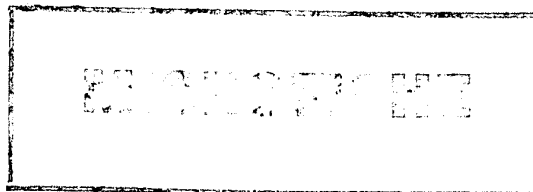


Report by  
a Panel  
of the  
National  
Academy  
of Public  
Administration



# CRIMINAL JUSTICE PLANNING IN THE GOVERNING PROCESS: A REVIEW OF NINE STATES

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National Academy of Public Administration

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## FOREWORD

Since the Omnibus Crime Control and Safe Streets Act of 1968, the Law Enforcement Assistance Administration (LEAA) has fostered the creation of central criminal justice planning agencies in state government (termed State Planning Agencies). The purpose of these agencies was first, to develop a comprehensive state-wide plan for the improvement of law enforcement and criminal justice; second, to sponsor or conduct projects to improve law enforcement and criminal justice; third, to establish priorities for improvements; and, fourth, to assure the participation of citizen and community organizations at all levels of the planning process.\*

Despite a slow start, numerous changes in the charter legislation, and constant challenges on the state and local fronts, the State Planning Agencies (SPAs) have survived and the notion that some form of coordinative criminal justice planning is useful and needed has taken root. The topic addressed herein is: given the achievements to date, can criminal justice planning be made a permanent and productive part of the on-going functions of state government?

A nine-member panel of distinguished practitioners and scholars, supported by Academy staff, have systematically addressed key issues and the evidence relating thereto on the extent to which criminal justice planning has taken root in state government, and the process by which that has occurred.

Project staff made visits, of approximately week long duration, to nine states where nearly 200 public officials and private citizens were interviewed. In each state Academy staff received the warm cooperation of the directors of the nine State Planning Agencies. Each helped arrange visits with key state officials, local planning directors, other local officials, and representatives of citizen interest groups. Members of the SPA staffs provided innumerable documents, reports, and invaluable comments. We extend our thanks to these directors: Doug Cunningham (California), Paul Quinn (Colorado), Bill Carbone (Connecticut), Bill Nugent (Michigan), Jackie Reis (Minnesota), Mike Banks (New Mexico), Gordon Smith (North Carolina), Ollie Thomas (North Dakota), and Dick Harris (Virginia).

In order to supplement the material collected from the visits, a brief survey on criminal justice planning was undertaken in cooperation with the National Conference of State Criminal Justice Planning Administrators. By December 1978, 25 members of the Conference had responded, including the following states and the District of Columbia: Alaska, Arkansas, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Michigan, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. We appreciate the time and effort the directors and staffs of these SPAs took in responding to the joint inquiry.

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\*Section 201, Title I, P.L. 90-351, as amended.

The following report represents the consensus of the Panel members and in no way is meant to reflect views, official or unofficial, of any public agency including the project sponsor, the Law Enforcement Assistance Administration. The Academy is indebted to the Panel members for their considerable dedication to this task and to the assistance of Dr. Nolan Jones, representing the National Governors' Association, to Thomas Parker, Executive Director of the National Conference of State Criminal Justice Planning Administrators, and to Lynn Dixon and Robert Diegelman of LEAA for their assistance.

An effective criminal justice system is at the very heart of our constitutional system of government. The dispersion of power within that system has been largely deliberate in order to protect the rights of the individual from any inordinate exercise of power by the state. Yet, the effective, fair administration of justice requires that the relatively autonomous components of the system act in concert toward achieving justice. This study was undertaken in the hope that the Panel could make some modest contribution to the improvement of this process. Beyond criminal justice planning, however, the study provides rich illustrations of how improvement might be furthered in both planning and intergovernmental relations within this Federal system.

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Criminal Justice Planning in the Governing Process:  
A Review of Nine States

Summary and Conclusions

In the spring of 1978 officials of the Law Enforcement Assistance Administration asked the National Academy of Public Administration to constitute a panel which would address the question: to what extent has comprehensive criminal justice planning become a part of the governing process in state government and how might this process of integration be accelerated? Since the passage of the Omnibus and Safe Streets Act of 1968, 57 states, territories, and other districts have qualified to receive LEAA grants for criminal justice projects by establishing a State Planning Agency (SPA) whose purpose is to act as the focus for and facilitate comprehensive criminal justice planning within the jurisdiction. A panel was formed of nine members who are experts in criminal justice, state government, and intergovernmental relations. In the course of eight months the panel met four times, the staff made site visits to nine states and collected reports, survey material, and other literature pertaining to the subject. The nine states were: California, Colorado, Connecticut, Michigan, Minnesota, New Mexico, North Carolina, North Dakota, and Virginia.

The conclusions and suggestions below are based principally upon the material collected in the site visits and the judgments made by the panel in discussions relating thereto.

Findings

Of the numerous observations and findings made throughout this report, the panel wishes to highlight four:

(1) Comprehensive criminal justice planning is "coming of age"--it is an area of state government management where heartening progress and innovation is apparent. Criminal justice planning is becoming a part of the governing process in state government, although this progress has occurred principally during the past three years. There is evidence of valuable contributions being made by criminal justice planning to better coordination, information, and management of criminal justice functions. The panel, however, did not attempt to make cost/benefit analyses or judgments regarding levels of funding for planning. Increasingly, the field has drawn high caliber people to leadership positions in criminal justice planning where resourcefulness, commitment, and cooperative spirit have been exhibited.

(2) The LEAA program has been the driving force behind improvements in criminal justice planning at the state level. Although frequently criticized for excessive regulations, the LEAA grant program has been the lever providing the initial stimulus for most of the criminal justice planning that exists today. The process itself has expanded considerably beyond the grant program, but remains closely associated with it in both fact and perception.

