stressed the system-wide nature of criminal justice needs: "The many specific needs of the criminal justice system—for manpower, for equipment, for facilities, for programs, for research, for money—are interlocking. Each one must be filled with the others in mind. This discussion of the system's needs assumes that every need is dependent on the others." *The Challenge of Crime in a Free Society*, p. 12.

[5]*Hearings on the Block Grant Programs of the Law Enforcement Assistance Administration*, House Committee on Government Operations, 1971, Part 2, p. 465. Hereinafter cited as *Hearings*.

[6]Advisory Commission on Intergovernmental Relations, *Making the Safe Streets Act Work: An Intergovernmental Challenge*, 1970, pp. 22-23.

[7]*Ibid.*, p. 18.

of criminal administration services in each state and that is the proper perspective from which to assess needs, set priorities and evaluate results.

The unique feature of the SPA is that, while it remains subject to the jurisdiction of the Governor and takes a statewide approach to the problems of crime and justice, local participation in the decision-making process is assured. This has occurred not only through the creation of local and regional planning councils, but most significantly by membership on the SPA Supervisory Board. Sixty percent of all Board members represent local interests and the resulting SPA plans attest to the constructive process that has begun—urban impact, standards, legislation, crime specific analysis, and innovation aimed at the reduction of crime and improvement of justice in America.[8]

Urban Impact: Put Money Where Crime Is

While the criminal justice system's response to crime has been scattered, crime itself is concentrated in the nation's urban areas, where three-fourths of the nation's serious crimes are committed. The SPAs have, therefore, translated their plans into action projects aimed at crime in the cities. During fiscal years 1969-1972, SPAs allocated almost 65% of all local funds to high crime areas containing 49% of the nation's population and 70% of reported Index crimes.

SPA FUNDING FOR HIGH CRIME AREAS

Year	Total Funding for High Crime Areas	Total Funding for Localities	Percent for High Crime Areas
FY 1969	$ 9,208,919	$ 15,044,308	61.2%
FY 1970	71,724,011	113,700,312	63.1%
FY 1971	136,733,204	226,661,120	60.3%
FY 1972	137,165,434	192,445,892	71.3%
TOTAL	$356,268,374	$551,044,534	64.7%

Population

Percent of Total Population in High Crime Areas—48.6%

Crime

Percent of Total Crime in High Crime Areas—70.4%

Source: June, 1972, survey conducted by the National Conference of State Criminal Justice Planning Administrators. A complete state-by-state table is included as Appendix I. West Virginia data included in totals, but excluded in individual years.

This heretofore unpublished data contradicts early reports that the SPAs were not devoting a substantial portion of available funds to high crime areas. Two widely circulated documents have criticized SPA fund allocation. The United States Conference of Mayors contended in 1971 that funds had been "dissipated in shotgun fashion across the states in many small grants" and that there was "widespread failure to comply with the spirit of the law as it relates to distributing funds to cities to fight crime." That assertion made good headlines but it rested on isolated instances, not general or documented facts.[9]

The Committee for Economic Development circulated a report entitled *Reducing Crime and Assuring Justice* (June, 1972), which claimed that "most states allocated much of the money to jurisdictions with relatively few problems and for

[8]Survey conducted by the National Conference of State Criminal Justice Planning Administrators, January, 1973. Total SPA Supervisory Board Members—1,415; State Level Members—547; Local Level Members—852; Federal Level Members—16. Additional breakdowns are as follows: Judiciary—124 (8.8%); Prosecution—121 (8.6%); Defense—48 (3.4%); Private Citizens—262 (18.5%); Public Agency Officials—219 (15.5%); Corrections—131 (9.3%); Law Enforcement—258 (18.2%); Elected Officials—244 (17.2%); and FBI Officials—8 (0.6%).

[9]Statement of U. S. Conference of Mayors, November, 1971, to the U. S. House of Representatives Government Operations Committee's Subcommittee on Legal and Monetary Affairs, *Hearings on the Block Grant Programs of the Law Enforcement Assistance Administration*, Part 2, pp. 719-720. A complete reading of the *Hearings* reveals that after LEAA Administrator Jerris Leonard responded to USCM's charges by reporting on the *actual* amount of funds received by the cities in question, USCM revised its position to an indefinite claim that "*Some* [italics of the original] local governments are still not receiving reasonable moneys . . . others are receiving generous amounts." For a complete record of these charges, see *Hearings*, Part 2, pp. 719-738.

indefensible uses, while central cities with greatest need received proportionately less."[10] No information or reference was advanced to support that contention. Considering the national data presented above, and after a thorough reading of the *Hearings* of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations (to which the CED Report refers elsewhere[11]), it is safe to say that these sweeping generalizations were unfounded and the result of inadequate research. Unfortunately, the *Hearings* and the subsequent Report of the Subcommittee have been loosely used by agencies and individuals whose clear intent is to improve the nation's crime control program, but who have surrendered to what the Advisory Commission on Intergovernmental Relations has called the "growing politicization of the crime issue."[12]

The information on percentage of funds awarded to high crime areas only reflects *direct* grant awards to those cities and actually understates the benefits high crime areas have received from the SPAs. Numerous state agency grants—such as increases in probation and parole services, strengthening of state court systems, and improved state juvenile programs—directly benefit metropolitan areas where these services are usually concentrated. In addition there are a large number of grants which indirectly benefit high crime areas. For example, state prisons are generally populated by individuals from urban areas. To the extent that the state is providing the local unit of government with a valuable service by supervising and attempting to rehabilitate these prisoners, an SPA grant to the State Department of Corrections also benefits the city.

At the national level, LEAA has recognized the importance of adequately responding to the needs of America's cities. A special Impact Cities discretionary grant program will channel $20 million into each of eight major cities (Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland and St. Louis) with the objective of achieving a 5% reduction in stranger-to-stranger street crime and burglary in the next two years, and a 20% reduction in five years.

Standards for Criminal Justice

The urban impact strategy is complemented by efforts to institutionalize improvements in criminal justice through training, education and operations standards. The SPA standard-setting role has, to some extent, been dictated by state and local needs and capabilities. Several northern and western states, for example, have had police officer standards and training (POST) laws and commissions for years. SPAs in these states have supported improved training programs and begun well-designed evaluations to test how training affects performance. In southern and midwestern states, however, many SPAs were the first to initiate and adopt training standards for policemen. Understanding these differences is essential to an appreciation for the progress now being generated throughout the country as a result of the Safe Streets Act. The following chart illustrates the depth and variety of SPA initiatives in the creation of standards for state and local efforts in the war on crime.

EXAMPLES OF STANDARDS FOR THE CRIMINAL JUSTICE SYSTEM INITIATED BY SPAs

Alabama

240 hours basic training for police officers

Connecticut

in-service training required for all correctional personnel

Delaware

minimum police training standards; statewide minimum salaries for police officers

Georgia

statewide recruit training for all state and local police; statewide recruit training and educational requirements for offender rehabilitation personnel

Indiana

240 hours basic training required for all police officers

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[10]Committee for Economic Development, *Reducing Crime and Assuring Justice*, 1972, p. 68.

[11]*Block Grant Programs of the Law Enforcement Assistance Administration*, Twelfth Report by the Committee on Government Operations, May 18, 1972, is the formal report based on the *Hearings*.

[12]Advisory Commission on Intergovernmental Relations, *State-Local Relations in the Criminal Justice System*, 1971, p. 261.

Kansas

five years' experience mandatory for district attorneys

Kentucky

patrol allocation and crime prevention team requirements for major cities; 400 hours recruit and 40 hours annual in-service training required for local police; high school education requirement for local police; professional parole board standards law; professional probation and parole officer selection practices

Maryland

in-service and basic training required for all correctional personnel; command and supervisory training for police management personnel

Massachusetts

high school education requirement for police; orientation and in-service training for probation officers; training for police supervisory personnel

Missouri

in-service training for judges and prosecutors

New Mexico

statewide recruit and in-service training requirements for police

New York

basic training required for all corrections officers

North Dakota

recruit and in-service training requirements for all correctional officers

Tennessee

educational standards for police officer selection

Rhode Island

in-service training required for police, correctional officers and prosecutors

Texas

in-service, recruit training and personnel standards for police; training required for all adult and juvenile probation officers

Utah

in-service and recruit training required for police; in-service training required for all adult probation and parole officers; recruit training for state prison and SMSA jail personnel

Wisconsin

police recruit training and educational requirements; personnel selection standards for police officers; in-service training required for judicial personnel

Wyoming

recruit training for police officers

These standards illustrate the significant leadership role of the SPAs in setting standards for criminal justice. Whether by legislation or as a condition of grant eligibility, all SPAs have directed their attention to the creation of standards. Once achieved, the standards themselves will last well beyond the SPA resources used to implement them.

The President's Crime Commission found that the "problem of personnel is at the root of most of the criminal justice system's problems."[13] In recognition of this chronic deficiency and with a proper respect for local control, the SPA-created standards have concentrated on education, training and selection as well as operations.

Once standards were agreed upon, the SPAs used action funds to create and support them. By the close of fiscal 1972, SPA resources had provided basic training for 33,000 recruits and in-service courses for another 143,000 regular line person-

[13] *The Challenge of Crime in a Free Society*, p. 12. A strategy of standard-setting, instead of simply employing more and better personnel, was necessitated by Section 301(d) of the Safe Streets Act, which limits use of Part C monies for "compensation of police and other regular law enforcement personnel" to no more than one-third of the SPA block grant. The original intent of this provision was to prevent Safe Streets funds from being used as a mere police salary supplement, but the distortion of regular spending patterns (according to the ACIR, 90% of overall local law enforcement expenditures are for personnel) has sometimes limited the SPAs' ability to respond to the primary needs of the system, and has even forced some SPAs to allocate funds for capital improvements or equipment of secondary importance. The ACIR has recommended that LEAA be authorized to waive the one-third personnel expenditure limit if state plans demonstrate a need for such a waiver. (See *Making the Safe Streets Act Work: An Intergovernmental Challenge*, pp. 65-66.)

nel. As far as education is concerned, LEAA's centrally run LEEP program has provided scholarships and loans to 177,000 students already serving in criminal justice agencies, while 59,000 pre-service students have also benefited from the program. By the close of fiscal 1972, over $111 million had been spent or committed to the development of better trained and educated personnel operating the nation's police, courts and correctional agencies.

The Maryland SPA has been one of the nation's leaders in incorporating meaningful standards into its funding decisions. Effective in 1972, police agencies in Maryland must meet the following standards in order to be eligible for any funds whatsoever: (1) comply with the minimum recruit, in-service, firearms and community relations training standards of the Maryland Police Training Commission; (2) operate from a centrally located police headquarters and maintain public telephone lines used exclusively for citizen-police communications; (3) provide adequate liability, false arrest and medical insurance for sworn personnel; (4) provide 24-hour police service seven days a week; and (5) comply with all Uniform Crime Reporting procedures and requirements. To receive funds for projects other than training and communications equipment, police agencies must also: (1) pay a minimum starting salary of $8,000; (2) establish a merit personnel system; (3) have both fingerprint and photograph capability; and (4) employ at least ten sworn police officers.

At the national level, LEAA has promoted standards for reducing crime through the monumental work of the National Advisory Commission on Criminal Justice Standards and Goals. The Commission, instead of attempting another major study of crime in America, concentrated its efforts on molding the recommendations and findings of other blue-ribbon commissions into clearly outlined personnel, organization and performance standards for states and local units of government.

The 500-plus standards and goals recommended to the SPAs by the National Advisory Commission are far-ranging and forward-looking. Some of them will require difficult and even unpopular decisions by criminal justice agencies; others will be inapplicable to some states; and many will only become realistic as social, economic and political conditions change. Nevertheless, they stand as a guide for comparisons of progress in all states, and the National SPA Conference has already taken the position that each SPA should measure itself against them. Past action as well as present commitment therefore supports the thesis that the SPAs are the best hope for acceptance and implementation of the standards themselves.

Meeting Crime Head-On: Crime Specific Planning

System-wide planning, urban impact and statewide standards for criminal justice personnel and operations characterize the first years of SPA anti-crime efforts. Any concept of "crime," however, encompasses more acts, motivations and costs than normally imagined. Realistic prevention and control methods require detailed attention to and analysis of specific types of criminal behavior. As LEAA and the SPAs came to that realization, they pioneered "crime specific" planning aimed at particular crimes. For example, an SPA might analyze the conditions under which robbery occurs most frequently in a city, the type of offender and victim most often involved and the various means of prevention which could be employed. This basic information will then be used to develop new police patrol patterns, change court handling and sentencing of convicted robbers, influence correctional programming, and inform the public of particularly dangerous times, activities or places.

Crime specific planning is directed at stopping a certain crime, but it also serves two other principal purposes. First, it provides an automatic check on system-wide planning, for it traces how the system deals with a particular crime from prevention to rehabilitation of offenders. System upgrading should pass the test of actually improving the jurisdiction's ability to deal with crime. Secondly, crime specific planning stresses crime prevention and focuses attention on reduction of crime by means and agencies not ordinarily associated with the criminal justice process. For example, an effective anti-burglary program might involve city building codes (types of locks and lighting required in businesses) or a labeling service for frequently stolen items such as televisions, radios and phonographs.

Crime specific projects are gaining acceptance in individual jurisdictions across the country, but the California SPA began the first statewide crime specific program. Noting that burglary accounted for almost half of the state's serious offenses, the SPA designed a burglary impact program to utilize known methods of preventing burglary and to develop new ones.

The burglary program has elicited unique interagency cooperation and total public support. Special programs of public education and involvement, personnel training, residential and commer-

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cial security inspections, and field operations procedures have already reduced the number of burglaries by as much as 50% in target areas within Los Angeles, Oakland, San Diego and San Francisco. Extensive project evaluation was required and will culminate with the publication of a comprehensive handbook on burglary prevention and control, describing overall achievements and the relative success and cost effectiveness of the various anti-burglary techniques employed. Local officials across the state and nation will then be able to implement proven anti-burglary programs tailored to the specific needs of their communities.

LEAA's discretionary grant program has incorporated and supported crime specific planning. Eight Impact Cities are developing exhaustive analyses of crime incidence as a basis for anti-crime projects aimed at reduction of stranger-to-stranger street crime and burglary. Furthermore, in fifteen months of operation, the National Crime Prevention Institute at the University of Louisville has initiated and provided the country's first extensive training in crime prevention and crime specific planning methods to police officers representing 103 jurisdictions throughout the country. For the first time, private industrial and security experts, in addition to law enforcement personnel, are training police to use architectural design, locks, lighting, glass and special construction materials, alarm systems, photography and community education as additional weapons in the war on crime. The month-long training course reexamines the police role and offers practical knowledge that can prevent crime by increasing the risk of apprehension and by specific target hardening countermeasures.

