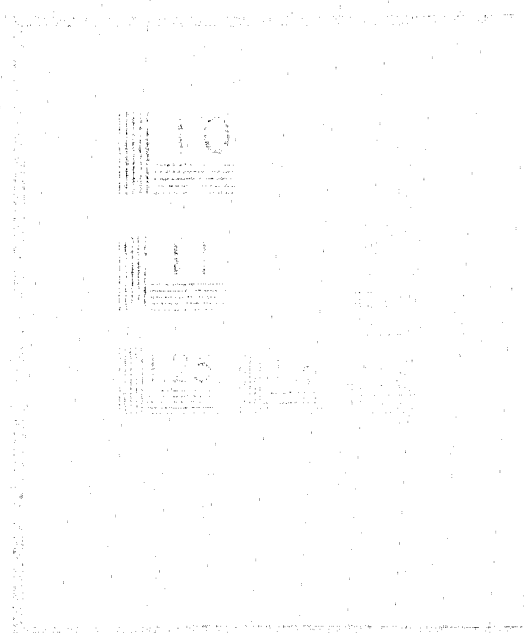


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This document is intended to provide information on the current status of the criminal justice system. It is not intended to provide a comprehensive overview of the system. It is intended to provide information on the current status of the criminal justice system. It is not intended to provide a comprehensive overview of the system.

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.

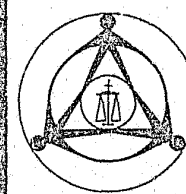
U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

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TASK FORCE ON LEAD
"COURTS" DIVISION
PHASE I REPORT



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Studies in Justice and Social Behavior
The American University Law School
Washington, D.C.

ADVISORY COMMITTEE
BRIEFING DOCUMENT

TASK FORCE ON LEAA
"COURTS" FUNDING

PHASE I REPORT

NCJRS

MAR 8 1977

ACQUISITIONS

December, 1975

Submitted by:

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Harry O. Lawson
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Joseph Trotter

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION CONTRACT NUMBER: J-LEAA-013-76

INTRODUCTION

During the past few weeks the Task Force has been addressing its three-fold charge to:

- (a) supply an accounting of LEAA "Courts" funding since 1972;
- (b) develop criteria for classification of "Courts" funding; and
- (c) suggest improvements in the present GMIS system.

Following the development of a matrix method of analyzing court grants, which was discussed with some members of the Advisory Board in Denver on November 11, the team has visited a number of states chosen on a convenience basis and worked with state planning agency personnel and some state court staff to categorize the specific grant awards listed by the GMIS as being in the courts area.

In doing this work, we used the grant awards listed in the GMIS system as our basic source of information. Our initial attention was paid to awards of par C and E funds and excluded discretionary awards at this stage. We examined awards classified as follows:

- o Judiciary Alone
- o Prosecution Alone
- o Defense Alone
- o Judiciary with Prosecution and/or Defense
- o Judiciary Combined with Any Other Component
- o Probation Alone

We also attempted to recover any other related awards by requesting "Grants Not Otherwise Listed". This, however, has presented practical difficulties at this stage, as indicated in the findings below.

OVERALL FINDINGS

1. We found a number of examples of completely erroneous allocations of awards. These included misallocation of one state award to another state, double entries due to clerical error, and extensive duplication of recording especially in the "Grants Not Otherwise Listed" group. This latter problem may be due to the way this section was queried from the computer, and this problem is being re-examined.

2. Within narrow classifications within GMIS, e.g. Judiciary Alone, we found that the actual projects were spread across a number of different grantees and a number of different functional areas. The example from Texas in 1973 illustrates this point.* Although the amount of spread varies, with Colorado showing the smallest amount, all states showed much greater diversity in the Judiciary Alone area than in areas such as Prosecution Alone or Defense Alone. In the latter areas the classification tends to be more homogeneous consisting, in the main, of awards to the direct grantee for that function.

3. Appraisal of all awards which might have judicial impact in the five states examined showed that activities were spread across a large number of grantees and a large number of functional areas. This was universally true for Arizona, Colorado, New York, Texas and Whoming, as can be seen from the summaries for awards 1972-1975.**

4. An assessment of how much money went to courts depends upon the definition chosen for a court project. The enclosed chart demonstrates some of the possible choices and how they would impact upon the five states.*** It can be seen that in some states, e.g. Texas and Arizona, the definition chosen can result in a threefold difference in the amount of money attributed to the

* Appendix A
** Appendix B
*** Appendix C

Court, i.e. \$5,309,540 versus \$15,303,206 and \$543,705 versus \$1,580,532.