(3) Criminal justice planning is at an extremely sensitive stage where substantial reduction in LEAA support easily can set back the progress which has been made so far. Admittedly, the hopes for criminal justice planning expressed in the 1968 Act have been slow in developing, and are far from being reached; however, the task undertaken is extremely ambitious and progress is promising and seems to be accelerating.

(4) Based on the experience and progress of the nine states reviewed, the panel believes that considerably more can be accomplished elsewhere in criminal justice planning if adequately supported by political leadership. Enough experience is at hand so that reasonable suggestions can be offered on what elements facilitate success in an SPA, and what types of approaches a governor or legislative leaders should consider in taking action to improve criminal justice planning.

In making the suggestions which follow, the panel recommends exercising caution to always consider several key factors:

- There are no "standard solutions"--there is tremendous and rich variety from one state to another in the nature and organization of its criminal justice system, and in political, demographic, and other key influences which have important and direct impact on how criminal justice planning can be organized and conducted.
- Criminal justice planning will not be made more successful through detailed regulation--this needs to be reflected both in the legislative mandates and in the subsequent regulations developed administratively; much of the regulation to date has consumed time without accomplishing its purpose of assuring program achievement or maintaining responsibility.
- The process of firmly rooting comprehensive criminal justice planning in the state governing process is complex, difficult, and time consuming; progress therefore requires some long-term commitment which normally exceeds the term of office of most political officials--executive or legislative.

#### Elements of Successful State Planning Agency

There is nearly as much variety in the organization and staffing of State Planning Agencies (SPAs) as there is among criminal justice systems from state to state. Nevertheless, the panel noted several elements which were common to those SPAs considered most successful. Five of these elements are essential if an SPA is to accomplish its purposes, and five others can substantially facilitate comprehensive criminal justice planning.

The essential elements to success of an SPA are:

- A top quality professional as director of the SPA. The director need not have long experience in a particular criminal justice function (that is, be a professional peace officer, corrections officer, etc.), but the individual should have credentials in planning, management, or administration and be especially strong in his or her ability to

work with people as facilitator and coordinator. In addition, the director should have the capability to learn rapidly, to work easily with senior-level politicians, and to have an acute sense for political issues/problems. The director should be supported by a professional staff with competence across the functional areas in criminal justice.

- The active support of the governor. Political and institutional support of all types is valuable, but forward progress is most likely with gubernatorial support of more than just a passing nature. Such support need not be direct, but may be exercised through a departmental secretary where the governor essentially delegates key criminal justice matters to the secretary.
- Confidence of the criminal justice agencies. The state criminal justice agencies are the first-level participants and frequently the consumers of comprehensive criminal justice planning; without their confidence and willing cooperation, an SPA can make little progress.
- Stability of leadership. An SPA has little hope of accomplishing its purposes if it undergoes a change in director every year or two. Those SPAs which have maintained reasonable stability of leadership have had the best opportunity to accomplish more on a broader front in criminal justice planning than have others.
- A planning style that emphasizes controlled coordination, with diffused responsibility for detailed planning and implementation. This mode of operation requires a cooperative approach, with the SPA bringing diverse elements together in common where each contributes to a part of the larger whole, providing cohesion among the elements, but with actual implementation of action occurring among the component elements. This is in contrast to an early concept of planning where a central body does the planning for the component elements and enforces these planning decisions upon the elements--the latter is not a workable concept, particularly in American state government and in a fragmented, autonomous system such as that of criminal justice.

Among the principal elements which are highly desirable in an SPA are the following:

- Close working relationship with the legislature. The legislature is the one agency in the state where all the ties of the criminal justice system, including the constitutionally independent judicial system, come together, however briefly. It largely sets the boundaries within which the system must operate, but rarely has the capacity for a system-wide view. Considerable, if not the major, power in state government often rests with the legislature. Close, cordial ties need to be developed and maintained if the SPA is to have consistent success over time. And legislatures should be better organized, probably through their committee structures, to examine issues from a total system perspective.
- Close working relationships with the budget and gubernatorial planning process. Gubernatorial decision frequently is made in the context of

budget or planning decisions; therefore, the closer an SPA is wired into these processes, the more likely it is to have influence on the gubernatorial decision process when matters relating to criminal justice are considered. An SPA can prove its value to a governor by a professional and "neutral" system-wide viewpoint on criminal justice and related issues.

- Cooperation with the broader criminal justice community. An SPA cannot confine its concerns solely to state criminal justice agencies. Criminal justice functions are closely related to local government in the delivery of criminal justice "services" locally. The better the communication, rapport, and cooperation with local and voluntary organizations operating at the local level, the better the opportunities for successful criminal justice planning.
- An active, positive governing board. Although most of the governing boards of the SPAs spend the majority of their time dealing with the LEAA grant program, those which have moved considerably beyond this program to deal with state-wide criminal justice issues, demonstrate that there is considerable potential within the governing board to take non-partisan political leadership in the exploration of various alternatives to difficult criminal justice issues. The board can provide a needed forum where officials, citizens, and clientele groups can review problems before they enter the less flexible arenas of legislative or gubernatorial politics.
- A wide range of planning and coordination functions that extend beyond allocation of Federal and state funds. Issue identification, problem analyses, development of alternative approaches to action, education and training development, legislative review and development are among many "non-financial" functions which SPAs have facilitated to facilitate/coordinate action among the many components in the system. These are all functions that can be approached in a "service" as contrasted to a "control" mode and thereby gain further clientele support.

### Strategies for Reform

Substantial change that would enhance comprehensive criminal justice planning in a state are unlikely without the interest and sustained support of the governor. Legislative initiative certainly is possible, often fostered by a strong client interest of particular executive agencies that may be centers of political influence. There is also the possibility of change, bit by bit, over a long period of time if state government professionals work together toward mutual ends. But neither of these approaches to change are as easy to orchestrate as obtaining gubernatorial interest and support--and that is not a simple task.

