



# National Institute of Justice

## Research Report

### National Assessment of the Byrne Formula Grant Program:

A Seven State Study—  
An Analysis of State and Local Responses  
to the Byrne Formula Grant Program

Report 3

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## PREFACE

This document is the third in a series of five reports emanating from the National Assessment of the Edward Byrne Formula Grant Program. The five reports are as follows:

1. *Where the Money Went: An Analysis of State Subgrant Funding Decisions Under the Byrne Formula Grant Program*
2. *The Anti-Drug Abuse Act of 1988: A Comparative Analysis of Legislation*
3. *State and Local Responses to the Byrne Formula Grant Program: A Seven State Study*
4. *The National Assessment of the Byrne Formula Grant Program: A Policy-Maker's Overview*
5. *The National Assessment of the Byrne Formula Grant Program: Executive Summary*

The purpose of the National Assessment has been to conduct a nation-wide examination of the federal assistance to state and local criminal justice agencies that was authorized by the 1988 Anti-Drug Abuse Act. It's objectives are summarized by the following questions:

- How has federal funding disbursed via the formula grants of the Anti-Drug Abuse Act formula been distributed across various types of drug and crime control programs and across jurisdictions?
- What have been the consequences of the conceptual framework that the Anti-Drug Abuse legislation imposes -- i.e., its use of formula and discretionary grants, its emphasis on state planning, and so on? How do these features compare to those contained in earlier legislation, to what extent might they be open to change, and with what possible effects?
- How has the complex of federal efforts undertaken as a result of the Anti-Drug Abuse Act -- formula and discretionary grants, training, technical assistance, research, evaluation, and so on -- affected state and local activities in criminal justice and drug control?

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Our observations in the first two of these areas are the subject of the reports subtitled *Where the Money Went* and *Comparative Legislative Review*. The third question, focusing on state and local responses, is addressed in the present document.

*Where the Money Went* is an analysis of state funding decisions that is geographically and longitudinally comprehensive. It utilizes the Bureau of Justice Assistance in-house data base on individual subgrants, known as the Individual Project Reporting system. This data set, though not without limitations (discussed in the first report), is the best available national-level statement of the projects that the formula grant program has supported since its inception. Through its use, it is possible to look at state decision-making primarily from the viewpoint of the state/subgrantee relationship, rather than the federal/state relationship. The report describes the state-by-state allocation of funds across different purpose areas, and considers the relationship between funding allocation patterns and type of recipient -- by, for example, calculating how much federal aid has gone to state, county and city governments. It also looks at changes over time in the proportion of annual appropriations that are directed by states to different kinds of activities -- enforcement, prevention, treatment, and so on.

The *Comparative Legislative Review* focuses entirely on the federal level, and examines the criminal justice component of the legislation. Other block grant programs (HHS, DOE) are introduced for illustrative purposes. A longitudinal analysis of criminal justice grants-in-aid is provided, with particular emphasis on the Safe Streets Act of 1968, and the resulting activities conducted by the Law Enforcement Assistance Administration. This helps to establish a framework for documenting some of the strengths and weaknesses of the current authorizing legislation for federal criminal justice assistance, and for assessing the extent to which successful elements of other models might be incorporated into future anti-drug crime programs.

The third component of the research -- focusing on state and local responses to the program -- is reported below in this document. Here we look at the way in which states and local governments have reacted to the 1988 Act and consider the influence on state



and local anti-drug abuse efforts of federal evaluation, training and technical assistance, and the discretionary and formula grant programs. We stress that the work should not be considered in any sense an evaluation of the performance or activities of the seven states that were generous enough to open their doors to us. The objective is to use the experiences of the seven states and information they reported to us as illustrative material with respect to the Byrne program as a whole and to identify the main themes pertaining to the state and local level implementation of the program. A separate Executive Summary of the *Seven State Study* is provided as a companion document.

Each of these three reports can be considered preparatory for the fourth, which is the general policy document of the study. That report -- *The National Assessment Overview* -- synthesizes the contents of the first three, and brings together, in summary form, all work done to date. It also adds a set of policy observations and recommendations about the primary areas of concern in federal criminal justice assistance. An *Executive Summary* of the Policy Overview report highlights the main findings of the Overview.

Comments are invited and should be sent to:

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## **ACKNOWLEDGMENTS**

Much of the work reported in this document is based on site visits conducted in seven states. During those visits, team members were given access to state level policy makers and officials and to local level documentation about specific projects. In all seven states, state and local officials were extremely generous in providing their time and insights to us. Without their contributions, we would have been unable to conduct this project.

Though the individuals who gave us their cooperation are too numerous to name individually, we would like to extend our appreciation to all of them.

At the state level, our thanks go to the management and staffs of the State Agencies administering the Byrne program in Arizona, California, Delaware, Iowa, New York, South Carolina, and Washington. At the local level, we want to thank officials from Pima County (AZ), San Diego County (CA), Linn County (IA), Nassau County (NY), Aiken and Lexington Counties (SC), and Yakima County (WA).

The views and opinions expressed in this report, and the interpretations we make of our findings, are of course ours alone, and we are responsible for any flaws or errors that exist in the report. Inevitably, decisions had to be made about what facts and issues to incorporate and what to exclude, and there will no doubt be differing opinions about the soundness of the judgments we made. In particular, we stress that endorsement of the content of this report by any of the individuals or organizations who have provided assistance should not be inferred.

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# 1 INTRODUCTION

The primary objective of the Byrne Formula Grant Program, as we see it, is to generate change and to help state and local governments to do things differently and hopefully better. The question being asked in the *State and Local Responses* part of the assessment is whether or not these things have happened, and, if so, to what extent. To implement this aspect of the research, seven states cooperated with the research team by permitting a more intensive examination of their procedures, records, and decisions than could be obtained from written documentation maintained at the federal level by the Bureau of Justice Assistance. The participating states were: Arizona, California, Delaware, Iowa, New York, South Carolina, and Washington. Information concerning other states, derived from contacts made at national and regional meetings in which they participated, is also incorporated when appropriate and relevant.

The report is organized as follows:

1. Introduction
2. Research Approach
3. State Policy Coordination
4. Planning for Justice System Improvement
5. Evaluation and Monitoring
6. Funding Issues
7. Law Enforcement Coordination
8. Justice Agency Coordination
9. Coordination Beyond Justice Efforts
10. General Issues

Because this report focuses upon only one aspect of the work done as part of the National Assessment, it should not be considered a full representation of the findings of the entire project. Rather, it should be viewed as a companion document to the other reports.

It should also not be considered as an evaluation of the seven participating states and the work they have done since the 1988 Act. The choice of the seven states was

heuristic and, to some extent, arbitrary. Not all states could be included (due to resource constraints), and there was no satisfactory way to sample the states so as to have seven of them be a statistically suitable representation of the entire country. What these seven states communicated to us was their views of the Byrne program, its strengths and weaknesses, and the way they responded to the requirements and opportunities that the Byrne program presented. We then used that information as a foundation for making general observations about the program as a whole in this report, and in the general policy report (*National Assessment of the Byrne Formula Grant Program: A Policy-Makers Overview*).

In this sense, the present document - the *Seven State Study* - is best considered as a descriptive summary of the on-site observations of the research team members who visited the various states.



## 2 RESEARCH APPROACH

### INTRODUCTION

In our view, the purpose of the Byrne formula grant program is to bring about changes in the ways state and local agencies respond to the challenges of illicit drug abuse. Even the various and separate national activities can be viewed as supportive of these basic goals. This component of the national assessment seeks to address the question about the extent to which change has taken place, within the significant constraints imposed by the nature of the activity.

Of necessity, the desired changes occur at the state level and below, in myriad local communities. The problem for the researcher is how to decide what can, and should, be observed in order to reach sensible conclusions about the effectiveness of the overall national program. This has required the development of a research design that is appropriate for the circumstances. The details of the choices made are presented in this section.

Given the limitations on resources and time that all research projects of this kind face, it would be useful if a representative subset of states and subgrantees could have been sampled for study. Assuming sampling integrity, inferences from the sample to the national population might then have been made with confidence. However, it would be extremely difficult if not impossible to identify the typical state or typical community. Attempting to choose a random sample of either states or communities within states in order to project to the populations of states/communities is completely impractical. In order to answer this empirical question a completely different approach is required. We chose to examine the situation in a series of states and communities within those states, chosen purposively. It was expected that the jurisdictions chosen would illustrate the matters at issue but would not be necessarily representative of all jurisdictions. Seven states were chosen that came from every region of the country and included examples of

large, small and medium states. Together they received approximately one fifth of all the funds distributed under the Byrne program.

Data were collected from each state with the objective of conceptualizing what a program such as the Byrne formula grant program might actually accomplish. A series of linked case studies, with embedded general characteristics, were thus performed that allowed extrapolation of conclusions to theoretical ideas of potential impact. The factors that might be influenced were identified by both rational analysis and by a review of what was desired legislatively in this program, and in the predecessor LEAA effort.

Another serious problem was presented by the fact that the factors of interest were not easily observed. This was not just because time and resources were severely limited, although this was clearly true. The problem is more fundamental. The changes are inherently not directly observable by the researchers. Indirect information on changes had to be collected from documents and from those participating in the process. The resource limitations guaranteed that not all participants could be contacted and relevant non-participants were even less likely to be available. The information supplied by these informants can also be viewed as hearsay and possibly unrepresentative because of biased perspectives.

The existence of the limitations inherent to this approach must be acknowledged. These mean that any conclusions reached by this process would of necessity be tentative. Nonetheless it was believed that useful conclusions could be derived through this process of systematic examination of common themes in 7 different states. The tentative conclusions produced were reviewed by other jurisdictions in a series of regional meetings, and also at a national meeting of practitioners that was organized by the Bureau of Justice Assistance. No persuasive information that contradicted our observations was developed during the research period.

## RESEARCH DESIGN

It was decided that the most useful way of proceeding was to forego any attempt to select random samples at either state or local levels and to pursue a multi-state case

study approach that utilized a completely different logic. States were chosen for examination based on expectations that the areas of likely impact of the Byrne program would be adequately illustrated within the purposive sample selected. In addition, at least one local region was selected for review within each of the selected states. This local region was also chosen on a judgment that the issues of interest would likely be illustrated. The selection was made through consultation with the state concerned and there was an expectation that the local experience would shed light on the state issues as well as matters of purely local concern.

This research design was a multiple case study approach that utilized multiple units of analysis in each case. The design has been described at length in the established literature<sup>1</sup>. It is important to realize that the data collected was used to produce inferences concerning a theoretical framework rather than concerning the population from which the cases were drawn. In this sense, each case represented a new opportunity to validate the inferences drawn from earlier case studies.

## SITES EXAMINED

A total of seven states were selected for on site examination. Two states (Arizona and California) were examined initially in 1992 order to validate the approach, although not all the site assessment work in these locations was completed until later in the project. Three other states (Iowa, New York, and Washington State) were then visited. Finally the two remaining states (Delaware and South Carolina) were assessed. Site visits were conducted during 1993. Subsequently, contact with state and local planning agency personnel was maintained by phone and mail, and through attendance at BJA's regional and national meetings. Participant agencies were given an opportunity to review the observations made by researchers about their states and/or localities.

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<sup>1</sup> Recent publications on the topic are characterized by the work of Robert K. Yin: *Case Study Research: Design and Methods*(1994) and *Applications of Case Study Research* (1993). Both works are published by Sage Publications.

These states together had appropriated nearly 20% of the total Byrne funds appropriated nationally.

Within every state except Delaware, where the concept of region or local recipient is moot, given the state's control of much of the criminal justice system, at least one regional operation was assessed in some detail. The county was chosen as the unit of measurement although this meant different things in different locations. A county that contained a significant number of relevant grant projects was preferred. The sites were as follows:

- Arizona -- Pima County (Tucson)
- California -- San Diego County
- Delaware -- (N/A -- no local government recipients)
- Iowa -- Linn County (Cedar Rapids)
- New York -- Nassau County
- South Carolina -- Aiken County & Lexington County
- Washington -- Yakima County

## **DATA COLLECTED**

The type of information sought in the research was generated from a theoretical assessment of the areas of possible impact. The ADAA effort had preserved many of the structural factors that were incorporated into the LEAA program, although differences did exist. Consequently, publications reporting on the LEAA program were fruitful sources of relevant dimensions for examination. These assessments had identified specific failures and successes of the LEAA program in the past and these were used as the point of departure in this data collection effort. Briefly, the positive and negative aspects of the LEAA can be summarized as follows.

### **Positive Factors**

It was reported that several positive tangible and intangible outcomes had been produced from the LEAA experience. These positive legacies included:

- Generation of a greater awareness of the complexities of crime and the interrelated needs of the criminal justice system. A system's consciousness had developed and, at

least partially, had replaced the previous fragmented orientation.

- Awareness that efficiency and effectiveness were vital to crime control.
- Even critics agreed that improved coordination had occurred, between functional components of the justice system and across jurisdictions, and that the process used promoted this coordination.
- The funds had provided an incentive for coordination and had encouraged innovative activities.
- A better balance of funding had been achieved than was commonly believed.
- A very high percentage of projects had been assumed locally on completion.

Elected officials and justice professionals both felt that funding was appropriate, necessary, and impacting positively on problems. Even now these contributions are acknowledged.

Other benefits reported included the following: an awareness of the openness of the criminal justice system and the interdependence of its various components; knowledge and skill improvement; and generation of an infrastructure to support planning and coordination.

### **Negative Factors**

A negative legacy also existed that had helped contribute to the demise of LEAA. Specific difficulties identified included:

- Few real strong ties had been established between components of the justice system. Some characterized the interaction as primarily political "log rolling";
- Only limited ties had been established between the SPAs and Governors or Legislatures;
- Most time spent on plan preparation was felt to be wasted on irrelevancies. Large staffs, several layers of decision-making, beginning with the Regional Planning Units (RPU), meaningless activities, and lack of assistance to programs were all issues;
- The adequacy, and extent of control, of funds distributed were challenged by many interests -- e.g. corrections,

courts, cities, and juvenile interests. The resulting earmarking was believed to have contributed to making the plan preparation a technical box filling process rather than a meaningful exercise;

- The conflict also eroded national support;
- No standards or criteria existed for appraising the effectiveness of the planning and program efforts. Research and development were thought to be mediocre and lack of information left the agency defenseless when accountability was required;
- Excessive turnover in the leadership of LEAA and the extensive use of acting directors had made setting of consistent long term goals difficult.

### **Other Considerations**

Additional findings were produced that highlighted some of the challenges federal assistance faced. Significant factors in this context included the following:

- LEAA was the first real experiment with the formula grant concept integral to the new federalism. It should have been expected that mistakes would be made that could be corrected by appropriate adjustments.
- Funds provided never amounted to more than 2-5% of regular state and local budgets that support justice agencies.
- Unrealistic goals and time lines were identified that guaranteed failure by those standards. It was common for plans to set crime reduction goals of 10% per year with no time limit -- an obviously unachievable objective.
- No public or private consensus developed as to the appropriate goals. For example, crime control competed with system improvement and federal priorities competed with local choice. Many criticisms were actually reflections of goal conflicts.
- Comprehensive State Planning Agency based planning was almost certainly an unrealistic model to pursue. Other models of incremental planning and coordination seemed better suited for the realities of the highly fragmented criminal justice system.
- Congressional earmarking and process may have had arguments in their favor but they ignored local differences and had cumulative effects at the local level that could be

devastating. Many requirements also originated outside LEAA legislation itself.

- The formula grant program had to operate in many different state environments. It was inevitable, but not always recognized, that some state or local environments could not take full advantage of the federal effort however well it was designed and operated.

## **FORMULATION OF A PROTOCOL**

These issues/items were incorporated into a protocol that was designed to collect information on the extent to which the positive aspects identified in the LEAA program were continued or expanded, and the negative elements were removed or minimized. Further information was sought on the additional goals of the ADAA effort, evidence of particularly beneficial or unsuccessful arrangements, and evidence concerning the feasibility of the fundamental goals of the effort especially in the environments now existing in the states.

Specific information was also sought on general circumstances in the jurisdiction, coordination within the various components of the criminal justice system and between justice agencies and other anti-drug efforts outside justice, planning efforts, financial considerations, and any assessments not otherwise covered. Detailed items were included within each category. This protocol was used, after validation, to collect information in each state visited and at both the state and local levels.

## **DATA SOURCES**

### **On Site Sources**

The information collected was obtained primarily through interviews of significant participants in ADAA activities at the state level, and at least one regional level, when appropriate. Interviews were supplemented by review of such documentation as was available beginning with the state strategy. Interviewees were identified by type by the researchers. Usually the specific individuals were identified by SAA staff and meetings

graciously scheduled by the same staff. Sometimes interviewees came to a central location and other times the interviewer was taken to the various sites.

Interviews were held not only with justice officials but also with representatives from the health and education areas. No interviews were had with agencies not participating in the program although those participating at low levels were included. Sometimes representatives were unavailable for interview at the time of the visit. Some telephone follow up occurred in order to collect missing information.

Approximately one week was devoted to interviews in each state, with the exception of the 2 states that participated in the original instrument validation process, in which more time was spent. Both state level and regional level interviews occurred in this time period.

The information was obtained by more than one data collector. One researcher collected all information from 3 states. Another researcher collected information from 2 states. The 2 other states were analyzed by 2 separate researchers. The same instrument was used in each instance and the researchers each had significant experience in the issues involved.

It was not possible to obtain the needed information in a uniform manner from specifically identified individuals. It was necessary to engage in conversations that covered the subject matter of interest and then assemble the information obtained into the format decided upon. A report on each state level visit and each local level visit was then prepared.

### **Supplemental Sources**

Additional information was collected on these issues at various regional meetings organized by the Bureau of Justice Assistance to bring together representatives of SAAs from all the states participating in the ADAA program. Four such meetings were held, one for each of the different regions: Southern (Tampa), Western (Denver), Central (Madison), and North Eastern (Saratoga Springs). At least two of the researchers jointly participated in a round table discussion with state representatives in 3 regions (all except the Southern Region where more informal data collection occurred). The discussion



ranged over the issues contained within the data collection protocol and continued for 2-3 hours.

A similar process was followed in obtaining information from a National Advisory Group which was brought together for 2 days in Washington, D.C. to discuss the evidence of impact in the states and concerns about program operations (referred to hereafter as the national meeting). This larger group consisted of invited representatives from the 7 states included in the study, other selected state representatives, and some national representatives from outside the justice area. They joined some Justice Department representatives in a structured discussion. The results were used to guide the *National Assessment* team in its work, and have been incorporated into the various reports that the *National Assessment* has produced.

### 3 STATE POLICY COORDINATION

#### INTRODUCTION

The Byrne Formula Grant Program is only one component of state activities pertaining to drug abuse and drug related crime. The ADAA of 1988 itself established two other formula grant programs, administered by the U.S. Department of Health and Human Services and the U.S. Department of Education respectively, that also funneled federal assistance to state and local governments. Another program to provide assistance in anti-drug efforts in public housing was also included. In addition, there were a variety of state legislative requirements, and specific state programs, that have been implemented more or less simultaneously with federal aid.

Under these circumstances, all states had to establish an approach to organizing and managing the diverse sources of funding and programs, as well as determining how the criminal justice formula grant would be managed. In this section of the report, we consider how the seven participating states have proceeded in this area.

All of the states receiving support from the ADAA program had complied with federal requirements regarding identification of the designated state administrative agencies (SAA) for each of the 3 major program areas. They had taken steps to satisfy all requirements in form and in spirit. There were many different ways in which this had been accomplished and these reflect idiosyncratic state and local factors as well as exhibiting certain commonalities. There were lessons to be learned, from this variety of experience, concerning the strengths and limitations of the ADAA effort and its sensitivity to organizational variation. Later in this section, each of the 7 states is described as a distinct entity. We begin with a summary that synthesizes the main themes.

## SUMMARY

A wide variety of different types of state agencies were designated as SAAs and all appeared to operate adequately in implementing the ADAA and coordinating justice efforts. Traditional Criminal Justice Planning Agencies were used together with alternate organizations including: a Governors Alliance on Drug Abuse; a Governors Strategic Council; a separate Criminal Justice Council and a similar state Commission; a large state general planning agency; and a Division of Criminal Justice Services. In a few states, the State Law Enforcement Agency was the designated management agency.

Some states had been able to build upon a planning entity created in LEAA days, while others used established state bodies with similar functions. In some instances, new units were established even when an existing agency could have performed the function. In a number of states, the SAA also had responsibility for other federal programs and/or state programs of assistance.

All the states visited had brought together different state agencies responsible for anti-drug activities including, but not limited to, education, health, and justice interests. Sometimes one high level council was established and other times overlapping specialized bodies were used. Although these bodies did show evidence of shared discussions and occasionally shared policies they had often fallen short in translating these agreements into true joint efforts. The arrangements appeared not to be stable over time and were heavily dependent on personalities.

The greatest difficulty came in translating policy deliberations into operational strategies and especially funding allocations. This was particularly true in health and education areas where the designated agencies generally acted independently.

Sometimes separation could even take place between state policy level goals and the more programmatic strategy objectives, especially when the legislature was active in policy making and had the responsibility for appropriating federal aid through the state budget.

Most states emphasized assistance to local agencies and tended to pass through more funds to them than required by the federal formula. Different structural arrangements were used to incorporate local priorities into the state strategy. In one state complete regionalization had taken place and in another some regionalization persisted. However, significantly less regionalization existed than in LEAA days. The present model emphasizes local participation in the state council, either generally or on a stratified basis.

## ARIZONA

Arizona is a southwestern state with fifteen counties and a rapidly growing population, that approached 4 million at time of the study and now exceeds it. Although there are large rural areas in the state two urban centers, Maricopa County (Phoenix area) and Pima County (Tucson area) accommodate 75% of the population and contain 80% of the crime. There are only 15 counties. There is a long and busy border with Mexico through which large amounts of illicit drugs are routinely smuggled in different ways. They are mostly destined for other major urban areas in the country. As a consequence, 6 counties, including the 2 urban counties (Maricopa and Pima), were included in the South West Border Alliance and received High Intensity Drug Trafficking Area (HIDTA) funds.

Economic circumstances in the state were beginning to improve at the time of our visit but for several years a somewhat depressed economic situation had existed. Difficulty in balancing the state budget, as required by the constitution, had produced staff reductions in state agencies, such as the Department of Public Safety (DPS). By and large, these were achieved through early retirements rather than layoffs. Other pressures included salary freezes and redirection of dedicated justice funds to other areas.

In 1986, comprehensive drug control legislation put in place the legal and institutional frameworks for Arizona's response to drug problems. Although complete centralization of responsibility for all functional areas was debated before enactment of the legislation, this concept was rejected in favor of separate, but coordinated, activities in justice and the other areas. Responsibility for the ADAA effort was assigned to the Arizona Criminal Justice Commission (ACJC), which was already in existence. A

statutory sub committee, subsequently renamed as the Gang and Drug Enforcement Task Force (GDETF), was also created.

ACJC was made up of representatives from state justice agencies, Maricopa County, Pima County, the other counties, some local governments, and a member at-large. All major functional areas in the justice system were represented. Some members served because of their position and others are discretionary appointments by the Governor. ACJC had a variety of other program responsibilities including, but not limited to, justice system improvement, special fund supervision, victim compensation, and state victim assistance.

Acting as the SAA, ACJC prepared the Arizona Anti-Drug Abuse Strategy. This was done based on the recommendations submitted by the GDETF, which was made up of a mixture of ACJC members, and others recommended by professional justice associations. It was chaired by the Governor's Chief of Staff. The strategy was used as the basis for distribution of all funds in the Drug Enforcement Account. These funds came from both ADAA formula grants for state and local assistance and other dedicated state funds. Legislative oversight was required but legislative appropriation of the federal funds was not. The ACJC had also been given responsibility for HIDTA funds.

The state planning agency required by the Law Enforcement Assistance Administration (LEAA) -- the Arizona State Justice Planning Agency (ASJPA) -- was abolished when the LEAA program was discontinued. Juvenile Justice and Delinquency Prevention (JJDP) and Statistical Analysis Center (SAC) functions acquired other homes in this period. JJDP resided in the Governors Office for Children. The SAC unit was located in the Department of Public Safety but was eventually transferred to ACJC, after an inactive statutory Comprehensive Data System Policy Board was sunsetted and its residual functions were transferred to ACJC.

Another state body was created to coordinate the non justice activities in the drug area. A statutory body later called the Gang and Drug Policy Council (GDPC) was responsible for developing state policies for drug education, treatment, prevention and community improvement. State agencies responsible for the federal Drug-Free schools

money and the federal health formula grant were represented on the GDPC, but the Council did not have control of the use of those funds, this control was reserved for the gubernatorially designated state administrative agencies. There was no source of permanent support for GDPC. Support was provided by three of the participating agencies -- the Governor's Office, the Department of Education, and the Department of Health Services. A variety of education and treatment related interests were included in GDPC. Justice representatives, including state agencies, ACJC and DETF representatives were included to supply coordination between justice and the other areas. No equivalent non justice representation on ACJC was provided.

GDPC was chaired by the Governor's representative who also supervised the Governor's Alliance Against Drug Abuse. This effort supported community anti-drug efforts and was organized on a statewide basis with interlocking committees. In 1990 a new unit, the Drug Prevention Resource Center (DPRC) was established at Arizona State University with various data responsibilities.

## CALIFORNIA

California is the most populous state in the union with approximately 30 million people at the time of the work (now 32 million). It has a long pacific coastline, borders on Oregon, Nevada and Arizona, and has a significant border with Mexico. Its coastal cities are major transportation hubs. It has traditionally attracted immigrants from throughout the world and has historically participated prominently in social movements, including the promotion of drug use in the 1960's.

California is divided into 58 counties that have been provided with some degree of autonomy. The state was undergoing severe financial trauma at the time of our visit and that was seriously affecting its ability to maintain existing services. All departments were cutting back, and this was thought to make it nearly impossible to assume new programs.

The Office of Criminal Justice Planning (OCJP) served as the State Administrative Agency. It had been continued from LEAA days and was established in statute. There were also a number of county based local criminal justice planning units, that also

continued from the past. They were usually included as components of Councils of Governments (COGS).

In 1986, California legislatively mandated that the state and each of its 58 counties must prepare comprehensive 5 year plans to combat drugs. To assist in doing this at the state level, a Drug Policy Board was established with representatives of 7-8 different agencies. The Alcohol and Drug Abuse Agency was chosen as the implementing agency and the director of that agency served as the chair of the policy board. There was some question as to whether this board had generated the coordinated and comprehensive approach to the drug problem that was envisaged in the legislation.

At the county level, steering committees were set up to develop county master plans, and the OCJP provided some support for the development of the first county plans in 1990. However, the county master plan, called for by the state legislation, was not the same strategic plan that the ADAA of 1988 required, and, generally speaking, the two had not been integrated. The OCJP had required, since 1990, that each county submit a criminal justice plan that corresponded to state guidelines concerning the utilization of federal aid. Counties would then conduct the operations called for by their county criminal justice planning with general oversight from OCJP. Byrne funds have also been distributed to counties on a formula basis -- a combination of population and crime index. In this sense, the relationship of OCJP to the California counties was comparable to the relationship of the federal Bureau of Justice Assistance to the 56 state recipients of Byrne funding.

The OCJP had responsibility for distribution of some state funds in addition the Byrne funds. Some counties in Southern California also received funds under the SW Border High Intensity Drug Trafficking Area (HIDTA) effort. Los Angeles also received money under the Urban HIDTA effort.

## **DELAWARE**

Delaware is the second smallest state in the union with the fourth smallest population (673, 000). It borders New Jersey, Pennsylvania, and Maryland, is located

close to 3 major metropolitan areas, contains several major highways, and has a significant coastline. Most of the population live in suburban or rural areas; the largest city, Wilmington, has population of only 70, 200. There are only 3 counties in the state.

State government runs the prosecutorial, court, and corrections systems in their entirety. Delaware State police are responsible for patrol and investigations, forensic laboratories, and the criminal history information system. There are a number of county-wide and municipal law enforcement agencies but no local prosecution because this is handled by the State Attorney General's office.

Until 1992, Delaware had a Drug Abuse Coordinating Council (DACC) headed by the Lt. Governor, but it has now been disbanded. Modest results were achieved by the Council in redirecting general funds and in spending special federal and private funds by highlighting the folly of certain earlier efforts. However, the demise of the Council stemmed from a lack of authority over state budgets. At best, it reviewed state budgets only after they were approved by the state budget office, and the Governor, and had been released to the public. The Council therefore lacked any effective voice in establishing or directing the state's anti-drug abuse efforts.

Responsibility for statewide criminal justice policy and planning was vested in the Criminal Justice Council (CJC) which made it the single most important policy planning body in the state. The CJC was created in LEAA days and was kept alive when LEAA was discontinued, which indicated the strength of state support. Under state law CJC was responsible for criminal and juvenile planning, including policy development, budget development and implementation, and oversight and evaluation of state criminal justice programs. CJC was responsible for the Byrne program and much of its success was attributed to the quality and experience of individuals on the Council.

In 1987 the CJC expanded membership to include demand side officials. The Secretaries of the State Departments of Human and Social Services (DHSS) and Labor were added, together with the U.S. Attorney for the Delaware District. This was motivated by state decisions and not by federal mandates.



Early coordination between the DACC and the CJC had occurred but it was attributed more to accident than design. Although the CJC prepared strategy contained many of the same initiatives as those in the periodic plans prepared by DACC, no staff coordination took place and consistency reflected convergence of independent developments. CJC was reported to have had little, if any, influence on either the creation or demise of DACC.

ADAA was believed to have had a modest positive effect on the coordination of crime and drug control efforts. The need to develop a comprehensive strategy did force, or speed up, some increased cooperation amongst state and local agencies but most of these coordination efforts were already underway.

## IOWA

Iowa is a Midwestern state with a population of less than 3 million. There are several moderately sized cities spread geographically across the state and through the rich farmland that constitutes the rural area. Numerous small counties (99) exist and there is a tradition of independence. Traditionally alcohol rather than illegal drugs has been the most serious substance abuse problem. Economically, the state suffered through the farm crisis for a decade but was beginning to recover by the early 1990's. Serious flooding problems were experienced in Des Moines and other areas in 1993 causing more difficulties. Our site work and observations predate this disaster and do not reflect changes made afterwards.

A Governor's Alliance on Substance Abuse was created in 1986 together with 2 Task Forces, serving as committees of the Alliance. One committee was titled Narcotics Control and the other Drug Free Schools and Communities. In 1989 this arrangement was placed into statute together with the creation of a Drug Abuse Prevention and Education Advisory Council and a Narcotics Enforcement Advisory Council. A statutory coordinator position was also established, and specific duties were established for the position.

The Drug Abuse Prevention and Education Advisory Council, supplemented by judicial and non voting Law Enforcement Coordinating Council representation, served as the Drug and Violent Crimes Policy Board. This group was responsible for the preparation of the strategy required under the Byrne program. It received advice on drug policies generally from the Narcotics Enforcement Advisory Council, as well as specific advise from the Enforcement Division of the Iowa Department of Public Safety.

Broad powers were given to the coordinator to chair the Councils and to monitor and coordinate all state and federal drug related efforts on enforcement, treatment, prevention and education. An annual report to the Governor was required, together with budget recommendations. Assistance in strategy development was also to be provided to local communities. These powers had been utilized to produce a broad strategy that reflected both enforcement and treatment efforts. This was facilitated by a state requirement for production of an annual treatment plan. In spite of these coordination responsibilities, distribution of federal prevention and treatment funds was made independently by the health department working with its own advisory council.