Leverage

The limited action funds available to the SPAs ($1 billion compared to total state and local criminal justice expenditures of $33.5 billion during FY 69-72) were desperately needed and sought by operating criminal justice agencies. In the ensuing competition for funds, SPA Board members realized that—whatever the disadvantage of limited funds—the very scarcity of resources within the criminal justice system gave them a chance to encourage changes which otherwise would have been impossible or long-delayed. Consequently, a leverage strategy was developed and used in one form or another by most SPAs.

One form of leverage is the cost-effective use of Safe Streets monies in projects whose effects spread beyond their budget boundaries. Eleven SPAs have sponsored revisions of state penal or juvenile codes. These new codes were produced at relatively little expense, but their ultimate impact on a state's criminal justice system is beyond calculation and the leverage principle takes on meaning through the new police responsibilities, streamlined court procedures or changes in correctional programs that are required by the codes themselves.

Leverage in Massachusetts has produced changes that will far outlast SPA support. All the state's large institutions for delinquents were closed in 1972 and juvenile services are now concentrated in local probation and parole offices, group homes and special clinics. Six youth service bureaus, which coordinate community services and follow up with diagnosis and treatment, have been established in metropolitan areas. The SPA has thus redirected a statewide program by establishing a comprehensive network of community services that will be continued—if for no other reason than the absence of the state's original institutions.

The SPAs discovered another form of leverage when it became apparent that criminal justice agencies would not only implement projects *with* Safe Streets monies, but many could be induced to institute new programs *because* of Safe Streets monies. This simple carrot-and-stick approach has proved singularly effective. By providing the Knoxville and Memphis police departments with badly needed equipment, the Tennessee SPA also obtained their support for new patrol allocation plans. The New York SPA's centralized narcotics courts program also illustrates the point. Twelve new narcotics courts in New York City, served by a centralized team of prosecutors under a single chief, do much more than increase available manpower to respond to a drug problem of epidemic proportions. For the first time, narcotics and drug abuse prosecution is not stymied by the geographic divisions of the five New York City boroughs.

Legislation

Many SPAs discovered that deficiencies in personnel, equipment, training, education and the like were only compounded by archaic and unexamined laws that did little to assist in the control of crime or achievement of justice. The comprehensive planning process mandated by the Safe Streets Act led naturally enough to examination of state and local law as one means of providing additional

tools to law enforcement and achieving immediate as well as far-reaching system improvements. Most SPAs have not, therefore, confined their role to administration of available resources alone. By accepting the task of recommending—and sometimes drafting and supporting—legislation, they have often played an even more effective role than available federal resources would permit.

As with criminal justice standards, the SPA role in the legislative arena depends to an extent on the structure and responsibilities of the executive branch in each state. By any measurement, however, the SPAs have been responsible—in only four years—for an unusually significant amount of important and progressive legislation.

Perhaps the most outstanding example of legislative achievement is the program developed by the Kentucky SPA which will revolutionize the criminal justice system in Kentucky. A mandatory crime reporting law began the state's first effective collection of crime data. A $4.75 million police training and educational incentive program was approved in 1972, establishing for the first time statewide training, educational and operations standards for police. In corrections, laws authorizing probation and parole for misdemeanants give local judges new alternative dispositions for minor offenders. Work and educational release legislation for both felons and misdemeanants adds another dimension to the rehabilitation options open to Kentucky's correctional agencies. Mandatory supervision of felons now insures that all offenders leaving prison, including the "hard core" group denied parole, will be assisted during the difficult transition from prison to the community. In courts, a statewide public defender system was established by law after successful SPA pilot projects, and the first-ever revision of the state's penal code was enacted. The effect of this legislation (researched, drafted and developed by the SPA itself) is only beginning to be felt, but the justice system in Kentucky is now providing services and performing tasks which it did not offer or attempt two years ago.

The following chart shows principal legislative accomplishments of the SPAs across the country.

SPA LEGISLATION

Alabama

elimination of office of justice of the peace; sheriffs made salaried officers

Alaska

privacy and security of criminal justice information system data controlled

Arizona

mandatory crime reporting; work release authorized; established permanent metropolitan grand juries; witness immunity statute; authorization of community corrections centers and group foster homes; standards for juvenile detention facilities; judicial qualifications commission

Arkansas

privacy and security of criminal justice information system data controlled

Colorado

revised penal code and code of criminal procedure

Delaware

police officer standards and training law

Hawaii

established statewide organized crime unit in the attorney general's office

Idaho

revised narcotics laws; revised youthful offender statutes; mandatory fingerprint reporting law

Indiana

mandatory police training law

Iowa

reorganization of state crime laboratory; revision of narcotics law enforcement powers

Kansas

established marijuana control committee; revision of state constitution and judicial article; public defender law; district attorney and court administrator laws; narcotics and controlled substances legislation

Kentucky

mandatory crime reporting; revision of penal code; police training and educational incentive law; public defender statute; misdemeanant work release; probation and parole for misdemeanants; sheriffs' succession law; mandatory supervision of felons; work release for felons; parole board standards act

Maryland

unified district court system; statewide public defender; implementing legislation for adult community corrections system; established a corrections training commission

Massachusetts

decriminalized drunkenness; statewide alcohol detoxification and treatment centers; authorization of organized crime-oriented wire tapping; supervisory training for police command personnel; special witness immunity statutes; mandatory fingerprint reporting system; expanded powers of chief justice of district courts; juvenile code revision (in progress); revised penal code (in progress)

Michigan

narcotics law reforms; public defender legislation (in progress)

Mississippi

reformed penitentiary board; administrative reform of the state penitentiary; mutual aid compact for law enforcement; public defender office in three jurisdictions

Missouri

public defender law; authorization of release on recognizance procedures

Nevada

statewide public defender; state court administrator; probation subsidy program

New Mexico

revised juvenile code

New York

organized crime task force; special narcotics courts for New York City; speedy trial administrative reforms; creation of Division of Justice (planning, grant administration, information systems, police officer standards and training, and criminal justice research)

North Carolina

established a criminal justice training council

North Dakota

authorized work release; drug abuse control act; decriminalization of drunkenness; uniform juvenile court act; appropriation for construction of law enforcement center

Oregon

revised penal code; decriminalization of drunkenness; 60-day limit for trial of incarcerated accused

Pennsylvania

salary incentive program for policemen with college credits in law enforcement

South Carolina

police officer standards and training act; creation of comprehensive criminal justice information system; reorganization of state juvenile services departments

South Dakota

revised sentencing procedures for courts; expungement of records of successfully rehabilitated first offenders

Texas

law enforcement mutual aid compacts authorized; revision of penal code (in progress); unified court system; revision of judicial article

Utah

revised penal code (in progress); controlled substances act; unified court system

Virginia

revision of penal code (in progress); reorganization of judicial system; drug abuse control council; public defender commission; state criminalistics laboratory

Wisconsin

minimum training and standards for police; mandatory crime reporting and information system

Wyoming

juvenile court act; police standards act; crime reporting act; revised penal code; revised juvenile code; controlled substances act; professional parole board; reform of lower court system

This SPA legislation is a significant, lasting achievement. It makes the following statement of the Lawyers' Committee for Civil Rights Under Law seem the result of inadequate research: "The independence of the SPAs from state legislatures . . . is probably the main reason why the majority of SPAs have failed to develop legislative programs of any kind. Reforms that can be effected only by state laws . . . are being ignored." As a

matter of fact, only 16 states have revised their criminal codes in the past thirty years and the American Law Institute took nine years (1953-62) to draft its Model Penal Code. To expect the SPAs to research, draft and gain legislative approval of penal codes in only four years, is unrealistic. Instead, it is a major accomplishment that since 1968, 11 SPAs have sponsored penal or juvenile code revisions, 6 of which have already been enacted into law.

These legislative accomplishments do not include the considerable state commitment of matching funds to increase available planning and action monies under the Safe Streets Act. Without considering local matching commitments, in-kind contributions, or appropriations direct to existing state agencies for match purposes, the states had appropriated approximately $8 million to their SPAs to match federal planning grants and another $48 million in action dollars before the cash match requirements of 1970 went into effect. These legislative commitments increased SPA effectiveness and provided over one-half of the required match for state level projects in cash—a significant and tangible indication of the states' commitment to making the Safe Streets Act work.

Innovation: Changes for a Safer Community

Existing laws and agencies seemed unable to reverse the rising crime rate that Americans feared in 1968. Less than one in five burglaries was solved,[14] two of every three persons released from prison were rearrested within five years,[15] and the delay between arrest and trial in metropolitan areas was often twelve months or more.[16] The SPAs felt that change, experimentation and innovative solutions to old but growing problems were clearly required.

Innovation in criminal justice, however, is a relative concept. Any judgment of "innovation" should be based upon the status of the criminal justice system in the state or community involved. Even a computerized record-keeping system or an elaborate juvenile delinquency classification and treatment program in an urban community may represent less of a change in practice, retraining and attitudes than a regional law enforcement communications network in a rural community. Blanket statements and criticisms that individual programs are not "innovative" remain meaningless and uninformative, therefore, unless measured against prevailing practices and conditions.

If by "lack of innovation," SPA critics mean an absence of visionary projects which hold but the slightest promise of measurable success, the SPAs are guilty of favoring more practical approaches. On the other hand, if innovation is understood to connote new standards and operations for the specific community or agency involved, the SPAs have made sizeable gains.

In police, effective and innovative SPA projects have addressed both the ways police agencies operate internally and the ways police agencies relate externally to the citizens they serve. A police management study of the operations and administration of Detroit's Criminal Investigation Division, at a cost of $150,000, has saved the Division over $1,450,000 annually in terms of dollar value for man hours saved. The subgrantee's final report stresses that elimination of unnecessary duties and acceptance of streamlined procedures resulted in more time for "prompt, complete and thorough criminal investigation." It is perhaps not inappropriate to note that crime in Detroit was down 15.8% in 1972.[17]

The Texas SPA has developed a number of programs aimed specifically at improving police response to the special law enforcement needs of minority group neighborhoods. In Forth Worth, for example, SPA funds were used to establish police-community relations storefront offices in five high crime, minority group neighborhoods. A new system of two-man foot patrols, each including a minority group member, was instituted. The storefront offices and foot patrol teams are designed and officers are trained to provide a wide range of community services—including acceptance of citizen complaints, youth recreation organization, and employment counseling—in addition to the traditional law enforcement functions of the police. Index crime in the project areas was down

[14] F.B.I. *Uniform Crime Reports*, 1969, p. 19.

[15] *Ibid.*, p. 37.

[16] Professor Hans Zeisel of the University of Chicago Law School, writing in the October, 1969 issue of *Judicature*, stated that "Pittsburgh . . . has one of the best records among metropolitan courts with an average delay of only 23 months." (p. 112) In the November, 1971 edition of *Judicature*, Attorney General John N. Mitchell pointed out that more than 40% of the inmates in New York City's jails had been waiting "at least a year to be tried." (p. 139)

[17] F.B.I. *Uniform Crime Reports*, 1972 (preliminary), released March 28, 1973.

26% during the first year of operation and accounted for over half of a city-wide crime decrease of 7.6%.

In corrections, the District of Columbia SPA's Prison College Project has provided inmates with an opportunity to attend higher education courses at a local college. Eighty percent of these inmate students have re-enrolled in the college after release from prison. On the other side of the wall, the SPA's Inmate Personnel System and Career Structure Program has been successful in finding jobs for 800 of 1300 ex-offenders referred to the project during its first year of operation, and the restoration of a 100-unit public housing complex was accomplished by a construction team made up of released offenders.

This commitment to community-based corrections is manifested in dozens of half-way houses, work release and employment projects, and diversion programs across the country. The thrust of SPA funding has been to widen the range of correctional and rehabilitative alternatives within the criminal justice system in order to enable each offender to be dealt with on a more effective, individual basis.

In courts, innovative SPA projects have included eight revised state penal codes, three new state juvenile codes, and seven state public defender systems—all by July, 1972. Other SPAs have concentrated on improving the ability of established systems to administer present law. The Illinois SPA, for example, has developed a comprehensive study-demonstration project to assess the effectiveness of newly financed prosecutors' offices across the state. Tailored to meet local needs, the project has established a model District State Attorney's Office (five counties), a model Metropolitan Prosecutor's Office (Chicago), and a model State Attorney's Support Unit to provide supplementary and specialized professional services to prosecutors in rural regions.

The SPA commitment to change and improvement in state and local judicial systems is only now becoming visible across the country and includes a massive court reform effort in Philadelphia encompassing expanded probation and parole, new juvenile support services, and revamping and strengthening of both prosecution and indigent defense functions.

Delinquency prevention and drug abuse control programs have been developed in all states and represent some of the most significant innovations brought about by the SPAs. Both program categories have involved agencies outside the traditional criminal justice system; both attempt to divert people from criminal sanctions; and neither embraces the concept of punishment. Clearly innovative, they have been attacked for their failure to support the traditional justice system and as duplications of other federal programs.

The House Subcommittee on Legal and Monetary Affairs subscribed to both arguments. Delinquency prevention and methadone maintenance projects were seen as "duplication[s] of other federal programs" and both were singled out for condemnation for not having "a direct impact on the criminal justice system."[18] These assertions were made despite the fact that almost one-half of those arrested for Index crimes in 1971 were juveniles,[19] and despite the fact that drug-related crimes are responsible for one-third to one-half of the hold-ups, burglaries, muggings and thefts committed in the nation's 34 urban areas.[20] Moreover, the ABA Special Committee on Crime Prevention and Control has recommended that "federal expenditures on narcotics treatment programs should be increased five to ten fold"[21] over the current $300 million level. "Duplication" involves redundancy of programs—yet even the most cursory look at juvenile crime and drug crime indicates that all federal programs combined are clearly inadequate. What has a "direct impact on the criminal justice system" may be debatable, but a simple canvass of admittedly imperfect crime statistics shows that juvenile delinquency prevention and methadone maintenance have a direct impact on *crime*.

Cooperative State and Local Decision Making

State and local decision making is at the heart of the Safe Streets Act. In one sense, the transfer of federal dollars and authority reflects Congressional

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[18] *Block Grant Programs of the Law Enforcement Assistance Administration*, Twelfth Report by the Committee on Government Operations, 1972, p. 61. Hereinafter cited as the *CGO Report*.