Four alternative strategies for reform are suggested:

- Enlarge the role of the SPA within a cabinet department or secretariat. This is by far the most dramatic and sweeping change that can be made, usually combining movement and expansion of the SPA with some functional consolidation of criminal justice agencies within the executive

branch. Examples of where this has been accomplished in varying degrees are New Mexico, North Carolina, and Virginia. In New Mexico virtually all executive criminal justice functions were consolidated in the new department; in North Carolina several were so consolidated; and in Virginia the functions were consolidated within a "secretariat" as distinct from a department. In all cases, the SPA became the principal planning staff arm for the new department head or secretary and thereby enlarged its role to include all of the criminal justice issues coming before the secretary--considerably beyond the limit of the LEAA grant program. Such a consolidation reduces the number of independent actors in the coordination process, provides considerably better access to levers of influence (such as budget review, program assessment and comment, and issue analysis), and can win a place for the planning and coordination function within a general revenue budget that is not totally dependent upon Federal funding. However, it also may disturb client groups and/or various legislative cliques and certainly will have no long-term effect without first-class leadership of the new department or secretariat, excellent leadership for the SPA, and the continued interest and attention of the governor. It also requires the expenditure of a considerable amount of political capital on the part of the governor in obtaining legislatively mandated reorganization.

- Reconstitute/reorganize/revitalize the SPA. This is a practical alternative only if this action is undertaken at the explicit direction of the governor and with his or her full support. It usually is accompanied by a change in the leadership of the SPA to clearly designate a change in direction or effort by the agency. Substantial staff changes may be made through additions, reductions, and shifting assignments. The relationship to the governor and his or her staff usually is strengthened in this process and specific priorities are laid out in terms of gubernatorial interest. The most dramatic example of this is the substantial change that was made in the California SPA during Governor Brown's first term when the agency was drastically reduced in size, given new leadership, and provided with a new set of ground rules by which to operate. This usually can be done under the governor's own authority and without extraordinary consultation with legislative leaders or heads of criminal justice agencies. It can, as in California, make a substantial difference in what occurs. On the other hand, if the Governor and his staff fail to follow through by providing support to the SPA director and reenforcing that support through communication to other state agency heads, such a move can have minimal effect. It does preserve a governor's freedom of action, and does not bear the substantial cost of a legislative battle for reorganization. However, it cannot bring over time, the same benefits that might flow from functional consolidation.
- New leadership for the SPA. As noted earlier, one of the essential elements for a successful SPA is a first-class, professional director. Where an incumbent lacks these qualifications, or where interpersonal relations have soured among principal actors, considerable improvement may be had by bringing in an appropriately qualified director. Considerable progress has been made toward improving the comprehensive nature of criminal justice planning, the improved operation of the council, and improved working relationships among the criminal justice



agencies in Colorado--principally without changing structure or location but by the introduction of new leadership. Leadership can accomplish a great deal, even when bound by difficult organizational constraints. Again, such an approach will not solve inherent structural problems, but good leadership may be a necessary precursor to understanding the requirements for structural change.

- Incremental change. This is the least disruptive as well as the slowest means by which to improve criminal justice planning in a state. A foremost example is Virginia, and that was primarily successful because of the political astuteness (and longevity) of the SPA director, in conjunction with underlying political tides which facilitated modernization of the criminal justice system. For this approach to work, longevity of leadership is essential--extending beyond the usual two to four year term of a chief executive. A governor who serves six to eight years or a legislator who can retain the chairmanship of a key committee for six to ten years are in excellent positions to provide appropriate leadership for such change. However, positive results still require considerable coordination, horsetrading, and patience, and easily may be upset by a swing of political pendulum.

Examples of all of these strategies are described in the full report. The appropriateness of any one is dependent on the nature of the system, the organization of state government, the political environment, and other factors as they exist at any given point of time in a particular state. Our review of these nine states shows that significant progress has been made in comprehensive criminal justice planning and the opportunities remain for considerable further improvement.

## Chapter I

### Introduction

Since the Omnibus Crime Control and Safe Streets Act of 1968, the Law Enforcement Assistance Administration (LEAA) has fostered the creation of central criminal justice planning agencies in state government (termed State Planning Agencies--SPAs). The purpose of these agencies was first, to develop a "comprehensive state-wide plan for the improvement of law enforcement and criminal justice . . ."; second, to sponsor or conduct projects to improve law enforcement and criminal justice; third, to establish priorities for improvement; and fourth, to "assure the participation of citizens and community organizations at all levels of the planning process."<sup>1</sup> Introducing planning (usually viewed as a central control process) into the criminal justice system (a system largely in concept only, certainly not in the way it operates) is a formidable challenge. It was undertaken in 1968 with much good intention, but a poor understanding or, at least, a poor appreciation of the complexity and many obstacles involved.

Despite an inauspicious start, seemingly endless changes in the charter legislation and LEAA regulations, and constant challenges/setbacks on the state and local fronts, the state planning agencies have survived and the notion that some form of coordinated criminal justice planning is useful and needed seems to have taken root. The topic addressed herein is: given the success achieved so far, how can criminal justice planning be made a permanent and productive part of the governing functions of state government?

### The Panel's Task

From the perspective of ten years' experience of trying to establish viable criminal justice planning efforts in the states, LEAA officials were acutely aware of the many and frequent criticisms directed at the program. The process was too cumbersome; the money was going to the wrong places; program emphasis was being changed too frequently; the apparently miniscule results did not justify the extensive expenditures. Notwithstanding the sea of criticism, projects were being successfully completed and both state and local governments were continuing, with their own resources, programs which had been started as pilot projects under the LEAA program. Individual projects could be identified as successful; however, was the supporting process at a stage for "spinning off" from the Federal program to the state government? It was with this perspective that officials of LEAA approached the National Academy of Public Administration in the Spring of 1978, requesting that it address the question: To what extent has comprehensive criminal justice planning become a part of the governing process in state government and how might this process of integration be accelerated?