The Alliance also had responsibility for distribution of the Governors portion of the Drug-Free-schools money and there were plans to include the education area in the state strategy in future years. The Alliance had no responsibility for any state funds or programs other than those already described.

A completely separate state body, the Iowa Crime Commission, also existed. It was established by statute during LEAA days and utilized regional offices. On the demise of the LEAA, the JJDP and the SAC functions were continued, under this umbrella, together with state planning efforts. Over the years many organizational changes had taken place that culminated in the creation of the Division of Criminal and Juvenile Justice Planning and Planning Analysis Center within the Iowa Department of Human Rights. The Crime Commission prepared a criminal justice plan for state use. The state also assigned other specific responsibilities to this unit, for instance in the corrections area.

The Attorney General was responsible for Victim of Crime Act (VOCA) victim assistance and compensation funds. No HIDTA funds were available and discretionary projects were in short supply.

## NEW YORK

New York State is the second most populous state in the nation with a population of approximately 18 million at the time of the work. It is bordered by Canada to the north and has a considerable coastline. It contains several major urban areas, including New York City, which is a major international transportation hub. There are 60 counties. A justice coordination effort had continued from LEAA days and had preserved the Regional Planning Unit concept. The state was divided into 3 regions (recently collapsed from four).

In 1983 the Governor established a Division of Criminal Justice Services (DCJS), that consolidated 7 criminal justice agencies and encompassed the Office of Criminal Justice Programs -- the State Administrative Agency responsible for the ADAA formula grant funds. The Director of the Division functioned as a Commissioner of Criminal Justice and served in a cabinet level position.

In 1989 the Governor established the Anti-Drug Abuse Council (ADAC) to serve as the central drug program coordinating body chaired by the Lt. Governor. The ADAC included: the Departments of Social Services, Health, and Education; the Divisions of Criminal Justice Services, and Veterans Affairs; and the Offices of, Alcoholism and Substance Abuse Services (OASAS), and Mental Health.

The ADAC was a functional organization which met frequently and had been given broad authority over the budgets of its members. Formation of new programs, and continuation of old programs, were achieved through this body although specific operational duties remained with the individual agencies. The problem of drug abuse had led to increased funding, and coordination, working through the existing mechanisms.

All the budgets of the member agencies were submitted to the Legislature, in bill form. Outcomes were negotiated between legislative committees, the agency, the

Governor's Office, with legislative action determining the ultimate approved budget. In DCJS there were 20 different funding elements, many of which derive from state taxation. The Byrne program was thus only one source and required legislative approval in the manner described.

Within the DCJS there were a number of components such as JJDP, and the Office of Justice Systems Analysis, in which the Bureau of Statistical Services is located. The SAC unit was in this bureau. Coordination between the different elements was facilitated by the common home.

ADAA funding arrived at a time that coincided with an economic downturn in New York. It was reported that, without ADAA funds, program support would have been non-existent, would have been lower, or would have been seriously delayed. The mixture of funds from different sources made it difficult to assess the scope and nature of these assertions. Nonetheless ADAA funds (\$27 million) amounted to less than 0.5% of the state and local expenditures on the justice system, and less than 1.5% of state and local budgets for combating drug crime. This even excluded ADAC support (\$1 billion), Department of Correctional Services support and State Courts' funding. The small proportion of federal support contributes to dissatisfaction with federal mandates of various kinds. Urban HIDTA funds are supplied to portions of the state but not through the state level institutions.

## **SOUTH CAROLINA**

South Carolina is a southern state with a population of three and a half million at the time of the research. Charleston is perhaps the best known city, that sits on the Atlantic coastline not far removed from the drug supply routes emanating from the Caribbean. It is a state with a strong tradition of local autonomy that vests considerable authority in the 46 counties. The fiscal condition was described as "tight" but not in deficit. The state had been impacted by the general recession and was still recovering from Hurricane Hugo that had struck 2 years earlier.

The Governor's Strategic Council on Drug Education, Treatment and Enforcement was broadly charged with review/formulation of recommendations for distribution of Byrne program funds, as well as other general strategy development and policy analysis responsibilities. However, it had been somewhat inactive since 1991 and that had caused devolution of responsibility to staff in the State Administrative Agency. Prior to July 1993 the State Administrative Agency was located within the Office of the Governor in the Division of Public Safety. It was being shifted to the Department of Public Safety at the time of our visit.

The administrator of the division was a deputy director of the Department. He was assisted by an assistant deputy director who was also the SAC director. They supervised an Office of Criminal Justice, within which several programs were supervised including the Byrne program, JJDP, VOCA, Crime Prevention, and Highway Safety. Financial management of the actual grant awards was the responsibility of another unit, the Division of Finance and Administration, which remained in the Governor's Office.

## WASHINGTON STATE

Washington is a western state with a population approaching 5 million at the time of the work (now over 5 million). There is an extensive pacific coastline and the Canadian border to the north. Most people live west of the cascade range, where the major cities of Seattle and Tacoma are located, together with the state capital in Olympia. The eastern part of the state is more rural but contains the second largest city (Spokane) and some active drug trafficking areas, such as Yakima. There are 39 counties and a strong tradition of local autonomy that constrains the state from ordering local actions. Some believe this tradition has contributed to a tradition of cooperation between state and local government because compulsion is precluded.

In 1988, the Governor appointed a Special Assistant for Substance Abuse to advise him on drug policy in all areas. The Governor's Council on Substance Abuse was established by executive order in 1989, to help advise the Governor further on issues and programs, implementing strategies to support community efforts, education, and

promoting public awareness. This Council was made up of representatives of private industry, local government, treatment providers, community groups, law enforcement and students.

State agencies had established their own collaborative group to combat the drug problem -- the Washington Interagency Network (WIN). The WIN was made up of a wide range of agencies involved in the drug issue in some way. Liquor control, mental health, licensing, the military department, children and family services and traffic safety had joined the centrally involved justice, education, and treatment agencies.

The State Administrative Agency responsible for the Byrne program was a large state general planning agency -- the Department of Community Development (DCD). This agency had gone through several organizational changes and was in the throes of a merger with another state agency responsible for economic development at the time of our visit in 1993. Prior to merger there were 8 different divisions within the Department, more than one of which had anti crime or anti drug responsibilities.

The Community Protection and Development Division had the mission of assisting communities in building strong social and economic foundations. It assisted local leadership in defining goals and making decisions concerning their community's future. Several program areas were included that were supported by federal and state funds. Two units within this Division had relevant program responsibilities.

The Community Protection Unit was directly responsible for the Byrne program and worked with the required Drug Policy Advisory Board. The unit was also responsible for state programs supported from the general fund including "At-risk" youth, border town law enforcement, and indigent defense in criminal and civil matters.

The Community Mobilization Unit administered programs that enabled organizations to work with citizens to develop and implement strategies to reduce substance abuse and youth violence. Several programs were involved: Community Mobilization Against Substance Abuse (CMASA); Youth Violence Prevention and Intervention; Drug Abuse Resistance Education (DARE); Office of Crime Victim Advocacy; and Community Partnership. The unit distributed funds from a variety of

sources, including an account for drug enforcement and education from the state Omnibus Controlled Substance and Alcohol Abuse Act, the Governors portion of the Drug Free Schools funds, and some ADAA justice money.

Another division, Administrative Services, provided administrative services for the whole department. The research and evaluation services included support of an individual who had performed many of the in depth evaluations performed on the Byrne program subgrants and other programs. The SAC unit was located in a completely different state agency (the Office of Financial Management).

The proposed fund allocations prepared in the drug strategy were submitted from DCD to the Legislature where the final decision on allocations was made. The Legislature can, and does, change the allocations submitted. In 1993, a number of changes were made. Some projects not included in the submitted proposal were added by the Legislature, and substantial reductions were made in existing program areas. The changes had been predictably controversial.

A financial crisis gripped Washington in 1993 because of a \$2 billion deficit. Washington is one of the few states without a state income tax. Revenues are generated primarily from a sales tax (7.9%) that is extremely sensitive to economic fluctuations. Although this crisis now appears to have been resolved the resolution involved tax increases and spending reductions, in approximately equal amounts. This caused reduction in state support for the Omnibus Controlled Substance and Alcohol Abuse Act, although it continues at a good level. It helped produce the reorganization, and the reallocation of the Byrne funds, described earlier, and was a factor in limiting possible assumption of grant projects.

## **OTHER STATE ARRANGEMENTS**

A wide variety of specific arrangements existed in the other states but their experiences parallel the issues reported in the 7 individual states. Several states (e.g. Kansas, Maryland, Nevada) reported that they had a State Drug Control Executive ( a

"Czar" or "Czarina") and most states reported the existence of a Substance Abuse Coordinating Council or policy board of some kind.

Some evidence of instability in state policy making existed. Oregon had abolished its State Administrative Agency and had dispersed functional responsibilities to executive and legislative agencies. Minnesota reported that its institutional placement was uncertain. Several states had minimal numbers of staff in their State Administrative Agency -- e.g. 2 only in Nevada, Vermont, and N. Dakota. When staff leave, as they had in N. Dakota, serious disruption could occur before replacements were brought up to speed.

Some State Administrative Agencies had been continued from the old State Planning Agencies (SPAs) required in LEAA days (e.g. Massachusetts). These have been revitalized by the Byrne program. Other states have had to create a new presence and often this has meant that SAC units have remained separate as they had found alternate institutional homes in the interim. Such separation often inhibited coordination and cooperation between the SAA and the SAC.

Institutionalization of the means to continue the state policy effort continued to challenge the states. In the District of Columbia criminal justice has been made part of a larger office that brought together the JJDP, the SAC, and discretionary funding. Other states, such as Wisconsin and Pennsylvania, had established firm structures but continued to confront legislative supervision that can change professional priorities. Ohio reported that legislative efforts were made to redirect substantial funds to the Public Defenders Office.



## **4 PLANNING JUSTICE SYSTEM IMPROVEMENT**

### **INTRODUCTION**

Planning is a commonly used empirical-rational technique designed to improve the efficiency of the use of resources to achieve chosen goals and objectives. Production of a plan (or strategy) by each state is required as a condition of receiving the Byrne award. A similar requirement was included in the LEAA program and continued in the JJDP program. However, at least in the early years of the ADAA programs, it was not used to the same degree in other areas of federal anti-drug abuse support, such as education and treatment.

Planning in the context of the Byrne program attempts to accommodate federal, state, and local interests, and occurs to a certain degree at each level of government in this formula grant effort. The federal government sets the broad areas, or categories, appropriate for fund use. The state selects amongst those categories in preparing its plan, and then solicits projects believed likely to achieve specific goals within those categories. Potential subgrantees generally react to state guidelines while, ideally, integrating this external support into the mosaic of other local activities focusing on the same problem.

An assessment of planning requires information on the impact of the planning process within the different communities. Further questions arise concerning whether the particular form of planning used is effective, compared with other options. Finally, there is a question about whether planning at one level of government helps or damages the ability to plan at other levels. For example, this issue arises when federal requirements restrict choices at the state level through earmarking and mandates.

### **SUMMARY - PLANNING**

Planning was embraced as a highly valued approach to justice improvement in the states. Federal assistance in improving planning expertise was welcomed as a way of

facilitating something strongly desired. Specific benefits were identified in improved efficiency, better coordination, and institutionalization of better practices within and between agencies. New and innovative programs had been introduced and other secondary benefits produced.

The old concept of comprehensive planning, revolving around a powerful controlling state planning agency (SPA), was generally replaced by a more realistic incremental planning approach that allowed the pursuit of improvements that state and local realities allowed.

The state was viewed as the most appropriate locus of planning. Although legislative action could change justice specific plans, other benefits flowed from legislative involvement. Evidence of state expansion of planning requirements beyond narrow justice issues existed but it had not always translated into real planning improvement.

Some states (e.g. California, New York, or Florida ) had also profitably devolved planning responsibility to counties or regions. However, devolution did not necessarily produce better cooperation between justice and other areas, and no evidence existed that local jurisdictions had suffered when states did not formally do so.

Several indirect and/or unanticipated benefits of the planning process were described. Primarily they related to the enhancement of training, grantsmanship skills, technical assistance and pump priming efforts.

## **PLANNING IMPACT**

Planning of justice activities was viewed as valuable because it produced a number of different benefits within the states. These were identified, at the national meeting, as falling into several different areas.

Planning helped shape and refined policy. It also enhanced the efficiency of resource allocation, provided the basis (baseline) for any evaluation, implicitly supported enhanced coordination and also helped enhance the spread of these same techniques to the local level and even to state agencies. The chance that beneficial practices were adopted elsewhere was enhanced to the extent that the appropriate planning practice was modeled

at the state level. Some planning meeting participants felt strongly that this was a critically important dimension. One example of this was believed to be the business plan developed in Iowa between corrections and treatment interests.

States generally expressed the view that the federal government can help facilitate state planning by providing leadership, by providing necessary funds, and by requiring that a planning process be pursued. Assistance in specific planning tasks can be provided. Planning was also facilitated when administrative demands on SAAs were minimized. For example, when small administrative staffs faced essentially the same administrative demands as large agencies, an inevitable reduction occurs in the time available for real planning.

States were believed to be the appropriate bodies to set planning parameters, set priorities, and provide general guidelines, although they should recognize the autonomy of local jurisdictions. Although state task responsibility was appropriate it was recognized that certain limitations must be taken into account. There was always a possibility that local political priorities prevailed rather than the priorities identified in the analytical process. Those at the local level could also be unduly influenced by rhetoric about the solutions in vogue at any time.

The centrality of the state's planning role was questioned when a state had devolved substantial planning responsibility to the local county level, such as in California. It was suggested that this might work to marginalize the state's role and result in the federal-local relationship becoming dominant. In turn this might undermine the foundation of a central state strategy. Countervailing arguments emphasized the limited competence at local levels in some states, and the fact that assumption of costs at the end of federal support often required state involvement. The experience of target cities was invoked to support these claims.

It was reported that the use of planning and evaluation had expanded considerably since ADAA had been in effect. This was because BJA had created a structure to make planning possible and that states had been able to take advantage of this opportunity, not

just because it was required federally. Planning was driven in part by pressures emanating from within states to respond to issues such as prison overcrowding.

Planning, as required by the Byrne program, was sometimes supplemented by separate state planning requirements (e.g. Iowa and California). Naturally these plans needed to be reconciled to operate effectively. This was not always straightforward. In California the state created a Drug Policy Board and mandated that a 5 year plan be prepared covering all functional areas in each county. The alcohol and drug abuse agency was responsible for this effort and justice issues appeared to have been neglected. The search for an appropriate integration was still underway.

One goal of the ADAA effort was to introduce innovative new procedures and by this measure the program was reported, at the national meeting, to have been a great success. If one defines innovation as adoption of new activities for that jurisdiction, success rates of over 50% were reported. Impacts were also reported on policy-making, coordination, planning process, and other areas.

In New York it was reported that, although the disease of drug abuse had not been cured, they had learned how to treat it earlier and better as the result of the BJA effort. Locally it was reported that the perceived increase in public safety would not have taken place without the major effect of BJA -funded programs as they could not have been funded locally. In addition grant writing skills had developed, an unexpected development that had facilitated pursuit of private foundation funding. Local informants added the benefits of face to face contacts established by attendance at regional and national conferences because the drug trade nearly always involved other jurisdictions throughout the country.

In Delaware state officials were positive about the impact of ADAA in spite of reservations about mandates and requirements. They agreed that the program had supplied critically needed funds to the state criminal justice system, and that these funds had allowed demonstration of new and innovative programs. There was uncertainty about the overall impact of these federal funds on the programs created as some felt that funds might have been supplied by the general assembly in any event.

In South Carolina upgrading of the quality of personnel was identified in 3 different areas. First, new courses (6) were introduced into the criminal justice academy, which was now part of the department of public Safety. Second, police recruits were now required to receive training prior to starting work rather than in the first year. Third, continuous skill upgrading was attributed to the improved informal communication system. Also the upgrading of grantsmanship skills associated with preparing grant applications by 200-300 applicants per year was an unintended outcome in South Carolina.

Technical assistance, provided by the SAA to agencies within the state, was identified as an important contribution to improvement in both New York and South Carolina although it was not generally identified as a clear priority. In New York daily technical assistance appeared to be provided and was especially sought by MJTF members. It provided a continuous link and contributed to the improved levels of integrity, professionalism and comprehensiveness of the justice system in general. It represented a process that helped to maintain a goal focus and general coordination.

## **SUMMARY - GOALS AND STRATEGIES**

Most states expressed a positive view of the potential benefits provided by the need to set goals and to develop a strategic plan, but the extent to which the planning process was actually valued and used varied. Some states used the Byrne strategic planning process as a framework for thinking about the future and deciding on priorities, but a few others considered it to be little more than a compliance exercise.

All but one of the seven states visited cited strong local motivation for planning and stated that they would continue the planning process in the absence of the federal requirement. Typical goals involved: emphasizing comprehensive justice system improvement; setting system needs independent of political distortions; experimental testing of innovative options; a multi-faceted approach (including incorporating treatment into justice agencies); and identifying politically feasible state priorities.

None of the states had repeated the mistakes of the past by setting unrealistic crime, drug trafficking or drug use reduction goals. Although all states expressed hope that the activities supported by Byrne would likely be helpful in reducing the drug abuse and drug crime problem, they all held the view that system improvement had to be the central goal of the Byrne program. The amount of funding available, although tremendously important as risk capital, was too small to substantially increase system resources available to impact on street problems.

There was no evidence that the categories of allowable activities under the act had constrained state choices. The categories were so numerous and broad that it was difficult to imagine a desirable activity that could not fit somewhere. This flexibility allowed states to emphasize limited categories of effort and opened the possibility of progressive shifts of emphasis to gangs, violence, community policing etc., should local conditions require. It also meant that the statutorily defined purpose areas were not analytically precise, which complicated attempts to analyze the Byrne program.

State plans and goals commonly took into account more than just the dedicated Byrne funds. The plans reflected the pattern of existing state as well as federal financial support, and had often been formally adopted by the Legislature, or been subject to high level review by legislative committees and governors' offices. In several instances dedicated state funds had been available to the SAA to allow more comprehensive work, although no SAA appeared to control state justice budgets.

## GOALS AND STRATEGIES

Strategies were described as of two types. One type restricted attention to use of BJA funds alone. The other took a broader view that encompassed the much larger resources available from state and local sources. The advantages of the latter approach were illustrated in Maryland where policies were derived from "The same sheet of music" irrespective of funding source. The potential shortcomings of the former were illustrated in those states that required legislative authorization of the strategy and the appropriation of Byrne funds for specific project funds. The different perspectives created discord

between legislative and administrative objectives because, at the legislative level, political expediency may come to dominate the process.

In a number of states that follow this legislative approach -- e.g. California, Washington, New York, and Ohio -- examples of substantial changes being made, or attempted, by the legislature were evident. For instance, in Ohio, an earmarking of \$2 million for the Public Defender was attempted. In Pennsylvania earlier legislative control had upset the strategy process and, although it was reported that the strategy, as applied to local efforts, was back on track, the state level component was still experiencing difficulties. These complications clearly disrupted the strategic planning process and may not even reflect broader programmatic needs as perceived by the state agency. Another example is that in California the SAA was virtually prohibited by the legislature from allocating any funds to evaluation and assessment, despite the federal statutory requirement that evaluation be performed.

Those states that took the more expansive view appear to place a higher value on the planning process. It was argued in Maryland, for instance, strategic planning benefits exceed strategic planning costs. Those with the narrow approach, such as Nevada, appear to use the strategy document primarily as an accounting device.

Planning for the justice system, in the context of the Byrne program, required recognition that the justice system, in contradistinction to other functional areas, consisted of interconnected agencies. For example, if enforcement was enhanced there were inevitable consequence for the agencies responsible for the later steps in the justice process. This implies that system improvement is an obligation when enhancement in one area influences others. Massachusetts, for example, reported that 21% of Byrne funds were now devoted to system improvement.

System-wide planning was somewhat easier in states that had already centralized many functions, such as Connecticut. They reported that everyone got something (for political reasons) but that increased emphasis on the later stages of the justice system was necessary because of big prison/jail overcrowding issues. Pennsylvania also reported that they had initially supported the front end agencies (MJTF and prosecution) but had now

shifted to prison/jail overcrowding issues, including intermediate punishment approaches, an approach supported legislatively.

Within the system-wide perspective various options were possible. Illinois preferred to use the Byrne funds as a means of doing innovative things. Small jurisdictions were particularly appreciative of the difference that a small amount of money could make. At the national meeting it was reported that many different models have been effective in different local circumstances but that a bottom up approach was preferred in planning.

At the national meeting representatives of the education and health areas indicated that the planning approach, adopted by justice, appeared to be the direction being followed in their areas. In education it had been proposed that a State Advisory Council be required with representatives from different areas, that a needs assessment be done, and that local recipients be required to comply with the state level requirements. In the health area some states asserted that the grant application already required 400 hours to prepare. A state treatment plan was being sought and the overall planning arrangement was moving towards the justice model. This appeared to be a strong vote of confidence in the value of the justice planning approach.

Considerable variation existed in the financial responsibilities assigned to SAAs. The SAA sometimes had direction of other federal justice programs in addition to the Byrne effort. In some instances (e.g. California, Minnesota, Texas, and Indiana), they also controlled state funds from special earmarked accounts.

At the national meeting the system improvement approach was considered sound. As the sources of crime/drug use were believed to lie predominantly outside the justice system it was felt that concentrating on system improvement was the most logical and achievable strategy. In addition, the long term nature of the issues argued for doing everything possible to provide some stability in the justice system response to the drug crime problem. In turn this argued for stability in the federal legislation. The need for consistency and predictability was perceived as being undercut by uncertainty in federal funding and planning.



The framework of the legislation was believed to support all activities likely to be pursued in the states and no change in the framework of the legislation was thought necessary. This was not an argument in favor of legislative, or programmatic, rigidity. The different activities included "in the menu", easily allowed for shift of emphasis into issues of violence or community policing, as appropriate. The other areas supported under ADAA, such as health, education, and public housing did not have the same flexibility. Despite this, there was strong reluctance to allow funds to be diverted to deal with root causes of crime because they were not believed to be sufficiently amenable to influence. Only small incremental changes over time were thought feasible.

There was concern that the small amount of money could easily be diluted to such an extent that no tangible impact might be observable. Some wanted the legislation to preclude funding of certain activities, not central to justice, because the existence of options such as treatment programs could increase pressure for spending on non justice issues.

**California** had established a strategy within the context of the Byrne program that involved the devolution of much planning authority to local counties. There was also a separate planning process, mandated at the state level, that required that each county requesting any federal moneys prepare a 5-year master plan for attacking the drug issue from all perspectives, including law enforcement. Unfortunately it was reported that many of the master plans developed at the local level failed to include criminal justice components in part because those charged with the responsibility appeared to be oriented predominantly towards treatment. The justice strategy examined in San Diego was predominantly a self contained effort built around the coordination of enforcement/prosecution efforts as applied to a particular target population. This was definitely an innovative activity for the County. However, no substantial coordination took place with the master planning process.

Planning was carried out at several levels in **New York State**. Strategy development and statewide planning was performed in the Anti Drug Abuse Council (ADAC), which was required by the state to write an annual plan identifying problems

activities and plans for the future. The Division of Criminal Justice Services (DCJS) participated as one of the seven members of the state council that prepared a comprehensive approach.

Input into the strategy was obtained through local input provided by municipal and regional planning commissions/offices that communicated both formally and informally with ADAC and the member agencies. This input was worked into the statewide strategy but, because of the wide variety of different agencies and requirements, there was no consistent formal process for all areas. ADAC and its staff integrated all the components into one strategy.

The New York DCJS followed the same process, utilizing input from the MJTF's, other programs, local level planners, regional planning councils, and local government. Most counties and all major population centers were served by these planners held over from LEAA days -- they covered 80% of the state population. This input was used as the basis for the strategy submitted to BJA in order to receive the Byrne funds. The fundamental strategy was developed at the state level. The additional Byrne strategy preparation would be unnecessary, and not performed, absent the federal requirement.

A similar process was followed by the Office of Alcohol and Substance Abuse Services (OASAS) that was responsible for treatment services. This agency was also legislatively required to prepare a 5-year plan, with annual updates, utilizing local input. This process facilitated joint strategy development.

Planning, strategy development, and related data functions were well institutionalized for the criminal justice and treatment systems and would in all likelihood continue without federal mandate. The strategy was believed to truly reflect those state priorities that were politically feasible. The need for legislative action did place some limits on the planning options but also produced political realism concerning the likely institutionalization of grant projects.

Planning was also formally pursued at the local level both within agencies and across the criminal justice system. Police planning was described in Nassau County as being based on analysis of crime statistics and street level issues. County based priorities

were developed through local coordination and, at least in the health area, were captured in a local action plan. Needs and priorities developed locally in this manner still had to be forwarded to the state where they were considered for inclusion in the state plan. This process did reflect local priorities and needs but was predominantly a strong state level planning process that could modify local proposals to meet state priorities. No unacceptable conflict was reported to be produced by this process.

In **Washington State** the broadest policies were also developed at the state level. The legislature made the ultimate decisions on the drug strategy pursued, although the proposed strategy was prepared by the Drug Policy Board and then submitted for legislative action. Initially little legislative interest was reported because of the small amounts of money involved. Changes could be made reflecting political priorities and in 1993 priorities appear to have been strongly influence by financial difficulties. Significant reallocations of funding priorities took place including significant funds for a new area -- prison industries.

The Governor's Office also influenced these state priorities. A Czarina worked with the Council on Substance Abuse and the Washington Interagency Network (WIN), a group of state agencies involved with drug issues. WIN had been working since 1988 to establish/discover shared values that could be reflected in strategies. This was hard work, and was initially somewhat coerced, but after 2+ years of meeting agreement was produced and a working strategy produced. It was felt that such agreement required the long lead times experienced in order to reach real agreement. State agencies appeared to have some of the highest barriers. The judicial branch coordinated but stayed separate.

The strategy produced developed 4 central goals and associated measures. Its existence was believed invaluable in providing a shared response to the financial crisis in the state that required coping with a \$2 billion deficit. WIN sat with the legislature, acting as a group rather than acting individually. It was believed that the strategy and group will persist beyond the present financial crisis although the impact of personnel changes was unknown. This was not the strategy submitted to BJA and that had caused tension in the past.

The draft of the strategy to be submitted to BJA was developed by a large state agency -- The Department of Community Development (DCD), that acts as the SAA, working with the required Drug Policy Board. DCD was well respected as an effective planning body, although with limited justice expertise. The Board consisted of the core of the old SPA policy board supplemented with state and local officials. It was reported that initially a determination was made to avoid the perceived difficulties of earlier planning efforts. In LEAA days it was felt that strategies were political, that log rolling was common and that little interest existed in actual consequences of money use. A clean playing field was sought where decisions were to be made on a rational basis rather than according to political control.

The strategy was based on distributing as much money as possible to local communities, providing state support for local efforts, pursuit of mid-, or upper-level drug dealers, and on strengthening peer relations within the criminal justice system. The strategy covered both ADAA funds and state funds provided under the Omnibus Drug Act. As time progressed increased emphasis had been placed on community, treatment and violence issues, reflecting the impact of the 48 month rule, as well as Board and WIN priorities.

The 21 program priorities allowed by the ADAA legislation did not constrain Washington in following its priorities. Distribution of funds within different categories had utilized review panels that used rating scales as the basis of recommendations to the SAA. These recommendations are only changed reluctantly. Indirectly this process diffused planning expertise broadly and efforts were made to maximize its use. The strategy developed in **Iowa** was also influenced by the presence of a Drug Czar working in the Governors Office of Substance Abuse (GOSA). In this case the Czar directly supervised the staff who prepared the strategy for submission to BJA, and his office was the designated SAA. His overall strategy was made up of a criminal justice component plus a treatment component and it was planned to add an education component as soon as possible. At time of visit the plan consisted of a combination of the strategy prepared for the Byrne program and the strategy prepared by health interests pursuant to state law.

There was a separate criminal justice plan prepared by another state agency. There was no formal connection between this plan and the Byrne proposal although informal cooperation was reported. There was a statutory charge to plan for both federal and state funds but in practice influence was limited to persuasion. The Czar clearly articulated a strategy of integrating treatment into criminal justice as a central component of the Iowa strategy.

The goals of the state strategy were not viewed as comprehensive. The strategy was described as multi-pronged with a variety of different specific efforts being pursued simultaneously. The strategy identified 16 of the eligible categories as having preference. Some limited complaints were made that this restriction disadvantaged other worthwhile efforts but this seems to be perfectly appropriate decision in allocating scarce resources. It was reported that projects outside these priority areas had in fact been funded when adequate justification was provided.

A systematic approach to the problems of drug use in Iowa had been facilitated by the development of appropriate performance indicators. It had taken two years to develop these measures, with the assistance of the SAC unit, but they were now an integral part of the planning process. Their development was believed to have fostered coordination between agencies as the process forced them to confront turf issues. They were forced to decide on information needed for outcome decisions. The performance measures were integrated into the review process for individual grant applications. The heavy use of justice professionals in these review panels applying the rating review schemes was believed to help disseminate positive planning expertise.

The strategy chosen in **Arizona** to confront the drug issue was strongly influenced by the structure and provisions of the comprehensive drug legislation passed in the state in 1966. This policy document established policies that addressed both the supply and demand sides for adults and juveniles. In addition provision was made for financial mechanisms that could be used to sustain the strategy over time.

The SAA developed a strategy compatible with this framework. After extensive consultation with justice professionals a system wide strategy was chosen with an

emphasis on attacking the supply side, while preserving elements of use prevention within that framework. System enhancement was pursued on a systemic basis. Improvement was sought not only with law enforcement but also with nearly all the agencies needed to handle the workload created by enhanced enforcement. Estimates were made of the increased workload by assuming that the existing profile of cases and productivity levels would persist.

This first estimate allowed the portions of the total funds needed for law enforcement, prosecution, forensics, and courts to be calculated. Only corrections was excluded from the calculation because of the extreme difficulty in funding beds on a programmatic basis. This profile was applied to a \$10 million annual expenditure figure to determine the amounts of money available for each system component. This produced a relatively high proportion for the court system (one fifth). It was estimated that this would allow the present system effort to be increased by one sixth. Adjustments of these allocations, based on experience, were anticipated.

This overview was translated into funding of projects within the individual counties. Task forces were allowed to make their own determinations of the most serious drug problems confronting their community. State level projects were devoted to support of the local effort and less was spent at this level than the pass through formula provided. An emphasis on forfeiture, as a powerful tool against supply, was present.

The new comprehensive drug legislation had created a series of new mandatory fines that were designed to help deter the demand for drugs. The strategy involved enhanced enforcement of these laws. Arizona also made specific plans to generate funds sufficient to maintain this effort for a reasonable time period, through a combination of federal funds, forfeitures, dedicated drug fines, fees and any other non traditional funding source available. General appropriations were considered a last resort. It has proven possible to sustain this general approach since the beginning of the anti drug effort. A limited amount of modification has taken place primarily by addition of support for some Drug Abuse Resistance Education (DARE) projects.