[19] F.B.I. *Uniform Crime Reports*, 1971, p. 34.

[20] *New Perspectives on Urban Crime*, A Report by the American Bar Association Special Committee on Crime Prevention and Control, 1972, p. 25. Henry S. Ruth, Director of the New York City Criminal Justice Coordinating Council, has also disagreed with the CGO Report. See *Hearings*, Part 2, p. 503.

[21] *Ibid.*, p. 62.

Development of SPA Capabilities

determination to avoid a nationally controlled justice system in the United States. At the same time, it represents a practical understanding that coordinated planning (1) by separate arms of the criminal justice apparatus—police, courts and corrections; and (2) by state and local governments, each of whom has assumed responsibility for only limited parts of the criminal administration process, was an unavoidable precondition of success in the war on crime. The Advisory Commission on Intergovernmental Relations indicated the importance of the SPA role in coordinating this planning and decision-making process:

> Greater coordination and more integration of the various components of the several law enforcement and criminal justice systems are vital goals in our effort to develop effective and equitable crime reduction programs . . . The block grant . . . is designed to achieve just this kind of result. For the most part, present intergovernmental crime reduction activities are fragmented. If given a chance, the Commission is convinced that state comprehensive plans under the Act, as developed by SPA supervisory boards, will constitute key mechanisms for making state-local criminal justice efforts part of an interrelated system.[22]

The new state and local relationships being forged through the SPAs are one of the principal accomplishments to date under the Safe Streets Act and are critical to continued success of the program. Strict federal control of anti-crime programming discourages local initiative and innovation. City block grants, on the other hand, encourage continued fragmentation by allowing both state and city governments to look after their own needs without considering overall system-wide priorities.

Since city and county governments have primary responsibility for police and jails, it seems reasonable to expect direct local block grants to be directed to these responsibilities. Similarly, with direct block grants, state governments will tend to look after their part of the justice system—felony corrections, courts, juvenile services and state police—to the exclusion of critically needed central services for localities. The SPAs, however, represent local as well as state government, and agency heads from both have had to openly justify their own needs, priorities and practices over the past four years.

Some mayors will continue to push for complete autonomy in receiving federal block grants for law enforcement despite the fact that their own police chiefs and other local representatives have influential roles on SPA Supervisory Boards. The national organizations representing city governments may continue to support a go-it-alone and leave-us-alone policy. Nevertheless, two important facts presented in this *State of the States Report* demonstrate that the SPAs can and are responding to the needs of localities, and more particularly, the high crime areas of the country: 60% of the SPA Board members represent local government and 65% of all local funds awarded by the SPAs have gone to major urban areas containing 49% of U. S. population and reporting 70% of its crime. Moreover, under the current Safe Streets Act or President Nixon's special revenue sharing proposal for law enforcement, SPAs may choose to create local block grant programs, if, for whatever reason, that appears desirable. In both Ohio and Florida, the SPAs have exercised that option, but each retains authority to review local plans and programming.

In 1967, the President's Crime Commission spoke to the problem:

> Much of the planning for action against crime will have to be done at the state level. Every state operates a court system and a corrections system, and has responsibility for certain aspects of law enforcement. The states are in the best position to encourage or require the coordination or pooling of activities that is so vitally necessary in metropolitan areas and among rural counties.[23]

Traditional city-state antipathies have not disappeared because of the block grant, but it cannot be denied that the Safe Streets Act is forging new links of cooperation between cities and states. What began with doubts, misunderstandings and suspicions is now leading the way to a revitalization of intergovernmental cooperation.

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[22]Advisory Commission on Intergovernmental Relations, *Making the Safe Streets Act Work: An Intergovernmental Challenge*, 1970, pp. 60-61.

[23]*The Challenge of Crime in a Free Society*, p. 280.

The growth of most SPAs has followed a natural progression from planning through grant administration, monitoring, audit and evaluation. Whether the staff had 6 or 100 employees, each of these functions was being performed in 1972. But in 1969 and 1970, action and planning funds were made available simultaneously and the SPAs did not have the benefit of experienced staffs or defined procedures. Problems were bound to occur and did. Furthermore, by the time a planning and administrative capability had been built, LEAA and GAO were pointing to deficiencies in monitoring, audit and evaluation. Often right, but without an appreciation for realistic timing and always with a penchant for generalization from egregious example, these federal auditors nevertheless helped the states overcome early mistakes and move toward acceptance of their role in the Safe Streets program.

Planning: Filling the Vacuum

The first step for state and local governments was to develop a system-wide intergovernmental planning capability. Because of the obvious need to rethink criminal justice policies, goals and practices and to consider the needs of the system as a whole, planning was essential to organize a process and attract the people who might design and implement ways to reduce crime in America.

The SPAs began by obtaining the advice and guidance of the best criminal justice practitioners the country had to offer. In June, 1972, 1400 citizens—criminal justice experts and laymen alike —were members of SPA Supervisory Boards. Another 9000 persons had accepted membership on regional or local supervisory boards. At the staff level, almost 1500 individuals were working for the SPA Boards and 1100 were employed by the regional and local planning agencies.

Development of an adequate planning capability was the key to early SPA success. Police representatives on SPA boards had to accustom themselves to the fact that courts and corrections could also alleviate the crime problem; judges had to come from behind their benches and examine the judiciary's contributions to a larger system; and corrections officials had to put their theories to the test rather than rely on the time-worn excuse that no one cared about rehabilitation and there was no way they could succeed under the circumstances.

In many respects, it would have been much easier to plan for the expenditure of $20 billion than for the $1 billion actually received by the SPAs in action funds by the end of FY 1972. Limited funds automatically excluded many badly needed but expensive projects such as jail, prison and courthouse renovation and construction, or major increases in probation and parole services, police manpower and prosecution/defense personnel. Although Safe Streets Act appropriations grew rapidly,[24] they were and are only a small fraction of total criminal justice expenditures throughout the country. As the chart on the next page shows, responsible use of these public funds required detailed, comprehensive plans which incorporated tough decisions based on geographic as well as program priorities.

Henry S. Ruth, Director of the New York City Criminal Justice Coordinating Council, dramatically illustrated the funding limitations faced by the SPAs:

> The thought that money abounds from the Federal Government in the criminal justice system is one I also find disturbing. I notice the fiscal year 1971 authorization for LEAA is $650 million. That is what we spend in New York City every year for our police department alone. We have a criminal justice budget in New York City of $850 million. The Federal funds that we received in the last 3 years would run the New York City criminal justice system for about 7 days.[25]

Planning funds generally average no more than 10% of SPA action monies. Thirty-two of 50 SPAs[26] have 20 or fewer staff professionals to develop and operate the five basic SPA functions

[24] A complete listing of Parts B, C and E funds for each state is provided in Appendix II.

[25] *Hearings*, Part 2, p. 490. This comparison has unfortunately been overlooked by some observers. In *Law and Disorder III* (p. 8), the Lawyers' Committee for Civil Rights Under Law has criticized SPA administration of the Safe Streets Act for not having "initiated a basic reform of the criminal justice system." For fiscal years 1969 through 1972, SPA "action" money was barely 3% of total state and local criminal justice system expenditure. To expect this small investment to produce "basic reform" of a 200-year-old system is a case of very poor judgment or a very bad case of over-optimism.

[26] Data on Louisiana, Guam, Virgin Islands, Puerto Rico and American Samoa not included. At least the 4 territories also have fewer than 20 professionals.

COMPARISON OF SAFE STREETS ACT FUNDING AND TOTAL CRIMINAL JUSTICE SYSTEM EXPENDITURES
(in thousands of dollars)

Period	Total Direct Criminal Justice System Expenditures	Total Safe Streets Act Appropriation	Appropriations as a Percentage of Total Criminal Justice Expenditures
FY 1969	$ 7,340,305	$ 63,000	.86%
FY 1970	8,571,252	268,100	3.13%
FY 1971	10,165,068	529,000	5.20%
FY 1972	11,750,819	698,900	5.95%
TOTAL	$37,827,444	$1,559,000	4.12%

Period	Total Direct State & Local Government Criminal Justice Expenditures	Total SPA Block Grants (Parts C & E)	Block Grants as a Percentage of Total State & Local Criminal Justice Expenditures
FY 1969	$ 6,562,058	$ 24,650	.38%
FY 1970	7,592,778	182,750	2.41%
FY 1971	9,026,580	365,000	4.04%
FY 1972	10,434,727	464,945	4.46%
TOTAL	$33,506,143	$1,037,345	3.10%

Sources: For FY 1969 and 1970—*Expenditure and Employment Data for the Criminal Justice System*, 1968-69 edition, pp. 11-12; 1970 edition, pp. 7-8 (published by LEAA/Bureau of the Census); for FY 1971 state/local total, *State-Local Proportions and Classification Procedures for Variable Pass-Through*, Statistics Division, National Institute of Law Enforcement and Criminal Justice, July, 1972. Total Criminal Justice System Expenditures for FY 1971 are based on a ratio of 11.2% federal and 88.8% state/local (federal expenditure averaged 11.2% of total for FY 1969 and 1970). Total for FY 1972 and the state/local share are based on a 15.6% increase over 1971 (15.6% is the average annual increase, 1960-1970) and an 11.2%/88.2% federal-state/local split.

of planning, grant administration, monitoring, audit and evaluation. In fact, 24 of 50 SPAs had no more than 15 professional staff members by the close of FY 1972.[27]

In the smaller SPAs, the need for technical expertise remains acute and even large planning staffs have been hard pressed to find specialized personnel. This was particularly true during the earliest stages of the federal transfer of authority and responsibility to the SPAs. Every SPA has therefore turned to consultants for expertise not otherwise available. Even as SPA staffs are built and competencies developed, consultants will continue to be used in specialized areas such as computers, communications, management studies and law.

By 1972, every SPA had developed an in-house planning capability and the early reliance on consultants steadily declined. Even though the SPAs created the nation's first criminal justice planning capability, consultant expenditures were never inordinately high, as the chart on the next page shows.

Grant Administration and Monitoring: Safeguarding the Taxpayer's Money

Just as the SPAs faced the challenge of developing the nation's first comprehensive criminal justice planning capability, they also had little precedent or early technical assistance to help them establish fiscal and administrative procedures for the nation's first block grant program.

[27]Survey conducted by the National Conference of State Criminal Justice Planning Administrators, June, 1972. The claim of the U.S. Conference of Mayors that the SPAs are establishing a "substantial and unwieldly bureaucracy" (*Hearings*, Part 2, pp. 719-720) thus appears unsupported by fact. The Advisory Commission on Intergovernmental Relations also rejected USCM's claim in its report *Making the Safe Streets Act Work: An Intergovernmental Challenge*, p. 56.

CONSULTANT EXPENDITURES BY SPAs FROM PLANNING GRANT FUNDS

	FY 1969	FY 1970	FY 1971	FY 1972	Total
Total Part B SPA Consultant Expenditures	$ 1,540,653	$ 1,438,997	$ 1,382,489	$ 1,080,915	$ 5,443,054
Total SPA Share of Part B (60%)	9,289,800	10,246,800	12,627,000	16,940,400	49,104,000
Expenditures as a Percentage of the SPA Share of Planning Funds	16.6%	14.0%	10.9%	6.4%	11.1%

Source: June, 1972, survey conducted by the National Conference of State Criminal Justice Planning Administrators. A state-by-state breakdown of the data is included as Appendix III.

The SPAs had to remain accountable under the laws and regulations of federal and state governments, using appropriate reporting forms and accounting procedures for both. In addition, they had to create: (1) application forms and procedures; (2) budget and program review functions; (3) award and rejection standards; (4) monthly fund disbursement schedules for hundreds of projects; (5) monitoring guidelines and policies; and (6) evaluation strategies.

In retrospect, it appears that many problems could have been avoided or ameliorated—SPA drawdowns and subgrantee disbursements could have been better controlled; uniform grant management data might have been recommended or required by LEAA; model administrative forms might have been designed; a list of consultant competencies ought to have been developed; and technical assistance in financial management should have been offered before 1971.

LEAA promulgated its Financial Guide in 1969 and an Audit Guide in 1970. They are used by all SPAs in addition to the OMB Circulars generally controlling expenditures of federal funds. Compliance with state laws and concern for program integrity and fiscal accuracy, however, led to the development of separate, more specific guidelines by most SPAs. By the end of FY 1972, 43 SPAs had developed their own written financial guides; 31 had printed formal audit guides; 29 had published monitoring manuals; and 25 required a formal orientation conference with *all* subgrantees in addition to numerous informal contacts during the planning and implementation process. All SPAs now offer technical assistance to subgrantees and, without exception, they also require subgrantee fiscal and program progress reports on monthly, quarterly or semi-annual schedules, depending on the nature of the grant and state financial policies.

These extensive grant administration and monitoring systems demonstrate convincingly that the forerunner of revenue sharing is being handled with a concern for financial and program integrity that few, if any, federal agencies can match. In part, this is possible because of the proximity of the grantor agency to the grantees. The fact that effective reporting and monitoring systems have been designed and implemented by every SPA lends credence to the theory that one governmental level can act responsibly as spending agent for another.

Audit and Evaluation

It was natural to expect that audit and evaluation capabilities would be developed after planning and administration. To some extent, this was the result of a brand-new program whose primary emphasis was on action for desperately needed change rather than a penny-wise, pound-foolish approach. More importantly, the SPAs have seen audit from a proper perspective: an *ex post facto* function which can only discover, not prevent, mismanagement of public funds. It is the stringent monitoring and grant administration controls established by every SPA which must be the primary insurance against financial malfeasance. As the Comptroller General of the United States has noted, "The audit process should not be considered as a substitute for internal control. It is management's responsibility to institute adequate procedures and controls to prevent irregularities and improprieties . . . Auditing is primarily a test of these procedures and con-

trols and is not a substitute for them." *(Standards for Audit of Governmental Organizations, Programs, Activities and Functions*—1972). At the same time, an effective monitoring system[28] can provide much-needed information for later use in evaluation.

The purpose of audit is three-fold: (1) to examine and evaluate financial transactions, accounts and reports; (2) to review the efficiency and economy of procedures and policies adopted; and (3) to determine whether desired program results are being achieved. All SPAs have developed such an independent audit capability, although practices vary from state to state.