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<sup>1</sup>Section 201, Title I, P.L. 90-351, as amended.

## Approaches to the Study

The Academy constituted a panel of nine members who were scholars and practitioners having extensive experience in criminal justice, intergovernmental relations, and the management of state government. The Panel met four times in the course of eight months discussing and laying out the general outline for the study design, considering the selection of site visits to specific states, reviewing preliminary papers on key issues, discussing and amending the draft report, and assessing the descriptions of criminal justice planning in nine states. This report reflects the consensus of the Panel on the main findings and key issues of criminal justice planning and its integration into the governing process of states.

In addition to a review of relevant literature, project staff made visits, of approximately a week long duration, to nine states where nearly 200 public officials and private citizens were interviewed. The purpose of these visits was to illustrate the variety in criminal justice planning and how it is becoming a regular part of state government processes. Visits were made to California, Colorado, Connecticut, Michigan, Minnesota, New Mexico, North Carolina, North Dakota, and Virginia. These states were selected after Panel consultation and discussion on the basis of four criteria: (1) demographic diversity, principally in terms of geographic (regional) dispersion and the nature of the state's population; (2) program or functional diversity in terms of the major activities which might be undertaken to improve the criminal justice system; (3) access to data, including relevant information from previous studies and access to key state officials; and (4) evidence of recent positive action toward institutionalization or institutional relationships of special interest. Descriptions of criminal justice planning in these nine states are in Appendices C-K. This onsite data was supplemented by information derived from a survey of SPA directors undertaken in cooperation with the National Conference on State Criminal Justice Planning Administrators. By December 1978, 25 of the 57 members of the Conference had responded.

The Panel also had the benefit of briefings from senior officials of LEAA about the program, its legislative basis, and the views of the status of criminal justice planning. In addition, representatives of public interest groups which have criminal justice programs were invited to present their perspectives on the issues.<sup>2</sup>

## Focus of the Study

This study has as its focus the planning process within the criminal justice function at the state level. The emphasis is upon process and not the

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<sup>2</sup>National Association of Counties, National Association of Criminal Justice Planners, National Conference of State Criminal Justice Planning Administrators, National Conference of State Legislatures, National Governors' Association, National League of Cities, and the U.S. Conference of Mayors.

"products" of a criminal justice agency whether these be police patrols maintained, prisoners housed, or court cases cleared. Principal points of inquiry, particularly on the visits to the nine states, included:

- What is the organization and nature of the criminal justice system?
- How does the SPA operate, and what is its current role in state government?
- What achievements of the SPA deserve highlight?
- What are key challenges or problems from the perspective of the SPA Director/staff?

In terms of the nature of the SPA operation special attention was given to:

- What is the concept of "planning" that guides the SPA activities?
- Specifically, what is the SPA doing?
- How is the SPA staffed?
- What are the relationships/linkages to other elements in the criminal justice system--both state and local?
- What are the linkages to the general functions of government, such as budgeting and legislative drafting or review?

Each of these was subdivided, and, to the extent possible, senior officials in each of the criminal justice agencies, the governor's office, legislative staff and legislators, court officials, council members, and local officials were interviewed to obtain cross-cutting, varying perspectives on the same topics. Information about interest group activity, and details on sub-state planning were gathered as time and opportunity permitted. Little information was collected, or indeed available, that might illustrate related institutional impact from universities, private or public groups not usually affiliated principally with criminal justice functions, or other secondary influences.

This report should not be considered to represent criminal justice planning among the 57 states and other jurisdictions maintaining state planning agencies under the LEAA program. It does, however, illustrate, through the review of nine states, the variety and intensity with which criminal justice planning has been conducted, some of the encouraging progress which has been made as well as continuing weaknesses, and avenues for significant improvement in the future.

#### The Context of the Study: The Criminal Justice "System" and the Need for Broad Perspective

Broadly conceived the criminal justice system has three principal components: police, courts, and corrections. Respectively, they include: police, sheriffs, constables; judges, prosecutors, defense counsels; and penal institutions (prisons or jails), half-way houses, other institutions, probation and parole officials. A fourth category exists, containing many non-governmental or quasi-governmental organizations and people, including service-providers, universities, foundations, interest and clientele groups. Most readers of this study will know these categories, as well as what sheriffs do, how probation services relate to both courts and corrections, and whether prosecutors and public defenders are part of a state court system. However, for those with

less familiarity, a description of the criminal justice system is included as Appendix B.

The fundamental purpose of this "system" is to protect the individual and the community through the prevention and control of crime. Although there are key roles for Federal, and especially local, governments to play in the criminal justice system, fundamental power still resides with the state government. It has been a basic tenet of American constitutional history that the "police" powers reside principally with the states. Although local appointed or elected officers may carry out one or more functions of the criminal justice system, the basic authority usually still resides at the state level through the state constitution or state law.<sup>3</sup>

The criminal justice system is a subject of continuing concern because it is the most visible and directly responsible factor for the relative state of domestic peace in this country. Throughout our history there have been periodic outbreaks of interest and/or reform directed at changing one or another of the various elements in the criminal justice system.<sup>4</sup> These concerns often have been stimulated by public awareness of flaws or breakdown perceived in one or another of the elements in the criminal justice system, or in the need to strengthen the system against larger societal problems. For example, the rising crime rate in the mid and late 1960s, reinforced by urban riots, caught public concern. Public and professional concern resulted in the review of criminal justice in the United States by the President's Commission on Law Enforcement and Criminal Justice in 1967, culminating in the Omnibus Crime Control and Safe Streets Act of 1968 which established the Law Enforcement Assistance Administration. The 1968 Act provided Federal grant assistance to the states to institute criminal justice planning as one response to the perceived fragmentation, duplication, and lack of coherence in criminal justice administration. Many observers believe that bringing better order and coordination to the disparate elements engaged in the criminal justice process will improve the performance of the system (termed by some as a "non-system") to the ultimate purpose of better crime control and crime prevention.<sup>5</sup>

Unlike other governmental "systems," criminal justice is unique in that the component elements are spread across levels of government and constitutionally vested in the autonomously separate branches of government as well. Thus, there can be no "czar" holding supreme authority over the criminal justice system, even if the politics of a given moment would permit such. The combination of constitutional separation and historic practice will continue

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<sup>3</sup>For example, though most of the "police" function is carried out at the local level through city police officers or county sheriffs, what they are enforcing is largely state law.