Planning has also taken place within individual projects at the local level. One MJTF reported that the Board set objectives annually and assessed success, not primarily in terms of traditional activities but rather in terms of little success stories involving specific community impacts. Statements of satisfaction from the community and reductions in complaints were given greatest weight.

**Delaware** reported that ADAA has caused the state to make important policy decisions. First, it was deliberately decided not to establish reduction of the crime rate as a specific goal or the strategy. Although it was of course acknowledged that the whole purpose of the justice system is to combat crime, the link between the strategy and crime was seen as too tenuous to use as the basis of policy decisions. The council decided that the major goal should be the reform and improvement of the operation of the criminal justice system. Such a goal was thought more susceptible to evaluation and review. The problems of the short term planning approach were also well recognized, and therefore long term planning was embraced.

This approach did receive some criticism. One official indicated that the strategy goals were vague and offered inadequate policy guidance. The Maryland strategy was presented as a superior example of translating high level policy coordination into meaningful programs that can shape day to day activities of agencies.

The prime approach in the strategy involved the testing of new approaches, through innovation and experimentation, rather than supporting existing operations. Examples of innovations pursued included forging better treatment/sanction links, community policing, and alternatives to incarceration for non violent offenders. In spite of these emphases it is felt that some of the federal funds were used to sustain some existing operations through the payment of overtime and related expenses.

In **South Carolina** the Governors Strategic Council on Drug Education, Enforcement and Treatment was formally charged with strategy development and related responsibilities for the Byrne program. Unfortunately this body had been dormant for two years thus devolving these responsibilities to staff. Staff had solicited input on needs and

strategy preferences from each large city and county and, although the level of input has risen over time, strategy development was still primarily a staff function.

The planning process was described as valuable in forcing staff to think clearly about goals and activities. In spite of this it was thought unlikely that any plan or strategy preparation would continue in the absence of the ADAA requirement. Although institutionalization had not taken place, activities observed in practice confirm that the plan was being followed as written.

## **SUMMARY - EARMARKING/MANDATES**

State strategies were in no way restricted to activities supported by the Byrne funds. The strategies responded to different patterns of funding needs because of state differences. This explained why the practice of earmarking was strongly opposed in nearly all states. Earmarking/mandates implied that only one answer existed to widely different circumstances; however, state officials believed that was rarely true. When earmarking or mandates were imposed they reduced the amount of discretion available to states and locales, and required states to conform to federally imposed interpretations.

Earmarking is generally considered to have contributed strongly to making planning under LEAA a meaningless bureaucratic process. There was no desire in the states to repeat this experience. This viewpoint was shared by those responsible for state drug education and treatment funds.

In spite of this general opposition to earmarking, all the states indicated that improvement of criminal history records (CHRI) was strongly supported. CHRI was therefore the least objectionable of the present earmarks. The related alien reporting requirement was often opposed on practical grounds that immigration and naturalization service (INS) offices would not be able to use the information, making the state work a meaningless expenditure of effort.

The HIV requirement was selected for particularly strong approbation. It was considered to be group punishment imposed on the Byrne program for state policy decisions not within the control of the SAA. As it was a contentious policy issue federal



intervention was found objectionable. As the scientific merits of the requirement were also in doubt it was viewed as an example of the worst aspects of federal usurpation of local choice through mandates. It appeared to be souring the cooperative state/federal relationship in some important jurisdictions.

States understood that budgetary pressures, as well as political considerations, helped explain the increased tendency to earmark. Nonetheless the trend runs counter to the block grant concept and can severely constrain state and local options. The approach preferred by states was to keep process requirements but to give states broad authority to allocate funds to areas determined to be important at state and local levels, while simultaneously holding grantees and subgrantees accountable for results. This approach was considered to be consistent with the Vice- President's proposed National Performance Review.

## EARMARKING

The ADAA -- 1988 legislation contained no requirements that specific amounts of state and local assistance money be dedicated to specific functions. Subsequent statutory or administrative requirements changed this stance and at the time of the site visits, there were proposals to significantly expand earmarking. Requirements were introduced at the federal level for support of criminal history records improvement (5%), requiring alien reporting to the Immigration and Naturalization Service (INS), and providing a 10% penalty for failing to pass appropriate Human Immuno-deficiency Virus (HIV) testing legislation. Similar trends existed for the Drug Free Schools and Drug treatment funds.

Earmarking represents a shifting of control of money use from the state to the federal level. Some, -- e.g. in Iowa, believed that this was an acceptable use of federal power and even suggested that support of additional set-asides, such as the proposed DNA category, might be in order. The majority expressed understanding for the pressures in Congress that contributed to this trend but felt that earmarking was generally to be avoided. The negative consequences of earmarking for the LEAA program was well known and, with varying intensity, opposition was expressed in every state visited.

## **Earmarking Generally**

In at least 5 of the states visited (Arizona, California, Delaware, New York, & Washington) it was believed that communities and states had a more thorough awareness of their problems than the federal government, and should therefore be given the greatest latitude regarding expenditures. They would support a complete repeal or modification of all earmarking requirements.

**California** gave 3 major reasons to support their objections to a particular form of earmarking -- direct categorical grants to communities. First, they make it impossible to expend funds on what are viewed as the most pressing needs. Second, the availability of set-asides for particular political constituencies provides an incentive for those constituencies to drop out from both the planning process and the associated coordination activities. Third, the categorical grant process can multiply the number of applications and waste resources.

In **New York State** officials felt that designating authorized program areas was acceptable but that the other BJA requirements were insensitive to local needs, bureaucratically difficult, and an inappropriate federal determination of what should be decided locally. Similar sentiments were expressed at the local level (Nassau), where set-asides were believed to erode the impact of the Byrne program, although the impact was felt to be less at that level.

In **Washington State** an example from the health area was given to illustrate the inappropriateness of set-asides. Fetal alcohol syndrome (FAS) funds were not believed to be needed because this area was well funded in Washington, yet funds had to be allocated to that area. Also the state was not supportive of HIV requirements because of earlier bad experience with methadone suppliers that they wished to avoid. Process requirements were thought to be more appropriate than quota requirements.

In **Iowa**, at the regional level, Task Force members described earmarking as a quick-fix that was generally not thought out and that could have unanticipated consequences. The point was illustrated by a proposal to remove drivers licenses from convicted drug offenders that would almost certainly expand technical violations of

probation and thus prison populations. Treatment personnel described how their program was hurt by onerous earmarking requirements and the difficulty that set-asides for TB testing were causing, especially in rural areas.

In **Arizona** removal of categorical requirements was thought desirable. In **Delaware** the wisdom of earmarking was questioned, . Resentment of their mandatory nature was expressed and the utility of the outcomes produced by earmarking was considered in doubt.

A number of **Other States** expressed general opposition to the idea of earmarking and mandates. Missouri and Nebraska pointed out that such strings can kill production of effective strategies and useful programs. Wisconsin emphasized that present strings can easily be expanded. The proposed drug testing mandates, child abuse and domestic violence set asides were all considered to be dangerous possibilities. There was concern that this trend had already killed choice in the BJA discretionary program at the national level and that, if continued, would produce the same result in the formula grant area.

There was some concern that the program of support for 100, 000 police officers on the street (proposed at the time and since enacted) might end up being another earmarked program. This would divert support for the other parts of the justice system with obvious system consequences. If the officers were provided, while simultaneously cutting the formula grant, this would in essence earmark a very high proportion of the formula grant. Since that time, the Crime Act of 1994 implemented precisely the plan that was viewed then with trepidation, without depressing Byrne funding levels at all.

At the national meeting representatives concluded that the states should be planning for use of more than federal funds. Both federal and state/local funds needed to be considered together with the issue of competency of grant recipients. These two factors, that cannot be considered by fixed mandates, help explain why earmarking was seen, at the state level, as a destructive practice that should be avoided.

The tendency for Congress to overgeneralize a need identified in one district and to then require it for everyone was understood, but opposed as a wasteful approach. The more this took place the more destructive it was thought to be. Often it required the

spending of funds in one area at the expense of another even more important area. For instance, a new program for pregnant drug abusers may only have received earmarked funds at the expense of programs for juvenile drug abuse efforts.

The experience with mandates in the JJDP area was presented as a situation to be avoided. Here many states had found themselves in the position of spending all the money to implement federal directives. Once existing mandates were satisfied they were believed only to expand. In Illinois this appeared to be a waste of limited resources and there was fear that a similar situation could easily develop in ADAA.

Earmarking was not restricted to the justice funds. The Governors portion of the Drug-Free-Schools funds was earmarked for DARE, high risk youth and replication efforts, perhaps because of some distrust of discretionary decisions by Governors. Treatment monies were even more extensively constrained. There were 12-13 different set-asides and considerable pressure to report back to Congress on action in each area. As each state made its own decision, and no uniformity existed, this was very hard to do.

Nationally, BJA officials would like to be able to measure all set-asides on the basis of their compatibility with the Byrne (or other) program. It was suggested that each should be measured in terms of the benefit and costs for each individual state, and that the appropriateness of placing the obligation on the SAA should be part of this assessment.

There was no opposition to the formula for passing through funds to local government, yet there were indications that uniformity in classifying projects as local or state level was lacking. For instance, a project funded at the state level to assist local agencies might be classified as state, local or mixed.

### **Criminal History Records Improvement**

Support for Criminal History Records Improvement (CHRI) expenditures was found in most of the states visited, in spite of the general opposition to set-asides. For instance, **South Carolina** had little quarrel with the requirement since improvements of criminal records and communication systems were high priorities, and the state had actually overspent the requirement.

**Delaware** also allocated more than the required 5% having recognized the need for improvement in this area prior to the ADAA requirement being enacted. Accurate and accessible CHR information was recognized as essential in virtually every aspect of the criminal justice system. Such information was used to investigate repeat offenders, for sentencing of repeat offenders, and to determine appropriateness of alternative sanctions. Preventing convicted felons from purchasing firearms was a major desired application as Delaware passed a law in 1990 which established a point of sale criminal history background check for firearm purchasers. This had caused the state to dedicate significant resources to CHRI issues.

**Arizona** also felt that the CHRI requirement was benign. Improvement in the data area was needed and a comprehensive plan to enhance criminal history information was underway. It was reported that, at the time, only 53% of felony cases initiated could be traced to completion. Although much of this might have been explained by the waiving of cases down to the cities, records were not available to assess this. Establishing read-only access was the first priority beginning with only new records. At least 10 years was estimated to be needed to complete desired improvements. The problem of match generation was accommodated by waiver of the project-by-project match requirement.

**Iowa** also supported the CHRI set-aside because of the established need and anticipated important benefits. They had received discretionary BJS funds 3 years prior and improved coordination had already been attributed to this effort. Three historically separated state agencies -- corrections, courts and public safety, had been brought together and legislation had recently been passed that required creation of a prosecutorial data link. Data systems were becoming increasingly integrated, a most favorable development given the failure of the Offender Based Tracking System (OBTS) effort, pursued in LEAA days, that was attributed to lack of coordination.

**Washington** also believed that the CHRI set-aside was extremely valuable in achieving the state's own goals of information system building. Only **New York** objected that the state's data system was in acceptable condition and that the money could be used more effectively in other program areas.

In the **Other States**, the CHRI set-aside received more state level support than any other earmark. Texas felt that this was a problem area that deserved emphasis. Minnesota believed that the funding would allow the state cope with the Brady bill requirements. Kansas believed that the Comprehensive Criminal History (CCH) emphasis had helped bring a number of coordination issues to the surface, but the state had problems with obtaining the match for the projects and felt that if earmarking existed it should also be provided a match waiver. Generally this effort was going well but many years were thought necessary for it to be completed.

### **Alien Reporting**

The Immigration and Naturalization Service (INS) reporting requirement was understood to be logically related to the CHRI issue but it raised additional practical difficulties. **Iowa** was preparing a two stage plan that integrated the CHRI/INS requirements. **Arizona** supported the INS reporting requirement but indicated that the court was primarily responsible for producing the data.

The major objections expressed revolved around whether the INS would actually be able to use the data once it is supplied. Some in Iowa believed that the data would not be used by the INS Omaha office and that would make the state effort meaningless. **New York** also felt that this was an organizationally inappropriate function for a SAA that would add additional work, while producing questionable results given the manpower difficulties in New York INS offices. **Washington** perceived that there were big problems with the INS requirement. Large proportions of present prisoners (8-14%) were believed to be aliens and INS was not believed capable of taking these known individuals, much less those suspected of that status. Consequently, it was feared that resources devoted to producing the relevant information would be wasted.

Although it was hoped that the INS reporting would have beneficial impacts, by relieving state prison overcrowding, some practical difficulties were being experienced in **Other States**. Texas reported that their law required that non state agencies pay a fee for any record received but this INS was unwilling to do. An attempted resolution was underway.

At the national meeting **California** reported that the INS requirement was a particularly contentious issue. INS evidently was not prepared for this change and did not have the manpower to respond to the mandate. Particular offense was taken with the severe nature of the penalty -- loss of formula funding, in a context where the actual implementation of the requirements was in the hands of officials separate from the SAA.

In California, there were liberal areas that have passed ordinances making their communities havens for aliens. Consequently, chiefs of police face a conflict between compliance with their Council's direction, as reflected in local ordinances, and meeting the requirements of the federal regulations. When the ordinance prevailed INS objected and sought relief from the SAA that could not be supplied. Although the SAA attempted to comply with requirements they faced serious difficulties. It did not have either the authority or the staff to enforce the requirement that could involve taking law enforcement personnel into custody.

### **HIV Testing**

The strongest opposition was reserved for the Human Immuno-deficiency Virus (HIV) reporting requirement. No state was enthusiastic about the requirement and most were very strongly opposed. The mildest position was taken in **Arizona** where the requirement was viewed as tangential to justice concerns, with hope being expressed that the joint justice/health action needed for legislative action might enhance future organizational cooperation. Difficulties in obtaining passage were centered on the juvenile area and legislative action was thought to be needed in the next legislative session, if the requirements were to be met and financial loss avoided.

**Washington** felt that the requirement did not respond to local needs and that passage of the required legislation was very much in question. **South Carolina** introduced legislation in 1993 but it did not pass. Although legislation was planned to be reintroduced in the next session the requirement was described as significantly reducing support for ADAA and BJA in South Carolina. Although legislation passed in **Iowa** there was skepticism that the required testing would produce anything of value.

The case against the HIV mandate was articulated most forcefully by **Delaware and New York**. A position paper prepared in New York described the HIV requirement as bad science and bad public policy. As a result it was stated that legislation would not be enacted in New York, in spite of the potential loss of funds. Delaware reinforced this position with strong criticism of the mandate. The lack of clarity in the law, concerning which offenders were to be tested, and who must pay and the use of the results, had touched off a divisive battle in the state legislature.

Officials questioned whether the mandate was sound from a public health perspective as no funds were available to increase treatment or prevention efforts. Also it was felt that completed testing may not produce meaningful information, as there is a 6 month lag between exposure and evidence of infection with the existing test methods [DNA testing approaches may obviate this problem in the future]. In **Delaware**, victims and alleged offenders in certain sexual crimes, were tested for HIV at time of arrest but the results failed to accurately establish either the HIV status of the offender or the infection of the victim. Similar problems arose when testing was done only after conviction as in **Iowa**. Amendment of the HIV requirement was strongly suggested.

A number of **Other States**, -- e.g. Utah, Nevada, and N. Dakota, had been able to pass the legislation required to comply with the HIV requirements. In the spring/summer of 1993 less than 15 states had met requirements but other statutes were pending. Many states expressed serious reservations about this provision. Some found particular difficulties in covering juveniles because they were more likely to be a judicial, rather than a legislative, responsibility.

Wisconsin made a more basic objection that the HIV provision required the SAA to pass legislation outside its area of responsibility and without the provision of any funds to support the change. Several states felt that this particular requirement was extremely hard to defend -- e.g. Alaska and New Mexico. At the national meeting one state pointed out that the HIV requirement was viewed as just another unfunded mandate by the state legislature. Consequently that Legislature will not pass any required statute without the



provision of sufficient funds to cover any increased costs. Some described the HIV issue as a time bomb for states and that costs could prove enormous.

### **Other Earmarking**

Other possible earmarking provisions were also touched on. Set-asides for major urban areas were opposed in one state because there was a perception that these areas had histories of failing to use monies effectively. In this regard state officials indicated that they believed that they were responsive to major cities in their planning and funding efforts and that relations had improved over time and were satisfactory. Iowa spoke of improved relations with Des Moines compared with the past when funds were actually returned/reverted. Washington spoke of additional efforts to bring American Bar Association (ABA) funds to Seattle.

Another dedicated funding area -- support for placing new police officers on the streets -- was in proposal form at the time of this research, but has since been enacted as Title I of the 1994 Crime Act. It was also the subject of comments, although details of the proposal were then unclear. Although the support for law enforcement was welcomed it was felt that the need to train officers, and to equip them, was being ignored in the proposal. In addition, enhanced support for law enforcement failed to consider the downstream consequences of any new arrests. Thus, either arrests increase without additional prosecutions or convictions, or states are forced to reallocate other funds to these later criminal justice functions, perhaps even from existing formula grant awards. This was recognized as a form of earmarking that might be accomplished by reducing the existing formula grant awards.

## **5 EVALUATION, MONITORING AND REPORTING**

### **INTRODUCTION**

Planning for rational improvement of the justice system requires that information be collected on the activities being pursued and the funds expended in pursuit of project goals -- a process known as monitoring. Information also needs to be collected on the extent to which goals have been achieved -- a process known as evaluation. Evaluation allows for assessments to be made of the utility of any particular project, groups of projects, or entire strategies. It required that appropriate performance measures be used. Failure to evaluate can deprive all concerned of the information appropriately sought for policy decisions. Different types of evaluation are possible.

The failure to adequately evaluate efforts in the past was widely believed to have contributed to the demise of LEAA. National (BJA and NIJ) and state (SAA) efforts to improve in this area, and evidence of that improvement, were therefore very relevant to this assessment.

In 1990, BJA began promising states that the federal government would, in conjunction with states, establish common data elements and data collection procedures. These were anticipated to be able to allow BJA, not only to meet its own congressionally imposed reporting requirements, but also to provide a foundation for BJA feedback (to the states) on state level and national level activities taking place within the Byrne program.

Distribution of information collected is also important in allowing the widest possible exposure and ultimately use in important policy decisions made in the planning process. The extent to which institutions, such as Statistical Analysis Centers (SACs), and existing data systems, facilitated this was very relevant to questions of use.

### **SUMMARY**

The federal, state and local agencies that are involved in the Byrne program all have to deal with statutorily imposed requirements concerning reporting, monitoring, and evaluation. The 1988 Act requires BJA to report annually on nationwide activities within the program, and states have to provide BJA with an annual report that provides programmatic assessments and compilations of data reflecting subgrantee accomplishments. Finally, local recipients of Byrne money must incorporate evaluation components into their program plans and report periodically to their SAA.

There are many facets of this process that merit examination. Inasmuch as this report focuses on state responses to the Byrne program, rather than on the entire federal, state and local aspects of the activities stimulated by the program, the discussion of reporting, monitoring and evaluation that we present here is confined to that domain. The reader is referred to the *Policy Makers' Overview* for more general discussion.

By 1993, several states had worked to create appropriate performance measures for subgrantees and these were utilized as part of the proposal review process. Many emphasized activity measures. There was evidence that the information being developed in this way was being seriously considered and that it helped improve the rationality of continuing and proposed projects. Wider dissemination of these approaches would be helpful.

More formal evaluations had been pursued in some areas but generally states were still uncertain how to approach the evaluation problem. They often encountered opposition because of evaluation costs, and the fact that research/evaluation diverted funds from programmatic activities. Although some statistical analysis centers (SAC) participated in evaluation and research in coordination with the SAA, this approach was not dominant and, by and large, SACs appear to be underutilized. Special dedicated evaluators and formal coordination of academic evaluators, in consortia or centers, had all been used with some success but again such arrangements were often of recent origin.

Impact evaluations (versus process) were the least likely to be performed but macro measures of drug trends were collected. Linking overall trends with project efforts was methodologically difficult and perhaps more appropriately assessed nationally.

Most states had positive views of federal efforts to provide technical assistance and support in the evaluation area. This was particularly true of the workshops held by the Bureau of Justice Assistance at regional and national meetings. A few states had also benefited from Bureau of Justice Assistance (BJA) and National Institute of Justice (NIJ) efforts to provide on-site assistance in evaluation design and conduct. However, on the whole, the federal efforts did not yet appear to have produced a general elevation of evaluation capability at state or local levels. The whole question of how states should go about satisfying the federal requirement that supported projects be evaluated was still unsettled.

Systematic improvement of the data needed to document the different activities of state and local justice agencies had emanated from the ADAA effort. State level information systems have been developed to the point where most states could produce summary reports on their activities. In addition, improvement of CHRI systems had been stimulated by the Bureau of Justice Statistics (BJS) support, the CHRI earmark, and because of state efforts. All of these developments build on foundations created in LEAA days.

In the intelligence area several states reported the benefits derived from the regional networks supported by the regional intelligence information systems (RISS) program but, because of the nature of intelligence, it was hard to document specifics.

Distribution of other supporting information, for prevention and related activities, had been actively institutionalized in some states and SAC units were sometimes influential. One state reported that enhanced information flow between justice and other agencies was a noticeable product of the ADAA effort, but this was a somewhat rare observation.

States did not have positive views of BJA assistance activities in the information collection and dissemination area, despite very substantial commitments of state and federal time to the endeavor. States had largely come to the view that the information they were obliged to turn in to BJA imposed a burden on them that had no corresponding payoff. Neither BJA nor the states had been able to make much use of the information

that had been collected. This was probably the area of greatest state dissatisfaction with the federal effort.

## EVALUATION AND MONITORING

New York had a well established means of analyzing data from the state criminal justice system and responding to requests from the State Executive Office, the budget office, the Legislature, local government, schools and others. The Office of Justice System Analysis, within the Department of Criminal Justice Services, contained a Bureau of Statistical Services that acted as the SAC unit. This staff of 24 provided hard data, both directly and indirectly, for annual plan preparation. The \$50, 000 annual federal support for SAC was a minute portion of the total unit cost and the function could be considered institutionalized.

Subgrantee contracts were established with goals, objectives, and performance indicators, and they were monitored through written quarterly progress reports and periodic field visits that focused on performance. Field visit reports were computerized and New York was ready to participate in the BJA progress reporting system. In spite of this there was a consensus that evaluation efforts needed to be increased, though not under federal mandate or control. Although a wide variety of individual evaluation activities were described they were not thought to be adequately coordinated at the state level. Evaluation was described as unpopular with the state Legislature as it removes money from action- focused programs.

Monitoring at the local level was the responsibility of the Criminal Justice Coordinating Council. Basic grant monitoring was performed to ensure compliance with fiscal and guideline requirements. Other functions at this level, such as plan preparation, research, and evaluation had ceased. Manpower reduction had forced this undesirable withdrawal. This resulted in some local programs not being examined as thoroughly as those at the state level. As a result evaluation responsibility had been shifted to the state

level. It was felt that programs with state priority, and those being pursued in multiple locations, were most likely to receive attention under this arrangement.

This same trend was also taking place in the drug and alcoholism treatment programs in New York because of a local budget cut from \$60 to \$45 million. Overall, there was a feeling that evaluation efforts needed to be strengthened and that BJA needed to play a stronger leadership role in evaluation by analysis of national data, providing means for selecting programs, and applying appropriate research designs.

In **Delaware** state officials were lukewarm about the evaluation and monitoring mandates, mainly because it was felt that the state had already emphasized the need for ongoing evaluation and oversight and did not need additional requirements, even though formula grant funds could be used to support such efforts. It was also noted that no equivalent evaluation and monitoring requirements were imposed on drug abuse education and treatment programs, even though the amount of money involved was greater.

Delaware had been serious about the need for rigorous evaluations for many years. Evaluations have had positive effects. Negative results had resulted in projects being eliminated from funding prior to the 3 year cut off. It was reasonable to expect that similar benefits could be expected if evaluation was applied in the other areas.

The majority of evaluations performed were felt to be "process" evaluations rather than "impact" evaluations. As a result the evaluations usually did not yield the type of information needed to either evaluate the individual program or to compare different programs. ADAA mandates may have increased the number of evaluations overall, but they were not believed to have increased the frequency of "impact" evaluations completed.

**Iowa** had actively pursued project monitoring and evaluation. Some of these evaluations were performed by the SAC unit that was situated in the State Department of Human Rights, in the Division of Criminal and Juvenile Justice Planning and Statistical Analysis Center. This is a unit that traced its existence back to LEAA days and one that was not dependent on federal funds for its continuation.

More ambitious efforts had been made to expand the use of evaluation in policy making by creating a Consortium for Substance Abuse Research and Evaluation. This was housed at the University of Iowa and brought together a variety of educational institutions, and state agencies, in an attempt to harness the best of analytical and practical expertise to better public policy.

The consortium was in the early stages and it was too early to talk about impact or success but it was clear that significant coordination and linkages had been established between academia, and the various agencies concerned with drug related issues. These included justice, juvenile justice, health and education agencies, but use of the consortium was dependent upon funds being allocated to the different areas. Some initial project funds had been awarded. Those involved had a desire to obtain capacity building funds, although these appeared unlikely to be available from state sources. Although operational details were still being worked out, it did appear that researchers were becoming involved in projects at earlier stages. This greatly facilitated the ability to use stronger research designs and helped ensure that data on appropriate performance measures were collected. In turn, researchers were becoming more sensitive to the practical time demands, and organization of results, necessary to make research results useful in the policy arena.

**Washington** had been particularly active in performing evaluations of the various components of the BJA effort together with evaluations of similar state funded efforts. A 5 year evaluation plan had been established within the SAA, with priorities based on the levels and lengths of funding in different areas. An individual evaluator, located within the administrative division of the large state agency responsible for the Byrne program, obtained approval for evaluation of an area and then worked independently from any programmatic control. It was reported that evaluations had not influenced policy in earlier times, because of the dominance of political considerations, but that now evaluation results do influence policy. Contracts had been influenced and information had been used proactively in the enforcement area. It was even claimed that evaluations had helped support greater acceptance of education and health involvement in the justice strategy.

An intensive evaluation of state MJTF's had been performed, using a 3-part approach. A multi year analysis of performance indicators, a 21 item survey of 24 funded MJTF's, and on-site interviews with 18 MJTF's were the basis of the very useful report. Evaluators also recognized that considerable technical difficulties complicated program evaluations in this area. For instance, the output of Task Forces could not always be properly allocated between new contributions and redirection of existing resources.

Not all evaluations were performed by this in-house evaluator. The SAC unit was placed within a different state agency -- the Office of Financial Management -- and was more heavily involved in the development of appropriate criminal justice data systems. It had also performed assessments of population and prison bed projections. There were no formal connections between these two efforts, except for positive responses to requests for data. Contact with academic evaluators was limited. There was no academic advisory committee similar to the arrangement in the health area. On occasion, contracts were let for specific assistance, such as the evaluation of the community mobilization effort performed by the staff of the Portland based Drug Free Schools Regional Center.

Other data based evaluation efforts were underway in Washington. The Office of the Superintendent of Public Instruction performed a drug use survey in public schools, without justice involvement. The Community Epidemiological Work Group (CEWG) was also separate and only recently transferred to the state health agency from local placement with the City of Seattle. Some efforts to obtain cross agency evaluation cooperation have emanated from the WIN group. One project was funded by various agencies to study the human impact of the timber shutdown on small communities. It was performed by the University of Washington.

Washington had a commendable record in linking evaluation to ADAA related program decisions. Limited formal coordination of individual evaluation efforts was observed but this was not a serious problem.

**Arizona** had also established a project monitoring system with evaluation components. This was established at the beginning of the ADAA funded effort. Initial contracts required that data be collected on project performance pursuant to a plan



developed by the SAA. This was a great help in obtaining compliance especially as all matching funds were then supplied at the state level. Staff assistance was provided to those agencies facing difficulties. The Administrative Office of the Courts assisted when court statistics were required. This system has continued to the present day with the primary emphasis being placed on the MJTF, prosecution and forensics projects.

Data generated by this system was initially hand tabulated, but a parallel computerized system was also developed that is now used. Data were organized to produce several performance measures in each of several areas and quantitative assessments were also made that took into account need, stage of development and other factors. The data were organized in chart form, which included cost per case measures, together with other relevant measures, and this facilitated cross project comparisons. These data influenced decisions on project support by the SAA and sometimes project applications were withdrawn or budgets reduced based on the data. Recently monitoring of data submitted by MJTF's produced a secondary benefit when it was disclosed that these bodies were not submitting their arrest records to the Uniform Crime Report System (UCR) and in fact had no mechanism to do so.

The SAA also received evaluation charges from the state legislature. These included responsibility for performing surveys of drug use in schools, done jointly with the Department of Education. Another charge to assess the feasibility of pretrial drug testing was met by utilizing the results produced by two BJA discretionary projects funded in the state. It was concluded that the proposal was not cost effective. Generic state charges to the SAA to monitor the status of the criminal justice system and the projects supported under the special drug enforcement account, supplied another method of influencing state policy.

Evaluation efforts in the SAA also had indirect positive influence on the pursuit of planning and evaluation in the education and treatment areas. Both of these areas indicated that it was desirable that they adopt the planning and evaluation practices followed in justice. Subsequently legislation was passed that established a Prevention Resource Center at Arizona State University. This body had pursued support for data

collection and evaluation and a comprehensive inventory of state resources had been produced. Efforts to obtain financial support for evaluation by assessing the various agencies involved in Gang and Drug Policy Council, including the SAA, appeared to have foundered over the issue of cost assessments. Evaluation was believed to be too expensive.

The SAC unit in Arizona was not located in the SAA when the ADAA program began. Also the SAC unit had no interest in evaluating the drug effort and delegated the ability to participate in the national drug strategy consortium to the SAA. Later statutory changes shifted the SAC unit to the SAA where it now resides. More substantial SAC involvement in assessment of drug and crime issues was now anticipated.

Evaluation needs were challenging the **Other States**. Hawaii reported that evaluation of an entire strategy was a very difficult undertaking. Two people dedicated to evaluation met with similar individuals in other state agencies in order to get a broader perspective.

It was a consensus, in the central region, that program assessments were feasible but that impact assessments were very much in question. New York was pleased that the emphasis was not on claiming cures for the disease of drug abuse but on treating it better. Some argued that evaluation was only important when funding was supplied under the seed money approach. The identity of projects that fell outside this category was unclear.

Colorado had set out to evaluate different types of programs, such as MJTF's and corrections efforts. Idaho had invested in a software package (DREAM) that allowed for a pre-post assessment of 13 DARE projects. There was interest in being supplied with standard evaluation instruments and/ or detailed assistance with research designs generally (Pennsylvania).

Some states were now beginning to add data reporting requirements as special conditions on grant awards. Massachusetts also reported an unanticipated benefit that had developed, in justice-treatment coordination, from pursuit of a mapping effort. Some efforts had been put into development of performance measures and standards. Wisconsin

had produced standards covering numbers of arrests, as well as levels of coordination. Pennsylvania had established scoring criteria for project selection. Ohio was assessing cost-effectiveness measures for MJTF's as considerable variation was experienced. Illinois had developed performance measures for all projects and had performed a small number of impact evaluations working with universities and private firms. Missouri has evaluated MJTF's and community law enforcement using university assistance.

