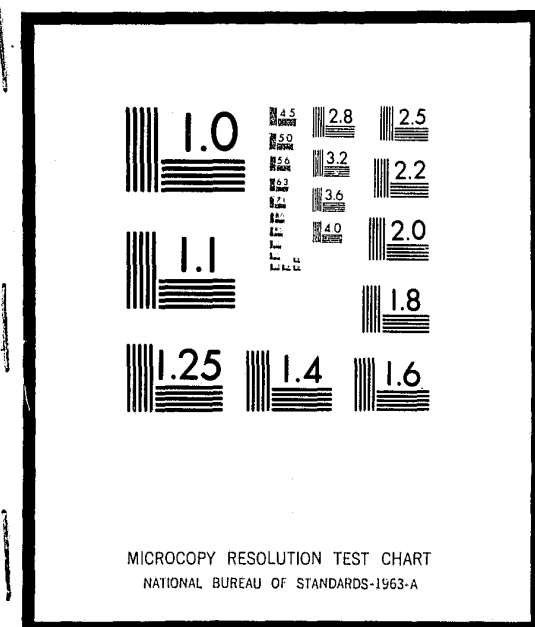


NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

12/7/76

Date filmed

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION



STATEMENT

OF

RICHARD W. VELDE
ADMINISTRATOR
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

THE PROPOSED
JUVENILE JUSTICE AND DELINQUENCY PREVENTION AMENDMENTS OF 1977

MAY 20, 1976

NCJRS

JUN 14 1976

ACQUISITIONS

34738



I am pleased, Mr. Chairman, to appear today before the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency. Since my last appearance before the Subcommittee in April of 1975, the Law Enforcement Assistance Administration has made significant progress in implementing the Juvenile Justice and Delinquency Prevention Act of 1974. The statement of Milton Luger, Assistant Administrator of LEAA for the Office of Juvenile Justice and Delinquency Prevention, addresses the specifics of implementation.

Because the Act is scheduled to expire at the end of fiscal year 1977, under the terms of the Congressional Budget and Impoundment Control Act, any proposal to reauthorize the legislation is supposed to be submitted to Congress by May 15, 1976. I am pleased to report that the Attorney General transmitted such a proposal by letter dated May 14. In my testimony today, I will discuss some of the provisions of the proposed "Juvenile Justice and Delinquency Prevention Amendments of 1977."

The legislation would extend the authority of LEAA to administer the Act for an additional year. \$50 million would be authorized to be appropriated during fiscal year 1978 to coordinate federal juvenile programs and activities and to assist states, units of general local government, and private non-profit organizations in their efforts to combat juvenile delinquency and improve the juvenile justice system.

The proposal includes a number of amendments designed to strengthen the coordination of federal efforts. The Coordinating Council for Juvenile Justice and Delinquency Prevention would become involved in the preparation

8214C

of annual reports related to analysis, evaluation, and planning for federal juvenile programs.

Significant changes are made by the legislation we have proposed in the formula grant program authorized by the Juvenile Justice Act. The use of in-kind matching funds would be prohibited and an assumption-of-cost provision would be added to state plan requirements.

The general reasons for deleting in-kind match are fourfold. First, state and local legislative oversight is insured by use of cash match, thus guaranteeing some state and local governmental control over federally assisted programs. Second, state and local fiscal controls would be brought into play to minimize the chances of waste. Third, the responsibility on the part of state and local governments to advance the purpose of the program is underscored. Fourth, continuation of programs after federal funding terminates is encouraged by requiring a local financial commitment.

It was for these reasons that the Omnibus Crime Control and Safe Streets Act of 1968 was amended in 1973 to utilize a hard match requirement, rather than the previous in-kind match. It was also felt by the Congress, as indicated

in the legislative history of the amendments, that in-kind match had led to imaginative bookkeeping by recipients of funds, and that significant monitoring problems had resulted for LEAA and the state planning agencies.

The assumption-of-cost provision which I mentioned would also promote local continuation of programs. Improvements in juvenile programs and the juvenile justice system initiated with federal funds will hopefully become institutionalized if successful. Once federal funding has expired, it is reasonable to expect that innovations which have received support will become a permanent part of the overall local effort. This will free-up federal funds to permit further experimentation and innovation as is contemplated by the Act.