<sup>4</sup>The Wickersham Commission (1931), the Katzenbach Commission (1967), the Peterson Commission (1973).

<sup>5</sup>Committee for Economic Development, Reducing Crime and Assuring Justice (1972), and Daniel L. Skoler, Organizing the Non-System: Government Structuring of the Criminal Justice System (Lexington, Mass.: Lexington Books, 1977).

to keep major elements of the criminal justice system relatively autonomous and not subject to the type of political or administrative controls to which other major programs or functions of government might be susceptible. Therefore, efforts to improve the performance of the system are likely to be marginal without significant system-wide perspective and attention. Such perspective generally is considered most likely to be achieved through some form of comprehensive criminal justice planning.

## Chapter II

### What Is Criminal Justice Planning?

If coordination and thinking ahead are to be the usual rule within the criminal justice system in a state, what needs to happen? To approach that question, this Chapter will first consider the ideas of planning in general and criminal justice planning in particular. Then it will note the ways of doing criminal justice planning, and who does it.

#### What "Planning" Means

##### Neither Control nor Execution

People interpret the word "planning" in different ways. Most understand it to mean thinking ahead about how to do something. But many people in public life, who would not object to thinking ahead, believe that planning by a government is bad because to them it includes more than systematic foresight. Some consider the term to imply control over an operation by someone outside it who has no responsibility for results. Some think planning implies rigid adherence to a preconceived set of actions, so that everything which was planned does get done but nothing else is permitted. Part of the difficulty is in a view of planning as merely laying out a method for achieving an objective, when actually it can be that or it can be comparing several alternative objectives or policies.<sup>1</sup>

Planning, as the Panel understands it, does not imply control nor include execution. Properly done, it ought to be an aid to both, but it is an adjunct, and separate. Planning precedes execution, preparing the way for it.<sup>2</sup> It reduces the uncertainties which the manager, responsible for results, must face. Thus it allows a more effective and concentrated use of the manager's judgment. Planning is a staff activity, done usually by staff people for line managers. The decisions about plans are made by line managers who have responsibility for results and authority to decide and control execution.

Effective managers normally ensure not only that planning is done before they act but also that further planning occurs during the action phase, to take account of the inevitable differences between what was foreseen and what actually occurs. If the two activities of planning and execution are not consciously distinguished, people may sometimes tend to see execution as an inseparable continuation of planning, or even a final phase of planning. It is true that sound planning necessarily is rooted in the realities of execution, and that

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<sup>1</sup>The Council of State Governments, Judicial Planning in the United States (Lexington, Ky.: COSG, 1976), pp. 1-2.

<sup>2</sup>\_\_\_\_\_, The Future of Criminal Justice Planning (Lexington, Ky.: COSG, 1976), p. 13.

feedback from the execution process is used as the best possible refiner of plans. Nevertheless, planning and execution are quite different activities.

### Logical Steps

Planning differs from academic analysis, which mainly seeks understanding, in that planning aims toward getting something done. Whether that something is the adoption of a policy or the carrying out of a program, the planning process necessarily contains a number of steps and a logical sequence. First, there is the definition of the issue or of the aims and objectives involved. Next, there is the assembling of pertinent information, including concepts about cause-and-effect. Then there is the visualizing of alternative ways to proceed and of the consequences each might have. Finally, there is usually some comparison of these alternatives, involving criteria whether explicit or implicit.

The sequence of such a planning model is logical, for successive steps depend upon the ones before. The issue or goal must be clear, because the nature of all that follows hangs on that purpose. In light of the purpose, data can then be gathered economically, and a comprehension of these facts about the situation allows options to be imagined and the likely results and implications of each option to be foreseen. Once that is done, a basis for comparing exists. The planning process then has prepared the matter for decision by the responsible manager.

Much variation is nevertheless possible within the framework of this basic model. Feedback, for example, is a routine technique of planners. During later stages of the sequence, facts or aspects evidence themselves which would have affected earlier stages. So the planner in effect backs up and inserts the new discovery there and works out the consequent revisions through successive stages. Moreover, there is the tension--sometimes found even within one person--between the pure planner viewpoint, tending to consider everything and to compare meticulously, and the pure executor viewpoint, tending to reach quickly for the first workable package and act on it.

### Practical Considerations

In practice, it may not be possible to follow the logical sequence. Sometimes a government planner may have the luxury of orderly progression from starting point to end. But suppose a legislator or the Governor proposes an altogether new program, and the planner must react promptly to it. The planning sequence has now been entered from the end, not the beginning. If the planning approach is to be used, the planner therefore must derive alternatives, work out consequences, obtain data, infer a purpose, and then apply feedback, all in whatever time is available. Some or all of the process may need to be shortened, perhaps done mentally rather than in writing. Sometimes the process may occur skeletally and extemporaneously in a meeting. In such cases, a chief concern of the planners may be the practical political feasibilities. If half a loaf is better than none, then political momentum toward a good partial step raises the question whether holding out for the ideal is wise.