In some states, the SPA staff includes auditors; in others, the audit function is a responsibility of a specific state agency or is performed on contract by independent CPA firms. Generally speaking, audits performed by federal authorities encompass only a representative sample of individual grants made by the SPAs,[29] but as evidence of state concern for strict financial accountability the National Conference of SPA Directors adopted a 100% audit requirement in 1972.[30] The cost-effectiveness of this standard is currently being evaluated, with some Directors arguing that program and fiscal integrity can be substantially assured by an audit schedule which covers 50% of total funds awarded.

Evaluation of crime control programs—like assessment of the success of any social service delivery program—is often complex and can be ambiguous. Reliable base data are usually nonexistent in the criminal justice field and the possible measures of "success" or "improvement" a subject of debate: for example, is a patrol demonstration project successful if officers solve more crimes, make more arrests, allay public fear of crime, reduce the crime rate or maintain better community relations?

The National SPA Conference, through its Guidelines Committee, has worked with LEAA to develop adequate evaluation procedures and policies. Effective with the FY 1972 comprehensive plans, 15% of all subgrants must be formally evaluated. The National SPA Conference evaluation standard is more specific:

> Each state planning agency shall develop annually a specific evaluation strategy. A program shall be evaluated if it meets one of the following criteria:
> —if it proposes to reduce the incidence of a specific crime or crimes;
> —if it purports to produce quantifiable improvement of some aspect of the criminal justice system; or
> —if there is potential for technology transfer.
> Evaluation shall be defined as determining whether the project or program accomplished

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[28]The National SPA Conference has adopted the following standard for monitoring: "Each action project administered by the state planning agency shall be monitored at least one time per year during the life of the project. Such monitoring shall include both on-site fiscal and programmatic review. This monitoring may either be conducted by the state planning agency or by the appropriate local or regional planning unit. Joint monitoring is encouraged

"In cases of equipment purchase and projects of less than six months' duration, the monitoring function may be merged with the final audit.

"Each regional or local planning unit shall be visited at least once a month by a representative of the state planning agency, who shall offer whatever assistance the regional or local planning unit may require and shall report on its progress.

"Each action project in which an on-going program is contemplated, or which will involve more than $25,000 of LEAA funds, shall be monitored at least once every six months. If more than $100,000 of federal funds is involved, such project shall be monitored at least once every three months.

"When for individual grants the director of a state planning agency (or local or regional planning agency when that authority has been passed through) determines that more or less frequent contacts are advisable, he shall establish a schedule of visits which he deems appropriate.

"Monitoring shall be defined as periodically determining, by on-site inspections, whether the subgrantee is fulfilling the fiscal and programmatic conditions of his grant award, during the lifetime of the project."

[29]See *Standards for Audit of Governmental Organizations, Programs, Activities and Functions*, by the Comptroller General of the United States (1972), pp. 6, 19, 25, 33, and 35; *LEAA Audit Guide for Review of State Planning Agencies, Subgrantees and Contractors* (1971), pp. 24-30; and *LEAA Audit and Inspection Manual*, Volume I, Chapter VII, Transmittal #1 (1970), p. 1.

[30]Standard for SPA Operations Number 2, adopted by the National Conference of State Criminal Justice Planning Administrators at its Semi-Annual Meeting, February 27, 1973. The full Standard is as follows: "Every state planning agency shall audit or ensure the audit of each and every action grant administered by the state planning agency, within one year of its completion. In the cases of local planning and continuation action grants, audits shall be conducted no less than once every twelve months. Auditing staff should report to the SPA director, the governor, or to the appropriate state auditing agency. At any time that information is received by the state planning agency director that a grant is being mismanaged and that the effective utilization of grant funds is in jeopardy, he shall order a special investigation to be conducted immediately and, where appropriate, a special audit shall also be conducted."

its objectives, in terms of either preventing, controlling or reducing crime or delinquency or of improving the administration of criminal justice within the context of the state comprehensive criminal justice plan. Such evaluation shall include, whenever possible, the impact of the project or program upon other components of the criminal justice system.[31]

SPA evaluation activity has varied according to available funds, staff size and competencies. The larger states have so far been the leaders, and their different approaches are an indication of the diversity of opinion concerning evaluation. In fact, the SPAs are currently working out evaluation policies and procedures which may point the way toward the country's first effective evaluation model for social services.

Some states, like New York, provided funds for evaluation in every project from 1969 forward—until they determined that arbitrary evaluation percentages could not be assigned to all components of the annual comprehensive plan and that some action projects could not be evaluated against objectives in anything approaching a cost-effective manner. It became clear that some evaluations were best left to user and client observation; some to SPA judgment and comparison of existing data before and after project implementation; and others required the creation of new statistics systems and independent consultant participation.

Perhaps the most comprehensive SPA evaluation program is that developed by the Virginia SPA. As of this writing, the SPA has formally evaluated all its FY 1969 grants and nearly 80% of its completed FY 1970 and 1971 grants. Evaluation strategy varies with the size and scope of the grant, but 200 of 530 grants so far reviewed have been evaluated using a structured questioning format in personal interviews of subgrantees by independent consultants. Smaller grants incorporate a self-reporting evaluation system with additional coverage in telephone interviews using the structured questioning format. A formal staff evaluation is also made of any grants considered for continuation funding.

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[31]Standard for SPA Operations Number 4, adopted by the National Conference of State Criminal Justice Planning Administrators at its Annual Meeting, August 10, 1972. The common claim that the SPAs should be "evaluating" a major portion of funded projects, instead of projects which lend themselves to useful evaluation (such as those mentioned in the Standard), is a misunderstanding of what comprehensive evaluation requires. For example, the Lawyers' Committee for Civil Rights Under Law has criticized the Safe Streets program because "most of the programs funded by LEAA at the state and federal levels continue to operate without evaluation," the implication being that "most" projects should be "evaluated." (*Law and Disorder III*, 1973, p. 15) How difficult would this be? In mid-1971, it was estimated that SPAs had made some 55,000 grants, or an average of 1,000 subgrants per SPA. If one grant could be completely "formally evaluated" in two and one-half days by one staff professional, then such a professional could "evaluate" one hundred grants a year (250 working days). To achieve even a 20% coverage would require two professionals full time for one year. Considering the fact that 24 SPAs have 15 or fewer staff professionals, such a 20% coverage would seem an extremely difficult task.

A similar case is the complaint, voiced by the Lawyers' Committee and others, that LEAA has not developed a "clearinghouse of information and technical assistance of what kinds of reform programs are being tried or which ones work." Such a statement not only ignores the efforts of the SPAs and LEAA's National Institute to provide technical assistance and limited clearinghouse services, but displays an obvious disregard for an appreciation of what a *real* clearinghouse, which would collect detailed reports and usable data on a mandatory compliance basis, would involve in terms of cost and work time for LEAA and for the SPAs (which would have to furnish all the raw data).

A Perspective on Controversy

Crime rates and measures to reduce crime and improve justice were being debated in Congress and town councils well before 1968. The very lack of unanimity, a plethora of conflicting philosophies and proposed solutions, and the complexity of crime causation guaranteed that any program charged with the job of reducing crime and improving justice in America would have its critics.

When chosen to serve as the test vehicle for block grants to states and as the forerunner of revenue sharing, the Safe Streets program was assured a birth in controversy. Transfer of federal tax dollars to the states with few strings attached was considered imprudent by some groups; cities that did not receive the same block grant financing to fight crime were less than satisfied; new communication channels had to be established with state agencies by local governments that were accustomed to Washington categorical grant programs; and many agencies as well as local governmental units were skeptical of state ability to handle funds or come to grips with a national problem like crime reduction and control.[32]

The nation's anti-crime program thus began with its goals—crime reduction and justice improvement—obscured by dissension and even acrimony over the manner of fund delivery and decision making. The first *State of the States Report* would be incomplete without attempting to provide a perspective on that controversy.

Filling in the Blanks

Congress recognized that "crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively."[33] Consistent with this philosophy, Congress established program objectives for the Safe Streets Act designed to give states and localities flexibility and control over their own anti-crime projects. It was left to the SPAs to set priorities within the broad Congressional objectives and that alone made controversy inevitable.[34]

The flexibility and latitude permitted the SPAs by Congress encouraged special interest groups to evaluate the Safe Streets Act in light of their own priorities to the exclusion of others. With the best of intentions, some reports have assessed SPA programs in a vacuum, without a common frame of reference or an obligation to consider the effects of recommended policies on other parts or goals of the criminal justice system.[35] Agreement has been fairly easy on the outline of the goals of the Safe Streets Act, but filling in the blanks is quite another question.

Objective appraisals of the Safe Streets Act have been infrequent. Opponents of revenue sharing have seldom passed up an opportunity to criticize SPA programs in hopes of discrediting the concept of block grants to states. Stanley Vanagunas of the Marquette University Law School Center for Criminal Justice put it this way:

> A disadvantage of using law enforcement assistance as one test case of congressional attitudes on revenue sharing has been that major political issues involved tended to override the essence of the problem at hand—how can the national government best assist state and local governments to upgrade their law enforcement

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[32]The ACIR Report, *Making the Safe Streets Act Work: An Intergovernmental Challenge*, contains an excellent discussion of how different levels of government and interest groups have "taken sides" on the Safe Streets Act.

[33]Omnibus Crime Control and Safe Streets Act, "Declarations and Purpose."

[34]Former Congressman John S. Monagan failed to question the reasons for giving SPAs wide program latitude but he opened Congressional hearings on the Act in 1971 with a feeling understood across the United States (*Hearings*, Part 1, p. 1): "LEAA was established by the Omnibus Crime Control and Safe Streets Act of 1968 in response to the growing awareness that America's law enforcement effort was in need of improvement and reinforcement. Crime rates were soaring. Fear of crime was keeping many citizens from the streets of our cities, even in daytime. Homeowners and businessmen were fleeing our cities before a rising tide of violence. Something clearly had to be done."

[35]*Law and Disorder III*, prepared by the Lawyers' Committee for Civil Rights Under Law, for example, states that the "report stems from a concern with the problems and rights of the poor and minorities," (p. 5) predictably deprecates the LEAA/SPA focus on serious crimes, (p. 16) and notes that LEAA should orient its police discretionary grants toward improving "the way in which law enforcement agencies handle the range of problems that typically consume most of their time . . property offenses, drunkenness, disorderly conduct, petty traffic offenses, narcotics offenses, assaults, vagrancy, non-support and family offenses, gambling, sex offenses and many other forms of deviant behavior." (p. 17) LEAA recently announced a $160 million Impact Cities project to reduce stranger-to-stranger street crimes and burglary in eight major cities by 20% in five years. The program has been favorably received by the public. While the Lawyers' Committee's concern with the treatment of the poor and minorities by the criminal justice system is both well-intentioned and justified, it would be very interesting to see how the public (both liberal and conservative) would react to a $160 million program to improve police handling of the offenses mentioned by the Lawyers' Committee, at the expense of a serious crime impact program.

capabilities. This key consideration has been obscured by influential opposition to the overall concept of revenue sharing.[36]

Scylla and Charybdis

Impartial consideration of the controversy surrounding the Safe Streets Act during its early years requires a realization that the proponent of a particular point of view can best be understood in terms of self interest. More often than not during the first years of the program, the SPAs have been caught between Scylla and Charybdis—the rocks of one public interest group and the whirlpools of another.

ISSUE	
Scylla	**Charybdis**
Innovation	
SPAs must reduce funding for "innovative" projects[37]	SPAs have devoted too much money for traditional purposes and not enough for experimentation[38]
Fiscal Controls	
SPAs must strengthen financial controls at all levels of the Safe Streets program[39]	SPAs should reduce red tape and give cities more flexibility[40]
Program Controls	
LEAA and SPAs must set rigid program guidelines, if necessary by limiting funding for certain categories[41]	SPAs must relax strict controls over local project selection since this is in direct contradiction to locally identified needs and priorities[42]
Fund Flow	
SPAs must disburse funds more rapidly to cities; money is moving too slowly[43]	SPAs should insure accountability and program integrity by careful review of all project proposals and by stringent financial regulations[44]
Equipment Expenditures	
SPAs must substantially reduce expenditures for equipment and concentrate on system reform[45]	SPAs must respond to locally identified needs where equipment receives a high priority[46]
Geographic Impact	
SPAs ought to devote a larger percentage of funds to high crime rate areas[47]	SPAs must direct more funds to rural and suburban areas before they experience the same crime problem seen in today's cities[48]

[36] *Public Administration Review*, March/April, 1972, p. 127.

[37] Gregory Ahart, Deputy Director, Government Accounting Office, *Hearings*, Part 1, p. 137.

[38] *Law and Disorder III*, a report by the Lawyers' Committee for Civil Rights Under Law for the National Urban Coalition, 1973, p. 9.

[39] *CGO Report*, pp. 78-95, 17-47.

[40] Draft Report on LEAA for the Federal Assistance Review Program, prepared by the International City Management Association, May 1, 1972, *passim*.

[41] *CGO Report*, pp. 61-69, 17-47.

[42] *ICMA Report*, p. 42.

[43] Congressman James V. Stanton, *Congressional Record—House*, November 16, 1971, p. H11138.

[44] *CGO Report*, pp. 17-47, 78-95.

[45] *Ibid.*, pp. 17-47.

[46] *The Cities and Law Enforcement Assistance: A Review of the Need for Federal Assistance to Cities*, testimony of the National League of Cities/United States Conference of Mayors before the House Judiciary Committee, March 23, 1973, p. 6.

[47] Stanton, *op. cit.*, pp. H11138-H11145.

[48] Every SPA can produce dozens of letters maintaining this viewpoint from state legislators, rural police, suburban elected officials and non-metropolitan planning regions.

ISSUE	
Scylla	**Charybdis**
Police Versus the World	
SPAs must spend less money for police—more for courts, corrections and juvenile delinquency[49]	SPA spending for police programs is not too high if you understand that the police function accounts for over 60% of all criminal justice expenditures annually[50]
System Support	
SPAs should support and improve the criminal justice system[51]	SPAs must reduce crime by whatever means available, including projects outside the traditional criminal justice system[52]
Which Crime?	
SPAs must spend more money on white collar and high volume crimes like drunkenness that clog the justice system[53]	SPAs must concentrate their resources on serious crimes which threaten the security of persons and property such as robbery and burglary[54]
Bureaucracy	
SPAs must cut red tape and avoid multiple reviews of local proposals[55]	SPAs must submit each and every local project proposal to regional and state clearinghouses for review prior to action[56]
Consultants	
SPAs should not utilize consultant services, which are generally overpriced and abused[57]	SPAs must provide specialized knowledge and assistance to localities that only consultants can offer[58]

The issues drawn above are illustrative of early debate over SPA administration of the Safe Streets Act. Every equipment expenditure dismays reform-oriented critics while every delinquency prevention program is suspect to traditionalists. Furthermore, new *federal* controls imposed on the SPAs (deadlines for disbursement, expenditure and reporting) have sometimes been lamented by city officials as time-consuming *state* bureaucracy. The "issues" of fund flow and equipment expenditures stand out as excellent examples of the dilemma faced by the SPAs who stand between Scylla and Charybdis.