SAA's were attempting to build evaluation capacity. New Jersey had 5 analysts overseeing 70 grants. Other states, such as Nebraska, had used the SAC unit to perform evaluations but this was not an universal pattern. Maryland had used administrative funds to support evaluations performed by the local university, guided by meetings every two months with the SAA.

Monitoring, evaluation, and reporting were the subjects of detailed review at the national meeting. Monitoring was described as implementation evaluation but little was actually said about monitoring other than that evaluation should leave in place a mechanism to enable monitoring to occur. Evaluation issues were cited that addressed location of responsibility, performance measures, research designs, and communication of results in appropriate form.

The state was believed to have the primary responsibility for evaluating projects being pursued within its jurisdiction because the state was felt to have more credibility with locals, who were subject to evaluation, and who generally lack the capability to evaluate themselves. The federal government role was felt to be primarily in support of the state's efforts. This contrasts with the situation in the treatment area where there was a preference for a central federal role. The extensive set-asides in health were used to justify this position. The federal role was thought to consist of direct evaluation responsibility for any interstate projects and for special initiatives and innovations as well as for replications. Developing broad evaluation strategies was viewed as another possible direct federal service.

Other central federal responsibilities revolved around support for building state capabilities. Provision of funds and technical assistance for generation of better data

sources was important. Development of appropriate performance measures was critical and dissemination of relevant information was also important. The use of workshops, in the manner employed by the University of Wisconsin, in LEAA days, was offered as a positive model.

Establishing appropriate criteria for success presented several difficulties. Considerable variation in measures chosen was experienced across programs and there was no agreement on standards. Different measures were also needed by different users of the information. Finally the data elements needed to support the production of these measures were not always in place. Federal assistance in all of these areas was thought appropriate.

Evaluation of programs was also believed to be influenced by the maturity of the effort. In the early stages information was more limited and qualitative indicators were usually more prevalent. Although important for formative purposes they may present validity difficulties in view of the many factors that were uncontrolled in research designs. There were questions about whether results would have sufficient power to persuade in view of many uncertainties built into results. Creaming off the most positive projects for examination can also distort outcomes.

Longer standing projects were believed to be most appropriate for more thorough research designs, using quantitative measures. Such a rigorous approach is generally expensive and there were questions about how long a project should operate before it became an appropriate candidate. 48 months was thought to be an appropriate norm, because of project time limits, but it was pointed out that longer times could be appropriate and that evaluation should not be constrained in this manner as it is a continuing activity. Some evaluations might be completed in lesser time.

Communicating the results of evaluations was viewed as a critical but somewhat neglected area. Results are needed by both program staff and the funding SAA. It was recognized that program staff find it difficult to accept negative assessments when they have invested so much into the project. This difficulty might be alleviated by the Colorado

practice of providing a variety of measures that communicate a mixture of good and bad outcomes.

Funding agencies often find it difficult to absorb extensive statistical data and prefer to receive anecdotal results instead. Anecdotes are also often appealing in political arenas. However, dependence on anecdotes alone presents serious risk of distortion in both directions. It was suggested that greatest success would be obtained if the statistical findings were combined with appropriate tangible real world illustrations that legislators could relate to. LEAA had appeared to fail this test in the past and it was felt that the mistake should not be repeated. Timing was also important.

There were indications, from Colorado, that consultants had been able to extract meaningful data from statistical Drug Use Forecasting (DUF) results and to package them in a manner that was meaningful for decision makers. Such an approach was suggested for generally application.

Some felt that there was a third audience for these evaluation efforts -- project staff. This audience is felt to be especially important if discontinuation of ADAA is anticipated. If program operators develop the ability to assess their own activities it was believed that an important capacity will have been established in place. Some felt this to be idealistic but there was evidence that some states had included this as an indirect goal.

Several other evaluation issues were of concern. First, it was believed important that grant recipients know how they will be evaluated from the beginning. Second, that the evaluation criteria used be informed by state and local agencies that were most likely to be aware of issues of concern. Third, it was believed appropriate that evaluations be designed in a non-rigid manner that allowed for formative evaluations to be performed, as well as long term assessments. As an example of the latter situation it was suggested that desirable and undesirable factors be identified in different project areas and that projects be informed when they appear to be doing negative things (e.g. perhaps 6 things to avoid in MJTF's) so that appropriate in-course adjustments can be made. The importance of receiving sufficient funds to support the evaluation effort was emphasized.

There was some interest in the possibility of the federal Drug Czar's Office assisting with evaluation by perhaps supplying one evaluation form for all projects operating in a community irrespective of the area from which funding was received. Evaluation in the education and treatment areas was perceived to be less developed than in justice and to be predominantly process oriented. The differences between areas do produce difficulties. For instance, performance measures appropriate for justice assessment (e.g. recidivism) may not be the same as those for treatment (e.g. recovery).

## INFORMATION COORDINATION

The generation and distribution of meaningful information was an important means by which coordination could be facilitated and effectiveness increased. All of the states examined had made progress in enhancing data use in operational decision making. Progress was reported beyond the CHRI efforts reported earlier. Evidence of enhanced use of data in monitoring and evaluation was also present.

**Washington** state had embarked on a comprehensive coordinated effort to create an information superstructure capable of supporting decision making across the criminal justice system.

Though legislation, in the form of the Criminal Justice Information Act, was passed in 1984, it was not until 1988 that a strategic information plan was created. An extensive subcommittee structure intersected with the various professional state justice associations. Data architecture was established through three data sessions in the counties and that was reported to have produced good local coordination as well as coordination with the Washington State patrol (WSP). Comprehensive data activities included NCIC 2000, correctional information systems and a big commitment to Incident Based Reporting (IBR) in the state. Local cooperation was maximized by producing useful reports and returning them to those who generated the information. This effort had been supported by federal discretionary grants as well as by the CHRI set-aside.

**Arizona** was also making an enhanced effort in the criminal justice information system area. The SAA acted to assume statutory data responsibilities that had previously been the responsibility of a statutory Comprehensive Data System Policy Board that had been created in LEAA days, but which had fallen into disuse. This was used, through committee direction, to produce an appropriate plan for improvement of criminal history information. The plan was designed to cover the entire state and eventually to link together data from the various different information systems in Arizona. In the summer of 1993 the State Department of Public Safety was entering a backlog of 90, 000 previously uncoded records.

**South Carolina** reported that information flow, within and outside the criminal justice system, had increased over the past 5 years. Numerous interviews validated that the SAA had established important communication links through the system and that these had significantly increased information flow. State and local justice agencies reported that the SAA was responsive, cordial and informative. In part this was attributed to the increased trust and confidence in them resulting from contact established by consistent participation in all in-state justice meetings and conferences.

The SAA routinely referred inquiries from local agencies to other local agencies with the relevant experience in handling the issues of interest. In turn local agencies routinely kept the SAA informed of their activities. Confidence had grown so that historically separate agencies were now willing to initiate contact with each other. The extreme independence and historical separation of law enforcement and other justice agencies in South Carolina made this a substantial accomplishment that should be emphasized.

The SAC unit in South Carolina had become a central repository of criminal justice data. The director had served since the LEAA program began, and viewed service as his primary function. He was well positioned to coordinate data requests from and between law enforcement, universities, the legislature, libraries, the media and others. It was reported that all justice agencies were now connected through computers and that a modern grants management system was in development to take advantage of this fact.

Although the SAA has not identified information flow and networking as formally stated goals, both of these outcomes were observed to have taken place with positive consequences

In Iowa a unique Substance Abuse Information Center had been established at the Cedar Rapids Public Library. Although the effort was initiated 20 years ago the effort had been reinvigorated. A new person, dedicated to the anti-drug effort, had been hired, and state support from the Legislature and the Governor's Office of Substance Abuse had been provided. The effort followed an holistic approach. The librarian had established justice needs by participating in many state and national organizations and by surveying practitioners. Affiliations were maintained with the Iowa Prevention Network, the Iowa Network of Drug Information, and the RADAR (Regional Alcohol and Drug Awareness) Network. Materials were collected from many state and national sources and were available in a variety of forms including videos, reference books, bibliographies, curricula, films, cassettes, software, pamphlets and posters.

It was reported that big changes had been experienced in the community over the prior 8 years. The divided arena had gone and now individual programs realized that they need to work together. Coordination had increased within prevention activities in particular, although more coordination might have been achieved if a state coordinator's position had been established. A coordinator was thought likely to help overcome the difficulties created when fragmented organizations set program schedules in isolation from each other.

An enhanced interest in evaluation issues was emerging in 1993. Evaluation data were sought on the QUEST program and treatment programs were seeking information on positive results obtained in order to justify funding requests.



## 6 FUNDING ISSUES

### INTRODUCTION

Byrne program funds were provided to states with the expectation that these small, but highly valuable, amounts would allow the state to test out new approaches and institutions. The awards were seed money. It was not intended that federal support would provide operating funds on a sustaining basis. Consequently various devices were utilized in order to maximize the chance that successful programs were continued with support from state and local sources. The extent to which this had occurred is an important perspective in this assessment.

The central means instituted to facilitate project assumption were the 25% matching funds requirement and the 48 month rule that limited federal support to no more than 4 years. There were empirical questions about state and local support for this arrangement. There were other questions about why such requirements did not apply to other federal programs, including a closely related effort to combat drug trafficking -- the HIDTA program -- and why some types of projects had been excluded from the 48 month rule.

Other important questions related to expectations in the states should funding be discontinued and to whether the assumptions behind the seeding concept were sound, especially at times of economic restraint in the states and local communities. Additional questions related to the viability of sustaining successful operations in whole, or in part, through the use of a number of non traditional funding sources linked to the anti-drug abuse effort itself.

The extent to which fund distribution patterns met formal requirements and met the expectations of various constituencies were additional important issues.

## SUMMARY

The 25% matching requirement had not proven a serious barrier to project initiation although specific exceptions were detected. Increasing the match to 50%, or increasing it through stages to 100%, was believed completely unrealistic, although some states had accomplished this.

Some successful projects had been assumed financially within the 4 year period. Some states had even shortened this to 3 years and one state to 2 years. Cost assumption was proving easiest at the state level, but was more difficult in many locales. It was becoming more difficult overall because of the financial difficulties faced in states.

Continuation of programs with non-federal support was most likely to occur when the SAA had dedicated state funds at its discretionary disposal. However, this was rare. In most states that did manage state funds, discretion was limited. As a result, even when projects were picked up, permanent funding from state or local general revenue was not always generated.

Generation of continuation funds from forfeitures, stamp taxes, fines and fees had proven productive in some border states, and seemed possible in most of the other states, but the amounts generated usually fell short of project sustaining levels. A proliferation of bureaucratic difficulties, combined with statutory uncertainties (or even prohibitions), inhibited the general development of the approach.

Non-traditional ways of raising money had merit in their own right as deterrents to crime because they removed financial assets from criminals without increasing demand on correctional space. Their use raised additional questions of equity for defendants, especially when civil process was used.

Distribution of funds was another serious issue because the funds generated were usually not equally available to all components of the justice system. Avoiding internal, potentially destructive, competition for funds between participating agencies was particularly important for multi-jurisdictional task forces.

Doing more for less, not better for more, was becoming the norm in the states and the overall feasibility of assuming costs of projects was increasingly in question, at the time of the research. The waiving of the 4 year rule for multi-jurisdictional task forces (MJTF's) and the lack of match, or time limits, for high intensity drug trafficking area (HIDTA) funds appeared to reflect an admission that federal funds might have some purpose in sustaining state justice activities beyond the seed money role.

Selecting only MJTF's for waiver of the 4-year rule seemed to be arbitrary, especially as these units were in the best position of all justice agencies to generate sustaining funds through forfeiture. MJTF members explained that there were structural factors, that may be unique to MJTF's, that justified this special treatment. MJTF's' status, as intergovernmental groups, was believed to make them more vulnerable to local funding cutbacks than other higher visibility services.

There was some uncertainty about the actual consequences that would occur should federal funding be removed but predictions were dire. Most predicted loss of many efforts either immediately or after a short time period. Others predicted shrinkage with some efforts in larger areas persisting. Experience in states that had cut their support had already proven difficult with counterproductive conflicts resulting between justice components.

## **MATCHING AND TIME LIMITS**

ADAA required matching of the state and local assistance funds distributed in the states. The federal funds covered 75% of the cost and the recipients were liable for the remaining 25%. This had the effect of making grant recipients equity participants in the enterprise and was designed to encourage local assumption of costs on project completion. The match had been scheduled to increase to 50% for some time but this had been deferred continuously.

ADAA funds were also available to individual programs for no more than 48 months. This also reflected the fact that federal funds were viewed as temporary and intended to be used as "seed money" that would enable states to experiment with new and

promising programs. The limitation forces states and local governments to decide, after 4 years, whether the experimental programs were sufficiently effective to be worthy of state or local funding, or whether they should be discontinued. Congress had exempted only MJTF's from this requirement.

**Delaware** officials did not express serious concerns about their obligation to match federal funds and they attributed much of their success in project assumption to the fact that the state had to put a portion of its money at risk in every program. Also the 4 year limitation had not been a problem. In fact, Delaware imposed its own more stringent 3 year limitation. It was reported that 80-90% of the federal programs were picked up by the state and local governments by the end of the 3 year period.

**South Carolina** reported no difficulty with match and handled it by paying only 75% of requested reimbursement expecting that the sponsoring agency would provide the remainder. South Carolina also imposed its own 3 year limitation on projects. BJA funds were seen as a way of meeting immediate needs in a comparatively simple manner. It is assumed that the first year was spent in program development with the second and third years being devoted to actual program implementation. Absent any serious problems 3 years of funding were supplied. Subgrantees were notified that no project would be funded for more than 3 years, except for MJTF's. Fiscal year 93 was a year in which funding eligibility of many projects expired and, although no hard data were available, the SAA reported a higher level of project assumption than expected.

In **Arizona** the 25% match provision was accepted at the time of the research, but an increase to 50% was strongly opposed. The failure to require matching funds in the treatment and education areas was considered to be inequitable and inappropriate by state officials. Initially obtaining matching funds was not a problem because the state was committed to funding a substantial effort and appropriated an amount far in excess of the needed match, from a special account supported by "sin taxes" on alcohol, tobacco, etc.. This was used by the SAA to match all the projects funded in the state. This pattern was maintained for 4 years in spite of big fluctuations in federal support, but eventually

grantees were required to provide 20% for the match and this later reached the full 25% level.

One local program indicated that it was only the state level matching funds that allowed a city prosecution project to begin. Although it was later possible to provide match, due to forfeitures generated, this was not possible initially.

Local assumption of the costs of projects that had exhausted their eligibility was in doubt. Financial pressures on local government were substantial and some communities already felt that they were actually paying other uncovered costs, such as defense services. Criminal justice was described as not organized for money making and the whole appropriateness of the seed money concept was sometimes brought into question.

Arizona had been able to handle the assumption of all of the costs of deserving projects that have exceeded their 4 year eligibility. This had been done by shifting the projects from the federal account to the state account that was also the responsibility of the SAA. In fact the two accounts were planned for as one. Consequently all the court, forensic and detention projects were shifted to state funding from the special accounts. They received only 75% of their expenses to reflect the fact that match was not required. Consequently the federal account supported primarily MJTF's, and associated prosecution efforts, because they were exempt from the 4 year requirement. This system could not be used to cover DARE projects, when their federal eligibility expired, because such projects were not in an eligible category in the state statutory account.

Arizona had been able to maintain essentially all of the projects initiated in pursuit of the drug strategy but the mechanism used presented other challenges. Few of the costs were being assumed by regular appropriated budgets and it was not obvious how meritorious new efforts could be initiated without structural changes in existing arrangements.

There was no general objection to match requirements in **New York State** although flexibility in allowing smaller match requirements in special instances was desired and this was provided by matching in the aggregate. Match was believed desirable because it reflected a program investment. Match for state level programs was met with

little difficulty because the whole plan was required to be authorized by the same legislature that appropriated the state budget.

At the local level there was universal agreement that the match requirement was difficult. Local municipal budgets were reported to be stretched to the limit and most were experiencing deficits. Evidently there was hesitancy about applying for grants. The local concern about match was much greater than the state concern, because the state had more funds and was more able to match in the aggregate.

The general philosophy was that, absent programmatic problems, programs would receive BJA funds for the full 4 years allowed by the Act. This time period was valuable in allowing new programs to be initiated and to prove their effectiveness &/or cost-effectiveness. Most statewide programs were then assumed by other state funding sources, and this was also facilitated by the central legislative role. At the local level most interviewees were concerned about the ability to assume costs at the end of the 4 year period.

There was opposition to the 4 year rule, especially at the local level. It was described as cumbersome and unnecessary. The perceived usefulness and effectiveness of the BJA funded programs, together with existing economic conditions, were presented as arguments for abandoning the rule. There was general agreement that both the match and 4 year rule created problems in local programming and should be abolished.

The drug *problem* was believed to always last longer than the drug *program* and that this limited the potential impact of any program at present. Given local financial circumstances, program continuation was only thought possible through longer support times. The relaxation of the 4 year rule for MJTF's was thought to be a step in the right direction. Justifications for the waiver appeared to be in opposition to the seed money concept and were not well supported with documentation.

**Washington** State was not overly concerned with the match issue although an aggregated match was employed at the state level. The match for the administrative support of the SAA was provided in this way. There was sufficient support for the match concept for the state to use the concept itself in the distribution of some of the state

supplied justice funds to local communities. Washington also presumed that projects would normally be supported for the 4 year eligibility period.

Assumption of the costs of successful projects was believed to be facilitated by the legislative involvement in the total justice planning process. Like N.Y., the Legislature had to appropriate the federal funds and this potentially allowed for an orderly integration of projects into regular funding streams. Also the state legislature had enacted The Omnibus Alcohol and Controlled Substances Act that provided substantial support, to both state and local justice agencies, from sin tax sources (alcohol, tobacco and even soft drinks). Appropriations continued to be made from this source although they were being reduced.

A number of state level programs were exhausting their 4 year eligibility and were finding it difficult to obtain replacement funds. Two state criminalist were reported to be amongst the casualties. Washington had been experiencing a real financial crisis, traced to heavy dependence on sales tax revenues, that had reduced support for state agencies, such as the Washington State Patrol (21% cut). In addition, the legislature utilized its authority to reduce the level of support recommended for continuation of projects supported under the state strategy, while requiring expansion of service in some instances. Funds were transferred to a new state area believed to need support (prison industries) and support for a Seattle MJTF had been directed. The funds appropriated for the Omnibus Act were also reduced. Ability to assume new state obligations was clearly in doubt at a time when sustaining existing services was seriously in question.

Assumption of costs at the local level was also problematic. Local jurisdictions required state permission to seek tax increases and then the increases had to be passed by the voters. In one region, Yakima, it was reported that these constraints had already resulted in the loss of 2 MJTF members, because match could not be obtained. The present state reduction of support for MJTF's appeared to translate into a 30% cut at the local level. State assistance through the Omnibus Act had also been reduced.

Iowa did not report any general difficulty with either the match or 4 year limitation, but at least one potential recipient, the State Court System, reported that their

inability to obtain matching funds from the Legislature preventing them from seeking significant ADAA support.

Assumption of costs of projects had occurred. Special legislation was passed to allow counties to establish structured fine systems, supported by civil penalties for deferred sentences, based on the experience of a discretionary project funded in Des Moines. Unfortunately assumption of costs was increasingly an issue. A number of projects were exhausting their 4 year eligibility and had requested continuation in their state budget requests. Optimism was expressed, by the Department of Public Safety, that their financial investigations unit, and their forensic services, would be continued. This optimism was expressed prior to the major flooding experienced by the state, that further reduced the availability of state funds for continuation of Byrne projects.

Concern was expressed that the basic premise that successful programs can be assumed in Iowa after 4 years may not be viable. Declining resources may make the assumption unrealistic. The trend in Iowa was, "to do more with less rather than better with more". It was felt that the waiver of the 4 year rule for MJTF's was implicitly a recognition of this reality, although the selective nature of this waiver created other difficulties.

Reports from **Other States** indicated that obtaining matching funds appeared not to be a general problem. There were reports, from Illinois, that those areas with the greatest need for projects were those with the greatest difficulty in raising match. A number of states also reported that rural areas experience difficulty in generating match. California solved the problem by contributing 100% of match requirements from state in-kind contributions. Overmatching by some projects was used by a number of other states to cover this difficulty. Maine overmatched its statewide MJTF. Missouri had persuaded large counties to draw on local funds, from a sales tax dedicated to law enforcement, to supply 50% match as a way of covering rural areas. Minnesota followed a similar pattern. Apparently states were moving away from project by project match and embracing statewide matching.



At the national meeting there was support for the matching requirement because it was believed to make it more likely that projects would be assumed. It was recognized that the statewide matching practice may implicitly allow individual projects to avoid this commitment. Even so it was felt that such a project would have an opportunity to establish a track record that would otherwise be impossible.

A number of states reported that they had been able to strengthen the federal matching requirements. In some states it had been possible to institute declining levels of support in subsequent project years. Pennsylvania had institutionalized an arrangement under which the match requirement increased annually by 25% and projects were required to submit plans for cost assumption. This arrangement had allowed the SAA to shift funds into other areas as time progressed. Massachusetts and Wisconsin expressed an interest in moving in the same direction. It thus appears possible to demand more than 25% match, in some circumstances, in spite of the general protestations against it. What was not clear was whether such changes caused some jurisdictions not to apply for funds.

At the national meeting there was also support for the 4 year (48 month) rule because it was believed to promote project assumption. In fact, the progressively increasing match arrangement limited grant funding to 3 years. Generally, it was felt that the decision to exempt MJTF's from these provisions was a mistake.

Release of MJTF's from the 4 year requirement was opposed nationally, not only on general grounds, but also because MJTF's were believed to have a better ability to generate sustaining funds than other projects. Furthermore, the change had produced a split constituency that caused other recipients to want similar arrangements. There was a minority position, at the national level, supporting exemption of Treatment Alternatives to Street Crime (TASC) projects if exemptions continued. Missouri identified DARE projects as particularly deserving of consideration for waiver.

Wisconsin warned that pressing for removal of the 4 year limitation may backfire for SAAs by removing the justification for administrative allocations. Idaho had accommodated the national change by allowing 5 years of support for MJTF's but only 3 years for the others.

## CONSEQUENCES OF FUNDING DISCONTINUATION

Should federal funding be removed, or significantly reduced, the consequences were likely to be significant. State officials speculated as to the likely outcomes should that event take place. Assumption of some of the costs of program continuation has proven possible in the past and this was still continuing. Connecticut reported good experience in this area but they had the advantage of state funding at levels close to twice that provided by the Byrne program. They reported that present fiscal problems were making assumption more difficult. Hawaii described the financial hardship imposed by Hurricane Ione as making project assumption less likely. Oklahoma expressed concern that the state would not continue efforts and would red line them when funds expired. D.C. had shifted to emphasize system improvement over new services that were not viewed as sustainable.

**California** pointed out that the state was undergoing a drastic economic contraction. The SAA staff had been reduced by 50 -- from 146 to 96. N. Dakota had a hiring freeze in place. None of these realities made state and local assumption of projects more likely, however worthwhile they might be. Montana feared that the states are becoming too dependent on the federal government as a result.

Some **Other States**, such as Illinois, had explored alternate funding options. Minnesota had used foundation sources frequently for project assumption. They reported that 80% of the DARE projects had been assumed, including an acupuncture in prison project. The Justice Research and Statistics Association reported that they were developing a list of alternative funding sources for use in the states. Wisconsin reported that discontinuation of federal support would cause some MJTF's to disappear, some would be cut back, and others would continue unchanged.

In **Washington** state officials and Task Force members agreed that loss of BJA support would result in a drastic reduction of MJTF effort and the consequent loss of the benefits derived from the effort, built up over years. The most optimistic assumptions

were that urban MJTF's would continue but at a lower level. Rural MJTF's were thought least likely to survive, even for short time periods.

Although MJTF's with forfeiture funds could continue for some months it was felt that MJTF participants would gradually return to their individual departments. Some narcotics enforcement would continue within departments but at a lower level and with loss of many of the benefits of enhanced coordination. The loss of buy money, that makes up 10% of a typical grant, would prevent pursuit of certain types of efforts.

The reduced ability of the Washington State Patrol to assign officers to MJTF's was believed to be an important factor in reducing the survival potential of local MJTF's. In rural areas they made up a significant part of the manpower, and were considered the glue that held the unit together. It was felt that MJTF's would fail, not when all money was lost but, when participation fell below 4-5 people. As MJTF's were already stressed, because state cutbacks caused loss of information/evidence and overtime funds, there was pessimism about continuation.

The effects of abrupt state support changes provided an illustration of likely consequences of discontinuation of federal support. Resentment was expressed by law enforcement that they were being cut to transfer funds to other functions. The involvement of the SAA in plans to cope with funding reductions had created suspicion of state manipulation of locals. These factors severely threatened the ability and willingness to coordinate efforts.

In the **Iowa** SAA it was believed that removal of federal funds would result in most of the 80 projects continuing but at a lower level. The prospects for MJTF's were in dispute, although a crisis would certainly exist. Some believed that some MJTF's would fold but that others would continue, possibly with some restructuring. Optimists believed that the great benefits of joint action would be recognized and that the loss of federal, and even state funds, would cause local government to assume responsibility.

More sanguine informants felt that MJTF's would continue for 2-3 years at the most and that incentives would need to be provided to prevent the natural reversion to more parochial positions. It was felt that professionally the MJTF's were valued highly

and that this is illustrated by the fact that all participating agencies in the local Cedar Rapids MJTF were allocating resources far in excess of formal requirements. In spite of this, the MJTF would still be threatened because drug enforcement, especially on the supply side, was a less visible activity than other law enforcement services. In Cedar Rapids it was believed that the MJTF would cease if ADAA funds ceased because no overtime or equipment funds would be available.

Loss of MJTF's was viewed as illogical, because of their importance in combating drugs and helping prevent the growing development of gangs in Iowa. Responding to these problems was thought to be much easier when an existing structures existed and recreating such organizations is a costly and time consuming process. The benefits were described as hard won and there was reluctance to give them up easily.

Other efforts, supported under ADAA, were sometimes more vulnerable than MJTF's in part because they were not exempt from the 4 year rule. Street enforcement efforts were at risk and TASC programs were in a similar position -- an ironic development in view of the enhanced emphasis on justice/treatment coordination. Activities such as the Substance Abuse Information Center were particularly vulnerable to funding discontinuation, but others, such as the SAC effort, had minimized their vulnerability over the years.

In **Arizona** it was felt that drastic reduction of federal support would result in the loss of many important institutions built at great cost over the years. MJTF's would be lost when support fell below some minimum level, not when all funds were lost. The cost of recreating them would be substantial. There were different degrees of vulnerability with many rural areas being the most vulnerable, unless other special circumstances, such as border location, existed.

Only time will tell what will actually occur but the border MJTF's were believed to be most able to survive based on their ability to build up funds in forfeiture accounts. The Mantis MJTF, in Tucson, was presented as a prime example of a MJTF likely to continue, yet the participants felt that loss of federal funds would devastate the effort. The small

local police departments in the MJTF were the recipients of the grant funds and they faced the most difficulty in obtaining continuation funding.

There was an awareness of the consequences of financial cut backs. A City Prosecutor indicated that unrelated city cutbacks had already caused loss of 4 attorneys and clerical support, causing discontinuation of services. Juvenile traffic issues had been returned to the juvenile court and subpoenas were no longer issued by the city in civil traffic matters. Further financial reductions would probably exclude more minor offenses from the system because the total costs of pursuing a criminal action are greater than is apparent and they are spread over many agencies.

Loss of federal funds would probably generate difficulties in distributing scarce funds. Competition would be intense for the smaller amount of money in the state account that is presently devoted to mostly non law enforcement functions. It was speculated that the 4 court divisions supported under this effort would have to be supported, at least for the term of office of the judge, because of constitutional requirements.

At the local level (San Diego) in **California**, virtually all respondents indicated that problems were growing and that resources were shrinking. It was an axiom in the master plan that one must do more with less. Their major coordination effort (JUDGE) represented the only systematic effort in the county to target probationers involved in low-level drug related offenses, but its survival, should federal funds be withdrawn, was described as "iffy" at best. Although participants said they would fight for continuation they were not confident of success and some felt that the project would not be able to receive a high enough priority to receive local funding.

The seed money concept had evidently been a success in the past. Although it was thought that taking on an effective innovative program may have been possible in a time of expanding budgets it was considered next to impossible when budgets were contracting. The local funding drought was likely to prevent even hardy seeds from sprouting. In addition the target population ( probationers) was not viewed, by some police, as comparable in importance to more serious violators. It was feared that even demonstrated effectiveness may not be sufficient to assure continuation.

## **HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA)**

A number of the states examined included areas that received additional support from the HIDTA program that supplied funds, through both the SW Border Alliance and the urban effort. These funds were available to a limited number of counties and were provided only for enforcement efforts. No matching funds were required and evidently there was no expectation of local assumption of costs.

**Nassau County in NY** had benefited extensively from nearly a million dollar annual award to the police department from the urban effort. Funds were provided directly and were not administered through state or local coordinating bodies. They were used for equipment, informants, buys, undercover work and for overtime. Village police departments benefited from enhanced cooperation. Funds had also gone to John Jay School of Criminal Justice for training of officers in narcotics enforcement. This training had enhanced inter-department communication and had indirectly influenced others. HIDTA funds had allowed for more intensive investigations, had improved coordination and improved the skill and knowledge of officers.

**Six counties in Arizona** were eligible to receive funds under the S.W. Border efforts. Funds did not have to go to MJTF's, or to joint federal/state efforts, and individual police departments could receive funds for individual investigations. Efforts funded were intended to be target oriented and unusual -- e.g. Phoenix Police Department spent funds on court ordered wire taps.

Coordination and integration of the state strategy and the HIDTA effort had taken place. This had been attributed to the staff of the SAA and was not required by the federal program. The interrelationship between these two efforts created an additional dimension to the debate on fund distribution under the state strategy. An assessment by SAA staff presented three options available in case of major funding reductions. These were:

1. limiting support to a small number of priority MJTF's with associated prosecution;
2. planning for HIDTA and state and local assistance funds jointly; and

3. ignoring the connection while supporting as many existing efforts as possible. The third option had been chosen but this might be revisited in the future. At that time the HIDTA effort was viewed as a temporary program.

## USE OF SPECIAL FUNDING SOURCES

Continuation of the programs supported under these state strategies may be possible if funds can be generated by the activities themselves and then recycled into the programmatic effort. Several methods of achieving this were available including forfeiture, stamp taxes, fines and surcharges, and fees. All states examined had activities, in at least some of these areas, but with different experiences.

### Civil and Criminal Forfeiture

Delaware, Iowa, South Carolina and Washington all reported that they pursued forfeitures under the relevant state law. Arizona had made a particularly substantial commitment to pursuit of forfeiture. This was motivated by a desire to impact on the problem by removing the profit associated with trafficking. Forfeiture was viewed as a deterrent and a remedial tool to correct economic distortion and only secondarily as a generator of funds. This goal was a central part of the state strategy and projects were funded to make this a reality.

The 1986 comprehensive drug legislation in **Arizona** provided for a statewide anti-racketeering fund and similar funds in each county. Cash proceeds from state forfeiture actions were required to be deposited in these accounts and the results of federal asset sharing may also be deposited. The funds were supervised by the Attorney General and local prosecutors respectively. In addition, cities may create their own non-statutory accounts by agreement with the local county prosecutor.