The requirement of section 223(a)(12) of the Act, relating to deinstitutionalization of status offenders within two years, would be clarified by the proposed amendments with regard to the permissive, rather than mandatory placement of such offenders in shelter facilities. The Administrator would also be granted authority to continue funding to those states which have achieved substantial compliance within the two-year time limitation for deinstitutionalization and have evidenced an unequivocal commitment to achieving this objective within a reasonable time.

The proposal provides that Special Emphasis school programs are to be coordinated with the United States Office of Education. A new category of youth advocacy programs would be added to the listing of Special Emphasis programs in order to focus on this means of bringing improvements to the juvenile justice system.

Another important provision of the proposal, Mr. Chairman, would authorize the Administrator to permit up to 100 percent of a state's formula grant funds to be utilized as match for other federal juvenile delinquency program grants. This will increase flexibility and permit maximum use of these funds in states which have been unable to fully utilize available federal fund sources. The Administrator would be further authorized to waive match for Indian tribes and other aboriginal groups where match funds are not available and to waive state liability where a state lacks jurisdiction to enforce grant agreements with Indian tribes. The first of these provisions is similar to authority in current LEAA enabling legislation. The second has been proposed by the Administration as an amendment to the Crime Control Act to assure Indian tribes will have opportunity for full participation in the LEAA program.

Consistent with the Administration's proposal to reauthorize LEAA, being considered by the Congress at this time, maintenance of effort provisions of the Juvenile Justice Act, applicable to LEAA expenditures for juvenile programs in 1972, would be deleted by the proposed legislation. This provision is based on several considerations.

First, it has been proposed that Crime Control Act funds be permitted to be used for the general purposes of the Juvenile Justice Act. This would permit a wider scope of programs to be funded with Crime Control Act funds. It is anticipated that each state will use Crime Control Act funds to supplement activities under the Juvenile Justice Act in order to fully meet the state's needs, as set forth in an integrated juvenile justice and delinquency prevention plan. The setting of an artificial minimum allocation of Crime Control Act funds

would be inconsistent with the comprehensive planning process the change to the LEAA program encourages.

Second, the maintenance of effort provision is contrary to the block grant approach to funding. The individual states and the elements within the planning structure of the states are in a better position to determine funding priorities for block grant funds. To dictate the amount of funds to be expended for one particular aspect of law enforcement and criminal justice limits the state's flexibility in planning for effective crime prevention.

Third, Mr. Chairman, the uncertainty of appropriations for future fiscal years may result in decreased block grant allocations to the states. As you know, the LEAA budget was reduced in fiscal year 1976, and another reduction is proposed for fiscal year 1977.

The maintenance of effort provision, coupled with the fact of continuation funding for large numbers of individual subgrant projects, will naturally result in program areas other than juvenile justice and delinquency prevention receiving a smaller percentage of LEAA funds. The comprehensive planning process will be disrupted. States and localities will have to neglect funding of high priority and innovative programs, including necessary programs to assist courts and corrections, in order to meet a "quota" of expenditures for juvenile programs.

Finally, the use of 1972 as a base year is not reflective of the overall efforts of individual states; neither does it establish a meaningful spending level for any particular state. Unfortunately, the establishment of

expenditure quotas based neither on needs nor funding priorities could be construed as a maximum level of expenditure without regard to the need for even greater levels of funding for juvenile delinquency programs. This would do damage to the establishment of a comprehensive juvenile justice and delinquency prevention program.

This legislative proposal which has been submitted would incorporate a number of the administrative provisions of the Crime Control Act as administrative provisions applicable to the Juvenile Justice Act. The addition of these provisions permits LEAA to administer the two acts in a parallel fashion. The provisions include formalized rulemaking authority, hearing and appeal procedures, recordkeeping requirements, and restrictions on the disclosure of research and statistical information.

Mr. Chairman, I recommend the Subcommittee's favorable consideration of the proposed "Juvenile Justice and Delinquency Prevention Amendments of 1977." For your full information, I have included as appendices to my statement a copy of the proposed legislation and a section-by-section analysis.