In governments, planning is done in an actual political setting and becomes effective only when political leaders decide and act.<sup>3</sup> Since it takes pragmatic realities into account, the planning process may therefore be intertwined with educating the concerned public and generating consensus.<sup>4</sup> Planning leaders may so shape their work as to pursue a reputation for timeliness, workability of proposals, and responsiveness to special public anxieties, if that seems the best route toward a sympathetic ear in the legislature.

### Anticipation of Consequences

The essence of planning is organized forethought. It seeks to visualize what situations are apt to exist in a near or more distant future, what resources will or could be available to deal with them, what the options are for governmental policy and action, and how these seem likely to work out. The key question is what would probably happen, what the results and the side effects would be. Planning is, above all, a matter of trying to anticipate the consequences.

### What "Criminal Justice Planning" Means

#### Its Nature

Criminal justice planning is simply the application of all the above notions within the highly dispersed field of criminal justice within a state. It is the reduction of uncertainty about the future, so that decisions made elsewhere, often by a number of autonomous officials, may be more accurate and timely. It is using analysis and data--not just numbers, but concepts as well--to discover and compare possible goals, priorities, and standards so as to best meet criminal justice needs which it has identified. Often it is laying out specific programmatic steps to accomplish clear purposes.

Particularly when done within a state planning agency, or SPA, it is also something more. It is then the active search, from a broad and system-wide viewpoint, for interactions among parts of the criminal justice system, in order to see how things done by one part may affect another part, and to encourage or arrange their coordination.<sup>5</sup>

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<sup>3</sup> \_\_\_\_\_, State Planning: New Roles in Hard Times (Lexington, Ky.: COSG, 1976), p. 6.

<sup>4</sup> Some of the main issues affecting criminal justice planning are highlighted in Daniel L. Skoler, Organizing the Non-System (Lexington, Mass.: Lexington, 1977), pp. 29-43.

<sup>5</sup> Daniel L. Skoler, Criminal Justice Organization, Financing, and Structure: Essays and Explorations (Washington, D.C.: U.S. G.P.O., 1978), pp. 65-79.

In a late-1978 questionnaire survey, the SPAs expressed a surprisingly uniform understanding of what criminal justice planning was supposed to be.<sup>6</sup> Although the ways they are able to apply that understanding may vary widely, they agreed that criminal justice planning comprised:

- (a) Anticipating the future (perhaps short-range, perhaps longer).
- (b) Visualizing consequences of alternative policies or actions.
- (c) Clarifying purposes, problems, goals, and priorities.
- (d) Hence improving the prospects for productive decisions by the authorities responsible for resource control and results.
- (e) Communicating and stimulating intercommunication.
- (f) Perhaps above all, energizing coordination.

#### Its Relationship to Resource Management

Criminal justice planning is closely allied to the management of resources (mainly funds and people) but is not the same thing. Suitably done, planning can improve the basis for such management. Resource considerations usually are key factors in planning, most often as constraints. In budgeting and financial management the natural concentration is upon dollars, while criminal justice planning concentrates more upon considerations of cause-and-effect, and consequences, with an instrumental view of dollars. So the two seem complementary.

One view of criminal justice planning, however, holds that influence over funding is the only powerful leverage planners can have to offset the centrifugal tendencies of the dispersed system and achieve coordination within it.<sup>7</sup> Usually coupled with that view is the observation that since LEAA has been providing only 3 to 5 percent of what is spent on criminal justice within a state, some influence over the 95 to 97 percent provided by state and local governments is essential if the planning is to be effective. Some people modify that judgment, however, by noting the inflexibility of most state and local expenditure, committed as it is to police payrolls, prison maintenance, and the like. Of what is actually available for innovation and progress, they say, the LEAA funds constitute a potent share.

#### Its Products

State criminal justice planning can have at least four possible sorts of products. Since Federal money is usually wanted but is available only under

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<sup>6</sup>Survey of SPA directors, in cooperation with the National Conference of State Criminal Justice Planning Administrators, Fall 1978--25 of 57 SPAs responding.

<sup>7</sup>Skoler, Organizing the Non-System, op. cit., p. 260-1.

certain conditions, the first is sufficient compliance to protect the Federal fund flow. Initiation of legislation or influence upon it is another, which could be direct or indirect. Some influence upon the allocation of state funds, presumably but not necessarily via budgetary processes, is a third. The fourth is some contribution, for selected issues, to the processes of executive management, the policy statements and directives and so forth through which parts of the criminal justice system are controlled by those often-autonomous officials having authority.

### How Is It Done?

One way to visualize what activities are entailed in criminal justice planning is in terms of compliance, systematic planning, reactive planning, coordination, and support building.

Compliance is the activity done to meet the numerous, often detailed Federal requirements expressed in legislation and LEAA guidelines.<sup>8</sup> To manage grants of Federal funds requires extensive administration.<sup>9</sup> A comprehensive criminal justice plan for the state, usually very long and packed with specifics, must annually be updated at considerable length. To produce or update the comprehensive plan will engage many planners, but it will involve far more people as well. Many responsible officials, sitting as members of supervisory councils or boards, will take part in reviewing the contents of the plan or its judgments.

Systematic planning, initiated or at least controlled by the planners, usually is forethought which involves assembling and analyzing data, working out and comparing alternatives, visualizing consequences, and working up materials suitable for decision elsewhere. It might deal with a broad set of problems, or a narrow one.

Reactive planning may also entail all the same steps as systematic planning. But it is more likely to be foreshortened, since it would be responding to someone else's needs and, no doubt, time schedule. Most of the problems would be of narrow scope, perhaps even spot-actions.

Coordination is causing the policies and actions of others to be so articulated as to minimize mutual interference and to maximize mutual support in the larger public interest. Since apart from the legislature only the SPA has system-wide responsibility and perspective, the SPA has special obligations to ensure coordination. Yet most others in the system have or share substantial autonomy, so the SPA's modes of coordinating are not based on control.