Proceeds from these activities had been considerable in Arizona. In the last half of 1991 approximately \$12.5 million was collected from state sources and at least \$1.2 million was known to have been received from federal sources. In 1992 state collections of \$17.5 million, and known federal collections of \$4.5 million, were reported. These

sums amounted to more than twice the total annual cost of the total state anti-drug strategy. The forfeiture funds were not distributed equally across the state. Those counties on the border, or otherwise close to major trafficking routes, generated substantial funds but others were not so successful.

It was possible to generate substantial money at the city level. In Tucson, where most possession of marijuana cases were diverted to the city prosecutor, one attorney alone reported generating \$850, 000 in 1992. Most of this was produced by a large number of individual cases and it has proven difficult to keep up with the 150 cases that are pending. In 1992, 800 cars were seized from one third of the cases handled. There is no indication that lack of targets will curtail the productivity of this approach. The unit involved believed that their effort really had an impact on the defendants involved, who feel the impact of auto loss more than the consequences of other penalties. Even if the property was returned the car was lost for more than 30 days and if there were two owners, i.e. a child on the parents policy, family pressure was brought to bear on the young adult. Few repeat offenders had been observed (6 in 3 years).

Forfeiture had not been as productive in the other examined jurisdictions. In **Washington** significant forfeiture proceeds were reported. A civil forfeiture statute, existing since 1984, was held to be constitutional in 1989. It was regularly used although a money laundering statute was not. Collections of \$2-3 million were reported annually but this fell short of the annual MJTF expenditures by 50-60%. It was stated that forfeitures were not as lucrative as hoped. In Yakima, forfeiture was viewed as difficult to use effectively because the targets were illegal Hispanics who moved money out of state rapidly. The only big success was fortuitous when a couple was apprehended, cash in hand for a big purchase.

In **Iowa**, MJTF's reported that they did pursue forfeitures but the funds generated were not substantial; perhaps because they were not located close to major trafficking routes. The Cedar Rapids MJTF reported receipt of \$0.75 million over an 8 year period but it was unclear whether this was solely state forfeiture or mixed with federal asset sharing.



The funds collected from offenders under Iowa law were distributed to local participating agencies as a matter of practice that was not required by law. The Attorney General made a 10% charge on cash seizures and a \$100 charge on vehicles. In Washington State proceeds of real property seizures were distributed primarily to the state (75%) with only a small portion to the local department (25%). This had been changed to provide the majority to the department (90%) with the residue to the state (10%). Local officials emphasize that the 10% was applied to an assessed value and not to the actual amount received.

In **Delaware** the Attorney General (AG) maintained control of a separate forfeiture fund into which the proceeds of joint federal/state investigations were deposited. The A.G. had broad discretion to allocate these funds and was not obligated to coordinate forfeiture spending according to goals and objectives identified in the state strategy.

The funds within the anti-racketeering funds in Arizona were distributed by the relevant prosecutor to the investigative and prosecutorial agencies involved. It was unclear whether these funds could be used for forensic laboratory support, but it was reported that local practices in Tucson argued against this. Funds were clearly available to supply the match needed for the federal awards, for the MJTF and prosecution efforts and for enhanced assistance. They were not available for projects in other functional areas.

Most states felt that depending upon forfeitures for matching funds was a dangerous strategy. The funds were not produced predictably and it was described as a "hit or miss affair" in Washington. Local prosecutors tried not to rely on the funds, using them instead for incidental expenses, such as buy money, secretarial support and auto rentals. In **South Carolina** it was reported that, when law enforcement agencies committed forfeiture funds for match purposes sufficient match was produced in the first year but supplemental resources were usually needed in the second and third years. Iowa stated that, as there were few opportunities for large seizures forfeiture funds were not generally used for match purposes. General funds and restitution funds were used because it was impossible to plan properly for seizures.

The use of forfeited funds presented a series of issues that concerned who can access the funds and the impact of distributing funds to different groups. Recently, **Arizona** policies concerning use of forfeiture funds have been liberalized. Prosecutors may use funds for prevention efforts and some had taken advantage of this to distribute significant amounts of money. One prosecutor had allocated 20% to prevention and more than \$2 million has been used at the time of our research. Prosecutors and MJTF's had both also transferred property for prevention use. Furthermore a "onetime" legislative assessment of one half million dollars, had been made from the forfeiture funds for distribution to prevention programs.

Distribution of seized funds to MJTF participants was not a trivial matter. In Iowa it was viewed as unwise to make forfeiture potential the primary basis for case selection. The Metropolitan Area Narcotics Trafficking Interdiction Squads (MANTIS) MJTF in Tucson, Arizona, reported that they have developed policies designed to minimize conflict between participating agencies and to enhance commitment to the MJTF as a concept. First, no funds were distributed to any recipient, until a \$1 million reserve fund is complete. Second, remaining proceeds were distributed based on officers contributed, not on a case basis. Difficulties had been experienced with the federal asset sharing program and it was hoped that these would be avoided with these practices. Such conflicts can destroy cooperation and coordination within a MJTF.

The widespread use and high productivity of the forfeiture option in Arizona has made the issue controversial. The Phoenix newspaper had run a series on forfeiture emphasizing that most money was obtained from those never criminally charged and usually drug users not traffickers. They believed that forfeiture was being abused to support law enforcement operations and had called for changes. MANTIS stated that the financial potential of a case was specifically excluded from the initial decision on target choice to avoid possible abuse. The Arizona Prosecuting Attorneys Advisory Council had issued guidelines for use of this option to minimize possible inappropriate use. Nevertheless legislative changes have since been made that limit the use of this option. Similar factors appeared to be operating nationally.

In San Diego, **California**, it was reported that some law enforcement agencies did not want to participate in the MJTF (JUDGE) that targeted probation violators, because they preferred to pursue cases with more financial potential. The desire for forfeiture proceeds was also believed to be a serious barrier to information sharing in a MJTF if that consideration was allowed to dominate.

It was reported in several states, -- e.g. Washington and Arizona, that targets were also taking steps to reduce their vulnerability to the forfeiture tool. These countermeasures included increased use of rental vehicles, rapid transfer of drug proceeds out of state, and use of trusts. Some states had refined their methods to facilitate the productivity of seizure by selling the property back to "owners" prior to completion of the forfeiture process.

In the **Other States**, Rhode Island reported success in forfeiting boats and property with thirty five new cars reported forfeited. Forfeiture had not proven as productive as hoped in Ohio with only 2 particular MJTF's being productive. Hawaii reported that efforts have been made to redirect forfeiture funds (30%) into treatment efforts. Although such redirection had not yet occurred, and in fact was not thought likely to actually result at a later date, it illustrated a not uncommon view that forfeiture funds might produce better effects if used to target drug use rather than drug supply.

### **Stamp Taxes**

Another device for obtaining significant resources from traffickers was to impose penalties for the failure to pay sales taxes on the illegal commodities distributed. Constitutionally approved laws in this area existed in both Arizona and Iowa, as well as in other states, such as Florida and Illinois. The tax was due and payable when substances were seized without the required tax stamp attached. There are several legal advantages over forfeiture in this process, as any assets can be attached not just those involved in the illicit activity.

Iowa had actively used this option but only after forfeiture options had been exhausted. This provision has facilitated the active cooperation of law enforcement as

their financial interests were not threatened. There was an early concern, in Arizona, that the stamp tax funds might be diverted from forfeiture accounts. In spite of this all MJTF's were required, as a condition of grant receipt, to notify the Department of Revenue of any case in which there had been a failure to pay a stamp tax. MANTIS, in Tucson, reports that this was done faithfully but they did not believe that it was productive.

In Iowa the approach was productive. MJTF's were also required to notify the Department of Revenue (DOR) of possible cases and when they were received they were actively pursued because the department believed that this is an effective way of impacting on drug dealers and not just a revenue device. In Arizona the approach was not effective because the DOR applied a strict cost benefit calculus. It was concluded that an agent's time can be used more productively in pursuing other tax violations and therefore this area had a low priority. Although assessments of \$5 million were estimated to have been imposed, less than \$10, 000 was estimated to have been collected at the time of our research. Since then proposals have been made to remove the tax completely.

Funds generated in this manner were generally not available to the justice system. In Iowa and Arizona funds collected went to the general fund, although proposals had been made to use proceeds to hire additional investigators.

### **Fines, Surcharges and Fees**

It was also possible to support justice activities by dedicating fines imposed on drug offenders or by imposing surcharges on fines and dedicating them to justice improvement. **Arizona** has used these approaches extensively to support the drug strategy specifically and justice improvement generally.

Mandatory fines were imposed on all individuals convicted of drug offenses with only minor exceptions. Possession of drug paraphernalia was one of the few exceptions and this was commonly pled to in lower courts as a way of avoiding a substantial financial penalty. Fines began at \$750 per count and increased as the level of offense and amount of substance involved increased. They were imposed irrespective of ability to pay. It was hoped that these penalties would be disincentives to drug use.

These funds were required to be deposited in a special account (Drug Enforcement Account) that was supervised by the SAA and was dedicated to anti drug abuse efforts. They have been used to provide funds for grant matching purposes and to supplement the federal effort. Collections to the account had grown steadily since the fine system was instituted and amounted to \$ 2.25 million annually. Some fluctuation takes place on a monthly basis and collections did depend upon the level of enforcement.

Arizona also imposed a surcharge on all fines although this could be waived. This surcharge amounted to 46% and was generating between \$15-17 million annually, which was deposited in a special account (Criminal Justice Enhancement Fund). The funds were then distributed according to a complicated statutory formula and a small portion had been available to support the administrative costs of the SAA. This included the match for the administrative portion of the ADAA funds and special assessment projects approved legislatively. The other funds in the account were potentially available to support projects funded under the ADAA strategy, in whole or in part.

Fees were also used to support a variety of other drug related services. For instance, all probationers were liable for a \$30 per month service fee payable to the probation services fund. Other fees were required for participation in a diversion program entitled "Do Drugs Do Time". This program was available as an option for certain minor offenders. A fee of \$500 was required but the participant avoided the mandatory fine. The fee initially was paid into the state Drug Enforcement Account but was later retained by the County Attorney and used for administrative needs of the local prosecutor. Participants paid additional fees for participation in the TASC program associated with a diversion program -- Do drugs Do Time.

These special funds have been important in supporting the Arizona drug strategy and are potentially alternatives available to other jurisdictions.

In the **Other States**, Indiana had established a Drug Free Community Fund supported by user fees. This was distributed 25% to the state level and 75% to the local level (up from 50%). Missouri had also allowed for the imposition of a local sales tax, of 1/4%, that was devoted to drug enforcement. Some local areas had been willing to devote

some of these funds for use in Operation Ramjet that served other areas. This project allowed 17 rural areas to receive grant awards without the necessity of generating their own matching funds.

Pennsylvania reported that substantial additional funds had been generated when a \$200 million bond issue, for correctional construction, was passed. In order to receive funds recipients were required to file an intermediate punishment plan.

## FUND ALLOCATION PATTERNS

The ADAA, like its LEAA predecessor, requires that funds are passed through to local governments, according to a formula derived from the pattern of state and local support in the state. Several states -- e.g. Delaware, Arizona and Washington reported that they passed through significantly more funds to local government (e.g. 28% in Delaware) than required by the statutory formula.

Major cities have historically expressed concern about their share of the federal funds provided to the state. State officials interviewed indicated no significant difficulties at present but no big city representative was contacted. In Washington it was stated that Seattle participated fully in the ADAA through the state committee, community mobilization efforts, and now a MJTF. Efforts were made to bring in private funds, through the American Bar Association (ABA), but some criticism was made of the Seattle weed and seed experience. In Iowa the relationship with Des Moines was described as good and much improved from the past, when the city had returned funds to the state.

It was somewhat surprising that interviews in the various states did not disclose evidence that particular groups of potential grant recipients were strongly objecting to their share in the funding. Substantial controversies had arisen under LEAA and there was no conclusive reason to believe that those concerns have been removed. Courts for instance appear to be receiving proportionately fewer funds than they did during LEAA days. At the national meeting adequacy of support issues were discussed. It was emphasized that establishing adequacy of support for any area requires that a basis for such a determination be available. This requires an assessment of state and local support

patterns, including relationships to support of interacting justice agencies. Capability of potential grantees and willingness to provide match and to cooperate with data submissions etc. were all relevant issues. It was this complexity that argued for avoidance of "one size fits all" quotas.

## **7 LAW ENFORCEMENT COORDINATION**

### **INTRODUCTION**

In one sense, law enforcement fragmentation can be viewed as an important characteristic of our political system that allows local communities to control the type of enforcement they receive, and to help minimize the possibility that one large police agency is created that can seriously threaten individual liberties. Unfortunately fragmentation can also seriously threaten the ability of law enforcement to combat crimes that involve organizational activities that do not respect traditional jurisdictional boundaries.

Responding to the threat of drug trafficking required that means be found to overcome these law enforcement disadvantages without creating the one large police organization. The major arrangements available to strengthen law enforcement efforts included the creation of temporary organizations, such as Multi-Jurisdictional Task Forces (MJTF), the development and sharing of specialized resources available at the state level or in larger departments, and the building better ways of exploiting existing services.

The extent to which improved coordination of law enforcement efforts had taken place as a result of the ADAA funded efforts was a central question in assessing the effectiveness of the Byrne program.

### **SUMMARY**

All the states examined had strongly emphasized the creation and operation of Multijurisdictional Task Forces (MJTF), as well as enhancing coordination more generally between fragmented law enforcement agencies, and improving the effectiveness of their efforts. They had succeeded, with only minor difficulties, in supplying jurisdictional coverage to the vast majority of the states' populations.

The drug war had effectively unified law enforcement from many different agencies and different levels of government, both within and between different MJTF's. There was



virtual unanimity in the states that real coordination/cooperation had been achieved overcoming a history of separation &/or conflict. This enhanced coordination had not been at the expense of coordination with others. At the same time MJTF's had also increased coordination with others, such as prosecutors and probation officers.

Specific benefits were attributed to the MJTF arrangements. They included pooled resources, improved undercover use, enhanced proactive investigations, improved access to specialized expertise, and broader interagency coordination as officers cycled back to their home agencies. They are all benefits that can be attributed to overcoming the problems of fragmentation through access to a larger organizational base, while preserving the flexibility of a temporary organization. Methods of preserving the MJTF's from traditional fragmentation pressures had been developed and instituted.

State level support of the local MJTF's was an important element in achieving success. State involvement in the local MJTF's and facilitation of interactions between MJTF's were important. Provision of specialized services was another important function. Training, support in financial investigations, provision of specialized equipment, dedicated units for illicit laboratories, and improved use of intelligence information were the common methods used to bring together the individual efforts into an effective comprehensive whole.

MJTF's were active in arresting suspects for drug use and distribution and in seizing /forfeiting both drugs and proceeds of sale. In this respect, they were a great success. It was generally believed that these efforts were containing drug use but not solving the problem. Buying time for other efforts to succeed and disrupting present activity were central goals. Increasingly, community impact measures were being used to determine effectiveness.

Evidence was found of more effective case development. Numerous reports of enhanced investigative effectiveness, attributed to sharing of cases, equipment, and intelligence, were received. Reports contrasted strongly with reports of past discord and turf conflicts.

## MULTI-JURISDICTIONAL TASK FORCES

Improved coordination of law enforcement services was a priority for all the states visited and the central means of seeking improved coordination was through Multi-Jurisdictional Task Forces (MJTF). The proportion of ADAA funds used for this function was always significant. Different patterns existed overall in the 7 states visited; Washington spent more than 80%, Arizona and California spent 60-80%, Iowa, New York and South Carolina spent 40-60%, and only Delaware spent less than 40%. If state funds are included in the comparison, these figures change. Delaware, for instance, strongly supports MJTF's using local funds; thus their Byrne commitment to MJTF understates task force significance in the state strategy. In contrast Arizona concentrates MJTF support in the ADAA account and thus the federal amount more closely approximates the state's view of task forces. Nonetheless, funding of MJTF's was a very important activity in all 7 states.

**Washington State** had emphasized MJTF's most heavily. They served 28 Counties in which the overwhelming majority of the state population resided. The lightly populated counties, that were excluded, do receive assistance on request and a proposal was made to extend service statewide. Although the funds needed to do this were denied by the legislature, and the existing budget was cut significantly, it appeared that the obligation to extend service may have persisted. ADAA support was provided to 24 MJTF's. Several of the MJTF's in rural areas served more than one county and 3 MJTF's operate in the most populous county (King) in which Seattle is located.

Interagency coordination was seen as a high priority goal by almost all MJTF coordinators and more than half reported great success in achieving this. Coordination between city and county law enforcement had been especially enhanced. In addition to the fact that operational task force members are usually from diverse agencies, the major means of achieving the strengthened coordination were the monthly board meetings, the daily operational meetings, and the joint intelligence sharing activities.

The effort had made a discernible difference in many communities. There was no narcotics enforcement performed in the Yakima valley prior to the formation of the lower

valley narcotics task force called Law Enforcement Against Drugs (LEAD). This unit was formed to respond to a reported influx of cocaine. The conversion of existing alien smuggling networks had resulted in the use of illegal migrants to distribute drugs. The lead agency, the sheriffs department, has brought together 3 local police departments, tribal police and the Washington State Patrol. There was no federal participation although a small DA Task Force operated in the area to which city and county officers were assigned.

**Arizona** had few dedicated drug investigators prior to the creation of the ADAA effort. Those that did exist were restricted to the largest agencies. In 1988, after ADAA, full time equivalent employees devoted to drug investigation were 118 in local MJTF's, 52 in local agencies, and 131 at state level. This overall level remained roughly constant through 1992. Without ADAA it was believed that many MJTF's would not have begun and existing border MJTF's would have perished.

The strong emphasis on MJTF's established them in every county in the state (15) with the intention of blanketing the state to avoid exploitation of holes by smugglers. No planes had been apprehended around the time of the site visits and this was attributed to the change in enforcement levels. The major objective of interagency coordination was believed accomplished while providing broad coverage at affordable cost. The combination of specialty functions in individual agencies had produced higher impact operations because of the unified effort. It was believed that efforts over 4-5 years had stopped the growth of drug trafficking in Arizona but it was admitted that this could not be proven.

Most MJTF's were county based but Maricopa county, with more than half the state's population, deviated from that norm. Here, MJTF's that served parts of the county were the pattern and several had been formed and discontinued during the life of the ADAA effort. The county sheriff withdrew at one time from activity because of preoccupation with other matters (a major murder case) but a new sheriff was actively considering a major effort. These MJTF's had a variety of orientations depending upon the nature of the most serious drug problem in the community served.

Many, but not all, of the MJTF's had federal representation. Agencies included the US Forest Service and the National Park Service in rural areas, Border Patrol and Customs in the border areas, and the FBI and DEA in various locations. Vigorous coordination with these agencies had taken place in the MJTF context. Further federal coordination was provided by a very active Law Enforcement Coordinating Council (LECC) that organized an annual meeting and had active committees.

The one local MJTF examined in detail, the Metropolitan Area Narcotics Trafficking Interdiction Squads (MANTIS), in Tucson, reported that prior to creation of this unit there was no coordinated effort. Since ADAA things had changed dramatically for the better. The entire drug enforcement units in the larger local agencies were included in MANTIS and smaller agencies, who worked under this umbrella, were being provided with agents for the first time. All the local law enforcement agencies participated including the sheriff, 4 city police departments, and 3 special enforcement units (academia and airport). The State Department of Public Safety assigned officers but no federal agents were detailed. No prosecutor was assigned to the unit.

Additional coordination was provided between state and federal agencies through a DEA MJTF in Tucson, in which all major state and local agencies participated. This MJTF assigned one individual to attend all monthly MANTIS meetings in order to avoid case conflicts. If overlap was discovered an appropriate division was agreed upon.

The pooling of all of the law enforcement resources available had produced many benefits. Agencies no longer worked against each other. The break down of territoriality removed jurisdictional issues from the equation and made possible the higher level of effort. The seed money concept had allowed all the agencies to pull together but the greatest impact has been on the ability of smaller agencies to participate. The pooling of resources allowed the use of court order wire taps that would be out of question from the resources of a small town.

Although MANTIS brought together all of the dedicated drug agents in the participating departments some drug cases continued to be developed by other sources

such as gang units and patrol. Good cooperation was reported between MANTIS and these areas.

Iowa also invested heavily in Multi-Jurisdictional Task Forces as a means of enhancing coordination between enforcement agencies. Two MJTF's in 1987 grew to 22 in 1993 and another 2 had been created and discontinued during this period. There was one statewide MJTF, 7 joint federal/state MJTF's, 7 county based MJTF's and 7 local MJTF's. Generally the metropolitan areas developed single county operations and the rural areas multi-county operations. The two general models were used -- centralized and decentralized.

Creation of the MJTF's made it possible for many departments, especially those in rural areas, to obtain access to dedicated drug enforcement for the first time. Previously neither money nor training were available but since then specialization had become possible.

The MJTF arrangement essentially forced associations between sheriffs and police chiefs and there was great concern that this would not result in real cooperation. Great distrust had existed in the past between these participants. There was great surprise therefore in how rapidly they became successful. Both cases and intelligence were readily shared and the participants felt very good about the new arrangement. The longer participants worked together the more they were willing to share, intelligence in particular.

The Cedar Rapids Task Force was the first created in the state. Prior to its formation there was no dedicated anti-drug effort. This created difficulties when an investigation led outside the investigator's jurisdiction. Two officers worked with the state division of criminal investigation and they supplied buy money, but this was not sufficient.

A federal Task Force had been created and each local department had assigned an officer to this undertaking but the emphasis was on upper level dealers and many serious offenders at the street level were neglected. The availability of ADAA funds made it possible for the local MJTF to be created as a supplement to the DEA effort.

The Cedar Rapids MJTF took advantage of intergovernmental agreements that had been available for some time but had not been used previously for MJTF's. There was a Board of Directors, a project director, and 3 coordinators. Monthly policy meetings and weekly intelligence meetings were held. No state narcotic investigators or federal agents were assigned. Undercover officers were sometimes used from other MJTF's in the state.

This MJTF was somewhat unique in having both adult and juvenile corrections officers (probation officers) as full participants. Their participation was believed desirable because of the nature of the target population. Dealers in street sales were often drawn from correctional clients (probationers) and some ethical difficulties can arise that are best solved in the cooperative environment of the MJTF. Although some jurisdictions may find that treatment and enforcement philosophies conflict this was not so here. It was speculated that MJTF's might be expanded to include other such functions to take advantage of the preferred funding status of MJTF's.

**California** had supported MJTF's in general, and San Diego County had devoted essentially all of its allocation from the SAA to support of a unit called JUDGE (Jurisdiction Unified Drug Gang Enforcement). This was a cooperative venture between 5 municipal police departments and 3 county offices -- the prosecutor (District Attorney), Sheriff, and probation. They targeted gang involved individuals, and habitual low level drug offenders, that were already on probation. Targets were selected using a point system, supplemented by referrals and supported by a computerized system, also funded by the SAA in an earlier year. The unit was reported to have produced good cooperation between all of the participants. Police operated freely across the county and the perceived traditional neglect of north county was avoided. The close collaboration between probation and police officers had been able to combine the special powers of each.

Not all city police departments in the county participated in JUDGE but this did not pose difficulties because of the sheriff's participation. Coordination was heavily emphasized and all participants appeared to work together as equals. Management cooperation was observed within JUDGE and the dual command structure (operations

with JUDGE and functional with Departments) preserved good cooperation with local departments.

Although the SAA mandated that cooperation be pursued as a component of this effort it was not believed that this cooperation came about solely because of this direction. Essentially the participants wanted to cooperate and the SAA had supplied the means to do so, in part by supplying an argument for excluding some competing proposals based on their lack of coordination components.

Cooperation within the MJTF was also believed to have contributed to improved cooperation between others not directly involved in the JUDGE operation. Generally probation and police officers reported enhanced working relations including a willingness to share information. The diffusion of JUDGE participants back into the regular agency operations carried back good cooperation habits. Small departments may have been more influenced than larger agencies. New areas of concern had been raised in visibility because of this cooperation (e.g. use of aliases by arrested aliens).

New York State had also provided MJTF coverage for the vast majority of the state's population. A significant number of these MJTF's preceded the ADAA program and several are directly supervised by DEA. Nonetheless the addition of 3 MJTF's supported with ADAA funds in the Syracuse, Albany and Mid-Hudson areas (which provided operational expenses and overtime support to supplement local support of personnel) helped significantly. The locally supported MJTF's in New York City, Nassau County, Suffolk County, Southern Tier, Westchester County, and Buffalo extend coverage substantially. When other special efforts such as the BJA-funded "Points of Entry" program in the Buffalo area (which includes the Niagara Frontier Authority, several local police departments, and the crime laboratory) were included the whole geography of the state was covered with only minor exceptions.

In Nassau County it was reported that the nature of the drug business had necessitated coordination. BJA funded MJTF's were the means by which that coordination was made a reality. Numerous MJTF's were operating in Nassau County in part because the geography of Long Island caused overlap between Queens, Nassau and

Suffolk County activities. Many of these were not BJA funded. One DEA managed MJTF, the Long Island Drug Enforcement Task Force, included all the police departments in the county, District Attorney offices, and federal agencies such as ATF, INS, and Customs. The success of this effort provided a good model that prompted the Nassau County District Attorney to propose a new MJTF for the County.

Interdepartmental cooperation had increased because of the MJTF's and permanent strong working relationships between law enforcement agencies had resulted. Equipment, manpower and information exchanges have also been fostered. Drug trade problems were seen as national and regional and not merely local. New York City had grown to encompass Nassau County which made the MJTF critical to providing effective law enforcement services.

**South Carolina** funded 12 Narcotics MJTF's and two Violent Crime MJTF's through the Byrne program. These essentially covered the state. They involved local police departments, sheriff's offices, judicial circuits, state law enforcement agencies and the U.S. Attorney's office.

The Narcotics MJTF's had been implemented within counties, between two or more counties, with circuit solicitors' (prosecutor's) active involvement, and within the South Carolina Attorney General's Office, as the State Grand Jury Task Force. In many instances, they had coordinated their efforts with Alcohol Tobacco and Firearms (ATF), the Drug Enforcement Administration (DEA), The Federal Bureau of Investigation (FBI), the Internal Revenue Service (IRS), Customs, the U.S. Attorney and the U.S. Marshall. The implementation of these task forces had greatly improved the coordination efforts between all of the above agencies resulting in reports of thousands of arrests and convictions, the disassembly of numerous drug trafficking groups, confiscation of millions of dollars in drug-related property and cash, and the removal of enormous quantities of all types of drugs from streets and neighborhoods. Although many local agencies had found restructuring their traditional approaches to drug enforcement a challenge, they had realized the advantages of coordinating their efforts with other agencies. However, this



coordination effort had still to become thoroughly institutionalized throughout the state as some task forces have experienced organizational, fiscal and operational difficulties.

Byrne funding for narcotics MJTF's in South Carolina was contingent upon compliance with certain standards. For example, any request for funding had to be accompanied by letters of support from all agencies that wished to be included in the Task Force and an interagency agreement, signed by all agency heads. This agreement must have included the following: the task force's mission statement; identifiers of all participants; a training plan; detailed information regarding required coordination with a prosecutorial liaison and his responsibilities; arresting powers and jurisdiction of the participating agencies; type/level of offenders being targeted; process for sharing forfeited assets and press relations; plans for an off-site location; how resources will be allocated; information regarding the usage of a criminal intelligence database; the life span of the task force; and the extent to which federal and state activities will be integrated.

The goal of these narcotics task forces was to enhance existing efforts in enforcement, prosecution, and conviction of major drug and violent crime offenders by sharing critical resources and eliminating jurisdictional problems. The key elements in the success of the program were the formation of a separate and distinct entity that pooled resources, jointly planned operations, developed cross-jurisdictional strategies and provided assistance as needed to local enforcement and prosecution activities.

Most of the task forces had ultimately become effective in coordinating local law enforcement, which was viewed as a significant achievement in view of the historical tradition of isolation and local autonomy in the state. Although DEA participation was limited by manpower shortages the MJTF's had proven fruitful, based on agencies participating, and numbers of investigations and arrests. The effort had still to become thoroughly institutionalized as some MJTF's had experienced organizational, fiscal and operational difficulties.

A project worth noting was the Fairfield County Sheriff's Office MJTF. This project combined the efforts of three agencies to reduce the drug problem in Fairfield County. Three narcotics agents and one administrative assistant were funded. A multi-

jurisdictional task force agreement was developed and strictly adhered to by the three jurisdictions involved. As a result of the funding, Fairfield County planned to penetrate the mid-to-upper level drug network by conducting reverse operations, buy busts, street sweeps, and interstate interdictions. Regular meetings between the task force members and their governing body were also held to keep lines of communication open. Separate undercover office space was provided to help keep narcotics operations and drug information confidential and safe.

Of the seven states visited, **Delaware** allocated the smallest proportion of federal funds to MJTF's. However, this is misleading because the state is very small with only 3 counties and many responsibilities were centralized at the state level. Furthermore officials indicated that they were strong believers in the MJTF approach and, because of this, MJTF's received sufficient long term support at the state level.

Many **Other States** reported that they gave priority to MJTF's and to providing statewide coverage. Smaller states, that may have no or few counties, often established one statewide MJTF (e.g. Maine and Connecticut), that included even township law enforcement. There were sometimes reports that some initial participants had dropped out because funding was felt to be inadequate. Rhode Island had a statewide MJTF which involved 39 police chiefs, and supplies varying degrees of support for essentially all law enforcement agencies. Vermont has formed a MJTF with ATF and has targeted firearms and domestic violence with great success. They wanted to extend efforts to cover sexual assault.

Maryland confirmed that establishing a MJTF could help break down old barriers. Some parts of the state, that previously could not be easily accessed by state police, were now accessible. They did not fund the MJTF directly but rather funded officers with a condition that they participate in the MJTF. Idaho described efforts to evaluate the MJTF's with a view to improvement. Indiana and Wisconsin reported that increased coordination and cooperation has developed as a result of MJTF's.

Washington, D.C. did not have a MJTF of its own, but was served by a MJTF based in Virginia, operated by DEA and supported with discretionary funds. Other states

reported that, once MJTF's were established, they often shifted their emphasis. In turn SAA attention also tended to shift, over time, away from MJTF's to other components of the justice system, especially when the state enforced strict time limitations on grant awards. New Jersey began with a policy that every county should have a MJTF but funding patterns have shifted from 80% MJTF in 1989 to 20% MJTF in 1993. This reflected a SAA decision to sequentially emphasize different components of the criminal justice system.

## STATE LEVEL SUPPORT

The efforts of MJTF's were typically enhanced by assistance provided through state level enforcement activities. State /local coordination was an important element of coordination and took several forms. Some specialized enforcement services were also provided directly at the state level.

The **Washington** State Patrol (WSP) was thoroughly integrated into the overall state MJTF effort. The WSP niche emphasized professionalism, assistance to local jurisdictions, and supplying linkages between local areas, such as when an investigation led beyond one jurisdiction. ADAA support reinforced the ability of WSP to utilize these strengths in anti-drug efforts. WSP/local relationships had always been good and ADAA had helped make them better.

The WSP investigative assistance division consisted of the narcotics section and the investigative assistance section, which provided investigative support and training to law enforcement. Both sections combined ADAA and state funds and included anti-drug efforts.