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

Sec. 2. Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

- (1) Section 201(g) is amended by deleting the word "first" and inserting the word "second" in lieu thereof.
- (2) Section 204(b)(5) is amended by inserting in the first sentence after the words "Advisory Committee" the words "and the Coordinating Council".
- (3) Section 204(b)(6) is amended by inserting after the words "Advisory Committee" the words "and the Coordinating Council".
- (4) Section 204(f) is amended by inserting after the words "appropriate authority," and before the words "departments and agencies" the word "Federal".
- (5) Section 204(g) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.
- (6) Section 204(j) is amended by inserting after the word "agency," the word "organization," and by deleting the word "part" and inserting the word "title" in lieu thereof.
- (7) Section 204(k) is amended by deleting the word "part" and inserting the word "title" in lieu thereof, and by deleting the words "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting the words "Title III of this Act" in lieu thereof.

(8) Section 206(d) is amended by deleting the word "six" and inserting the word "four" in lieu thereof.

(9) Section 208(e) is amended by deleting the words "to the Administrator" and "the Administration of".

Part B -- Federal Assistance for State and Local Programs

Sec. 3. Title II, Part B of such Act is amended as follows:

(1) Section 221 is amended by deleting the words "and local governments".

(2) Section 221 is further amended by inserting after the word "through" the words "grants and".

(3) The third sentence of section 222(c) is amended by deleting the words "local governments" and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(4) The second sentence of section 222(d) is amended by deleting the words "or kind consistent with the maintenance of programs required by Section 261".

(5) Section 223(a)(4) is amended by deleting the words "local governments" the first time they occur and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(6) Section 223(a)(5) is amended by inserting after the words "local government" the words "or combinations thereof".

(7) Section 223(a)(6) is amended by deleting the words "local government" and inserting the words "unit of general local government" in lieu thereof.

(8) Section 223(a)(6) is further amended by inserting after the words "local government's structure" and before the words "(hereinafter in this part" the words "or to a regional planning agency".

(9) The first sentence of section 223(a)(10) is amended by deleting the words "or by the local government".

(10) The first sentence of section 223(a)(10) is further amended by inserting after the words "or through" the words "grants and".

(11) Section 223(a)(10) is further amended by deleting all of subparagraph (D) and inserting in lieu thereof the following:

"(D) projects designed to develop and implement the programs identified in the detailed study of needs formulated pursuant to paragraph (8);".

(12) Section 223(a)(12) is amended by deleting the word "must" and inserting the word "may" in lieu thereof.

(13) Section 223(a)(20) is amended by deleting the word "and" the last time it occurs.

(14) Section 223(a)(21) is redesignated as Section 223(a)(22).

(15) Immediately after paragraph (20) of Section 223(a) insert the following new paragraph:

"(21) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance; and".

(16) Section 223(c) is amended by inserting the following sentence at the end thereof: "Failure to achieve compliance with the section 223(a)(12) requirement within the two year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.".

(17) Section 224(a)(5) is amended by deleting the word "and" the last time it occurs.

(18) Section 224(a)(6) is amended by placing a comma after the words "develop and implement" and inserting thereafter the words "in coordination with the United States Office of Education, Department of Health, Education and Welfare,".

(19) Section 224(a)(6) is further amended by deleting the period at the end thereof and inserting in lieu thereof a semicolon followed by the word "and".

(20) Immediately after paragraph (6) of Section 224(a) insert the following new paragraph:

"(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system."

(21) Section 227(a) is amended by deleting the words "State, public or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting the words "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)" in lieu thereof.

(22) Section 227(b) is amended by deleting the words "institution, or individual under this part (whether directly or through a State agency or local agency)" and inserting the words "organization, institution, or individual under this title (whether directly or through a State planning agency)" in lieu thereof.

(23) Section 228 is amended by deleting all of subsection (a). Subsections (b), (c), and (d) are redesignated as subsections (a), (b), and (c) respectively.

(24) Redesignated section 228(a) is amended by deleting the words "under this part" and inserting the words "by the Law Enforcement Assistance Administration" in lieu thereof.

(25) Redesignated section 228(a) is further amended by deleting the words "25 per centum of".

(26) Redesignated section 228(b) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.