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[49] *Law and Disorder III*, p. 9.

[50] Again, since this viewpoint is not "fashionable" in the literature criticizing the SPAs, nationally known sources are difficult to find. Each SPA can produce many letters from local police chiefs irately complaining about refusals to support police programs to an even greater extent.

[51] *CGO Report*, pp. 61-69.

[52] *Law and Disorder III*, pp. 8-9.

[53] *Ibid.*, pp. 16-17.

[54] "LEAA's overriding objective should be to increase [the criminal justice system's] ability to reduce crime . . . The criminal justice system is not an end in itself . . . Crime reduction is our basic objective." LEAA Administrator Jerris Leonard, August 10, 1973, at the Annual Meeting of the National SPA Conference, Boston.

[55] National League of Cities/United States Conference of Mayors, *op. cit.*, at note *45*, p. 5.

[56] *OMB Circular A-95*, Attachments A & D.

[57] *CGO Report*, pp. 48-60.

[58] *Law and Disorder III*, pp. 8-9.

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Fund Flow

The fund flow "issue" has, unfortunately, been based on the mistaken notion that block grant funds appropriated for one fiscal year should be expended during that same fiscal year.[59] This is a misconception carried over from federal categorical grant programs, but it is entirely inappropriate for analysis of the block grant system of funding established by the Safe Streets Act. As a matter of fact, SPAs are legally authorized to expend one fiscal year's funds during the two succeeding fiscal years (i.e., FY 1970 monies need not be expended until the end of FY 1972).

Perhaps more important, the one year appropriation and expenditure cycle is only valid for a theorist's flow chart—not for the real world. Funds appropriated for one fiscal year should be expended by the end of that fiscal year *only* if the money is appropriated at the beginning of the fiscal year, *only* if the state comprehensive plans required by law have been drawn, submitted and approved prior to the beginning of the fiscal year, *only* if local units of government are willing to hire staff and set up record-keeping systems before any money has been appropriated or awarded, and *only* if all these highly improbable steps are taken soon enough so that the SPA itself can actually receive applications on a competitive basis and choose among them rationally before the 12 month grant period begins.

Unfortunately, these ideal conditions do not obtain in the real world. Safe Streets Act monies have never been granted to SPAs prior to the beginning of the fiscal year—in fact, almost 70% have not been available until four months after the beginning of the fiscal year and in FY 1970 the federal appropriation was delayed for a full 5.8 months. LEAA has never required submission of comprehensive plans until mid-way through the fiscal year, and state agencies as well as local units of government have been unable or unwilling to begin project implementation before federal funds are actually awarded.

The most serious confusion over fund flow has been generated by opponents of state block grants who argue that limited expenditures at the end of the fiscal year of appropriation prove that the SPAs cannot effectively administer federal funds. The following is obvious: they are measuring SPA performance by local ability to expend funds.

As far as an SPA is concerned, once a grant *award* is made, the total amount of funds awarded is committed and effectively programmed. How rapidly subgrantees request fund *disbursements* and actually *expend* funds is a matter almost entirely within the control of the subgrantee. For example, if an SPA makes a grant *award* of $480,000 to operate a public defender project for one year, the money will be *disbursed* during the succeeding year in $40,000 monthly portions, and *expended* according to the billing and payroll procedures of the subgrantee. Yet from the SPA viewpoint, *the funds have been "spent" since the day of the award.* The following chart shows the crucial difference between SPA award and subgrantee expenditure:

AWARDS, DISBURSEMENTS AND EXPENDITURES OF SELECTED SPAs

SPA	Percentage of FY 1971 Funds Awarded as of 12/31/71	Percentage of FY 1971 Funds Disbursed as of 12/31/71	Percentage of FY 1971 Funds Expended as of 12/31/71
Arizona	96.0%	49.0%	15.0%
California	75.7%	16.8%	9.4%
Maryland	61.0%	21.0%	8.6%
North Carolina	99.6%	23.8%	16.0%
Rhode Island	100.0%	49.2%	46.9%
Texas	72.7%	21.9%	18.1%
Utah	88.3%	28.8%	25.1%

[59]See, for example, the remarks of Congressman James V. Stanton, *Congressional Record—House*, November 16, 1971, p. H11139.

Although nationwide data on expenditures are not available at this time, the following chart gives accurate national totals for awards and disbursements as of December 31, 1972. It shows conclusively that the SPAs are moving funds into the "pipeline" on a timely basis and suggests that any "fund flow problem" is actually a function of the length of the "pipeline." The crucial factor in fund flow is how long it takes a subgrantee to complete a project, not how long it takes the SPA to commit all necessary funds.

SPA AWARDS AND DISBURSEMENTS

Funding Year	Percentage of Funds Awarded 12/31/72	Percentage of Funds Requested by Subgrantees 12/31/72
FY 1969	96.2%	94.3%
FY 1970	95.0%	92.1%
FY 1971	95.0%	64.2%
FY 1972	67.7%	20.3%

Source: LEAA Office of Operations Support; Total allocation amounts for FY 1971 and 1972 include small state supplement discretionary grants; all figures are for all SPAs as of 12/31/72 except the following, which are 9/30/72: FY 1970—Maryland, Mississippi, Minnesota, South Dakota, Nevada; FY 1971—Mississippi, New Mexico, South Dakota, California, Nevada; FY 1972—Rhode Island, New York, Maryland, Mississippi, South Carolina, Minnesota, Colorado.

To deal with the problem of subgrantee delay in project implementation, the National SPA Conference has established a standard for automatic abort procedures that calls for grant termination unless substantial implementation begins within 120 days of award. The National SPA Conference has also addressed the fund flow issue recently:

> The ability of a state planning agency to promptly disburse funds should not be measured by either the date of approval of the state comprehensive criminal justice plan or by the rate at which funds are expended by subgrantees. The efficiency of the state planning agency's fund flow procedures should be measured only by the time elapsed between project submission and approval, by the time elapsed between subgrantee requests and the correlative disbursements, and by the efforts of the SPA to maintain an amount of federal funds on hand at a minimum consistent with effective program management.[60]

The overall issue of fund flow includes numerous ancillary questions such as control of cash on hand at both state and local levels, subgrantee reporting and federal regulations governing SPA disbursements.[61] There is an inherent conflict between what cities want (money with a minimum of state and federal controls) and what sound management and federal agencies require (strict disbursement controls). Michigan's Lieutenant Governor James H. Brickley put it succinctly before Congress in 1971:

[60]Standard for State Planning Agency Operations Number 7, adopted by the National Conference of State Criminal Justice Administrators at its Annual Meeting, August 10, 1972.

[61]Cash on hand, for example, became an issue when it was discovered that some subgrantees were receiving federal funds and then depositing them to earn interest before they were needed for expenditure. The National SPA Conference pointed out excessive cash on hand was merely an administrative matter wholly within LEAA's control, and not an illegal situation or a basic flaw of the block grant (Statement of Position, *Flow of Block Grant Funds Under the Crime Control Act*, National Conference of State Criminal Justice Planning Administrators). This analysis proved entirely correct: all subgrantees over $10,000 are now on a monthly drawdown schedule. LEAA Administrative Memorandum Number 2 required all SPAs to reduce cash on hand to two weeks' needs by June 30, 1972, and one week's need for each succeeding quarter. The following chart shows SPA compliance with this requirement:

SPA CASH ON HAND IN TERMS OF MONTHLY NEEDS
NATIONAL AVERAGES BY QUARTER

Quarter Ending 6/30/71	Quarter Ending 9/30/71	Quarter Ending 12/31/71	Quarter Ending 3/31/72	Quarter Ending 6/30/72
1.39	.35	.10	.15	.28
(41.7 days)	(10.5 days)	(3 days)	(4.5 days)	(8.4 days)

Sources: *State Planning Agencies—Average Cash on Hand in Terms of Months*, LEAA Program and Management Evaluation Division, Office of Operations Support (6/30/71-12/31/71); *Summary of Federal Funds Status Reports*, Form LEAA-152 (Revised) for periods ending 3/31/72 and 6/30/72.

Major city complaints about state planning agencies' "bureaucracy, red tape, control and inflexibility" are, in fact, complaints about administraton of the federal financial guide based on OMB (the President's Office of Management and Budget) requirements and the Crime Control Act. Such complaints will exist whatever the format of grants—categorical or block—whoever the administrator—the governor of the state or the attorney general of the United States.[62]

Equipment Expenditures

Since the first year of the Safe Streets program, there has been a steady decline in SPA awards to meet state and local equipment needs. In point of fact, they were never inordinately high.

TOTAL EXPENDITURES FOR "HARDWARE"

	FY 1969	FY 1970	FY 1971	FY 1972	TOTAL
Total for Hardware	$ 4,828,127	$ 29,529,791	$ 34,860,175	$ 20,902,073	$ 90,120,166
Total Part C Funds	17,148,904	129,998,000	238,654,000	196,611,000	582,411,904
Hardware as a % of Part C	28.2%	22.7%	14.6%	10.6%	15.5%

Source: June, 1972, survey conducted by the National Conference of State Criminal Justice Planning Administrators. "Hardware" is defined as communications equipment, helicopters, fixed wing aircraft, police uniforms, motor vehicles for police, firearms, ammunition, and electronic and mechanical surveillance devices. A complete state-by-state breakdown is included in Appendix IV.

Generalizing from isolated examples, critics of the block grant concept have claimed that "excessive and unnecessary amounts of hardware have been purchased; there is no reliable information of any resultant improvements; and federal funds have consequently been wasted."[63] The facts collected above bring both the competencies and motives of the critics into legitimate question.

If the SPAs had arbitrarily (for purposes of "comprehensive" planning[64]) limited the amount of funds which could be used for equipment expenditure—or any other type of project which localities have consistently identified as a high priority—they would have been accused of "not responding to local needs." They would also have abdicated their planning responsibilities. Planning is an assessment of actual needs and the development of viable alternatives to respond to those needs, not the imposition of theoretical percentages on the real world. The President's Crime Commission provided an indication of what that real world of law enforcement is like:

> Too much of the [criminal justice] system is physically inadequate, antiquated or dilapidated. This condition goes beyond the obvious obsolescence of many correctional institutions and the squalor and congestion of many urban lower courts, which make it difficult to treat defendants or convicts humanely. The system's personnel must often work with poor facilities: record keeping systems that are clumsy and inefficient, communications equipment that makes speedy action difficult, and an absence of all kinds of scientific and technological aids.[65]

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[62] *Hearings*, Part I, p. 375.

[63] *CGO Report*, p. 18.

[64] The *CGO Report* asked "whether pouring of substantial Federal funds into police hardware, much of which has not been objectively evaluated, at the expense of other segments of the criminal justice system is justifiable in light of the goals of the Safe Streets Act—a 'comprehensive' attack on crime," p. 18.

The Lawyers' Committee Report *Law and Disorder III*, a major criticism of "traditional spending purposes" uses for Safe Streets funds, also notes as a significant criticism the fact that in California and Michigan "the state planning agency has often made grants in contravention of the local plan and the recommendations of the local agency." (p. 14) The obvious question is, "What if the local plan and local agencies call for 80% equipment expenditures?"

[65] *The Challenge of Crime in a Free Society*, p. 13.

There are legitimate criticisms of the SPAs and the SPAs have yet to completely overcome some early difficulties: many of these are discussed in the next section. It is unfortunate that the majority of criticism of SPA administration of the Safe Streets Act has not been a constructive attempt to identify and respond to these problems. Much of it, instead, has been a line-up of interest groups on different sides of a Scylla/Charybdis issue. Hopefully, this perspective on controversy has provided a framework for a substantive discussion of how to improve SPA performance in the future.

A Look to the Future

Revenue Sharing

The Safe Streets Act has proved a promising start—the first crime reduction in 17 years occurred in 1972; standards, legislation and innovations sponsored by the SPAs lend credence to the view that even more important and dramatic results can be expected in the future; new and productive relationships between state and local governments have been forged; state commitment of resources to urban areas where most serious crime occurs is undeniable evidence of the revitalization of state government and its ability to set responsible priorities; local and state leaders in the criminal justice field have joined together in the SPAs to pool their knowledge and experience in a way that leads to practical results.

The Wickersham Report on Crime and Justice in 1931 is strikingly similar to the Report of the President's Crime Commission in 1967. By everyone's admission the needs and problems of America's justice system in 1931 were not solved—and hardly addressed—after exhaustive study. The 1967 Presidential study deserves better. It concluded with a recommended "National Strategy" which called for (1) planning by state and local crime prevention and control agencies to be followed by (2) substantial federal contributions to states and cities for improved law enforcement.

Congress responded to the call for national action with passage of the Safe Streets Act in 1968. It required both state and local planning as a precondition of federal support for action projects. While the 1967 Commission did not specify that available federal funds should be the subject of state and local control through State Planning Agencies, Congress decided that action should follow planning, and implementation funds were channeled through the SPAs.

Large metropolitan areas argued that they too should receive planning and action dollars direct from Washington, but informed sources pointed out that cities, counties and regions had limited responsibilities within the justice system. They were ordinarily responsible only for local police and jails. Felony corrections (including institutions, probation and parole), courts and central law enforcement services were normally the subject of state control. Furthermore, local finances were usually affected if not controlled at the state level and minimum state standards for local jails and police were not uncommon. To assure adequate consideration for all aspects of criminal administration, therefore, Congress established the SPAs.

This brief summary of Congressional action and SPA development points to the future as much as the past. Authorization for the Safe Streets Act terminates June 30, 1973, and both Senate and House hearings are expected. Many of the same arguments raised in 1968 will be revived by the special interest groups who originally propounded them. For the first time, however, Congress will have the benefit of its own recent legislative experience, a proven nationwide reduction in crime, this first *State of the States Report,* and an improved understanding of the nature of any remaining controversy. All should assist Congressional deliberation and action in 1973.