5. All of these definitions attribute less money to court projects than the definitions used by LEAA for "Courts." It is difficult to pin down exactly how much LEAA would assign to "Courts" but in every instance the amount of total funds considered was always twice the broadest Court project definition we used. In some instances, the ratio was five or six to one (i.e. 5:1 or 6:1)(e.g. New York and Wyoming).

6. In every instance the GMIS listing of Court projects differed from the listing in the State records. This is illustrated by the results from Wyoming and Colorado.[‡] In spite of this differential, we understand that the GMIS system is substantially complete for the majority of States (especially the top 15 in population) and we anticipate that no substantial error will arise from using the GMIS listing for our work in every state. We will examine State listings only on a sample basis.

7. Expenditures will also have to be determined on a sample state basis. There is also a time lag problem which will always leave us with ambiguity about the exact amount of court expenditures especially for later years, i.e. 1974 and 1975 (where information is incomplete).

8. Many of the allocation errors in GMIS can be attributed to the process presently used to categorize grant awards. This process involves a secondhand review of project summaries. Improvement in accuracy might result if the information were to be collected at an earlier stage in the process. One might hope to save some of the one million dollar cost of the present system at the same time.

9. The State Planning Agencies visited did not use the GMIS system for their own internal management. It is perceived that considerable attention will have to be paid to state planning agency needs if they are to intro-

duce more valid and detailed grant information into the GMIS system.

10. It is not feasible to apply our matrix to State plans for courts at the present time.

PROPOSED PLANS

1. The GMIS information reported for the States reported on here will be re-examined when the figures for grants not otherwise listed are available in an acceptable form. This will enable us to convert dollar figures to percentages of the State awards.

2. We propose to attempt to assess the present GMIS print-out of court projects in every State and territory. We have scheduled 40 states for examination by the end of February and will cover as many of the remaining states as possible prior to the Spring legislative hearings. The States presently assigned are:

Peter Haynes	Judge Richards	Ernest Short	Harv Lawson/ Tom Lehner	Joseph Trotter
Arizona New Mexico Washington Oregon Wisconsin Florida Arkansas Louisiana Alabama Nebraska Kentucky	Illinois Indiana New Jersey	California Texas Mississippi Georgia Virginia Delaware Pennsylvania Missouri Maryland D. C.	Idaho Montana Utah Wyoming Colorado North Dakota South Dakota Kansas Oklahoma	New York Connecticut Massachusetts Nevada Vermont New Hampshire Maine Rhode Island

3. Approximately 10 states' figures on awards and expenditures on courts will also be analyzed.

4. An additional team member will appraise all of the National Office

discretionary grants according to our matrix. Some state planning agencies do not have a record of those expenditures at present, so a central approach seems most logical.

5. Recommendations for improvement of the present GMIS system will develop naturally from our field work. Any detailed proposals in this area will be developed upon completion of the other tasks.

APPENDIX A

Texas - Judiciary Only-FY 1973
Judiciary Combined-FY 1973

STAFF	PRE-TRIAL RELEASE	PRE-TRIAL DIVERSION	PRE-TRIAL SOCIAL SERVICES	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LAW REFORM	Other
COURTS	178,902		298,870			1,836,529				
PROSECUTION				38,901						
DEFENSE										
LAW ENFORCEMENT										
PROBATION										
CORRECTIONS										
LEGISLATURE										
PRIVATE NON-PROFIT/ ACADEMIC	63,995					47,061				
PRIVATE PROFIT										
Local Government				57,810		46,248				57,810
State Agency						25,598				
Clerk						32,093				
TOTAL: 2,684,717	243,797		298,870	96,711		1,987,529				57,810

	CLERK	DEPUTY CLERK	CLERICAL SERVICES	PROSECUTION	DEFENSE	RECONCILIATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LEAD RESEARCH	Other
CLERK										
PROSECUTION										
DEFENSE										
DATA MANAGEMENT										141,548
PROBATION										
CONFESSIONS										99,613
LEGISLATION										
POST-CONVICT SERVICES										
PRIVATE SECURITY										
Local Government				320,119		400,519				176,874
State Agency						154,574			91,887	712,674
CLERK						7,999				
TOTAL: 2,100,007				320,119		563,092			91,887	1,130,703