(27) Immediately after redesignated section 228(c) insert the following new paragraphs:

"(d) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

"(e) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, that portion shall be available for reallocation under section 224 of this title."

Part C -- National Institute for Juvenile Justice and Delinquency Prevention

Sec. 4. Title II, Part C of such Act is amended as follows:

(1) Section 241 is amended by deleting all of subsection (e). Subsections (f) and (g) are redesignated as subsections (e) and (f) respectively.

(2) Redesignated section 241(f) is amended by inserting after "(4)" and before the words "enter into contracts" the words "make grants and".

(3) The subsection lettered "(b)" immediately following redesignated section 241(f) is redesignated subsection "(g)".

(4) Redesignated section 241(g) is amended by deleting "(g)(1)" which appears immediately after the word "subsection" and inserting "(f)(1)" in lieu thereof.

(5) Section 248 is deleted.

Part D -- Authorization of Appropriation

Sec. 5. Title II, Part D of such Act is amended by redesignating the title of Part D "Administrative Provisions" and as follows:

- (1) Section 261 is amended by deleting all of subsections (a) and (b) and inserting in lieu thereof the following:

"To carry out the purposes of this title there is authorized to be appropriated \$50,000,000 for the fiscal year ending September 30, 1978."

- (2) Section 262(b) is amended by deleting the words "section 603" in the first sentence thereof and the words "Section 603" in the second sentence thereof and inserting the words "section 602" in the first sentence and the words "Section 602" in the second sentence in lieu thereof.

- (3) Section 263 is redesignated as section 264.

- (4) Immediately after section 262 insert the following new section:

"Sec. 263. The Administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as Sections 501, 504, 507, 509, 510, 511, 516, 521, and 524(a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act."

- (5) Redesignated section 264 is amended by deleting the words "subsection (b)" in subsection (a) and inserting the words "subsections (b) and (c)" in lieu thereof.

- (6) Redesignated section 264 is further amended by adding after subsection (b) a new subsection (c) as follows:

"(c) The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977."

Sec. 6. Title V, Part C of such Act is amended as follows:

- (1) Section 544 is deleted.

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

Section 2 amends Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 in ten ways:

- (1) Section 201(g) is the subject of a technical amendment.

(2) Section 204(b)(5) is amended to mandate the assistance of the Coordinating Council in the preparation of the annual analysis and evaluation of Federal juvenile delinquency programs.

(3) Section 204(b)(6) is amended to mandate the assistance of the Coordinating Council in the preparation of the annual comprehensive plan for Federal juvenile delinquency programs.

(4) Section 204(f) is amended to clarify that the Administrator's authority to request information, reports, studies, and surveys is limited to Federal departments and agencies.

(5) Section 204(g) is amended to authorize the Administrator to delegate his functions under all of Title II to any officer or employee of the Administration.

(6) Section 204(j) is amended to authorize the Administrator to utilize grants and contracts to carry out the purposes of Title II.

(7) Section 204(k) is amended to require appropriate coordination between LEAA activities funded under Title II and Department of Health, Education, and Welfare programs funded under the Runaway Youth Act.

(8) Section 206(d) is amended to require a minimum of four annual meetings of the Coordinating Council.

(9) Section 208(e) is amended to make the title of the National Advisory Committee Subcommittee on Standards consistent with the subcommittee title used in section 247.

Section 3 amends Title II, Part B of the Act through twenty-eight separate provisions related to Federal assistance programs:

(1) Section 221 is amended to reflect that the Administrator has authority to make formula grants only at the State (State planning agency) level.

(2) Section 221 is further amended to clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

(3) Section 222(c) is amended to conform with the definitions of "units of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

(4) Section 222(d) is amended to provide that only cash may be utilized as matching funds for formula grants and to delete the reference to maintenance of effort.

(5) Section 223(a)(4) is amended to conform with the definitions of "unit of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

(6) Section 223(a)(5) is amended to provide that funds expended through programs of local government include programs sponsored or administered by combinations of local government.

(7) Section 223(a)(6) is amended to conform with the definition of "unit of general local government" set forth in Section 103(8) of the Act.