The block grant concept embodied in the Safe Streets Act was not merely a forerunner of revenue sharing; it was also a gradual and controlled means of returning federal tax dollars to the states. Special revenue sharing represents yet another transfer of program authority that is justified in light of the progress and accomplishments of the SPAs.

Under President Nixon's proposal,[66] the state and local planning process will continue, but action funds will not be delayed pending plan approval, arbitrary percentages will not be established for any component of the justice system, and the Law Enforcement Education Program (LEEP) providing grants and loans to students will be transferred to the states.[67] Removal of the matching requirement will simplify record-keeping at the local level and grant administration at the SPA; it will also eliminate "in-kind" match contributions which have presented the most troublesome audit problems encountered under the Safe Streets Act. Local governments will continue to receive a guarantee of 40% of all planning funds and that proportion of action monies which corresponds to the local share of total criminal justice expenditures in a state. The proposed changes are sound, and the National Conference of State Criminal Justice Planning Administrators has voted unanimously to endorse this second phase of the nation's law enforcement program.

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[66]S. 1234, The Law Enforcement Revenue Sharing Act of 1973, introduced by Senator Hruska, March 14, 1973.

[67]Thirty-two states have received less than a population share of LEEP monies from LEAA while 10 have acquired a proportion at least ⅓ higher than their population would justify. See Appendix V.

Accountability and Information Transfer

With a total of nearly $1.6 billion appropriated to LEAA and the states over the first four years of the program, and in light of anticipated increases in the future, both Congress and the public can and should expect a proper accounting. Reduction in the number of crimes committed is one form of visible result of the Act but increasingly detailed reports on the way available funds are spent and the progress as well as the failures of the SPAs and LEAA are needed.

To meet this objective, the SPAs have themselves begun a joint project to define the data elements required for proper grant management and public accountability. This Grant Management Information System (GMIS) will not only ensure responsible control of awards; it will also allow the SPAs to interchange project information and collect uniform data needed for national reports to the President, Congress and the National Governors' Conference.

In the interim, LEAA has created a GMIS with basic information on all discretionary awards complete through January, 1973. It has also surveyed the states and obtained basic information on all SPA grants through March, 1972. This information is being updated on a continuous basis and the LEAA data center makes it possible to retrieve limited grant information on a nationwide basis. When the GMIS design initiated by the states is finished (May 1) and tested (July 1), it will be offered to all SPAs in both automated and manual versions. The variety of state needs and resources will require study and modification of the recommended GMIS, but by the target date of January, 1974, uniform and compatible program information should be available through the SPAs themselves. These long-sought objectives—a formal system for transfer of information and reliable public accounting—are therefore within reach for the first time.

SPA Standards

The ten standards set by the National SPA Conference speak to issues ranging from staff organization and fund flow to monitoring and audit.[68] New standards addressing commitment of SPA resources to corrections and courts, an orderly transfer of LEEP to the states, public accountability and information dissemination among the states are currently under consideration and will be acted upon in conjunction with passage of a special revenue sharing program by the Congress.

The Standards Committee of the National Conference will serve as the evaluation arm of the SPAs. At the same time, a major state-to-state mutual assistance program has been undertaken and will be utilized first and foremost to assure compliance with the standards themselves.

National SPA Conference

During 1969 and 1970, the Administrators of the newly formed State Planning Agencies discovered their need for a formal mechanism through which they could exchange information and develop unified state views on the nation's crime control program. It was their hope and expectation that collectively they would be able to improve administration of the Safe Streets Act and develop a model for the return of decision-making to the states and local units of government.

To meet these needs, the National Conference of State Criminal Justice Planning Administrators was formed in June, 1971. The Conference has 55 members who serve by virtue of their respective positions.

The Conference has five basic objectives:

(1) to improve state administration of the Safe Streets Act through the sharing and exchange of information and personnel among the states;

(2) to inform the Governors, SPA Supervisory Boards and Congress of demonstrated needs and accomplishments under the Safe Streets Act;

(3) to give specific attention to the unique crime and justice problems of the nation's cities;

(4) to focus attention on national issues and developments related to the reduction of crime, revenue sharing, and the block grant concept of federal programming; and

(5) to provide an orderly and effective means of determining and expressing the collective view of the Administrators on criminal justice matters.

Of the actions already taken by the Conference, the following stand out:

(1) proposed legislation (subsequently accepted by Congress) to amend the Safe Streets Act;

(2) held Orientation Seminars for new State Planning Agency Administrators;

[68] A complete text of the standards is included as Appendix VI.

(3) submitted nine position papers to LEAA on matters of common interest including appropriation levels, metropolitan criminal justice centers, fiscal reporting by grantees, discretionary funds, National Conference staff, grant management information systems, audit and guidelines;

(4) provided ideas and support for the creation of a state-to-state mutual assistance program at the National Governors' Conference;

(5) developed working procedures for SPA review of all major LEAA guidelines, including those for 1973 state criminal justice plans;

(6) initiated and conducted semi-annual and annual SPA-LEAA Conferences since 1971;

(7) designed and tested a recommended grant management information system for the use of all SPAs in the latter part of 1973;

(8) expanded its training program for SPAs with a seminar on public education and the development of community support for crime prevention;

(9) adopted standards for the organization and operation of all SPAs. They cover planning, audit, monitoring, evaluation, grant management information systems, grant administration, fund flow, staff organization, training and technical assistance; and

(10) published this *State of the States Report* as a first attempt to account for the resources and responsibilities turned over to the states under the Safe Streets Act. It will become an annual publication of the Conference.

The SPAs have been at the center of an experiment testing whether state and local governments can responsibly administer federal tax monies. They welcome the support, advice and constructive criticism of all who share with them the goal of improving the quality of American life by reducing crime and assuring justice.

APPENDIX I

SPA FUNDING FOR HIGH CRIME AREAS

HIGH CRIME/LAW ENFORCEMENT ACTIVITY AREA FUNDING

State	FY 1969 Funds	Percent of Local Funding	FY 1970 Funds	Percent of Local Funding	FY 1971 Funds	Percent of Local Funding	FY 1972 Funds	Percent of Local Funding	Total Dollar Amounts	Percent of Local Funding	Percent of State Popul.	Percent of State Index Crime
Ala.	$ 96,497	29.7	$ 226,055	9.5	$ 1,275,405	30.1	$ 1,275,298	24.6	$ 2,873,255	23.7	14.1	48.6
Alas.	36,292	48.4	180,746	48.2	420,442	74.8	507,000	67.6	1,144,480	64.9	51.0	77.5
Ariz.	55,248	36.7	698,974	60.2	1,913,093	87.0	UNA	UNA	2,667,315	76.7	74.0	86.0
Ark.	24,767	13.7	327,663	24.4	447,537	18.9	326,657	11.8	1,126,624	16.9	10.0	36.0
Cal.	1,520,801	86.2	12,523,931	96.6	20,405,546	82.5	36,323,960	120.9	70,774,238	101.8	89.0	92.9
Colo.	76,618	42.1	842,958	60.3	1,217,480	44.5	1,697,500	51.1	3,834,556	50.3	56.7	71.4
Conn.	27,801	10.3	191,549	9.6	242,682	6.5	331,355	7.3	793,387	7.5	5.1	10.1
Del.	42,976	57.3	177,965	44.9	405,264	54.0	UNA	UNA	626,205	51.3	14.0	39.0
D. C.	97,923	100.0	795,300	100.0	1,540,000	100.0	1,850,000	100.0	4,283,223	100.0	100.0	100.0
Fla.	431,508	78.1	3,080,108	73.4	5,527,513	66.0	7,516,744	73.5	16,555,873	70.9	72.9	82.6
Ga.	213,566	51.3	1,427,749	46.1	2,740,473	48.6	4,061,250	58.8	8,443,038	52.6	39.7	69.1
Haw.	42,161	56.2	545,498	94.6	619,514	59.9	UNA	UNA	1,207,173	71.6	78.1	90.4
Idaho	11,021	14.7	56,125	10.6	151,498	15.7	254,025	21.5	472,669	17.2	15.8	19.4
Ill.	496,503	49.5	4,578,821	61.8	8,911,022	64.7	8,891,364	53.1	22,877,710	58.8	53.8	68.6
Ind.	373,114	81.1	3,499,156	102.0	5,456,129	84.5	UNA	UNA	9,328,399	90.2	48.0	69.0
Iowa	44,118	17.4	725,874	38.7	1,011,324	28.9	2,885,093	67.8	4,666,409	47.2	25.0	55.7
Kan.	161,627	77.4	923,298	59.6	1,998,907	71.8	UNA	UNA	3,083,832	67.9	40.1	60.9
Ky.	171,798	43.8	1,349,283	61.9	2,832,795[a]	71.4	2,666,400[a]	55.0	7,020,276	62.2	33.7	61.8
La.	Data is not available for this state.											
Me.	15,161	16.9	185,599	25.5	189,142	14.0	UNA	UNA	389,902	18.0	28.6	36.8
Md.	247,208	73.1	1,590,238	63.3	4,003,646	82.3	4,677,000	79.2	10,518,092	77.2	76.7	88.8
Mass.	267,000	53.5	2,036,000	55.4	3,550,000	50.2	6,817,000	79.6	12,670,000	64.0	24.0	49.0
Mich.	231,655	29.3	1,264,265	21.6	3,613,832	27.0	UNA	UNA	5,109,752[b]	28.9	23.1	41.9
Minn.	202,644	61.6	1,360,552	54.9	1,707,125	36.1	UNA	UNA	3,270,321	43.4	37.7	68.8
Miss.	120,016	55.5	838,647	52.8	1,427,132	52.7	1,035,729	31.0	3,421,524	43.6	11.8	20.6
Mo.	354,571	83.8	2,422,261	77.7	5,636,459	96.8	5,876,276	83.4	14,289,567[c]	87.1	64.0	58.6
Mont.	Does not have a High Crime/Law Enforcement Activity Area.											
Neb.	UNA	UNA	UNA	UNA	681 000	37.0	698,000	31.2	1,379,000	33.8	25.7	60.0
Nev.	90,000	120.0	300,000	80.0	532,800	80.0	735,750	91.7	1,658,550	86.5	81.5	90.0
N.H.	21,800	29.1	200,905	38.4	265,858	26.6	UNA	UNA	488,563	30.6	30.0	27.0
N.J.	418,779	64.9	1,907,243	39.9	3,650,909	41.0	UNA	UNA	5,976,931	41.7	15.2	33.5

HIGH CRIME/LAW ENFORCEMENT ACTIVITY AREA FUNDING

State	FY 1969 Funds	Percent of Local Funding	FY 1970 Funds	Percent of Local Funding	FY 1971 Funds	Percent of Local Funding	FY 1972 Funds	Percent of Local Funding	Total Dollar Amounts	Percent of Local Funding	Percent of State Popul.	Percent of State Index Crime
N. Mex.	43,556	47.1	520,041	70.4	760,536	55.1	763,974	49.9	2,088,107	55.8	43.0	63.5
N. Y.	1,447,994	85.8	13,527,348	110.0	22,667,927	100.4	26,320,939	96.1	63,964,208	100.0	50.3	79.2
N. Car.	72,037	15.5	1,093,533	31.4	2,063,385	33.1	2,733,230	35.7	5,962,185	31.2	35.9	45.7
N. Dak.	36,863	49.2	95,869	20.7	106,024[e]	12.5	36,000[d]	7.5	238,756	17.3	18.2	36.1
Ohio	UNA	UNA	UNA	UNA	9,027,837	68.2	10,110,988	63.0	19,138,825	68.1	48.1	66.6
Okla.	102,247	44.6	862,782	50.2	1,437,115	45.8	1,939,081[b]	50.3	4,341,225	48.6	47.9	68.9
Ore.	100,392	54.5	558,167	41.2	1,188,671	46.1	UNA	UNA	1,847,230	44.8	36.5	58.4
Pa.	Data is not available for this state.											
R. I.	50,787	61.6	105,000	15.5	27,829	2.2	109,531	7.3	293,147	8.3	18.6	32.0
S. Car.	154,676	64.9	569,585	31.6	1,126,259	35.6	1,011,382	25.9	2,861,902	31.4	30.2	53.2
S. Dak.	Data is not available for this state.											
Tenn.	UNA	UNA	1,093,131	40.9	890,309	18.5	UNA	UNA	1,983,440	26.5	43.3	77.0
Tex.	735,594	73.6	5,802,344	77.9	9,396,213	68.1	5,404,478[e]	73.8	21,338,629	72.2	61.6	73.9
Utah	32,169	34.1	189,556	32.0	641,067	57.0	311,138	59.0	1,173,930[e]	50.2	45.0	63.0
Vt.	UNA	UNA	53,399	14.2	19,245	3.1	34,292	4.6	106,936	6.2	8.7	80.0
Va.	317,590	76.0	2,004,926	64.4	2,599,427	45.6	UNA	UNA	4,921,943	53.3	61.4	86.6
Wash.	Data is not available for this state.											
W. Va.	UNA	UNA	UNA	UNA	UNA	UNA	UNA	UNA	1,436,806[f]	45.0	31.6	53.8
Wisc.	201,876	52.3	917,202	32.2	2,192,700	40.0	UNA	UNA	3,311,778	38.0	55.0	75.0
Wy.	19,965	26.6	74,365	19.8	214,133	38.1	164,556[d]	UNA	308,463	30.5	32.4	50.4
TOTAL	$9,208,919		$71,724,011		$136,733,204		$137,165,434		$356,268,374			

UNA—Data not available at this time.

[a]—Projected allocation based on current funding ratio.

[b]—Data for Detroit, Flint, Grand Rapids and Warren only.

[c]—Data for St. Louis, Kansas City and Springfield only.

[d]—Data for this year not included in total due to unrepresentative amount.

[e]—To date.

[f]—Funding for separate years not reported.

Note: Percentages are calculated against appropriate total local availability, e.g., if data for FY 1972 are unavailable, percentages are calculated against FY 1969, 1970 and 1971.

TOTAL SPA HIGH CRIME/LAW ENFORCEMENT ACTIVITY AREA EXPENDITURES

Year	Total to High Crime Areas	Total 75% Pass Through	High Crime Areas' Percent of Pass Through
FY 1969	$ 9,208,919	$ 15,044,308	61.2%
FY 1970	71,724,011	113,700,312	63.1
FY 1971	136,733,204	226,661,120	60.3
FY 1972	137,165,434	192,445,892	71.3
TOTAL	$356,268,374	$551,044,534	64.7%

Percent of Total Population in High Crime Areas

48.6%

Percent of Total Crime in High Crime Areas

70.2%

"High crime/law enforcement activity areas" are usually defined as any city, county or urban area where crime incidence and criminal justice activities constitute 20 percent or more of major crime incidence and total law enforcement expenditures in a state; or, any city or county with a population in excess of 150,000 and an annual Index crime rate of at least 2,500 offenses per 100,000 population. Smaller states may lower these limits somewhat.