The narcotics section directly supported the MJTF's. Regional MJTF participation involved provision of experienced management, investigative personnel with multiple jurisdiction experience, stability during officer rotation, training of new investigators, and training in drug identification and street level interdiction. Direct assignment was made to 10 MJTF's -- half ADAA funded and half funded from special state funds.

The narcotics section was also responsible for coordinating the various MJTF's. A coordinator conducted frequent meetings of MJTF commanders. This maintained communication links and helped training and coordination of statewide trafficking investigations. Joint monthly meetings of contiguous MJTF's had been held and good communication and coordination existed, reflecting an improvement over the past. Further coordination resulted from participation in a tri-state MJTF involving Idaho, Oregon and Washington.

A policy manual had been developed to help guide operations. A MJTF was believed to need a year to start, a year to stage up, and longer to move to more sophisticated cases. This meant that the standard 2 year officer assignment, with the possibility of a single additional year, may not be optimum. The coordinator was also responsible for evaluating the ADAA funded MJTF's and reporting on their performance and compliance.

A technical support unit in the investigative assistance collected and managed data generated by the ADAA funded MJTF's and reported to the SAA. They represented Washington in the national drug evaluation consortium. They supplied general computer support, including support for specialized asset seizure when kept in computer records, link and telephone analysis and surveillance. Names and pointers of individuals identified by MJTF's were returned to them. A hot tip line had disbursed \$80, 000 in cash rewards for useful information.

Assistance had been provided to law enforcement in the Puget Sound area. Personnel had significant experience in marijuana eradication, and clandestine laboratory responses. Washington was reported to export high quality marijuana, even to Hawaii, and 100 clandestine laboratories were taken down in one year. A new odorless process for methamphetamine production was detected and this led to changes in the precursor chemical law. Discretionary funds had supported this activity but legislative continuation was thought to be unlikely.

The creation of another Special Narcotics Enforcement Unit (SNEU) was attributed, at least in part, to ADAA support. This unit coordinated WSP, the AG, and

the Washington Association of Sheriffs and Police Chiefs. This unit was responsible for narcotics profiteering investigations, assisting in prosecutions, training undercover detectives, providing assistance to local law enforcement in seizure and forfeiture of real and personal property and in interjurisdictional coordination. It had 2 detectives assigned to the DEA Seattle office to assist with asset seizures.

The **Arizona** Department of Public Safety (DPS) received ADAA funds to support its own narcotics investigations and to support local MJTF's through officer assignment, provision of undercover operatives, and technical assistance. These joint activities had overcome suspicions of the past and had built strong professional relationships.

An important hot-line service was provided that helped prevent potentially tragic conflicts between local agencies pursuing the same suspects. This can be consulted prior to beginning an undercover operation and adjustments can be made if needed.

The DPS and DEA jointly directed two MJTF's in Phoenix and Tucson that also involved local agencies. DPS and Customs had joined in an Air Smuggling Unit with DEA and the Border Patrol. A crack cocaine MJTF was created in the Phoenix area involving every level of government.

**Iowa** state level law enforcement also provided specialized direct services. These included officer assignment to MJTF's, financial investigation assistance, and training. Pharmaceutical diversion was pursued together with investigation of clandestine laboratories. It was suggested by some that the latter activity might be better continued by federal agencies because of lack of productivity. The National Guard also participated in marijuana eradication and performed link analysis. Their contributions were viewed favorably at the state level and it was planned to use them in training and for summer camps.

The SAA had provided a mechanism for integrating all state MJTF activities. Six committees had been created that brought together all involved parties to develop appropriate policies in different areas and to recommend on funding proposals. These committees dealt with planning, policies and procedures, equipment/communications, law enforcement jurisdiction, intelligence and evaluation.

The **South Carolina** Law Enforcement Division (SLED) was the statewide law enforcement agency and it had received numerous BJA grants for equipment purchases over 5 years. The addition of this equipment has enhanced the ability to make good arrests and provided greater officer safety. This equipment was commonly lent with a technical officer who operated it and trained the local officer in both technical and legal matters. This had helped enormously in improving relations with local law enforcement. Historically the Sheriff had maintained complete control within each county but convincing evidence existed that the barriers had been broken as a result of this new cooperation. It was stated, not entirely in jest, that drugs had unified the state's law enforcement system.

SLED was also the lead agency in organizing the Governors Retaliation Against Illegal Drugs (RAID) team. Assisted with a BJA grant 67 state officers/agents, from a variety of agencies, were brought together to perform drug seizures. SLED was joined by the Alcoholic Beverage Control Commission, the Wildlife and Marine Resources Commission, National Guard, and the Highway Patrol. This RAID team had assisted local enforcement agencies, and had led raids on illegal cultivated and manufactured drug facilities as well as distribution systems. This had worked so well that all agents had been absorbed into SLED and will continue as a team. ADAA funds had helped produce a level of coordination previously unheard of in South Carolina.

## INTELLIGENCE SUPPORT

Improved coordination of intelligence activities was frequently reported to be a result of the improved ability of MJTF's to digest intelligence, together with their improved ability to provide greater state level support. ADAA funding had also supported regional intelligence networks that ultimately assist states and individual MJTF's.

In **Arizona** the DPS hosts the Rocky Mountain Intelligence Network (RIMN) that serves the states of the inter-mountain area, including Arizona. This system enhanced the state effort. The state strategy had also emphasized enhanced coordination between MJTF's and the state intelligence network, as well as with the relevant federal systems. A

DPS officer was detailed to El Paso to coordinate requests for access from Arizona. Requests had come from various agencies including MJTF, the National Guard, and state agencies. Access was not limited to agencies participating in the HIDTA effort.

Each MJTF had a responsibility to work with the intelligence networks and to certify that they were in compliance with the BJA intelligence requirements. State support included provision of computers, analysts and link chart production. Consequently, their ability to use intelligence in responsible ways had increased and interagency coordination had improved.

The local MJTF in Tucson (MANTIS) reported that intelligence coordination had improved in several ways. Although difficulties existed initially many formal intelligence systems were now proving to be more useful to the MJTF. Good operational coordination was paralleled by good staff coordination. Improved coordination with Federal systems had developed, even though there is no federal representation on MANTIS. Improved coordination had also been achieved at the local level. A hot-line in Tucson (88-CRIME) was automatically routing drug related citizen calls to MANTIS.

**Washington State** replaced a fragmented system, in which each individual requestor had to make personal arrangements, with a coordinated system in which one sergeant made all requests to the regional network (WISN), and arranged for any needed link analysis. The rotation policy in MJTF's, where 2 years is the usual assignment, facilitated intelligence gathering and distribution when officers returned to regular investigative assignments. Coordination was further enhanced by work with the state association and by hosting intelligence meetings from outside the jurisdiction. Satisfaction with the relationship was expressed at the state level and at the local level in Yakima.

**Iowa** also reported that the ADAA effort had paid off in enhanced state/local intelligence coordination. Previous to the MJTF formation in Cedar Rapids there was no cooperation but subsequently active cooperation developed and crime analysts worked through the state narcotics investigation (DNI) system. The inclusion of corrections personnel on the MJTF was thought important because there was a need to track juveniles from Chicago who were being supervised in Iowa under the interstate compact. Tracking

prison gangs was also important. Reflecting this, parole officers had been trained in intelligence work and many had been certified. There were also plans to eventually link all the MJTF's. Iowa also spoke of a need to get better coordination with Regional Intelligence System (RISS) efforts. However, data and training were not available to non law enforcement agencies which was unfortunate as the material was valuable and seminar schedules needed to be coordinated.



## 8 OTHER JUSTICE COORDINATION

### INTRODUCTION

The fragmentation of responsibility for different parts of the criminal justice system is an extension, and expansion, of the fragmentation discussed in the law enforcement section. A multitude of different agencies operate in most functional areas and a series of different agencies compete with each other in the context of an adversary system and separation of powers. Financial responsibility is also dispersed between many different levels of government. Whatever the merit of fragmentation for protecting society, clearly a cost in efficiency is paid by the fragmentation, sub optimization, and politicization that is also produced. Improved coordination of justice agency efforts is an important way of attempting to minimize these inefficiencies without threatening the important benefits of separation.

There were many types of functional coordination that could be pursued and some had proven easier to accomplish than others. One dimension was improved coordination amongst the various different agencies within each functional area. Improvement could also be achieved within prosecutorial agencies, the judicial branch, or correctional institutions in ways superficially comparable to the vertical and horizontal coordination taking place in law enforcement.

Alternatively, improved coordination can be pursued between the different types of justice agencies that are linked together through the connected workflow processes required to process offenders from arrest to final correction. Traditionally this set of connections make up what is known as the criminal justice system.

Historically attempts to produce comprehensive system-wide coordination have proven difficult with some areas of coordination being more difficult than others. For instance, judicial coordination with executive agencies raised difficulties of constitutional

dimensions. Other activities, such as staff support, appeared not to confront the same barriers to coordination.

## SUMMARY

Enhanced coordination within prosecution had developed especially, but not exclusively, in the context of pursuit of asset seizure and forfeiture. Coordination between prosecution and law enforcement had been strongly enhanced, either through direct prosecutorial participation in the MJTF's, strong direct working relations (although separate), or through statewide Grand Juries.

Enhanced forensic services, designed so as to provide the timely response needed by both enforcement and prosecution, were the norm. The breakdowns reported in earlier times, when such lower visibility yet critical functions were neglected, were largely being avoided. Strikingly effective coordination between the executive trinity of law enforcement/ prosecution/ forensics was the norm.

ADAA funding of the judicial branch, even at low levels, was only observed infrequently, yet it was possible for courts to receive substantial support. When this did occur the internal workings of the judicial branch tended to be the focus, rather than coordination between enforcement and judicial efforts. It was not unusual to see judicial participation in strategy development but when judicial program coordination with other branches of government was observed it tended to be voluntary and generally not well developed. No judicial objections comparable to those in LEAA days were received. A judicial preference for non ADAA funding sources was evident.

Little enhanced intracorrectional coordination was observed. Coordination between corrections and the other justice agencies was primarily achieved through planning participation, or pursuit of state funding &/or sentencing changes to accommodate any workload consequences. Supporting primary correctional responsibilities, such as the provision of new beds, with temporary federal funds was not considered to be a viable approach. Program activity that did exist centered on

community corrections, participation in MJTFs, prison industries and correctional treatment.

System-wide justice improvement did appear to be taking place as a consequence of the ADAA effort. It was at a lower level than improvements in other areas. Although the ADAA funds were committed primarily to the early stages of the process either additional state funds were allocated for support of courts/corrections and/or policy adjustments were made to accommodate the consequences of the ADAA funding. Coordination of staff functions was often easier than coordinating operational efforts.

## PROSECUTION

Enhancement of prosecutorial capabilities had been an important emphasis in most of the examined states. Improved coordination between different prosecutors, as well as improved coordination between prosecutors and MJTF's, had been pursued. Prosecutors had a special role in some matters, such as asset forfeiture.

In **California** the San Diego MJTF was established at the behest of the District Attorney and the office worked intimately with, and had a central role in, the cases developed. The office also received support from OCJP for a major narcotics vendors prosecution program but the funds were not federal formula funds.

Prosecution had played a central role in improvement efforts in **South Carolina**. In 1989 a constitutional amendment was enacted that provided for a State Grand Jury. A substantial discretionary grant was provided for a 27 month period that allowed this Grand Jury to become active under the direction of the Attorney General. The staff resources of SLED and the National Guard were added to make this a significant undertaking, described as a landmark.

For the first time authority existed to return indictments on drug trafficking and pornography violations irrespective of the county in which the crimes were alleged to have occurred. Previously no mechanism existed to adequately investigate and prosecute such

crimes when the activity crossed county lines, even though South Carolina had high crime rates.

The pervasive attitude of independence, and fear of state control, in counties made success of this enterprise less than certain. Grand Jury formation was not endorsed by local law enforcement or by county prosecutors (Solicitors). The record in obtaining acceptance was therefore particularly impressive. Most, if not all, of the counties were now willing and indeed anxious to participate. It was not uncommon for local enforcement to seek state Grand Jury indictments in part because locally politically sensitive cases could be shifted and this also helped reduce local court backlogs.

The Grand Jury mechanism had brought together the Governor's RAID team, DEA, ATF, FBI and Customs in specific case investigations. County mistrust and concern for independence had been replaced by a high level of cooperation between federal, state, county and local law enforcement. This cooperation had also produced a heightened public awareness of the extent of the threat posed by the drug problem. Grand Jury activities were given front page attention in the state press and high visibility on state television channels.

The Attorney General's unit, supporting the Grand Jury, had purchased substantial amounts of equipment that was loaned to local law enforcement together with a technical officer. Contact achieved in this way had generated strong working relations that had led to a geometric increase in referrals. These were of increasing quality due to the high standard set for case acceptance

Federal funding was about to be exhausted but there was confidence that state funds would be provided to continue the Grand Jury and its staff. Political and public support were reported. Public support was illustrated by the fact that selected jurors rarely sought dismissal although service can entail 2-3 days a month and travel time to Columbia, one way, of over 2 hours.

Local prosecutors had also been able to increase coordination with other enforcement agencies. The County Solicitor in Lexington County received a BJA grant to upgrade the information system and to purchase equipment. Lexington is one of 4

counties in the 11th Judicial Circuit, and is largely suburban in close proximity to the state capitol. The now complete information system allowed all law enforcement to input and access criminal history records from the entire circuit for the first time. Instant information on suspects has produced a higher rate of apprehension.

The availability of equipment had positively affected coordination. A complete inventory had been prepared by the solicitor which was an inducement for law enforcement seeking to borrow it. This contact was used to discuss case preparation. Quarterly meetings with all circuit law enforcement agencies provided additional training and case preparation discussions. Higher levels of collaboration and better preparation of cases had resulted.

The benefits of equipment, as an inducement to cooperation, were also reported in **New York**. The Nassau County District Attorney used BJA funds, in the first year, to purchase surveillance and other state-of-art equipment that was loaned out. This proved to be an inducement to county and village police departments to coordinate with the prosecutor. The resulting cooperation helped build stronger cases and thus a higher conviction rate, reported to be 97%. It was speculated that, although direct delivery of equipment may have worked as well in many respects, it would not have produced this important coordination. The fund distribution process did make a difference.

**Washington** had complemented MJTF support with strong support for prosecution. The major mechanism has been the Statewide Drug Prosecution Assistance Program (SWAP). The ADAA support for MJTF's provoked support for SWAP but the effort was initiated with state funds provided from the Omnibus Alcohol and Substance Abuse Act. After one year ADAA support was added, allowing a 3-fold expansion over 3 years, and ADAA then provided 75% of support. Twenty three prosecutors were provided to 13 different county offices.

The effort has had a dramatic impact on prosecutorial capabilities. Filings have increased 10-fold since 1982 in one jurisdiction (200 to 2000). Defense ability to obtain benefit from multiple trial demands, that cannot be met under the tight speedy trial rule (90 days, arraignment to trial), had been removed by added resources and by appointing

prosecutors from other counties as special deputies. Cases accepted for prosecution were now 90% of those submitted versus 30% in the past.

Prosecutors were allocated on a need basis and not every county could receive an attorney. Support ranged from one prosecutor serving 5 counties, to 3 attorneys in King County (Seattle). However, King County received fewer attorneys than a rural area (Yakima) with a serious drug trafficking problem.

Specialization in drug prosecution had become possible for the first time. Only sex offender cases had this previously. Coordination between prosecutors had also been enhanced considerably by SWAP. Sharing information on suppression hearings, warrants, consensual recordings, and forfeiture issues, was very beneficial. Brief banks were maintained and statistics on SWAP activities were maintained by a state coordinator in Pierce County (Tacoma). Training was supplied through the prosecutor's association.

The presence of a dedicated prosecutor with drug expertise improved case preparation during the investigative stages but not all MJTF's had such a prosecutor available -- 6 MJTF's have no prosecutor attached. Coordination with MJTF's was described as a gradual process that involved provision of technical assistance. Although levels of coordination were believed to be high it was suggested that efforts might be intensified by deputies initiating coordination with MJTF's. Sometimes MJTF's found difficulty in getting a prosecutor and have shopped for an appropriate individual. Sometimes there was a preference for using the U.S. Attorney because of more severe penalties in the federal system. Surveillance options were also greater in the federal system since Washington state did not allow non-consensual recording and is one of a handful of states in which one party recording required prior judicial approval.

Many of the SWAP projects were completing their 4-year eligibility and the possibility of changing roles, by including the prosecutor in the MJTF framework, to allow continuation, was being debated. Some feel that this could erode coordination between prosecutors themselves and with law enforcement outside MJTF's.

**Arizona** assigned great importance to support of prosecutorial efforts in its strategy to combat drug use. This was needed to handle increased workload from the

MJTF's' pursuit of special options, such as forfeiture, and also to repair the existing system, so that more of the existing drug cases could be prosecuted. Fortunately, coordination within the prosecutorial community was already strong because of the Arizona Prosecuting Attorneys Advisory Council that had actively contributed to passage of Arizona's comprehensive drug legislation in 1986.

Before the ADAA effort only 2 local prosecutors (County Attorneys) were dedicated to drug cases. After ADAA, 13 of the 15 Counties had at least one dedicated drug prosecutor and only 2 very small Counties did not need enhancement. Forty seven local prosecutors and 6 state prosecutors were funded in 1988 and the numbers subsequently increased. The 2 urban counties, that contained 80% of the cases, received the bulk of the deputies and investigators funded. Maricopa County (Phoenix) received 14 attorneys plus 3 investigators and Pima County (Tucson) received 5 attorneys.

Prosecutors were usually funded separately from MJTF's and only 3 small counties (Apache, La Paz, and Santa Cruz) include them within the MJTF framework. Change of this arrangement was being considered should it fail to meet the exception to the 4 year rule requirements. Although formally separate the prosecutors were required, under their grant award, to coordinate with the MJTF's. In Pima county cases with the Drug Prosecution Unit were routinely discussed with law enforcement prior to entering into a plea agreement.

Prosecutors had also been supported to pursue asset forfeiture. This was a central component of the state strategy and was supported by the strong civil forfeiture laws in Arizona. The Attorney General's Office had been funded to supply forfeiture assistance to both prosecutors and investigators. A special unit supplied legal, property management, asset tracing, and training assistance. A manual had been prepared and presentations made to judges, prosecutors and law enforcement. This unit had significantly enhanced coordination of all those concerned with the specialized forfeiture issue. An Arizona Forfeiture Association had been formed to assist in this.

In Pima County (Tucson) drug cases could be brought to 4 different prosecutorial agencies -- County Attorney, City Prosecutor, Attorney General or U.S. Attorney.

Normally felony drug cases were submitted to the County attorney but he had established both screening and plea bargaining guidelines that govern decisions. Cases involving possession of less than 2 lbs. of marijuana, which is the lowest level felony (class 6), were declined. As a result such cases were prosecuted at the City level. In Maricopa County an alternate diversion approach was followed, called "Do Drugs Do Time " that keeps such cases within the control of the County Attorney and did not involve the City Prosecutor.

The City Prosecutor in Tucson prosecuted a large number of possession of marijuana and related cases that were filed directly with the office, as well as some cases received as a result of turndown at the County. Many cases were reduced to possession of drug paraphernalia, which was one of the few drug offenses not subject to a mandatory minimum fine of at least \$750 (plus a surcharge of 46%) and this facilitated pleas considerably. This office also actively pursued in rem civil forfeiture proceedings. They had a working agreement with the Tucson Police Department, that governed the distribution of proceeds, and it was believed that the prosecutors willingness to take the criminal case was related to the willingness of the police to file forfeiture proceedings with them. Police could take the forfeiture action elsewhere. There was no formal coordination between the two prosecutorial offices, although working relations were good. Each office made decisions according to its own criteria and, as a result, a felony case could be disposed of with an order to return property included when, in fact, it had already been forfeited in a separate proceeding in City Court. Contacts between individual attorneys generally resolved such issues without difficulty but no formal mechanism to do so was in place.

Iowa had used ADAA funds to support 10 special prosecutors. There were 99 counties and 22 MJTF's so the number of possible claimants exceeded the supply available. There was a state coordinator for Iowa prosecutors and he was employed by, and located in, the Attorney General's Office. It was believed that this effort has improved coordination between prosecutors, but few details were available.



The Iowa law on forfeiture was modeled on the federal legislation and no legal difficulties were reported, with the possible exception of the state homestead protection that limits seizure to the purchase-with-proceeds situations only. Seizure and forfeiture assistance was provided to local prosecutorial and enforcement agencies. Productivity from forfeiture had fallen because of counter measures but sensitivity to the possible disruptive effects of overemphasis of financial matters was evident. There were adequate provisions for electronic surveillance under Iowa law and few needs to file with the U.S. Attorney to access such investigative tools.

Funded prosecutors were viewed as very important links to MJTF's. Prosecutors participated fully in the state MJTF committees and indicated that the association, produced by ADAA funding, was beneficial for coordination. If application of the 4 year rule forced closer association, and thus more coordination, it was viewed as positive.

There was no ADAA prosecutor supplied to the MJTF in Cedar Rapids. Evidently the local prosecutor did not want the state grant but 4 assistant prosecutors are assigned in this area, with others assuming some cases. The arrangement had been able to impact on street sales and only one case was reported lost, but some believed that more aggressive prosecution and better coordination could be achieved.

## **FORENSIC SERVICES**

Drug and related forensic analyses were critical to investigation, prosecution and defense of drug cases. Recognizing this fact, many states committed ADAA funds to improvement of this support area, although this area did not have the same visibility as more direct services to the public. These services were usually provided by state laboratories, that were sometimes regionalized, and some cities also provided limited services.

**Arizona** was particularly concerned about this area in its strategy. A prior change in state law governing drunk driving offenses had brought about a near collapse of the laboratory system and the ADAA effort was designed to prevent this experience from being repeated. Funds were provided to the state laboratory system, with its 3 regional

facilities, within the Department of Public Safety (DPS). Other funds were provide to city laboratories that were located in police departments (Phoenix, Tucson, Mesa, and Scottsdale). Equipment, seven criminalist and 2 latent print examiners were provided to the state system and Phoenix and Tucson each received one criminalist.

Expenditures had improved the timeliness of analyses, which had been a significant reason for case turndown. The feared laboratory overload crisis did not materialize and this could not have taken place without the ADAA funds for equipment and criminalist. The existence of user advisory committees for the regional laboratories had helped ensure that the proper coordination was maintained.

Although positive results had been achieved constant vigilance was needed to maintain appropriate service. Tucson city prosecutors continued to face difficulties in obtaining timely analyses for charging purposes. Requests for analyses numbered 259 per month and had increased 25% since 1991. Turnaround times had increased from 8.2 to 37.9 days and charging decisions were made only with the results of preliminary analyses, using color tests, not evidentiary level tests.

Full evidentiary quality analyses, using mass spectrometry, were produced for trials in a timely manner but only because of other adjustments made by the prosecutor. The tests were only requested when trial was imminent and no case had been dismissed for lack of an analysis. Also any plea bargain was dependent on a stipulation that the substance was correctly identified and a defense request for a full analysis caused the plea offer to be withdrawn. This approach was effective for most cases but more difficulty was experienced with blood and urinalysis cases involving Drug Recognition Experts, because samples have to be sent to the state laboratory in Phoenix.

Most forensic projects were no longer eligible for ADAA support and had therefore been assumed by the state with funds from a special account (DEA).

In **Washington** forensic services were provided through a state system with 5 satellite locations that was supervised by the Washington State Patrol (WSP). This system also maintained an Automated Fingerprint Information System (AFIS) with 12-15 remote sites, including the regional laboratories. ADAA funds (\$800, 000) were used to make a

one time purchase of drug analysis equipment. Additional funds supported 2 criminalist for 4 years. The backlog was removed, routine analyses took 3-4 weeks, and priority cases a week or less. There was concern that financial difficulties might cause loss of these criminalist with consequent deterioration of turnaround times for analyses.

In Yakima prosecutors reported satisfaction with the turnaround time of 30 days, with 15 days for best cases. Cases are charged using color tests alone. Service supplied from a regional laboratory (Tri-cities area) was thought satisfactory and no problems were reported with obtaining testimony. Shifting responsibility to another site (Spokane) would cause difficulties, based on prior experience.

**Iowa** also provided forensic services through a state system within the Iowa DPS. An AFIS system existed with 4 remote sites and a DNA capability was being developed using forfeiture funds. The ADAA program provided equipment and 4 criminalist who had helped process the 70-100 analyses/criminalist. A 30 day turnaround time was reported and a case prioritization system was used. Loss of support would probably result in reduction in quality of service, reflected in longer turnaround times but there was optimism that the state would continue support.

## JUDICIAL BRANCH

The relationship of the judicial branch to federal programs of assistance has historically been difficult. The appropriateness of court participation and the level of support supplied were both problematic in the past.

**Arizona** strongly involved the courts in the development and implementation of the anti-drug strategy. As a result the courts were allocated one fifth of the total funds, based on a calculation of the likely impact of the enhanced enforcement effort. Courts claimed more, because of the fear of being inundated by a flood of cases, but the flood did not materialize.

Over 20 project courts were funded, including new court divisions, probation services, and staff. Superior courts in 6 counties, 10 adult probation offices, 2 public

defenders offices, and felony drug testing were included. Courts did use these resources to increase drug case dispositions greatly. A more than 4 fold increase in prison drug sentences was reported from 1988 and 1992 (262 to 1,102) and more than a five fold increase in jail sentences (302 to 1,748).

ADAA funds enhanced coordination within the judicial branch. The Supreme Court prohibited individual courts from receiving funds directly and required that the Administrative Office of the Courts (AOC) present one state request. Funds were distributed in this way through AOC, a court coordinator was funded, and project monitoring responsibilities were delegated to the coordinator. Coordination between AOC and SAA staff did occur to arrange for the appropriate distribution of these court efforts within the different counties. The court took pains to preserve its constitutional administrative authority by retaining the right to make the judicial assignment in any way it saw fit, whenever new court divisions were funded.

In Pima County ADAA funds were provided to the Tucson Municipal court because of the large number of cases shunted to that level. Coordination between courts and the prosecutor had proven tentative. In the past coordination was facilitated by having one judge dedicated to drug matters and 2 attorneys assigned to that courtroom. Subsequently responsibility for drug cases was distributed to more judges a change that made efficient use of prosecutor time much more difficult. This change was made within the court and was based on factors unrelated to the ADAA effort.

Coordination within the judicial branch was enhanced by receipt of ADAA funds. To a lesser extent, improved coordination with other justice activities had resulted, although this was not guaranteed. Local circumstances could influence coordination outcomes substantially.

The Iowa court system was already unified under state law and organized into 8 districts, each with its own chief judge, and with centralized state funding. This court system believed that it received inadequate legislative support for law clerks, law libraries, and juvenile referees. Fifteen judicial positions, justified by an existing formula, but not created, were a concern. Requests for additional legislative support had produced no

funds and only legislative directions to reallocate time of existing judges instead. Invoking inherent rights was not thought to be a reasonable option by the court.

The Court believed that it was neither adequately represented on the committees helping in the strategy preparation nor receiving sufficient money. The Court had not participated to any significant degree in the ADAA program. The SAA hoped for gradual improvement and appeared well disposed to the Court. The SAA director came from the Court and was disturbed with the situation.

The Court gave its priority as maintaining basic operations, such as keeping the lights on, with less interest in other issues. Their biggest other concern was the legislative capping of foster care funding and the problems that might result. It perceived that obtaining the matching funds from the legislature would be difficult. The courts had received awards from the State Justice Institute, and from Highway Safety, in the past.

The courts did not feel that the anti-drug efforts were inundating the courts and could not isolate the specific effects of drug cases. There was no trial delay in criminal cases, in spite of a tight speedy trial rule that allows only 45 days to arraignment and 60 days to trial. This result was attributed to the priority given to criminal cases at the expense of civil litigation, and the effect of diversion programs run by prosecutors. MJTF relations with the courts were satisfactory in their opinion.

They were anxious not to disturb the discretion existing in the present sentencing structure. The court depended on the Community Corrections Boards for sentencing options and were pleased with the arrangement. Attempts to shift all funding for indigent defense from appointed counsel (half at present) to Public Defenders, as a cost saving move, were thought ill advised.

Overall there is no evidence that ADAA has increased coordination within the judicial branch or between the judicial branch and other justice agencies. There was also no evidence that courts have suffered as a result of the ADAA effort. They were already highly coordinated in the unified structure and were believed to be removed from partisan politics.

**Washington** courts did not participate to any significant degree in the ADAA program, having received funds only once even though the State Court Administrator was a participating policy board member.

MJTF members reported no difficulties with the state courts although some believed that they were having more difficulty with federal courts. Sentencing practices were the central concern with King County (Seattle) having a reputation for lighter penalties than other jurisdictions. Obtaining multiple buys in drug cases was also a consequence of the sentencing structure. A sentencing commission existed that was based on the Minnesota model. Prosecutors felt that this body brought constant pressure to reduce time served for drug offenses by revising sentencing provisions.

Local prosecutors indicated few difficulties with the courts but speedy trial rules do put pressure on the state and as a result most cases plead out (96%). Prosecutors emphasized obtaining the felony conviction as a first priority since prior convictions were weighed heavily in sentencing. As all drug cases were felonies, except for possession of less than 40 grams of marijuana, this was not difficult.

ADAA funding had been supplied to a defender assistance program in 1988 and 1992. Services were provided to public defenders through consulting, training, brief banks, a newsletter, and production of a defense manual. Amicus curiae briefs were prepared in key cases. The whole effort was coordinated by the Washington Defender Association and evaluations indicated that coordination within the defender community had improved as a result of this funding.

**In California.** although the Office of Criminal Justice Planning (OCJP) offers an optional courts component in its multi-component statewide strategy, the courts were not participating in the Byrne program to any great extent. In San Diego, for example, the MJTF (JUDGE) did not have any court participation except for an initial short-term involvement. Evidently JUDGE management was dissatisfied with the level of cooperation received and court participation was dropped.

## CORRECTIONS

Prison overcrowding was significant in Iowa with facilities 40% over rated capacity (4, 200 v. 3, 000 rated). Another 17-19, 000 were in community corrections. Part of this difficulty was traced to the enhanced drug enforcement effort. To cope with this situation, sentence lengths were being reduced and individuals released earlier -- a matter of concern to law enforcement. Additional efforts were being made with grant funds from the National Institute of Corrections. Cedar Rapids had joined Connecticut, Pima County, AZ., and Wayne County, MI. in testing methods of reducing probation revocations. Violators were being sent to jail for shock purposes and then were returned to probation.

Local corrections had experienced large case load increases because of MJTF activities. Many drug possession cases were received. Cedar Rapids reported one thousand in the 6 months preceding the site visit. Corrections had considerable discretion as the judge only sets the maximum sentence under the indeterminate system. Pressures had caused enhanced coordination with other justice agencies, such as MJTF participation by correctional officers. Much interest had been generated in coordinating with treatment services and in research to identify appropriate candidates for treatment.

In Washington State prison populations had grown more than 25% in the 3 years prior to our visit but local law enforcement did not perceive institutions to be overcrowded. They did feel that the institutions were expensive and that there was legislative pressure to restrict the number of inmates. In Yakima jail space was adequate with a new 600 bed facility available.