APPENDIX B

State Summaries From GMIS Data

FY 1972 - 1973

Arizona
Colorado
New York
Texas
Wyoming

STATE: Arizona 1972-1975 Summary

GMIS

CRIMINAL JUSTICE	PRE-TRIAL RELEASE	PRE-TRIAL DIVERSION	PRE-TRIAL SOCIAL SERVICES	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LAW REFORM	Law En- forcement	Detention
COURTS	95,027	132,693	314,808	3,107	2,201	543,705	12,049	364,198	72,000	13,800	27,000
PROSECUTION		200,570		1,345,660	16,432					16,432	
DEFENSE					179,825						
LAW ENFORCEMENT				2,074		3,177				44,715	
PROBATION											
CORRECTIONS											
LEGISLATURE											
PRIVATE NON-PROFIT/ FUNDING				22,662	1,454	8,064				28,184	
PRIVATE PROFIT											
Other Public Agencies				40,913	28,724	98,499	38,395			348,510	2,500
Clerk						58,000					
State Bar						24,800					
TOTAL: 4,090,172	95,027	333,263	314,808	1,414,410	228,636	736,245	50,444	364,198	72,000	451,641	29,500

COMMITTEE	PRE-TRIAL RELEASE	PRE-TRIAL INTERVIEW	PRE-TRIAL SOCIAL SERVICES	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LAW REFORM
CRIMINAL	91,000					1,313,933	138,931	464,783	
PROSECUTION		64,578		975,428					
DEFENSE					200,895				
LAW ENFORCEMENT									
PROBATION									
CORRECTIONS									
LEGISLATURE									
PRIVATE NON-PROFIT/ ACADEMIC		92,855			5,918			30,000	
PRIVATE PROFIT									
Local Government								313,841	
TOTAL: 3,692,162	91,000	157,433		975,428	206,813	1,313,933	138,931	808,624	

ITAL: 41,652,186

Summary										
GMIS										
GRANTEE	PRE-TRIAL RELEASE	PRE-TRIAL SUPERVISION	PRE-TRIAL SOCIAL SERVICES	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LAW REFORM	Other
COURTS	315,450		431,654	29,086	3,162	5,309,540	9,119,045	100,269		
PROSECUTION				6,688,637						22,059
DEFENSE										
LAW ENFORCEMENT										684,931
PROBATION										
CORRECTIONS										202,295
LEGISLATURE									65,400	
PRIVATE NON-PROFIT/ AGENCIES	216,302		154,834	1,179,052	242,151	915,069	553,774	87,871	37,287	211,240
PRIVATE PROFIT						102,687				
Local Government			160,734	1,058,284	109,361	1,517,559	173,440	210,604		1,039,077
State Agency			18,750	719,814		433,016	26,345		418,273	1,914,983
Clerk						354,387				
TOTAL: 34,825,422	531,752		765,972	9,674,873	354,611	8,632,258	9,872,604	398,744	520,960	4,074,585

1914

Summary

GM: S

SPENDING CATEGORY	PRE-TRIAL RELEASE	PRE-TRIAL CONFINEMENT	PRE-TRIAL SOCIAL SERVICES	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LAW REFORM	Other
CLERKS						340,924				
PROSECUTION				68,612		13,619				418,081
DEFENSE										
LAW ENFORCEMENT						48,320				
PROBATION							18,699	46,992		
CORRECTIONS						26,609	3,145	10,198		
LEGISLATURE										
PRIVATE NON-PROFIT/ FOR-PROFIT		3,645		7,917				25,822		
PRIVATE PROFIT										
Local Government					1,650					
TOTAL: <u>1,034,233</u>		<u>3,645</u>		<u>76,529</u>	<u>1,650</u>	<u>429,472</u>	<u>21,844</u>	<u>83,012</u>		<u>418,081</u>

APPENDIX C

Chart Illustrating Different Ways
Of Viewing Court Funding

Arizona
Colorado
New York
Texas
Wyoming

DIFFERENT WAYS OF VIEWING COURT FUNDING***

GMIS Data - 1972-1975

STATE	COURT GRANTEE ADJUDICATION	ANY GRANTEE ADJUDICATION	COURT GRANTEE ANY FUNCTION	COURT GRANTEE JUDICIAL BRANCH FUNCTION	ANY GRANTEE JUDICIAL BRANCH FUNCTION	TOTAL FUNDS CONSIDERED
Arizona	543,705	736,245	1,580,582	1,489,480	1,698,615*	4,090,172
Colorado	1,313,933	1,313,933	2,008,647	2,008,647	2,038,647**	3,692,162
New York	4,701,251	5,391,326	5,984,021	4,701,251	5,391,326	41,652,186
Texas	5,309,540	8,632,258	15,308,206			34,826,422
Wyoming	340,924	429,472	240,924	340,924	429,472	2,068,466

* Excludes diversion programs run by prosecution

** Excludes diversion programs run by prosecution and probation programs run by local government

*** These figures should not be viewed as final as there is ambiguity about the status of grants labeled as "not otherwise listed". Final figures will reflect this group on a consistent basis.