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<sup>8</sup>State of the States: On Crime and Justice, a report of the National Conference of State Criminal Justice Planning Administrators, May 1976, pp. 27-34.

<sup>9</sup>Advisory Commission on Intergovernmental Relations, Safe Streets Reconsidered: The Block Grant Experience 1968-1975 (Washington, D.C.: U.S. G.P.O., 1977), Chapter IV, pp. 51-97.

Support building recognizes that political processes determine decisions and actions affecting criminal justice; hence it undertakes to inform, consult, and suitably accommodate various groups. These groups may be within the criminal justice system, elsewhere in state and local government, or in the private sector. Toward most of them a normal route is via the membership of a supervisory council or board, with whom communication is therefore apt to be full and frequent.

## Who Does It?

### Responsible Leaders in Government

Although this discussion deals mainly with professional planners in SPAs and elsewhere, some of the most significant criminal justice planning actually is done by elected and appointed officials with responsibility for results. A Governor may not have much time to allocate to planning, but will give guidance, will make major decisions, and is likely to take an active part in some of the analytical discussion of alternatives in such cases. Most assuredly a Governor will urge coordination and the use of a system-wide view by people whom he or she has appointed to head criminal justice agencies. These latter people, too, will do some planning themselves and especially will review and decide about the planning which others do for them. In the state judiciary, responsible judges will be doing the same within their sphere. The legislature will not only be a critical consumer of executive and judicial planning but may also periodically supplement or even replace it with planning which members or staffs perform.

At sub-state levels, not many responsible officials have access to full-time planners, so they and their immediate staffs may take a more direct although part-time role in the planning process.

### SPAs and Their Councils

The SPAs usually constitute the largest group within a state of people engaged in criminal justice planning. Not all they do is planning, of course, for much administration of grants and compliance is also done there. But they do plan for the system as a whole.

The supervisory boards over the SPAs, usually termed councils, are charged to take a similarly broad view. A few of them have undertaken to do planning themselves, in all its steps. Most, however, apply their experienced judgment to the intermediate or final products of planning accomplished in SPAs and elsewhere. The give-and-take which ensues is bound to enrich those products and is clearly a contribution to the planning process.

### Sub-State Criminal Justice Planners and Their Advisory Groups

In the dozen or so Regional Planning Units (RPOs) and Criminal Justice Coordinating Committees (CJCCs) which a state may have, much of what happens

is coordinating activity and the providing of service, as distinct from actual planning analysis.<sup>10</sup> Some of the latter is regularly done, and it, plus the rest, are the origins for useful input into planning done elsewhere, too.

Members of the regional planners' supervisory boards naturally incline toward a pragmatic view, as a rule, and sometimes this leads to actual planning of an operational nature being done by a board or committee of a board. More usually, though, their participation in planning centers on the application of experienced judgment--for example, in adding a new option that had not occurred to the professional planners.

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<sup>10</sup> National Advisory Commission on Criminal Justice Standards and Goals, A National Strategy to Reduce Crime (Washington, D.C.: U.S. G.P.O., 1973), p. 35.

## Chapter III

### Organizational Structure

#### The Importance of Organizational Structure to Criminal Justice Planning

Criminal justice planning can be facilitated or hindered by the specific organizational structure of both components of the criminal justice system and the key decision points in state government generally. Where criminal justice components have been more or less consolidated (such as in North Carolina, New Mexico, and Virginia) the initial processes of planning can be made considerably easier. The opportunity to obtain access to a number of agencies through a common superior does not reduce conflict or differing opinions over issues or policies; but, it does provide a means for a more timely resolution of differences compared to circumstances where similar agencies must be approached on an independent basis and there is no point of resolution, in organizational terms, short of the Governor. The dispersion of criminal justice functions among a number of agencies in the executive branch clearly makes planning more difficult. This is not to say that it makes it qualitatively poorer nor that consolidation necessarily relieves the process of either conflict or failure. New Mexico provides the most striking example, where, except for the Attorney General's office, all criminal justice agencies at the state level within the executive branch are either within or administratively attached to the Department of Criminal Justice. On the other hand, in both California and North Dakota the state criminal justice agencies are widely dispersed, requiring considerable coordination across independent agencies in order to achieve comprehensive planning. This dispersion is further exacerbated in California where the local level of government is the more active level, expending about three quarters of the total criminal justice expenditures in the state. In spite of these substantial differences, one would be hard pressed to judge either California's or North Dakota's planning as less successful than New Mexico's as it meets the state's own needs. Both the organizational structure of the system and location of the particular function can have important effects upon how criminal justice planning can be approached most usefully.

Like the executive branch, the organization and division of functions within the court system will have a considerable influence on how comprehensive the criminal justice planning in a particular state can be as it encompasses the court system. Where the courts have been unified, such as in Colorado, Connecticut, North Carolina, and Virginia, it is possible to deal with a limited number of contact points and assure accurate representation of the judiciary. Such is not the case in California and Michigan where the court system is divided among levels of government with no clear administrative center. In such instances substantial efforts are required to develop a basic consensus before some of the fundamentals of planning even can be undertaken.

Legislatures present a special problem since there has been little effort here to treat criminal justice problems comprehensively through organizational means. The usual case is for both upper and lower houses of a legislature to have two, three, or more committees (apart from taxation and appropriations) that have jurisdiction over various parts of the criminal justice system. Rarely do

such committees coordinate or look for secondary and overlapping impacts respecting issues and legislation with which they deal. The Virginia General Assembly does have a Crime Commission composed of representatives from both the House of Delegates and the Senate; however, this Commission tends to deal with issues of topical political interest in the field of criminal justice rather than to take a systematic overview of the needs or problems within the system. Of course, not all legislative matters (or criminal justice issues, for that matter) require a synoptic view. The legislature remains the one institution where satisfactory models for a comprehensive approach to the criminal justice system have yet to be identified. Those SPAs that have been most successful in their relations with the legislature generally develop good links at the professional staff level, supplemented by cooperative contacts at the political level.