The Department of Corrections (DOC) was represented on the State Policy Board but representatives felt that they were there to coordinate with other components of the justice system not to compete with them for funds. The surprise legislative reallocation of nearly a million dollars from enforcement and prosecution projects to prison industries had generated anger and distrust in this area. Yet corrections disclaimed any responsibility for this change. DOC felt that some conflict in philosophy occurred that caused DOC to push

for alternate punishments, intensive supervision options, and more treatment that can be opposed by law enforcement.

Corrections also felt that there was no direct connection between the added workload from drug enforcement and decisions on funding correctional capacity. It was not politically or financially feasible, or desirable, to obtain ADAA funding to respond to the impact of enhanced enforcement efforts supported by ADAA (or other specific programs). Political support for general legislative financial support was feasible and preferred.

Washington law required that prisoners be supervised in the community after release. This community placement was supervised by a Drug Unit Supervision Unit (DUST) and coordination with community services was believed desirable.

Since revision of the state criminal code, some years ago, **Arizona** had faced a rapidly growing prison population. Prison populations were increasing by 1,500 per year and by 1996 approximated 20,000. Revision of penalties for drug convictions in the comprehensive state drug legislation, and the enhanced enforcement of drug laws under the ADAA strategy, had contributed to this pressure.

The projected impact of the ADAA strategy was believed to be modest and no financial support had ever been provided to the DOC from the ADAA or related funds. The Director of DOC served on the Policy Board and coordinated with other areas but it was believed better to seek funding of new beds as a separate issue of state funding rather than tying specific beds to the impact of the ADAA program. Sufficient funds were not available to fund new beds and the temporary nature of federal funding argued against such an approach.

The growing prison population had made the criminal code and drug enforcement a controversial issue in Arizona. The legislature funded a major study of the issue choosing a private organization rather than the SAA. Revision of the criminal code proved to be one of the most divisive issues ever faced by the SAA. Policy Board members split somewhat equally on the issues of sentence reduction and early release, reflecting predictable institutional interests. Some minor changes had been made but the



state had expanded prison capacity to accommodate the larger number of inmates. Drug offenders did make up a larger proportion of offenders than in 1988 but higher proportions existed in earlier years.

Pressure had also been placed on local jails and the SAA did provide limited payments to some counties to help cover additional demands on jail space. Pima county jail did not receive such ADAA support and the jail was crowded, although drug convictions did not appear to be major contributors. No jail time was imposed for first convictions in municipal Court unless assault was involved or it was a second offense DWI. A few revocations for drug use were reported.

In **New York** the state ADAC had caused the Department of Correctional Services (DOCS) and the Division of Probation programs to interact and coordinate with local police, prosecutors, the court, treatment programs and other service related agencies. DOCS managed a number of programs funded by DCJS and coordinated through ADAC. Coordination covered each stage, from funding to monitoring and evaluation.

ADAA funding had brought together corrections, parole, probation, law enforcement, and treatment programs and improved coordination as a result. Agencies tracked and treated drug offenders -- e.g. probation and parole officers work with local law enforcement to list and track offenders who may be violating their parole. Coordination and cooperation were reported at a level unknown a few years ago.

**Delaware** had pursued a comprehensive view of sentencing and correctional populations through the Sentencing Accountability Commission (SENTAC) project. This sophisticated effort had allowed the state to monitor prison populations and to make any appropriate programmatic adjustments needed to reflect state priorities, including those linked to the implementation of the drug strategy. SENTAC had focused on the need for alternate sanctions in response to tight budgets and the increased demands on prison space for hard-core violent offenders. It was viewed as a success.

## CRIMINAL JUSTICE SYSTEM

Traditionally attempts had been made to produce comprehensive coordination of all of the disparate agencies that make up the criminal justice system. Although this had proven difficult the desire to achieve it persists.

**South Carolina** has changed from a "lock 'em up state" with agencies acting in isolation from each other, without considering the consequences, to a arrangement in which inter-agency communication was the norm. Tangible evidence of increased system wide collaboration, compared with 5 years prior, was present and attributed to the impact of ADAA funding.

In **New York** system improvement was pursued through establishment of a process and an agenda for improvement. This approach was believed to have reached across normal department and bureaucratic lines and to have sifted down to the local level. This process began earlier but ADAA had advanced the process. It was the desire to establish a system wide approach that has motivated the strong opposition to the earmarking provisions of the ADAA legislation and a preference for process mandates instead.

Although system perspectives were evident a micro perspective seemed to dominate the views of interviewees perhaps because of the size of the state. Once prompted informants identified the enhanced coordination within the system, and the provision of technical assistance from the experienced state level staff, as the major manifestations of system improvement.

In **Washington** coordination between the various components of the justice system and beyond had been facilitated by the SAA operation that was based on a general planning model. It was unclear whether a true system perspective had emerged but strong evidence existed of systematic integration of activities at the front end of the system -- i.e. law enforcement, forensics and prosecution. Integration of court and correctional activities was less in evidence at the operational level, although system wide consideration was given at the policy level.

In **Iowa** the most significant areas of ADAA induced system improvement were also located at the front end of the system -- i.e. law enforcement, forensics, and prosecution. As in most states, coordination with the courts was underdeveloped. Some believed that this is due to the more reactive approach of the courts compared with the more proactive approach of executive agencies. However, informal accommodation of the judicial branch seems to have taken place.

Coordination between corrections, and the justice agencies that precede it in the process, had also advanced. Some attribute this to the assignment of the same budget analyst at the state level and not just the ADAA process. Court/corrections coordination has resulted from the community corrections arrangement (the oldest in nation) with its associated advisory Board in each judicial district. Further, the somewhat unusual presence of community corrections on some ADAA supported MJTF's had linked law enforcement and corrections.

In some ways comprehensive justice system improvement had received less emphasis than justice/treatment coordination. Getting treatment options into the corrections systems was identified as the major goal of the Drug Czars Office.

**Arizona** made a conscious effort to produce a system wide criminal justice response to the drug problem, by increasing the capabilities of all participating components by one sixth, while repairing elements that had been neglected in the past when possible. It was one of the few states that integrated the court system into the strategy as a full participant. Few, if any, states provided such a high level of support in this area based on a system wide assessment of need. Even so, correctional support was not an integral part of the ADAA supported strategy. Efforts were made to reflect the impact in this area and to obtain appropriate support from other sources but this area represented the weakest part of the system wide approach.

The system wide approach extended to the local level. In each county attempts were made to find the appropriate balance of resources needed to reflect local circumstances. Each area produced its own strategy because of different philosophies, histories, resources, personalities, and target potential.

Different approaches were followed in the two major counties to a general system problem -- the inability of the justice system to handle large numbers of offenders potentially produced from a strategy of enhanced enforcement. In Pima County these cases were processed at the municipal level, without use of jail time, but with significant forfeiture consequences in many cases. In Maricopa County a prosecutorial diversion program, supported by fees and not ADAA funds, sent similar individuals to a TASC program. Each approach accommodated the general problem while reflecting local preferences.

**Delaware** had one of the most systematic justice approaches. The small size of the state, the heavily centralized responsibility at the state level, the small number of counties (3), and the long-standing commitment to planning by the experienced administrative staff had helped produce this outcome.

Information from **Other States** was limited but several jurisdictions, including Nebraska, reported that the emphasis on MJTF's had produced a significant impact on corrections highlighting the system implications of project funding.

At the national meeting concern was expressed that the emphasis on drug enforcement may have produced clogged courts and corrections systems (if these components had been neglected). Such outcomes could produce bad specific outcomes, such as release of serious felony offenders, and even complete loss of credibility for the justice system.

## **9 COORDINATION BEYOND JUSTICE EFFORTS**

### **INTRODUCTION**

The benefits of coordination within the justice system were potentially extended to coordination between the justice system and other activities pursued as part of the ADAA effort. These were prevention/treatment, education, and public housing programs as well as community improvement. The act provided a number of inducements designed to make this cross system coordination a reality. Although most of the states examined had allocated less than 10% of Byrne program funds outside of strict justice areas these allocations were increasing. Iowa was already in the 10-20% range and South Carolina had grown to 20-30%.

Several states had made arrangements to facilitate coordination between justice and other efforts to deal with drug abuse. Although these state arrangements were not required by ADAA they are clearly compatible with the intent expressed in the legislation, especially as applied to the Byrne money. The extent to which these state attempts had produced enhanced coordination was of interest in considering possible future design of the national program.

### **SUMMARY**

#### **Justice -Treatment**

Significant coordination between justice and treatment agencies was reported in a majority of the states examined although a significant minority reported few if any positive joint programs. Although some SAAs reported that this area was a high priority, others indicated that reconciling the different philosophies in the two areas was difficult. Even in these contexts joint staff efforts often took place and a trend towards greater emphasis in this area was evident.

Barriers to joint efforts were identified as philosophical differences in attitude towards offenders and expectations concerning their subsequent behavior. There was also some resentment in the criminal justice community that limited justice funds were sought as a means of funding activities outside the traditional criminal justice framework, when none of the larger amounts of treatment or education money were required to be dedicated to the high risk criminal justice populations. Recent legislative changes, that precluded increasing funding of this population from health sources, had exacerbated the problem.

Coordination was believed to be resulting informally because of the high proportion of justice clients among those receiving treatment services. The direct treatment funding from the center for substance abuse treatment (CSAT) was viewed as a positive contribution to coordination in this area.

Despite the problems mentioned above and the traditional separation between the corrections and the treatment functions, treatment of prison, jail and community corrections populations was on the increase. Continued emphasis on this approach, removal of inequities, and even special funding sources could expedite improvements.

### **Justice - Education**

The primary means of coordinating in the justice/education area was support of drug abuse resistance education (DARE or DARE -- like) programs. Although not all schools felt that this prevention approach was preferred, DARE was valued in all the states visited and, in a number of them, organizations of DARE officers were being established, training of trainers was occurring and local support was being provided.

DARE support was being derived from both the governor's portion of the drug free schools money and Byrne funds. There was considerable variation in how this was handled in the states. Sometimes the SAA handled both sources -- sometimes education or health agencies handled the governor's portion. Coordination between these areas had resulted but the need for separate pots of money was not self evident. The different conditions imposed on the justice and education funds for DARE, for instance, were difficult to rationally justify.

Another common area of coordination in many states involved the use of drug free school zones. This area was commonly pursued by state Attorney Generals, working through communities and installing signs produced by prison industries. This was an area of real coordination between justice and education but it did not require large financial resources and therefore was not usually a focus of ADAA grant funding.

Other areas of overlap in the states included instructional materials concerning drug use & laws and penalties, school policies and procedures concerning justice and other referrals, and possible joint production of school surveys of drug use and related matters. No uniformity of practice was observed but benefits have been derived in each area in some states.

### **Justice - Community**

Justice agencies in many states were supportive of community action and it was often stated that the appropriate role for criminal justice was to contain the immediate threat, and to buy time for more basic change that could only occur through community mobilization. They also were committed to a participatory role in community improvement.

Several states had made major commitments to community mobilization against drugs. Sometimes, but not always, the effort was justice based and then community assistance to law enforcement and community policing were emphasized. When the effort was primarily based outside of justice, justice agencies were involved but often without ADAA funding. Volunteers from local law enforcement and juvenile court representation was the commonest situation. Some limited ADAA funds were beginning to be provided to community/urban efforts and anti-gang initiatives. Housing and urban development (HUD) funding was involved in some communities but no state awareness of this source existed. Weed and Seed funding had also made some contributions in this area.

The community based efforts had enlisted enthusiastic support in many communities but there was some evidence that maintaining a stable effort over time could be difficult.

## **Beyond Justice**

In the **Other States**, not examined in depth, it was reported that justice practitioners had recognized that they could not solve the drug/crime issues alone and that they needed to cooperate with others outside the justice system to attack the overall problem, although justice efforts were felt to be a central component of any effective response. Some attributed this awareness of the importance of cooperation to the prior LEAA experience.

It was also recognized that achieving true cooperation was something that required time, and that a period could be expected during which very little was apparently accomplished, before participants could become comfortable enough to fully cooperate.

Although coordination was desirable it was recognized that there were only a few limited points of contact between the different areas of anti-drug activity. Coordination could therefore be focused on those points at which there is a logical connection between the different areas, so that other activities can proceed essentially undisturbed.

**California** had produced one of the more ambitious efforts in this area by requiring that counties produce comprehensive master plans that might be expected to maximize the coordination between areas. Observations in San Diego County did not uncover evidence of great success even though this county was one of the first in the state to embrace the "Seymour" master plan model promoted by the state. There was a Master Plan Advisory Board, consisting of lay people and professional representatives, including a Chief of Police and the prior head of Adult Probation. A criminal justice committee was also created after the first planning cycle.

The proposed master plan was submitted to the Alcohol and Drug Advisory Board which then made recommendations to the Board of Selectmen. Unfortunately, the plan emphasized treatment and prevention activities almost to the exclusion of criminal justice issues. When OCJP offered a small grant to the county to implement any justice component of the master plan it was almost impossible to find any such recommendation. Only a very liberal reading of one master plan recommendation allowed the money to be



used to purchase a case tracking software system ("Texas Logic") for the probation department.

The reasons for this outcome were described as both bureaucratic and cultural. The responsibility for master planning had been placed in one functional department, the Department of Health Services. This had several observed consequences. First, the process was dominated by health considerations and by planning that could take place within the framework of the existing health process. This appears not to have produced the political commitment of other potential participants. There was evidence that, if education dropped all master planning activities education leadership would not care. Justice agencies had even less empathy with the process as even the terms used, and philosophies behind them, were foreign to them.

Justice representatives spoke of the goal of producing a seamless web of services for alcohol and drug clients that would be non duplicative and would coordinate with the needs of those under state supervision in prison, jail, parole and probation. Apparently such goals had been subordinated, in the master plan, to pursuit of service to underserved non justice involved populations and to pursuit of culturally sensitive services. This heavy emphasis on egalitarian goals in areas of ethnicity, gender, sexual orientation, and disability has done little to build good relations with justice interests. Whereas treatment personnel felt justice participants were moralizing and punitive, they were viewed in return as unrealistic enthusiasts who had confused treatment with religion.

The tensions just described were manifest in financial deliberations. The health people felt that they alone were making a financial commitment and that others were refusing to bring their funds to the table. Justice officials described this process as based on a myopic ideology that assumed that treatment/prevention was the only answer. According to this faith any justice officials should recognize that law enforcement "just doesn't work", that there was no sense in placing individuals in a revolving door from which they could not escape (because of lack of treatment), and that any honest justice officials should be delighted to transfer their funds to treatment in order to advance the one best solution.

There may have also been barriers on the justice side and some allegations of unwillingness to coordinate existing funds for rehabilitation were made. Irrespective of blame it is fair to say that relationships were wary rather than cordial and that no real dialogue between health and justice had taken place. There had been slow but visible positive outcomes from the master planning process but mostly outside the justice area.

Evidently the master planning process had little to do with either the Byrne funds or the Drug-Free-Schools and communities funds. This may have been because the effort was in the getting acquainted stage and progress will result in the future. Some, outside justice, felt that the process would probably die a natural death in a few years. Obviously formally requiring comprehensive planning did not automatically translate into actual coordinated planning in the real world.

## **JUSTICE - TREATMENT**

In 1988 South Carolina was facing a court order to reduce prison overcrowding, in the context of a mandatory minimum sentencing law and a serious cocaine problem. At a Charleston conference, attended by all departments involved with the drug problem, it was decided to create an Addictions Treatment Unit (ATU) within the Department of Corrections (DOC). The Byrne program provided funds to make this a reality.

The program was created through cooperative planning between DOC, the Department of Probation, Parole, and Pardons (DOPPP), and the Department of Alcohol and Other Drug Abuse Services (DAODAS). This was the first tangible evidence of state level collaboration between these different agencies although some department level cooperation was reported.

The ATU accommodated 48 males and 12 females in a 60 day program that was highly structured and based on a modified therapeutic community concept. Appropriate participants were recommended by the Parole Board, and a 8-10 month waiting period existed. Funds to support the program were subcontracted by DOC to DAODAS, that in turn contracted with a private supplier. The program was presented from 8.00 a.m. to

5.00 p.m. and participants were only released if they had obtained a job and housing. All necessary components for an effective program were thought to be present.

Additional program requirements involved referral to one year of supervised probation (by DOPPP), and participation in one of 38 local drug treatment programs funded by DAODAS. This had further enhanced 3 way coordination at the local level, where 5-10 treatment providers were receiving a high proportion of their clients from court and probation/parole referrals, in spite of some structural disincentives. The lack of third party payments, or fees from justice clients, meant that few financial contributions reached the provider. This caused most county providers to provide assessment, in-jail treatment, and then links to aftercare services.

An unintended positive effect of the program was that substance abuse treatment programs became accustomed to working with DOC referrals. Each new DOC/DOPPP referral came from ATU with a complete historical record and a higher degree of treatment readiness. The increased treatment involvement of probation and parole in treatment efforts had shifted participants' views of interagency relationships from critical and negative to productive and positive.

Since involvement in Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) was required during and after ATU participation, offenders had become integrated into these communities in the state. In turn these programs were being integrated into DOC generally. Further, DOC and other departments were planning other treatment programs for specific populations, such as sex offenders. ATU had opened the door for comprehensive treatment planning in corrections.

Three different information systems, run by DOC, DOPPP, and DAOPPP respectively, had to be interfaced, in order to keep track of ATU participants. The emphasis on this coordination and the data collection, monitoring and evaluation, associated with the project had also had a positive effect in data areas. The acceptance, by DOC, of interns from other state departments (4-8 weeks) had also produced cross fertilization.

The ATU effort was a positive experience for DOC and DAODAS. Their support, anecdotal evidence and an evaluation convinced the Governor that the effort was valuable. The program had been assumed by DOC, in its regular budget, after 3 years of grant support and DAODAS continued to oversee the program. There were also plans to introduce a similar effort in another institution, using BJA discretionary funds. Some local prosecutors, from Aiken County, reputedly had agreed to reduction of time served if the defendant agreed to enter drug treatment in prison.

This "lock 'em up state", with conservative views of offenders, incarceration, and treatment, had changed substantially. The ability to establish two treatment programs for offenders, and to enhance acceptance of justice system referrals by local programs, was viewed as impressive. This would not have taken place, in the context of the values in this social environment, without the contribution of the Byrne program funds

Iowa had also emphasized justice coordination with treatment. It was the highest priority of the Iowa Drug Czar. Legislative concern with prison overcrowding had already precipitated a crisis when they proposed that funds be shifted between health and corrections to deal with the issue. The Department of Corrections (DOC) and the Department of Health Services (DHS) jointly produced an agreement within the context of the coordinated ADAA effort.

Attempts had been made to change the view of treatment in corrections from a secondary issue to a matter of central correctional responsibility. Under this approach treatment would be used as a tool to protect society by changing attitudes, while the individual was under state control, and thus reduce future criminal behaviors. This was coupled with an attempt to identify those individuals who were amenable to treatment. There was a legislative desire to serve last chance violators but at present many individuals participate in one program after another without changing behavior. The utility of continuing this was very much in question.

It was believed that analysis of antisocial personality traits may identify those reasoning defects that preclude certain types of individuals from succeeding, under existing conditions, almost irrespective of the treatment offered. Large numbers of such

individuals had been identified amongst technical violators of probation and a high proportion (70-80%) were substance abusers. The SAA was supporting this analysis with administrative funds and was seeking additional external support.

This coordination of effort had produced a more systematic view of treatment of prisoners and those supervised in the community. Within institutions the strategy provided for a range of modalities. Seven licensed programs existed, all of the therapeutic community type, and individuals could apply to participate. The state spent one half million dollars in this area together with some federal funds. Institutional services were supplemented through a formal business plan, developed cooperatively, that linked together treatment in the facility with community based treatment services provided after release. It was reported that 63% of those receiving treatment resources came from the criminal justice environment.

Justice /treatment cooperation was broad. Jointly sponsored meetings have been held across the state to discuss appropriate distribution of beds within and outside institutions. Justice funds also supported TASC programs that were certainly coordinative in nature.

In Delaware the Secretaries of the state Departments of Human and Social Services (DHSS) and Labor (DOL) were appointed to the state drug policy Board with the expectation that more attention would be paid to demand-side issues and that improved coordination would result between justice and the treatment and other non-justice areas. It was perceived, however, that these representatives did not participate as fully as they might because "they don't get much out of criminal justice". They had little incentive from their own legislation to cooperate.

Arizona had not allocated any ADAA funds to treatment in justice agencies. Only a small technical assistance grant was received by DOC for evaluation of the urinalysis effort. Treatment funds were believed to be the appropriate source of support for such activities. This may have not been realistic given the statutory changes that precluded allocation of treatment funds to justice clients at levels that exceeded those provided in the prior year [ADAMHA Reorganization Act 42 USC 201 : Public Law 102-321, July 10,

1992]. Treatment officials described this change as designed to prevent "diversion" of funds away from those more amenable to treatment.

The Arizona Drug and Gang Policy Council had identified the development of diagnostic and treatment services for adults and juveniles in the criminal justice system as one of 22 priority activities. DOC was the lead agency charged with developing the area. Discussions in committees of the Council were not optimistic. Frustration with the inability to establish appropriate treatment in adult institutions was expressed and it was claimed that the effort was dead. It was suggested that a phenomenal re-conceptualization would have to occur for DOC to think in terms of treatment. Even so individuals in both health and corrections were working to synthesize the two areas.

Legislative sentiment appeared to be shifting towards support for treatment in corrections. An appropriation shift from the Department of Health Services (DHS) to the Department of Corrections (DOC) was made to support treatment services. A DOC contract had been let for 450 community treatment beds and 400 beds for substance abuse. This was believed to put DOC in the treatment business. Other needs were identified in the classification area but the pressure of responding to a Federal Court Order was given as a reason why improvement was unlikely. More optimism was expressed about cooperation likely to develop from the Center for Substance Abuse Treatment (CSAT) funded effort that supported joint health/justice efforts. This was viewed as a real option for federal assistance in this area.

Treatment programs were also in short supply in jails. A discretionary grant did support a treatment program in Pima County Jail (Amity) and this was now supported by CSAT, but it was limited to offenders with additional non-drug convictions and was not assumed locally. There were also joint justice/treatment programs in TASC, the Department of Youth Treatment and Rehabilitation (DYTR), and the courts. It was estimated that 35% of all those treated for drugs came from justice sources. None-the-less ADAA cannot be said to have yet produced good coordination in this area. Much remains to be done.

It was claimed that external reviewers had described Washington as having one of the best treatment system in the nation in corrections. The state provided money for treatment in facilities. No serious in-facility drug abuse problem was reported, based on the results of urinalysis, intelligence and random searches. There was a 24 bed inpatient unit and they use various modalities, including acupuncture. There was neither authority nor funds for community based treatment. Juvenile Rehabilitation offered treatment on the grounds of institutions but these programs were of recent origin and were funded from state or CSAT sources, not Byrne program money. A small gang intervention award was received from ADAA sources.

No federal funds were provided for treatment in adult institutions from either justice or treatment sources. Although coordination of treatment resources was a high priority in the state DOC clients were thought to be a low priority for treatment interests, because they were considered to have a low success potential. Collaboration also involved reconciling different standards. Treatment accepted that clients will violate drug prohibitions and relapse whereas justice had a less forgiving approach. The different federal regulations had also not been supportive of joint action.

Recently the SAA Advisory Board selected treatment in jails as their highest priority category, because it was believed to be the weakest link in the system. This was proposed by prosecutors and was chosen over support of MJTF's. This position was in contrast to the very negative view of alternatives to incarceration held by a majority of the Board.

In New York there was good cooperation between the New York Office of Alcohol and Substance Abuse Services(OASAS) and the SAA. They worked together in a state policy committee (ADAC). OASAS indicated that one of its functions was to coordinate with DCJS. There was some dissatisfaction expressed because the SAA, i.e. the Division of Criminal Justice Services (DCJS), allocated significant resources to treatment but felt that the treatment community should spend more on incarcerated populations.

At the local level, in Nassau County, a number of joint treatment/justice efforts were identified, including DWI programs, treatment in jails, a parole violator program, defender management, and drug counselors with probation. In spite of these realities law enforcement appeared to be fundamentally separated from treatment efforts, both structurally and philosophically. Benefits were perceived for both entities in cooperating more closely and it was noted that the local designated agencies for OASAS and DCJS were also governed by the same coordination demands of their state parents.

Some Other States, such as Illinois and Nebraska, reported active corrections -- treatment efforts and Minnesota identified treatment in jails as a particular issue. At the national meeting treatment representatives pointed out that there were many complexities in such coordination. As there were both vertical (different levels of government) and horizontal (across functional areas) dimensions a matrix of complexities can exist. In fact thousands of agencies can be involved in larger jurisdictions.

## **JUSTICE - EDUCATION**

The federal funds provided under the Drug Free Schools Program were 70% distributed through the state educational authority to local educational authorities. The other 30% was available to the Governor for specific designated purposes: 13.5% for high risk youth; 13.5% discretionary; and 3% for support of DARE like programs. Governors had often delegated responsibility for their portion to other state agencies but there was no consistency in the type of agency chosen. The SAA, the state educational authority and the state treatment agency had all been used. The federal program had also established 5 regional centers that assisted states and schools within their area of responsibility.

There were a number of areas in which justice and drug free school activities overlapped. For instance, DARE type programs were also identified as one of the designated program areas in the Byrne effort. The extent of beneficial coordination taking place between this education area and justice was another measure of the effectiveness of the ADAA effort.



### **DARE and DARE-Like Programs**

In **South Carolina** the staff of the state Department of Education (DOE) were familiar with the Byrne effort and expressed sympathy for the burdens imposed on justice compared with education. The staff were committed to collaborating with law enforcement. They had supported DARE with significant resources and had entered into a memorandum of agreement with several state agencies: the Law Enforcement Division (SLED); the Law Enforcement Academy; the Department of Alcohol and Drug Abuse services (DAODAS); and the Governor's Office, that designated responsibilities of each. The major goal was provision of trained officers and materials to allow presentation to all students in the final year of elementary school. DOE was designated as a certified Regional Training Center and that allowed cost effective in-state training. DOE had committed to an outcome evaluation.

Until July 1993 the SAA had responsibility for the Governor's portion of the Drug Free Schools funds. This responsibility was transferred to the state treatment agency (DAODAS). The high risk youth portion of the funds had not been justice focused and had gone to youth empowerment efforts. The discretionary portion had gone to establishing a prevention specialist in each of the 46 counties to provide programming and assistance.

The collaborative education/justice relationship was institutionalized at the state level but absent federal funds DARE programs would probably only persist in wealthier districts.

In **Washington** the SAA was also responsible for the Governor's portion of the education funds and some felt that the Office of the Superintendent of Public Instruction (OSPI) preferred it that way. Some thought that it was difficult to bring education and law enforcement together. Some objections were made to DARE officers because they projected an image not representative of all officers. OSPI emphasized purely educational issues in its programming although they were represented on the SAA policy committee and the State policy committee. They also had sole responsibility for a survey of drug use in schools.

The state administrative agency for the Byrne program, the Division of Community Development, was responsible for distributing funds for DARE from both justice and education sources. In the past, significant amounts of ADAA funds (\$440, 000 in FFY '91 and \$330, 000 in FFY '92) were allocated to DARE and the strategy sent to the Legislature continued this support. However, in 1993, the Legislature removed this item and reallocated the funds.

Coordination of the two types of efforts did occur. A division in the Department of Community Development (DCD) dedicated to community issues was responsible. As the requirements of the two funding sources differed, with only justice funds subject to matching, 4 year limitations and evaluation requirements, it was decided to dedicate justice funds to threshold start up costs.

Washington legislatively authorized a DARE like program earlier. In Yakima a DARE officer had been working for 3 years and there was demand from school districts for additional assistance. The Sheriff had allocated an additional officer but sustaining the effort was difficult financially. A contract situation existed under which service can only be provided if funds can be provided. Some support had been provided by banks, auto dealers, and the PTA.

A state association of DARE Officers, that worked with the State Training Commission, held an annual conference. Officers believed that the program was well accepted and compared very favorably with "Here's Looking At You 2000", which was considered costly and difficult to install. There was interest in a similar effort in the gang area, through the GREAT program, that is the responsibility of ATF. The lack of coordination between DARE and GREAT was commented on.

In Iowa the SAA also had responsibility for the Governor's portion of the education funds. Distribution of the funds was completely coordinated. A joint application form had been devised and one committee reviewed all applications. As there were four hundred school districts in the state many have formed consortia in order to use the limited funds effectively.

Not all districts favor DARE type programs. Some felt that they may have been oversold or they may have disapproved of armed officers in the classroom. QUEST, "Here's Looking At You 2000", and Officer Friendly were also used. The communities involved in the statewide community mobilization effort appeared to be especially active in DARE although the largest school district in Cedar Rapids favored Officer Friendly. It was felt relevant that DARE had been evaluated and success reported. Some secondary benefits were identified. One community reported that when a student was picked up for an alcohol offense the school was now notified.

At the state level DPS provided 4 trooper instructors who provided regional training. The effort was viewed as temporary with a "train the trainers" approach and DPS appeared anxious to expedite withdrawal, probably for financial reasons. An association of DARE Officers existed that should facilitate continuation but there is no state coordinator and coordination shortcomings possibly existed.

In **Arizona** the Governor's Office had retained control of the Governor's portion of the education funds. The SAA had also allocated some funds for DARE and did this as soon as legislation allowed. There was strong justice support for pursuit of prevention in parallel with, but not instead of, enforcement. In 1993 5 individual DARE programs were supported under the state strategy and they were handled completely within the SAA process.

DPS hosted the Regional DARE Training Center that served 10 different jurisdictions, including Arizona. DPS supplied the umbrella for statewide DARE and that involved them in training, administration, and program and materials development. They had trained 222 Arizona officers by 1992. State level DARE funding came from several different sources including the Department of Public Safety (DPS), the Department of health services (DHS), the Supreme Court, and a special state enhancement fund, as well as BJA discretionary funds. The SAA funds provided to law enforcement for DARE represented only one half of the funds provided for local support. Another quarter was provided to schools by the Governor's Office and the remainder went to law enforcement through the Supreme Court.

Many agencies were supporting the DARE effort and it was an important area supported by the Gang and Drug Policy Council (GDPC) but the funding decisions on program support were still made in the context of each of the separate funding sources without overall coordination. Some interest was expressed in a similar program that emphasized gangs (GREAT) and officers from Pima County had attended this Alcohol, Tobacco and Firearms (ATF) training. Although the effort was based in Phoenix no details were known about it at the SAA.

DARE was described as the most popular school based prevention program in the state. One hundred and three of the 143 school based programs included it (72%). As presented in Arizona a core program was delivered to 5th and 6th grade children and this was supplemented by introductory programming at the K -- 4 levels.

Pima County Sheriff received one of the SAA awards for DARE. Nine deputies conducted one class per week for 17 weeks in 42 schools. The program was in 17 middle schools and their feeders and the goal was provision of one DARE officer for every 4 schools involved. Additional support had been provided through Department of Education (DOE) within the constraints limiting such activities.

Continuation of DARE efforts presented some challenges. Concern existed that BJA supported projects could not be continued past 4 years using the special state funds controlled by the SAA, because they did not fit into an existing legislative category. Other concerns were expressed that some projects, initiated with the Governor's funds, were not continued when those funds expired.