APPENDIX D

Comparison of GMIS and State Records

for

Colorado and Wyoming

DIFFERENT WAYS OF VIEWING COURT FUNDING
Comparison of GMIS and State Data - 1972-1975

STATE	COURT GRANTEE ADJUDICATION	ANY GRANTEE ADJUDICATION	COURT GRANTEE ANY AREA	COURT GRANTEE JUDICIAL BRANCH FUNCTION	ANY GRANTEE JUDICIAL BRANCH FUNCTION	TOTAL FUNDS
Wyoming GMIS	340,924	429,472	340,924	340,924	429,472	1,034,233
Wyoming (state figures)	243,850	349,673	243,850	243,850	349,673	1,318,421
Colorado GMIS	1,313,933	1,313,933	2,008,647	2,008,647	2,038,647**	3,692,162
Colorado (state figures)	1,333,300	1,357,380	2,361,892	2,361,892	2,899,609**	6,900,630

** Excludes probation programs run by local and state government and diversion programs run by prosecution, local and state government. Includes probation services supplied by private non-profit agencies.

SPENDING CATEGORY	PRE-TRIAL SERVICES	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICTION SOCIAL SERVICES	LAW REFORM	Other
COURTS				340,924				
PROSECUTION		68,612		13,619				418,081
DEFENSE								
LAW ENFORCEMENT				48,320				
PROBATION					18,699	46,992		
CORRECTIONS				26,609	3,145	10,198		
LEGISLATURE								
PRIVATE NON-PROFIT AGENCIES	3,645	7,917				25,822		
PRIVATE PROFIT								
Local Government			1,650					
TOTAL: 1,334,233	3,645	76,529	1,650	429,472	21,844	83,012		418,081

State Revenues										
GRANTEE	PRE-TRIAL RELEASE	PRE-TRIAL DETENTION	PRE-TRIAL SOCIAL SERVICES	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LAW REFORM	Other
CLERKS						243,850				
PROSECUTION				134,529		24,140			6,735	283,006
DEFENSE					4,500					
LAW ENFORCEMENT						58,439				
PROBATION		64,462					18,871			
CORRECTIONS						17,935				
LEGISLATURE										
PRIVATE NON-PROFIT/ ACADEMIC		130,025		4,320		5,309	30,374	169,813	17,962	
PRIVATE PROFIT										
TOTAL: 1,318,421		194,487		138,849	4,500	349,673	49,245	274,324	24,337	283,006

SPRINT	PRE-TRIAL RELEASE	PRE-TRIAL SOCIAL SERVICES	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LAW REFORM
CLERK	91,000				1,313,933	138,931	464,783	
PROSECUTION		64,578	975,428					
DEFENSE				200,895				
LAW ENFORCEMENT								
PROBATION								
CORRECTIONS								
LEGISLATURE								
PRIVATE NON-PROFIT/ ACADEMIC		92,855		5,918			30,000	
PRIVATE PROFIT								
Local Government							313,841	
TOTAL: 3,692,162	91,000	157,433	975,428	206,813	1,313,933	138,931	808,624	

2. RECORDS

COMMITTEE	PROSECUTION	DEFENSE	ADJUDICATION	PROBATION (PRE-SENTENCE)	POST-CONVICT SOCIAL SERVICES	LAW REFORM
CRIMINAL JUSTICE			1,333,300	328,605	699,987	
PROSECUTION	64,578	1,402,721				
DEFENSE		274,314				
LAW ENFORCEMENT			24,080			
PROBATION					204,437	
CORRECTIONS						
LEGISLATURE						
PRIVATE NON-PROFIT/ACADEMIC		5,918			309,200	
PRIVATE PROFIT						
State Government	216,757				131,434	
Local Government	1,514,703				390,596	
TOTAL: <u>6,900,630</u>	<u>1,796,038</u>	<u>1,402,721</u>	<u>280,232</u>	<u>1,357,380</u>	<u>328,605</u>	<u>1,735,654</u>

END