(8) Section 223(a)(6) is further amended to clarify that regional planning bodies may be designated by local chief executives as the "local agency" to perform planning and administration functions on behalf of the unit of general local government.

(9) Section 223(a)(10) is amended to again reflect that formula grants are made only at the State (State planning agency) level.

(10) Section 223(a)(10) is further amended to again clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

(11) Section 223(a)(10) is further amended to delete drug and alcohol abuse programs from the list of advanced technique programs and substitute programs designed to meet the program priorities identified in the State's detailed study of needs.

(12) Section 223(a)(12) is amended to clarify that status offenders may, but need not, be placed in shelter facilities.

(13) Section 223(a)(20) is the subject of a technical amendment.

(14) Section 223(a)(21) is redesignated Section 223(a)(22).

(15) Section 223(a) is amended by adding a new paragraph (21) to require an assumption of cost provision in the State plan.

(16) Section 223(c) is amended to provide that the Administrator may continue to approve State plans, where a State has failed to achieve compliance with Section 223(a)(12), upon a determination that: (a) the State is in substantial compliance; and (b) the State has made an unequivocal commitment to achieving full compliance within a reasonable time.

(17) Section 224(a)(5) is the subject of a technical amendment.

(18) Section 224(a)(6) is amended to mandate coordination with the United States Department of Education in the development of Special Emphasis School programs.

(19) Section 224(a)(6) is also the subject of a technical amendment.

(20) Section 224(a) is amended by adding a new paragraph (7) authorizing the use of Special Emphasis funds for youth advocacy programs.

(21) Section 227(a) is amended to add public and private organizations to the list of entities affected by this subsection.

(22) Section 227(b) is amended to add public and private organizations to the list of entities affected by this subsection.

(23) Section 228 is amended to delete the subsection (a) provision for continuation funding and to redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c).

(24) Redesignated section 228(a) is amended to prohibit the use of formula grant funds to match LEAA funds.

(25) Redesignated section 228(a) is further amended to permit up to 100 percent of a State's formula grant funds to be used as match for other Federal juvenile delinquency program grants.

(26) Redesignated Section 228(b) is amended to permit the Administrator to require a matching contribution from recipients of National Institute grants and contracts under Part C of the Act.

(27) Section 228 is amended by adding two new subsections:

(a) subsection (d) authorizes the Administrator to waive the non-Federal match for grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administrator may waive the State's liability and proceed directly with the Indian tribe on settlement matters; and (b) subsection (e) provides for reallocation, as Special Emphasis funds, of any funds not required by a State or which become available following administrative action to terminate funding.

Section 4 amends Title II, Part C of the Act in six separate amendments related to the National Institute for Juvenile Justice and Delinquency Prevention:

(1) Section 241 is amended to delete the subsection (e) provision for delegation of authority by the Administrator to employees of the Institute and to redesignate subsections (f) and (g) as subsections (e) and (f).

(2) Redesignated section 241(f) is amended to clarify the Institute's authority to make grants as well as enter into contracts for the partial performance of Institute functions.

(3) Erroneously lettered subsection (b) is redesignated subsection (g).

(4) Redesignated subsection (g) is the subject of a technical amendment.

(5) Section 248 is deleted to remove duplicative restrictions on disclosure or transfer of juvenile records gathered for purposes of the Institute.

Section 5 amends Title II, Part D of the Act by changing the title of Part D to "Administrative Provisions" and in two other respects:

(1) Section 261 is amended by deleting subsections (a) and (b) relating to level of authorized funding and maintenance of effort and substituting a one year authorization at an appropriation level of \$50,000,000 for fiscal year 1978.

(2) Section 262(b) is amended to correct an erroneous statutory citation.

(3) Section 263 is redesignated section 264.

(4) A new section 263 is added which incorporates the administrative provisions of sections 501, 504, 507, 509, 510, 511, 516, 521, and 524(a) and (c) of the Omnibus Crime Control and Safe Streets Act into the Act as administrative provisions.

(5) Redesignated section 264 is the subject of a technical amendment.

(6) Redesignated section 264 is further amended to provide that the amendments made by this Act shall be effective on and after October 1, 1977.

Section 6 amends Title V, Part C of the Act to delete the maintenance of effort provision.

END

7 also/none