APPENDIX II

BLOCK GRANT FUNDS AWARDED TO STATE PLANNING AGENCIES

TOTAL AMOUNTS OF BLOCK GRANTS AWARDED TO STATES
(In Thousands of Dollars)

State	FY 1969 (actual)		FY 1970 (actual)		FY 1971 (actual)			FY 1972 (actual)			4 Year Cumulative Totals			
	Planning	Action	Planning	Action	Planning	Action	Block Corr.	Planning	Action	Block Corr.	Planning	Action	Block Corr.	Grand Total
Ala.	$ 338	$ 434	$ 369	$ 3,175	$ 440	$ 5,645	$ 418	$ 593	$ 6,915	$ 815	$ 1,756	$ 16,430	$ 1,233	$ 19,419
Alas.	118	33	121	249	130	493	37	143	1,000	71	510	1,745	108	2,363
Ariz.	210	201	228	1,503	277	2,933	215	354	3,559	419	920	8,058	634	9,612
Ark.	232	242	252	1,787	290	3,157	233	375	3,862	455	1,159	9,216	688	11,063
Calif.	1,388	2,352	1,566	17,287	2,090	32,999	2,421	2,957	40,060	4,721	7,950	91,861	7,142	106,953
Colo.	233	243	258	1,863	320	3,646	268	416	4,432	522	1,216	10,004	790	12,010
Conn.	297	360	326	2,669	401	5,001	368	534	6,088	717	1,556	14,082	1,085	16,723
Del.	135	64	141	480	155	909	67	178	1,210	130	608	2,648	197	3,453
Fla.	504	737	575	5,597	773	11,166	824	1,072	13,631	1,606	2,879	30,379	2,430	35,688
Ga.	404	555	450	4,127	553	7,518	557	757	9,215	1,086	2,174	21,575	1,643	25,392
Hawaii	150	91	159	699	176	1,253	93	210	1,701	182	697	3,791	275	4,763
Idaho	147	86	154	639	170	1,169	87	202	1,575	169	675	3,489	256	4,420
Illinois	833	1,339	938	9,877	1,207	18,368	1,348	1,691	22,314	2,629	4,670	51,906	3,977	60,553
Indiana	436	614	487	4,565	619	8,609	630	844	10,428	1,229	2,379	24,100	1,859	28,338
Iowa	285	338	312	2,501	382	4,670	...	504	5,672	668	1,482	13,165	668	15,315
Kansas	253	279	275	2,065	324	3,712	273	422	4,516	532	1,282	10,702	805	12,789
Ky.	315	392	347	2,906	419	5,290	391	561	6,464	762	1,649	15,169	1,153	17,971
La.	346	449	384	3,344	460	5,966	442	622	7,315	862	1,827	17,329	1,304	20,460
Maine	165	120	175	882	199	1,636	121	243	2,000	235	782	4,642	356	5,780
Md.	347	451	384	3,349	491	6,485	476	662	7,875	928	1,869	17,906	1,404	21,179
Mass.	465	666	516	4,902	668	9,424	690	914	11,422	1,346	2,545	26,109	2,036	30,690
Mich.	678	1,055	763	7,817	986	14,692	1,077	1,371	17,819	2,100	3,789	41,235	3,177	48,201
Minn.	340	439	380	3,302	480	6,307	462	645	7,639	900	1,835	17,523	1,362	20,720
Miss.	258	289	280	2,117	318	3,614	269	417	4,451	524	1,292	10,796	793	12,881
Mo.	409	565	452	4,155	568	7,760	565	770	9,391	1,107	2,197	21,842	1,672	25,711
Mont.	147	82	153	627	170	1,162	84	199	1,534	164	669	3,410	248	4,327
Neb.	197	176	211	1,310	248	2,457	180	312	2,979	351	967	6,902	531	8,400
Nev.	130	55	134	405	149	807	59	171	1,080	116	580	2,293	175	3,048

TOTAL AMOUNTS OF BLOCK GRANTS AWARDED TO STATES
(In Thousands of Dollars)

State	FY 1969 (actual)		FY 1970 (actual)		FY 1971 (actual)			FY 1972 (actual)			4 Year Cumulative Totals			
	Planning	Action	Planning	Action	Planning	Action	Block Corr.	Planning	Action	Block Corr.	Planning	Action	Block Corr.	Grand Total
N.H.	$ 146	$ 84	$ 154	$ 634	$ 173	$ 1,210	$ 90	$ 206	$ 1,630	$ 175	$ 677	$ 3,527	$ 265	$ 4,469
N.J.	571	860	641	6,372	816	11,870	870	1,126	14,388	1,696	3,153	33,476	2,566	39,195
New Mex.	168	123	176	896	201	1,671	123	245	2,040	240	789	4,726	363	5,878
N.Y.	1,333	2,251	1,490	16,392	1,914	30,093	2,207	2,704	36,522	4,304	7,466	85,661	6,511	99,638
N. Car.	439	619	492	4,625	601	8,305	617	828	10,203	1,202	2,378	24,051	1,819	28,248
N. Dak.	143	78	148	562	162	1,022	75	188	1,364	146	642	3,050	221	3,913
Ohio	803	1,284	911	9,563	1,164	17,645	1,292	1,625	21,386	2,520	4,512	50,025	3,812	58,349
Okla.	267	306	294	2,291	352	4,182	310	466	5,138	605	1,384	11,998	915	14,297
Ore.	234	246	253	1,806	307	3,442	254	399	4,199	495	1,189	9,612	749	11,550
Pa.	882	1,427	998	10,591	1,278	19,532	1,431	1,788	23,679	2,790	4,956	55,401	4,221	64,578
R. I.	161	111	169	819	193	1,544	115	236	2,000	225	758	4,453	340	5,551
S. Car.	274	318	304	2,406	355	4,223	314	471	5,201	613	1,419	12,401	927	14,747
S. Dak.	145	83	151	599	167	1,107	...	195	1,471	158	658	3,268	158	4,084
Tenn.	362	478	402	3,562	487	6,425	476	662	7,878	928	1,926	18,554	1,404	21,884
Texas	831	1,334	942	9,926	1,209	18,393	1,358	1,703	22,480	2,649	4,689	52,208	4,007	60,904
Utah	169	126	179	929	207	1,775	...	251	2,127	251	803	4,911	251	5,965
Vermont	128	51	133	387	144	733	54	164	1,000	105	568	2,157	159	2,884
Virginia	405	557	452	4,150	558	7,604	564	766	9,333	1,100	2,189	21,761	1,664	25,614
Wash.	308	380	352	2,971	438	5,612	414	588	6,845	807	1,681	15,723	1,221	18,625
W. Va.	221	221	239	1,640	272	2,849	212	350	3,502	413	1,094	8,413	625	10,132
Wis.	382	515	422	3,795	541	7,309	536	733	8,870	1,045	2,063	20,241	1,581	23,885
Wy.	121	39	125	290	134	556	40	148	1,000	79	527	1,869	119	2,515
D. C.	154	99	161	723	175	1,249	92	208	1,671	179	704	3,838	271	4,813
Am. Samoa	102	4	102	28	103	47	3	104	120	7	411	203	10	624
Guam	106	12	108	90	109	146	11	113	300	21	437	569	32	1,038
P. Rico	281	330	308	2,454	371	4,502	326	485	5,401	636	1,449	12,751	962	15,162
Vir. Is.	104	7	104	50	106	106	8	109	300	15	423	450	23	896
TOTALS	$19,000	$24,650	$21,000	$182,750	$26,000	$340,000	$24,447	$35,000	$416,195	$48,750	$100,859	$963,604	$73,197	$1,137,660

APPENDIX III

SPA EXPENDITURES FOR CONSULTANT SERVICES

97-296 O - 73 - 33

EXPENDITURES FOR CONSULTANTS FROM STATE PLANNING FUNDS
(as of June 1, 1972)

State	Dollar Amount FY 1969	Percent of SPA Share	Dollar Amount FY 1970	Percent of SPA Share	Dollar Amount FY 1971	Percent of SPA Share	Dollar Amount FY 1972	Percent of SPA Share	Total Expenditures
Alabama	$ 16,000	4.7	$111,570	30.0	$ 0	0	$ 0	0	$127,570
Alaska	20,800	18.0	55,600	46.0	0	0	0	0	76,400
Arizona	26,536	22.0	0	0	5,000	2.0	0	0	31,536
Arkansas	39,000	28.0	39,019	26.0	41,299	23.7	34,916	15.5	154,234
California	UNA	UNA	UNA	UNA	UNA	UNA	UNA	UNA	—
Colorado	0	0	3,600	2.3	2,785	1.5	3,449	1.4	9,834
Connecticut	0	0	0	0	0	0	0	0	—
Delaware	66,818	82.4	0	0	0	0	0	0	66,818
District of Columbia	9,600	6.0	21,400	13.0	10,321	5.0	5,127	2.0	46,448
Florida	28,708	9.5	80,739	23.4	25,395	5.5	9,493	1.5	144,335
Georgia	0	0	0	0	0	0	0	0	—
Hawaii	0	0	16,508	10.4	0	0	0	0	16,508
Idaho	31,575	21.5	0	0	0	0	0	0	31,575
Illinois	30,833	6.2	37,672	6.7	11,517	1.7	2,903	0.3	82,925
Indiana	0	0[a]	2,219	0.8[a]	524	0.3[a]	54,680	15.8[a]	57,423
Iowa	86,030	50.3	0	0	0	0	0	0	86,030
Kansas	50,863	33.0	15,984	9.7	6,852	3.5	1,965	0.77	75,664
Kentucky	13,696	7.3	9,535	4.6	7,664	3.1	73,693	21.9	104,588
Louisiana	UNA	UNA	UNA	UNA	UNA	UNA	UNA	UNA	UNA
Maine	36,732	37.0	19,218	18.3	13,500	11.3	0	0	69,450
Maryland	0	0	0	0	0	0	25,000	4.0	25,000
Massachusetts	6,869	2.5	17,003	5.5	60,059	21.6	55,762	10.2	139,693
Michigan	12,584	3.1	61,306	13.4	814	0.1	125,408	15.2	200,112
Minnesota	21,990	19.9	73,342	29.7	87,941	26.3	3,000	0.9	186,273
Mississippi	103,050	66.6	15,251	9.1	6,558	3.4	74,726	29.9	199,585
Missouri	67,280	27.4	59,065	21.8	36,988	10.9	7,458	1.6	170,791
Montana	33,816	38.3	0	0	0	0	0	0	33,816
Nebraska	0	0	0	0	0	0	0	0	0

EXPENDITURES FOR CONSULTANTS FROM STATE PLANNING FUNDS
(as of June 1, 1972)

State	Dollar Amount FY 1969	Percent of SPA Share	Dollar Amount FY 1970	Percent of SPA Share	Dollar Amount FY 1971	Percent of SPA Share	Dollar Amount FY 1972	Percent of SPA Share	Total Expenditures
Nevada	$ 0	0	$ 2,000	1.5	$ 0	0	$ 10,000	9.7	$ 12,000
New Hampshire	16,082	18.3	16,794	18.2	19,367	18.7	16,987	13.7	69,230
New Jersey	66,781	19.5	0	0	28,789	5.9	45,697	6.8	141,267
New Mexico	18,874	18.8	0	0	3,085	2.6	11,171	7.6	33,130
New York	124,700	15.6	100,680	11.3	29,381	2.6	0	0	254,761
North Carolina	84,640[b]	32.1[b]	94,878[b]	32.1[b]	107,660	29.9	92,623	18.6	379,801
North Dakota	0	0	10,000	11.3	21,755	22.4	29,719	26.4	61,474
Ohio	88,139	18.3	104,497	19.1	188,220	26.7	166,255[c]	17.0	547,111
Oklahoma	0	0	7,625	4.4	18,199	8.62	0	0	25,824
Oregon	0	0	25,000	16.5	0	0	0	0	25,000
Pennsylvania	UNA	UNA	UNA	UNA	UNA	UNA	UNA	UNA	—
Rhode Island	0	0	0	0	0	0	0	0	—
South Carolina	14,260	8.7	59,878	32.8	111,521	52.4	47,712	16.9	233,371
South Dakota	5,000	5.7	7,000	7.73	7,000	7.0	N/A	N/A	19,000
Tennessee	2,139	.98	23,502	9.74	5,319	1.8	18,458	4.7	49,418
Texas	87,200	17.5	68,640	12.1	245,590	33.7	120,623	11.8	522,053
Utah	32,778	32.4	5,549	5.2	20,263	16.31	18,725	12.43	77,315
Vermont	34,693	45.14	14,803	18.5	4,573	5.3	8,923	8.43	62,992
Virginia	230,307	94.8	182,470	67.3	209,242	62.5	0	0	622,019
Washington	UNA	UNA	UNA	UNA	UNA	UNA	UNA	UNA	—
West Virginia	0	0	6,800	4.74	11,000	6.74	0	0	17,800
Wisconsin	26,475	11.6	38,582	15.24	11,208	3.5	13,487	3.1	89,752
Wyoming	5,805	8.0	31,268	41.7	23,100	28.7	2,955	3.3	63,128
TOTALS	$1,540,653		$1,438,997		$1,382,489		$1,080,915		$5,443,054

UNA—Data unavailable at this time.

[a]—SPA retained 30%, 53%, 34% and 41% of available planning monies, instead of 60%.

[b]—Total of 179,518 reported for FY 1969 and FY 1970. Percentage of 32.1% reported for both years.

[c]—As of May, 1972.