In **New York** state justice interests desired greater coordination with education. They did not believe that coordination achieved with education was comparable to that achieved in the health area. It was also much less than that achieved within the justice system. At the local level one informant saw greater justice coordination with the drug-free schools program as important to a coordinated long term approach to the drug abuse problem. Others, who were more street problem focused, did not espouse this view.

A number of **Other States** had placed heavy emphasis on DARE or DARE-like programs. Kansas reported that they had established 13 regional prevention centers and

had encouraged justice efforts to organize around these units. Resources were allocated according to community risk assessment figures. Two way law enforcement -- prevention activity was encouraged but there were some residual questions about the effectiveness of DARE.

Oklahoma reported that the DARE category was the largest grantee. New Hampshire supported 25 DARE programs and Nebraska emphasized the local development of DARE efforts, recognizing that local departments would need to maintain programs over time. DARE was required to be available to every municipality in New Jersey. In states without close working cooperation between justice and education, such as Illinois, there were few, if any, DARE programs.

In Wisconsin it was reported that DARE efforts had been incorporated within the activities of MJTF's and other states, such as Iowa, expressed an interest in replicating such an arrangement.

### **Other Justice - Education Efforts**

In **South Carolina** the Department of Education (DOE) had funded other school based drug programs and also conferences that brought law enforcement and education together. Cooperation with the Law Enforcement Coordinating Council (LECC), the South Carolina Law Enforcement Division (SLED), and a summer camp for disadvantaged children (Teen Institute) were described. A recent conference, organized with the AG, SLED, the Urban League, and NAACP, was dedicated to school violence. It was an attempt to build capacity to help local school districts to combat this serious violence trend through police collaboration

In **Iowa** State education staff, and two local school drug coordinators from the Cedar Rapids area, spoke favorably of the benefits derived from having law enforcement, and others from outside education, working together in school advisory groups. Somehow this was easier to achieve at the local level than at the state level.

School zone legislation existed in Iowa that provided for enhanced penalties for drug activities in school areas. Little was known of this activity at the state level other than the fact that prison industries makes the signs. This effort evidently has not produced

state level coordination. In Cedar Rapids such zones did exist but they were not consistently established. In one district the school and PTA decide on the buildings to post and in the other they were not posted because they were not thought meaningful. Many different groups were involved in sign posting including community mobilization groups and civic bodies. Local informants stated that two school zone cases were pending in the state court that should clarify what was needed to use this designation effectively. Issues concerning those who live and work in the zones and the posting requirements required resolution.

In **Arizona** other school/justice coordination had taken place because of the comprehensive state drug legislation. Instruction on drug laws and penalties was required to be in the curriculum. The Department of Education (DOE) had enacted administrative rules that imposed reporting requirements on schools receiving state or federal support funds, as well as strengthening policy and procedure provisions that included referral to law enforcement and student suspension steps.

School resource officers were provided in some schools including those in Tucson where the police department was in metropolitan schools. SAA funds were not involved.

Drug free school zones were provided for under state law. Little use was made of these initially but later DOE and the Attorney General joined together to implement a state program. This was also one priority of the Gang and Drugs Prevention Council (GDPC). Sixty school districts had implemented the program and had posted signs around school areas, at the cost of \$5 per sign. No Byrne grant funds had been used.

The SAA was directed by the Arizona legislature to perform a survey of drug use in schools as well as other surveys. The school survey was done collaboratively with DOE. Provisions were even made to extend the survey to other schools, not in the original sample, at cost. Good collaboration resulted from this experience, although some in DOE would like more recognition for their contribution. The survey had been repeated several times subsequently. The data were used in planning by both agencies and DOE would like to add new questions concerning non drug issues, and that requires continue

negotiation between the parties. This either strengthens or weakens collaboration depending on outcomes.

Other States also worked in this area. School zones were an important component of the New Jersey drug strategy.

## **JUSTICE - COMMUNITY**

**Delaware** had embarked on a major experiment to tie justice efforts with community involvement and improvement, utilizing ADAA funds. The Eastside Wilmington Project addressed a low-income, economically depressed area, described as racked by drug-related violence and urban despair. Repeated efforts to improve circumstances by all types of agencies had failed in the past. The project had implemented comprehensive community policing. Law enforcement, drug treatment and prevention, education including local schools, churches and others were brought together to develop a comprehensive program for the community. Violent crime and drug trafficking rates had dropped significantly and residents reported positive results.

It was believed that the ADAA funds had made this effort possible through this comprehensive approach. Prior efforts were believed to have failed because they did not provide those comprehensive services essential to success -- e.g. increasing treatment and prevention, enforcing building codes, and improving trash collection. This effort also pooled funds from JJDP, education, and treatment, with the ADAA allocation. Numerous localities in Delaware viewed this as a model and expected that ADAA funds will be used to seed their own community policing projects.

In 1988, **Washington** brought together the heads of all agencies involved in the response to drug problems. They decided that existing efforts were fragmented and under funded and that success would require community empowerment. They designed a new initiative, the Community Mobilization Against Substance Abuse (CMASA) as the response.

This initiative involved law enforcement, prevention, treatment, education and housing, working together at the community level, following a multi-strategy approach,

with support from state and federal sources. Initial funds came from the high risk portion of the Drug Free Schools program. These pilots (8) were evaluated and it was concluded that real impact had resulted. Turf and personal issues had been put aside to concentrate on community priorities. State funding under the state Omnibus Controlled Substances and Alcohol Abuse Act expanded the effort and recently reverted ADAA funds had been provided through 6 youth violence pilot programs. The proposed ADAA strategy included funds for this effort.

Community Mobilization had been described as a process rather than a program. It was described as the mortar that holds together the different parts. Communities must submit strategies that vary considerably in level of specificity and objectives. Funds were distributed by the state agency that acts as the SAA, using a complicated formula that included entitlement and competitive elements and required matching funds. No funds were provided unless all parties were at the table. Communities that had embraced community policing found the approaches completely compatible. The benefits obtained in confronting gang problems were described, by a Policy Board Member with a prosecutorial background, as impressive when politically powerful interests were linked together.

Some justice representatives believed that the key players in CMASA were schools, community treatment suppliers, and local politicians and that justice elements were only "somewhat involved". The justice issues likely to be pursued were viewed as safe bets with more controversial issues (e.g. work release placements) being ignored.

The CMASA program in Yakima had no justice representative on its Board of Directors but did have a Community Council with one of nine task force committees devoted to law enforcement. Proposals for strategies were generated there. Activities resulting included a national night out against crimes and drugs, formation of 3 drug free zones, and Project Rebound.

Project Rebound received both ADAA urban demonstration and Center for Substance Abuse Prevention (CSAP) funds with some local contributions. They used Housing and Urban Development (HUD) funds from the County housing authority,



worked with local law enforcement agencies and the National Guard, and cooperated with the local MJTF. The project had worked with two communities to renovate abandoned buildings and areas, clean up graffiti, and pursue code enforcement. Drug houses had been closed, costs recovered from building owners, cars (16) removed, and drug free school signs placed. Another ADAA project overlapped in part with Rebound. A gang prevention unit targeted specific schools that contained at risk kids and provided recreational options after regular school hours. Some had worked to remove graffiti.

Continuation of these programs depended on community financial support. Some was forthcoming from local government and businesses but loss of ADAA support would remove 1-2 people from Rebound and some proceedings, such as abatement, would cease.

Iowa had also pursued community mobilization in establishing SAFE (Substance Abuse Free Environment) communities across the state. Funds were provided by the SAA working through the state Czar's office. Mobilization of the community was achieved by bringing law enforcement and other justice representatives together with many types of community efforts. Justice participation was believed particularly important because the Iowa public looked to law enforcement for action, believing them to be better organized than others. Coordination was facilitated by placing special conditions on the grant awards.

The SAFE effort worked optimally when both top down and bottom up interaction took place but this required considerable effort to maintain. Difficulties did arise and the Cedar Rapids SAFE effort was no exception. Little justice participation was achieved initially but this was believed to be increasing. The SAFE organization in Cedar Rapids was an organization that brought people together, and stimulated involvement, but did not run programs. It was organized around a number of issues but none were justice centered. Although initially effective some felt that the effort was falling off, due to structural and perhaps personnel difficulties, and because of the general difficulty of maintaining involvement of those with full time demands elsewhere.

The situation had spurred the creation of an action program, called NEIGHBORS, based on the weed and seed concept, but emphasizing the seeding component. A number

of justice representatives were involved. Community policing was just beginning and MJTF members supported this approach, but the MJTF/SAFE link was weak, and linkage was only provided by individuals involved in the community effort.

MJTF members felt that MJTF's were not in themselves a solution to the drug problem. They were needed to contain supply and buy time for more basic change from community action. Unfortunately it was felt that the public had little real awareness of the problem, although some signs of improvements were noted. It had become possible to hire individuals for law enforcement without them failing required drug use tests.

Weed and seed efforts were locally supported in Cedar Rapids and in the Drake University area of Des Moines. There was no evidence that public housing funding plays any significant role in community coordination.

**Arizona** approached the community coordination issue through the Governors Alliance Against Drugs. This community based approach brought together community and state resources to prevent, or reduce, the extent of use, and consequences of use, of alcohol and other drugs. Law enforcement and juvenile courts were commonly members of these local alliances.

State level support was provided, through the Governors Alliance Against Drugs (GAAD), by the Governor's Office of Drug Policy headed by a director with a health background and an assistant director from the DPS. A Statewide Alliance Council existed, with 3 committees (program, social change, and communications), none of which were justice centered. Justice issues, such as drug free school zones, were pursued. Some working locally felt that a bottom up approach was superior and that some structuring of activities at the state level needed improvement. Some structural barriers were identified, even between divisions within state agencies, and the SAA was described as relatively closed, from a community perspective.

In Pima county the original alliance (SALSA) failed, evidently a common experience, with only 7-8 of the original alliances in the state still being functional. The alliance existing in 1993 -- Primera Alta -- was proving to be more effective. Participation of all school districts, behavioral health, juvenile judges, and others such as the Park

Service, as well as participation in the new metropolitan alliance, funded by CSAP, had resulted. Unfortunately some relevant interests, such as school representatives and city prosecutors, who worked with the local bar in crime prevention, were unaware of the effort.

Other coordinated activities include an urban initiative, supported by the Drug Free Schools, the SW Regional Center, and a Crime Prevention League, located in the Tucson Police Department. This league did not run programs but coordinated the activities of 9 law enforcement agencies and supported community activities through supporting materials. The local Board had representatives from 55 agencies. They received support from the MJTF, with transfer of seized vehicles, and the local prosecutor (County Attorney) and Juvenile Court were becoming involved. Graffiti abatement was attacked through 3 juvenile probation officers.

The biggest community need identified was the high rate of school drop out in the County (250 students were suspended or expelled annually and 1800 dropped out) and the consequent risk of increased criminality. Great success was achieved by providing recreation on school grounds after hours. Police and probation officers served as referees and gang members were actively recruited. Arrest rates were reported to have fallen after this summer program was initiated.

Coordination did not exist between city forfeiture proceedings and city civil abatement proceedings, although there was an interest in possibly beginning an effort modeled on a program in Erie County, PA., called Operation Crackdown. No awareness of public housing drug efforts was detected.

The good, but not complete, coordination in Tucson was attributed to its geographic isolation, as an island in the desert, and the relatively homogenous Hispanic culture. Cohesion resulted when the same people were in the same position for long time periods (10 years) whereas high turnover produced low investment in the community. The structure only provided permission to work together, rather than requiring it, and so it was still dependent upon the personalities of those involved. Success required an understanding of people and a commitment to change.

**South Carolina** reported that the Aiken Department of Public Safety had received a grant for community policing through foot and bicycle patrols. One team was to be assigned downtown and the other to a high crime, public housing area. This was viewed as a bridge between community education and enforcement, and was considered by the SAA to be an exemplary project.

**New York** had used ADAA funds to support 13 COMBAT (Coordinated Omnibus Municipally Based Anti-Drug Team) programs across the state. Their purpose was to increase police presence and city participation with police and prosecutors. Four sites were assigned a staff person from the Anti Drug Abuse Council (ADAC) who gave technical assistance in generating broad cooperation between the community and government. They were neighborhood based with local advisory councils. Considerable local autonomy had produced broad variation in the programs. Some COMBAT programs had emphasized the community side producing community participation and coordination while others favored support of more traditional law enforcement.

One COMBAT program was located in Nassau County, in the Village of Freeport. It was first funded 3 years ago in response to highly publicized shootings in a local public housing project (Moxey Rigby). The Nassau County Police Department joined with 10 other in-county police departments and coordinated with Freeport Police, the local prosecutor (District Attorney), and probation and parole agencies. The program targeted street level dealers with increased surveillance while harnessing additional equipment and citizen cooperation. A state evaluation reported difficulties in achieving broad citizen participation traced to security difficulties and politicization of the Board

Many **Other States** reported that they were progressively shifting more of their efforts to community related efforts. The extent varied. Minnesota said that they had already seeded and now planned to weed. Massachusetts was anxious to shift emphasis to weed and seed efforts. They were attempting to wean the plan from street level enforcement in order to support treatment, prevention, domestic violence, neighborhood revitalization, and community policing. Illinois believed that only justice agencies were in

a position to bring the different agencies together. Pennsylvania supported this approach but viewed community policing more as a philosophy than a program.

## **10 GENERAL ISSUES**

### **INTRODUCTION**

The ADAA of 1988 supported many activities that were directly comparable to the activities pursued under the predecessor program supported by the Law Enforcement Assistance Administration (LEAA). A number of the organizations visited in the states were created under the earlier program and a number of the individuals interviewed had experienced both. Comparisons between the two efforts were instructive in learning whether the benefits of the past were preserved and/or the problems removed.

In addition, The ADAA of 1988 consisted of more than the Byrne program alone. The Byrne effort was supported by, and existed in the context of, a number of activities at the national level. Some of these activities were also pursued under LEAA. Additional activities were present because of the expanded perspective of the anti-drug efforts that considered the additional relationships between justice and separate treatment, education, and public housing programs.

Those working in the states had perspectives on how these different activities were effecting them that was helpful in appraising the value of, and difficulties associated with, the overall effort. The perspectives were not complete as a full review would require more detailed assessment of the other efforts. This was not possible, even in the broader assessment effort.

### **SUMMARY**

The BJA program was believed superior to the old LEAA program in many ways. Although BJA had less money it was felt to be more targeted and problem oriented, more streamlined, less bureaucratic, more responsive to state concerns. BJA was more concerned with the results achieved through use of the money than LEAA. The program

operation also compared very favorably with the alternate methods used in education and health.

The planning process was more meaningful than the time consuming, wasteful, and largely irrelevant process necessitated by the heavily earmarked LEAA program. However the present process appeared to require production of data that was not used at either national or state levels. Data demands were also reported to be increasing because of increasing federal mandates.

States faced the problem of coordinating many different functional activities to enhance state and local operations. They were required to include specific coordination elements in their strategies. They therefore felt that more could be done to integrate different programs within the Department of Justice. Some progress was reported in linking discretionary and formula efforts but high intensity drug treatment areas (HIDTA), juvenile justice and delinquency prevention (JJDP), regional intelligence information systems (RISS), and victims of crime act (VOCA) were all handled as separate issues with different schedules and requirements, even though many of these programs were within one office, the Office of Justice Programs.

Coordination between the 4 major areas in the ADAA -- justice, health, education and public housing, was also limited at the federal level. This hindered coordination at the state level. The potential of the office of national drug control policy (ONDCP) to facilitate this coordination had not been realized.

The fluctuations in funding levels for the Byrne program, especially in the early years, had done significant damage to the states' ability to plan properly for anti- drug efforts. Legislatures had tended to view the effort as very temporary. Federal failure to approve budgets on schedule had further complicated state efforts.

## **LEAA - BJA COMPARISON**

In Iowa comparisons were made between the ADAA effort and the old LEAA program by individuals familiar with both. They opined that LEAA had originated many valuable things that had been preserved in Iowa -- e.g. community corrections -- and had

provided a valuable foundation for the ADAA effort. Many MJTF members admitted their personal debts to LEAA assistance. They felt that these past contributions had been inadequately recognized.

The ADAA effort operated with less money than LEAA but was more targeted and problem oriented. Although the program was targeted, there was sufficient flexibility to shift emphasis as areas, such as gangs, violent crime or community policing, acquired more importance. ADAA was more focused on system interaction and had helped produce more diffuse boundaries between agencies. In spite of this contribution it is felt that federal funds were incapable of erasing boundaries between major agencies. This had not been accomplished in Congress or with the major federal agencies involved in the drug effort.

LEAA was perceived, in Iowa, to be more bureaucratic and structured than the present effort. Streamlining had taken place with the abolishment of the old Regional Planning Units. LEAA was perceived, in Washington and New York, to have been more concerned with the spending of money and less concerned with issues of planning, monitoring, evaluation and effectiveness that were emphasized in the present effort. Improvement of planning and monitoring were noted and concrete decisions were made in some instances (e.g. Washington State) to avoid the politicization of the past in the ADAA effort.

The assistance provided to states and local programs by the BJA staff was viewed very favorably. Virtually all states spoke positively of the technical assistance and evaluation workshops that BJA had conducted. Similar comments were made concerning the national evaluation conferences, the drug strategy consortium of the past, and the materials available for those just beginning their responsibilities in ADAA. The contacts established in other states, through these mechanisms, were valuable and allowed states to gauge their relative progress. Iowa expressed pleasure with evaluation assistance. Delaware complimented the BJA staff on their flexibility and knowledge of the program. South Carolina found BJA to be client-centered and supportive, responsive to questions, and generally helpful.



The assistance provided by BJA was viewed as superior to that provided by the LEAA program, by other federal justice efforts tendered by organizations such as OJJDP or by non-justice agencies such as HUD and HHS. Non-justice participants, in the national working group, felt that the client centered attitude of BJA compared very favorably with the approach in health and education.

Significant interest was expressed in these services everywhere but San Diego. There high quality services were considered to already be available through state organizations such as the California State Narcotic Officers Convention.

## DATA ISSUES

At the national meeting there was concern that, although many positive contributions of LEAA were known by the professional community, these were not always known politically. It was felt to be important that the positive achievements of BJA be made visible and that they be made real through real world examples. It was felt that this could help inform decision makers of the benefits of the program and help protect against the destructive effects of unsubstantiated or unrepresentative negative anecdotes. The inability of LEAA to protect itself from such criticism was very much in the forefront of people's concerns and it was felt that the Byrne program could be subject to the same difficulties.

The staff of BJA were viewed as helpful and sensitive to state needs. They were very good about getting state participation, as was illustrated by use of the National Planning Group that brought together 3 people from each of the 4 regions together with some at-large representatives. The training presented was viewed, by Nevada, as superior to that offered by NITS. Assistance with statistical packages (SASS and SAS) for data analysis was available. Attempts were being made to provide for state-to-state assistance and to document state achievements.

The BJA operation was believed to compare very favorably with the comparable efforts in health and education. This was attributed to the lean BJA structure, compared with the larger, multi-level bureaucratic organizations responsible for the other areas.

Representatives from non-justice areas reported that they did not have the same level of cooperation within their areas as they experienced in the national meeting. Justice representatives were thought to be more collegial than those outside. Some attributed the positive relationship between BJA and the states to the fact that states had considerable autonomy in priority setting and that BJA had adopted an assistance rather than a controlling mode.

Although the amount of data BJA required to be submitted was less than that required by LEAA some difficulties remained. New York felt that the amount of data required for submission was burdensome and made more so by the absence of any analysis of the data submitted that might make the effort more worthwhile for the states. South Carolina also felt that the amount of paperwork and documentation were out of proportion to the perceived usefulness to either the SAA or to BJA itself. Although the responsiveness of BJA staff in answering questions in this area was appreciated, structural issues as to why so much data and reporting are required needed to be addressed. In general, states considered the federal governments information gathering and dissemination efforts to be unhelpful as well as burdensome.

The demands of the annual plan preparation were perceived, in South Carolina, to be continuously increasing making it difficult for the SAA to meet the demands without reducing the level of support for important services that staff provided in the state. More radical surgery was suggested in Delaware. They would like to remove the requirement for strategy development, associated data requirements and other constraints and instead tie federal support to results or impact.

In California the MJTF in San Diego felt that reporting requirements were generally reasonable. The one objection was the request for comparative information on the activities in the offices that are not funded with OCJP funds. Personnel in charge of these areas had no incentive to produce the information, in the OCJP categories, and requests had produced frustration and even guesses as to the data.

The prompt and informative information provided by BJA has already been commented on but expansion of this service was believed desirable. South Carolina

believed there was very little information, outside the Program Briefs that BJA was gradually developing, that described projects within the authorized program areas in direct ways. The lack of simple, functional project descriptions had forced the SAA to create their own for use by potential applicants. In Nassau County, NY, a newsletter was suggested as an efficient way of informing individuals of the programs in different jurisdictions and the factors associated with success and failure.

The increased demands for data were identified as especially onerous for smaller states, such as Nebraska, that were working with limited staff. This helped explain why the required annual reports were not being produced, as noted in the GAO and Inspector General reports. Some states that did prepare reports -- e.g. Illinois -- did not always know they were required. In part this was because states viewed BJA's interpretation of statutory requirements to be in flux. The annual report requirement was cited as one such interpretation that wasn't required in the early years, but was added later.

The data collected as part of the strategy process were felt, by BJA, to be limited in value, marred by errors, and not really used as a basis for the strategy. States felt that the data demands on them were unrealistic, forms for data requests needed improvement, and that the OJP manual was not a model of clarity. No-one (federal, state, or local governments) really used the data for any constructive purpose. A national data base had never been developed but some beginnings were being made with the special analysis series. One publication on the state accomplishments with MJTF's was valued and the rural workshop was another positive contribution. There was a general desire for more action oriented information on what works. Some complaints were made that exemplary project evaluations were not being received by the SAAs.

## **COORDINATION OF JUSTICE FUNDING**

A number of justice programs were supervised by the justice department over and beyond the Byrne program of state and local assistance. Some of these were under the umbrella of the Office of Justice Programs (OJP). Others were more independent. The extent to which these programs were coordinated had implications at the state level.

Discretionary projects had success in some states and had been integrated into the state justice efforts. The Eastside Wilmington project in Delaware was looked on as a model for localities, the court fine system in Des Moines, Iowa had been institutionalized and the results of the pretrial drug supervision projects in Maricopa and Pima Counties, in Arizona, had helped determine state policy in that area. Coordination could take place but the system did not always facilitate it.

Washington indicated that improvement was needed in this area commenting that the link between formula and discretionary projects was not adequate in justice or many other areas. For instance, community partnership grants went directly to several communities without state knowledge. They favored the type of linkage inherent in the CSAT program that brings local justice/health project applications under a state application. Arizona indicated that difficulties had existed in the past but that they now receive notice of discretionary projects funded and they were aware of 7-10 new submissions for national review.

South Carolina had received significant discretionary awards, including support of Charleston "weed and seed", the Attorney General, state law enforcement and state corrections. The Byrne grant management officials were informally aware of the discretionary projects in the state but preferred a hands-off approach. Delaware and NY had the opposite approach. Delaware expressed many frustrations with the 1988 ADAA including a complaint about the lack of coordination between all of the programs supervised by agencies within the Office of Justice Programs -- that is, BJA, the Office of Juvenile Justice and Delinquency prevention (OJJDP), and the Office for Victims of Crime (OVC). Each had unique and sometimes inconsistent deadlines and procedures for making applications. This made it difficult to coordinate these programs at the state level. New York felt that funding by the National Institute of Justice (NIJ), BJA discretionary funds, and the High Intensity Drug Trafficking Area (HIDTA) funds should all be coordinated by the SAA. The relative autonomy of these elements undermined the coordination process and contradicted the ADAA directives for coordination.

Arizona pointed out that coordination of HIDTA efforts was not facilitated by the existing national administrative arrangements. This program was overseen by Treasury and, although funds had been transferred through BJA in some years, contact between the two areas seemed minimal. No coordination with the gang resistance education and treatment efforts (GREAT), handled by Alcohol, Tobacco, and Firearms (ATF), was reported.

Delaware proposed that the federal government should coordinate the application procedures and deadlines of all of the grant programs within OJP. The same time table should exist for all programs and if possible a single submission process should be used.

In the Other States, Minnesota reported that the drastic fluctuations experienced in funding levels for justice efforts (but not health and education), in the early years of the program, did serious damage to state efforts to maximize influence on state policy. The state viewed the program as temporary and put a sunset clause on the SAA thus eroding its standing.

At the national meeting similar points were raised. The great difficulty in completing the hard work required to set up a program, only to see dollars withdrawn at year's end, was emphasized. Consistency in funding was desired and a 3-5 year planning cycle was suggested. The JJDP program was suggested as a planning model because of its use of a 3 year cycle with annual updates. Care was taken to exclude any consideration of the JJDP mandate provisions. They were viewed as onerous and undesirable. Some questioned whether the present Byrne process really differed significantly from the JJDP planning approach in practice.

At the national meeting it was recognized that the federal government had sole responsibility for interdiction and related issues outside the borders of the country. None-the-less some costly activities, such as support for military, appeared not to be productive and some reallocation was thought in order. Reallocation of these funds to the formula grant program was felt to be the most productive outcome with the biggest bang for the buck.

Participants also felt that proposed increases in JJDP funding should not be at the expense of the existing formula grant. Also, it was felt that should the proposals for support of new police on the streets become a reality (something that did happen), that money should be distributed through the existing formula grant mechanism rather than through a process that by-passes established planning and coordination mechanisms.

Other broader issues associated with the federal role were connected to the cycle of federal policy that appeared to alternate between getting the money out as fast as possible and only later assessing as carefully as possible what was done. In addition, state and federal fiscal years were nearly always out of phase by 3 months and the practice of continuing budget resolutions had complicated matters yet further. Regulations that were drafted were thought to sometimes go beyond what was anticipated when the legislation was passed.

It was recognized that the federal government had accepted a sustaining role in the support of state and local education and treatment efforts. Federal funds generally provided much higher proportions of total support in those areas than in justice. However it was not clear whether the federal government had any sustaining role in the justice area.

## **JUSTICE - NONJUSTICE COORDINATION**

Difficulties in coordinating different justice programs were magnified when considering the coordination between the different functional areas authorized under the ADAA. For example, Justice, Education, Health, and Public Housing all maintain their own separate operations nationally, as well as in the states, and inter-agency coordination tended to be limited during the first half-decade of the ADAA. At the state level, for instance, none of the states visited had any awareness of the housing activities as the funds go directly to individual local housing authorities. Yet, HUD funds a good many programs that focus on justice issues.

In Delaware it was reported that the inconsistent federal mandates and procedures hindered cooperation between the different agencies at the state level. For example, the

legal requirement to allocate drug education funds to local educational agencies (LEA's) by formula limited the ability to spend according to strategic priorities.

The federal attempts to impact on the state education and treatment budgets through the provisions of the Byrne program, including the strategy requirements, have had little or no positive results. Similarly, the presence of non justice representatives on the SAA Policy Board had not produced a major increase in cooperation between drug enforcement and demand reduction agencies. The other agencies had few incentives to cooperate. The SAAs had no budget authority over these bodies and federal earmarking limited discretion.

Delaware suggested, and Arizona agreed, that complete coordination of the federal effort across the 3 major areas could be facilitated by requiring equivalent requirements and schedules. Delaware would like to go further by including JJDP, and possibly other programs, and perhaps in allowing one application for more than one program area. This could be accomplished in a 2 step process beginning with the justice programs.

New York felt that the office of national drug control policy (ONDCP) had significant potential but that it had not lived up to expectations. It was important to project a better balance between the different approaches to the drug issue but this office had failed because of high politicization in the past. Arizona agreed that the national arrangement had proven inadequate and felt that lack of contact and money made expectations of success unrealistic. At the national meeting the view expressed of the performance of the Office of the Drug Czar (ONDCP) was not favorable. Although expectations had been great when the office began these have not been realized. The Czar had not brought together the different players at the federal level and had not reached out to the states to receive input. It was commented that if the office went away tomorrow no one would notice.

Some attributed this failure to the lack of commitment to the concept in the prior administration, and therefore the approach had not really been tested. Optimism that success might now develop was supported by the cabinet rank appointment for the Czar position, but the drastic cuts in staff (now 25) created a "wait and see" attitude. The

ability of the Czar's Office to be effective was believed linked to the type of personnel chosen. Some believed general coordination and communication skills were central and others felt that substantial subject matter knowledge and experience were preferred. Another "bean counting" controlling agency was not welcome and it was felt that in fact the office could learn much from the state's experience.

Although the ADAA was believed to have aided coordination the federal component was viewed as the weak link. The 32 federal agencies were difficult to bring together and the fact that many of these agencies are overseen by different congressional committees did little to resolve this problem. A suggestion that legislative staff might be able to bring about more coordination than the elected officials was viewed as unrealistic. If anything they might be less able to coordinate than the Senators and Representatives.

Coordination between the different components was facilitated by the coordination requirement imposed on the Byrne funds. It was thought illogical that such requirements were imposed only on one of the coordinating parties -- coordination language should apply to all involved. Further, the language governing the substance abuse prevention/treatment formula grant actually restricted funding of treatment in justice agencies. The conference report stated that it was inappropriate to use these funds for in-prison treatment. There was a desire for more clarification of how to deal with these overlap issues. Some might view these circumstances, if unresolved, as being undesirable duplication, and political difficulties can be produced as a consequence.

At the national meeting participants were in strong agreement that enhanced coordination across functional areas was desirable. There was only disagreement over the best way of proceeding. It appeared that there were really a series of different drug wars operating in different areas. Although the most obvious approach was to require one central state agency that handles everything, this was not felt to be the best approach. It was deficient both operationally and politically. The other extreme, merely exchanging information, was also felt to be inadequate. An intermediate position was thought to be preferred but participants were vague about what that might be. The weed and seed



approach is an obvious candidate to fill the gap but it had not yet produced satisfactory coordination generally.

## **DISTRIBUTION OF DRUG FUNDING CATEGORIES**

At the national meeting it was agreed that the overwhelming evidence from studies, by GAO and independent consultants, had shown that the direct federal international interdiction efforts had been ineffective and that a reallocation of funding from that area was appropriate. A reallocation to the formula grant area was preferred.

The group debated the extent to which such a proposal was compatible with the preservation of MJTF's that may also appear to be dedicated to interdiction at the state level. Important distinctions were made between the two circumstances that justified continued support for MJTF's in the minds of the participants.

The importance of a community being able to draw a line around itself to make a statement that this was defended territory was emphasized as being different from the situation governing foreign interdiction. Interdiction within the state was even presented as a demand reduction effort when used to attack street level trafficking. MJTF's were felt well equipped to handle the visible part of the distribution of drugs and that it was this distribution activity that caused community fear and that required continued vigilance.

## 11 CONCLUSION

The accomplishments of the Byrne program were not always very visible to those not involved in the actual activities supported by the program. Nonetheless there was considerable evidence that the Byrne effort had stimulated significant progress in building the type of coordinated justice effort essential to any effective attack on the problems of drugs and crime. Solid progress had been observed in creating coordinated justice efforts across the country where nothing comparable existed previously. Some progress had also been made in extending this coordination beyond justice into activities traditionally even more separate than the different justice agencies (health and education, in particular). Although more needed to be done, the successes that had occurred were significant, given the nature of the challenge. A solid foundation had been created that deserved to be built upon to bring this worthwhile effort to full completion.

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