APPENDIX IV

SPA EXPENDITURES FOR HARDWARE

ACTION GRANT AWARDS FOR "HARDWARE" ITEMS

State	FY 1969	Percent of Total Allocation	FY 1970	Percent of Total Allocation	FY 1971	Percent of Total Allocation	FY 1972	Percent of Total Allocation	Total For State
Alabama	$323,289	74.5	$1,161,707	36.6	$ 795,063	14.1	$3,368,506	48.5	$5,648,565
Alaska	83,467	83.5	156,603	31.3	139,601	18.6	130,000	13.0	509,671
Arizona	109,842	54.7	500,214	33.3	912,121	31.1	UNA	UNA	1,522,177
Arkansas	119,176	49.3	474,330	26.5	593,212	18.8	199,013	5.4	1,385,731
California	Data is not available for this state.								
Colorado	111,894	46.1	729,533	39.2	643,597	17.7	42,121	.95	1,527,145
Connecticut	63,800	17.7	632,700	23.7	1,091,800	21.8	UNA	UNA	1,788,300
Delaware	86,447	86.5	164,214	31.1	108,450	10.9	UNA	UNA	359,111
D. C.	0	0	0	0	80,490	5.9	61,334	3.7	141,824
Florida	Data is not available for this state.								
Georgia	55,872	10.0	1,366,728	33.1	2,459,366	32.7	2,061,807	22.4	5,943,773
Hawaii	0	0	19,684	2.6	168,777	12.2	UNA	UNA	188,461
Idaho	69,713	69.7	177,212	25.2	160,728	12.5	309,681	19.7	717,334
Illinois	Data is not available for this state.								
Indiana	53,261	8.7	1,024,308	22.4	2,172,957	25.2	UNA	UNA	3,250,526
Iowa	UNA	UNA	UNA	UNA	1,090,771	23.3	1,000,000	17.6	2,090,771
Kansas	50,873	18.3	565,257	27.4	566,823	15.3	703,963	15.6	1,886,916
Kentucky	46,625	11.9	914,425	31.5	786,000	14.9	850,000	13.2	2,597,050
Louisiana	Data is not available for this state.								
Maine	11,000	9.2	390,000	40.2	530,000	29.4	500,000	25.1	1,431,000
Maryland	254,700	56.5	551,200	16.5	542,400	8.4	to date figures only		1,348,300
Massachusetts	64,600	9.7	176,600	3.6	561,000	6.0	680,000	6.0	1,482,200
Michigan	204,528	19.4	770,666	9.9	1,458,712	9.9	2,386,173	13.4	4,820,079
Minnesota	109,163	24.9	452,664	13.7	UNA	UNA	UNA	UNA	561,827
Mississippi	28,840	10.0	820,041	38.7	1,274,085	35.3	169,730	3.8	2,292,696
Missouri	150,593	26.7	1,285,989	31.0	1,273,023	16.4	646,732	6.9	3,356,337
Montana	28,600	28.6	371,058	53.8	423,349	33.1	170,274	11.1	993,281
Nebraska	Data is not available for this state.								

ACTION GRANT AWARDS FOR "HARDWARE" ITEMS

State	FY 1969	Percent of Total Allocation	FY 1970	Percent of Total Allocation	FY 1971	Percent of Total Allocation	FY 1972	Percent of Total Allocation	Total For State
Nevada	$ 55,339	55.3	$ 209,144	41.8	$ 350,141	39.4	$ UNA	UNA	$ 614,624
New Hampshire	36,650	36.7	366,669	52.6	449,561	33.8	496,340	30.5	1,349,220
New Jersey	363,837	42.3	907,845	14.2	1,220,953	10.3	UNA	UNA	2,492,635
New Mexico	66,555	54.0	453,100	46.0	202,290	11.0	448,800	22.0	1,170,745
New York	662,372	29.4	2,839,381	17.3	2,024,001	6.1	1,253,986	3.1	6,779,740
North Carolina	86,107	13.9	1,543,379	33.4	2,199,598	26.5	1,939,224	19.0	5,768,308
North Dakota	Data is not available for this state.								
Ohio	281,414	26.6	2,281,335	23.9	1,907,003	10.8	UNA	UNA	4,469,752
Oklahoma	147,116	48.1	443,740	19.4	500,569	12.0	0	0	1,091,425
Oregon	45,671	18.6	122,279	6.7	167,317	4.3	30,701	.65	365,968
Pennsylvania	Data is not available for this state.								
Rhode Island	90,000	81.8	502,184	55.7	686,412	40.4	275,247	13.7	1,553,843
South Carolina	77,445	24.4	580,437	24.1	688,850	16.3	978,447	16.8	2,325,179
South Dakota	73,260	73.3	278,150	42.2	300,000	24.6	UNA	UNA	651,410
Tennessee	UNA	UNA	1,929,114	54.2	1,162,213	18.0	0	0	3,091,327
Texas	222,321	16.7	1,790,055	19.0	2,110,687	11.5	1,250,372	5.6	5,373,435
Utah	77,039	61.0	140,436	14.0	308,245	16.0	9,379	4.0	535,099
Vermont	Data is not available for this state.								
Virginia	163,723	30.0	324,285	13.0	300,000	5.0	UNA	UNA	788,008
Washington	122,428	32.2	818,243	27.5	866,000	15.0	541,081	8.0	2,347,752
West Virginia	60,300	27.3	289,400	17.7	529,493	18.6	153,746	4.4	1,032,939
Wisconsin	130,798	25.0	888,871	23.4	899,111	11.0	113,604	1.0	2,032,384
Wyoming	39,469	39.5	116,611	23.3	115,406	20.7	131,812	13.2	443,298

TOTAL EXPENDITURES FOR "HARDWARE"

	FY 1969	FY 1970	FY 1971	FY 1972	TOTAL
Total for Hardware	$ 4,828,127	$ 29,529,791	$ 34,860,175	$ 20,902,073	$ 90,120,166
Total Part C Funds	17,148,904	129,998,000	238,654,000	196,611,000	582,411,904
Hardware as a % of Part C	28.2%	22.7%	14.6%	10.6%	15.5%

APPENDIX V

ANALYSIS OF LEEP FUNDING

FY 1969 - 1973

Analysis of LEEP Funding
FY 1969 - 1973

32 states have received *less* than their population shares.

23 states have received *more* than their population shares.

Of those states which received less than their population shares, the following show an appreciable difference:

State	Percent of Total LEEP Funds Received FY 1969-1973	Amount of Population Share Received FY 1969-1973
Arkansas	.08	1/11
Alaska	.12	6/7
Hawaii	.37	3/4
Illinois	3.16	1/2
Indiana	2.51	2/3
Iowa	1.37	1/2
Louisiana	1.27	1/3
Maine	.27	1/2
Michigan	3.67	6/7
Minnesota	1.12	2/3
Mississippi	.98	7/8
Missouri	1.54	2/3
Nebraska	.61	7/8
New Hampshire	.20	1/2
New Jersey	2.26	2/3
North Carolina	1.16	1/2
North Dakota	.25	6/7
Ohio	3.08	1/3
Pennsylvania	4.53	4/5
Rhode Island	.22	1/2
Tennessee	.67	1/3
Virginia	1.19	1/2
West Virginia	.61	3/4
Guam	.01	2/3

Of those states which received more than their population shares, the following show an appreciable difference:

State	Percent of Funds Received	Percent over Population Share
Alabama	1.94	20
California	11.22	16
Florida	5.85	33
Maryland	3.29	50
Massachusetts	3.47	33
New Mexico	.76	33
New York	11.61	33
Oregon	3.54	300
Texas	7.61	33
Utah	.76	50
Washington	2.33	50
District of Columbia	2.23	700

APPENDIX VI

MINIMUM STANDARDS FOR STATE PLANNING AGENCIES

Adopted by the National Conference
of State Criminal Justice Planning Administrators

Revised February 1973

1. PLANNING—The state comprehensive criminal justice plan shall present a complete and accurate assessment of the crime and delinquency problem and its impact upon the state. Further, the plan should fairly portray the services rendered by the criminal justice system and where its deficiencies appear. Each SPA shall have sufficient in-house staff and capability to determine planning priorities each year and to manage and/or oversee the development of the state's annual criminal justice improvements plan.

The state comprehensive criminal justice plan shall specifically detail a coordinated attack upon identified criminal and delinquent activity and upon the identified deficiencies within the criminal justice system, coupled with evaluation criteria for determining the success or failure of the planning effort.

2. AUDITING—Every State Planning Agency shall audit or ensure the audit of each and every action grant administered by the State Planning Agency, within one year of its completion. In the cases of local planning and continuation action grants, audits shall be conducted no less than once every twelve months. Auditing staff should report to the SPA director, the governor, or to the appropriate state auditing agency.

At any time that information is received by the State Planning Agency director that a grant is being mismanaged and that the effective utilization of grant funds is in jeopardy, he shall order a special investigation to be conducted immediately and, where appropriate, a special audit shall also be conducted.

No State Planning Agency shall internally audit its own state planning grant, nor shall it audit any action grants in which the State Planning Agency is the implementing agency. In such cases, audits shall only be conducted by a certified public accountant, by the appropriate state audit agency or by LEAA auditors.

3. MONITORING—Each action project administered by the State Planning Agency shall be monitored at least one time per year during the life of the project. Such monitoring shall include both on-site fiscal and programmatic review. This monitoring may either be conducted by the State Planning Agency or by the appropriate local or regional planning unit. Joint monitoring is encouraged.

In cases of equipment purchases and projects of less than six months' duration, the monitoring function may be merged with the final audit.

Each regional or local planning unit shall be visited at least once a month by a representative of the State Planning Agency, who shall offer whatever assistance the regional or local planning unit may require and shall report on its progress.

Each action project in which an on-going program is contemplated, which will involve more than $25,000 of LEAA funds, shall be monitored at least once every six months. If more than $100,000 of federal funds is involved such project shall be monitored at least once every three months.

When for individual grants the director of a State Planning Agency (or local or regional planning agency when that authority has been passed through) determines that more or less frequent contacts are advisable, he shall establish a schedule of visits which he deems appropriate.

Monitoring shall be defined as periodically determining, by on-site inspections, whether the subgrantee is fulfilling the fiscal and programmatic conditions of his grant award, during the lifetime of the project.

4. EVALUATION—Each State Planning Agency shall develop annually a specific evaluation strategy. A program shall be evaluated if it meets one of the following criteria:

—if it proposes to reduce the incidence of a specific crime or crimes;

—if it purports to produce quantifiable improvement of some aspect of the criminal justice system;

—if there is potential for technology transfer.

Evaluation shall be defined as determining whether the project or program accomplished its objectives, in terms of either preventing, controlling or reducing crime or delinquency or of improving the administration of criminal justice within the context of the state comprehensive criminal justice plan. Such evaluation shall include, whenever possible, the impact of the project or program upon other components of the criminal justice system.

5. GRANT MANAGEMENT INFORMATION SYSTEMS—Every State Planning Agency shall develop by January 1, 1973, and shall have operational by July 1, 1973, a manual or automated grant management information system which will accurately and speedily provide for access to grant information regarding such matters as the amounts and sources of funds received, awarded, disbursed and expended by local and state criminal justice agencies, including the State Planning Agency, classified by programmatic category and subgrant, whether planning, action, discretionary or Part E. Such system shall also indicate the status of each subgrant, as to spending level, reporting compliance and state of develop-

ment. Planning grants and planning subgrants shall reflect major and minor object account expenditures.

6. GRANT ADMINISTRATION—Each State Planning Agency shall ensure that each project application is acted upon within 90 days from the time of submission to the State Planning Agency by the community or state agency, or from the time of the federal approval of the state plan, whichever is appropriate to each state's procedure.

Such action shall consist of mailing a signed grant award, a rejection of the application, or specific instructions for modification or additional information. Grant awards shall be mailed with adequate forms and instructions, so that subgrantees may intelligently respond to demands for grant acceptance, periodic reporting and the submission of timely requests for additional funds. State Planning Agencies shall ensure that requests for information, additional forms, and technical assistance shall be answered promptly and efficiently, so that the success of projects will not be jeopardized. Each SPA shall take action for modification of block grant awards and shall ensure that all requests for modification are processed within 30 days of receipt.

7. FUND FLOW—Each State Planning Agency shall ensure that funds will be distributed to subgrantees as quickly as state disbursement procedures, subgrantee expenditures and LEAA guidelines will permit. Upon receipt of a valid request for action or planning funds, the check or warrant shall be mailed to the subgrantee within 30 working days. With respect to subsequent disbursements, the same time constraints shall apply, upon receipt of timely and appropriate requests for funds from subgrantees and regional planning units. The ability of a State Planning Agency to promptly disburse funds should not be measured by either the date of approval of the state comprehensive criminal justice plan or by the rate at which funds are expended by subgrantees. The efficiency of the State Planning Agency's fund flow procedures should be measured only by the time elapsed between project submission and approval, by the time elapsed between subgrantee requests and the correlative disbursements, and by the efforts of the SPA to maintain an amount of federal funds on hand at a minimum consistent with effective program management.

Each SPA should have an automatic abort procedure for cancelling grants that are not commenced by the subgrantee within 120 days of award.

8. ORGANIZATIONAL STRUCTURE OF STATE PLANNING AGENCIES—Each SPA shall have a full-time professional director.

Each SPA shall have a staff within its organization table, whose assignments shall be planning and research. Ideally, these positions should be full time: in no case should less than 75 percent of their time be devoted to planning and research activities.

Each State Planning Agency shall have full-time professionals assigned to fiscal operations, including responsibilities for internal administration of the SPA planning grant and for fiscal review of action and local planning grants. Where auditing is performed by the State Planning Agency, as opposed to another state office or private accounting firm, additional personnel will be required as the quantity of subgrants dictates.

Each SPA should conduct yearly evaluations of all regional planning units and coordinating councils involved in that state's comprehensive criminal justice planning or grant administration processes.

SPA staff level should be based upon, but not limited to, the following factors: size of the state, number of active project applications, range of duties, the degree to which State Planning Agencies offer technical assistance to local communities and state agencies, number of active grants and the manner in which grants are processed, managed, and evaluated.

9. TECHNICAL ASSISTANCE—The NCSC-JPA shall work, together with LEAA, toward an orderly transfer of technical assistance funds and manpower, so that, within three years, technical assistance shall be the recognized responsibility of State Planning Agencies, backed up by a national LEAA consultants contract, similar to that presently in force. Such an objective is consistent with, and an important first step toward accomplishing, LEAA's desires to reduce its staff size and to create strong, self-sufficient State Planning Agencies.

10. TRAINING AND STAFF DEVELOPMENT—Each SPA shall provide a formal orientation program for all new SPA professional staff personnel, all new regional staff personnel and all new coordinating council personnel. Subjects to be covered should include organization and functions of the SPA, standard SPA operating procedures, and SPA criminal justice improvement philosophy.

Each SPA shall provide a minimum of 25 hours of in-service training per year to all professional staff. This should be augmented by appropriate state or national training efforts geared to specific functional areas.

APPENDIX VII

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