The organizational location of the SPA clearly influences both its ability to undertake comprehensive criminal justice planning, and the way in which it approaches that task. Initially, all SPAs were authorized by gubernatorial initiative, usually through an executive order. Most were semi-independent or autonomous, reporting directly to the Governor or established as part of a general service unit such as a Department of Administration, an Office of Planning or similar general staff agency. Obviously, the purpose was access to the Governor for decision and support. Since most chief executives have a large number of semi-independent, small groups, reporting to them, this "executive location" held real value only if the SPA Director had a recognized personal relationship to the Governor. Over the past decade, nearly all SPAs have been authorized by legislation and many have been removed from the Governor's immediate ambit to other locations. For example, reorganization in New Mexico, North Carolina, and Virginia has put the SPA in a consolidated department which includes many, if not most, of the criminal justice agencies in the executive branch. In all three of these instances, the SPA has been elevated from a role of having responsibility principally for the LEAA grant program to that of providing general planning and analysis staff support for the secretary of the department involving all of the functions over which he or she has responsibility. In such a position the SPA operates from a point of organizational strength, dealing with other components of the system. On the other hand, the SPA may face the perception of being "an interested party" more than appears to have been true when the SPA is organizationally separate from agencies having operational responsibilities.

During the past ten years, there has been a general trend toward consolidation within the criminal justice system which is particularly pronounced through an increasing number of states where the court systems have been unified and where at least some of the criminal justice functions in the executive branch have been brought together in a single department. None of these assures better or more comprehensive planning in and of itself; but, they can facilitate the process of coordination, information exchange, and ultimately of decision. There are many other variables which can have as important if not more important impact upon criminal justice planning than organizational location and structure--for example, the professional and political capabilities of the leadership in the criminal justice agencies, but especially in the SPA; the relative strength of the links between the SPA and its sister organizations within the criminal justice community; and, in the relative strength of the ties to the Governor and to the leadership in the legislature.

## Where Criminal Justice Planning Occurs

The SPA is the premier location for comprehensive criminal justice planning. The responsibility for formulating and updating the annual plan required by LEAA virtually assures this. Although the SPA may not collect the data or even have the most sophisticated analysis on any given topic, it is most likely to be sensitive to and aware of the interconnections among the various elements within the criminal justice system and their patterns of interaction. On balance, the SPA normally reflected the greatest breadth and depth in the planning specialties related to criminal justice and is the locus of the more systematic, long range concerns across state government dealing with criminal justice. Most SPA staff are in the civil service and increasingly reflect education and/or experience in one or more of the criminal justice specialties. Staff appear to be more professional in all respects than observers suggest was the case eight or ten years ago.

Among executive departments, the agency or department responsible for corrections usually evidenced the most involvement in planning and had the most able planning staff. Apart from state police agencies or those agencies established especially to develop and provide training for criminal justice personnel, little planning capability was apparent among other criminal justice agencies in the executive branch. In each of the above instances, the planning tends to be operational in nature, short term, and directed almost exclusively to the particular function for which the agency has responsibility. The most notable exception has been long-range master planning undertaken in corrections departments whereby corrections master plans are developed to deal with a number of the key issues which have held the public eye in this area, such as juvenile justice facilities, overcrowding, and community corrections.

Beginning with the emphasis on administration and management concerns in the court system provided by Chief Justice Warren Burger, there has been pronounced activity in the judiciary for the establishment of various mechanisms to relieve judges of various administrative and managerial tasks to include developing calendars, instituting more effective records management systems, and developing primary data systems. The equivalent of an administrative office of the courts supporting a chief justice at the state level is relatively common now. Since the amendment of the Omnibus Crime Control Act in 1976 to provide LEAA funds for judicial planning committees (JPCs), these "planning" bodies have proliferated. As a rule, there are reasonably good ties between SPAs and administrative officers in the court system and/or judicial planning committees (which frequently are attached to administrative offices). This facilitates including judicial concerns in a more systematic fashion in the SPA and other criminal justice planning.

The only other location for substantial criminal justice planning occurs at the sub-state level in the regional planning units or special urban-oriented units in major metropolitan areas. Among these units, the best planning appears to occur in the metropolitan areas where there is adequate staff, a close tie to general government decisionmakers, and close linkages to the operating agencies. Even minimally staffed RPU's which are part of a regional Council of Governments or a uniform planning region can make significant contributions if the unit works closely with other professionals on the general planning staff and fully utilizes the data and analysis capabilities. The quality of planning



at this level is largely a function of the quality and experience of the staff so involved.

### The SPA and Its Relationships

An SPA must establish a network of relationships if criminal justice planning is to have any significant impact. Positive and continuing relationships need to be developed with the general decisionmaking organs of government (the Governor, the legislature, the state budget office, and to a lesser extent generic state planning office) and with the major actors in the criminal justice community (other criminal justice agencies in the executive branch, courts, regional/local criminal justice planners and agencies, and interested professional/interest groups). No program of planning can be viable without close cooperation and data exchange between the SPA and the criminal justice agencies. As an independent agency reporting directly to the Governor, the SPA can have considerable influence if it is perceived to be a surrogate for the Governor reflecting his interest on criminal justice matters generally, as appears to be the case in California and North Carolina. Where criminal justice topics do not occupy high priority attention on the part of the Governor, the independent status can still serve a positive role with the SPA acting as the "neutral mediator having recognized competence." SPAs in North Dakota and Minnesota tend to fit this general mode of operation. The Colorado SPA also tends to fit this role, though it is located in the Department of Local Affairs. Those SPAs, such as New Mexico, North Carolina, and Virginia, which are part of a consolidated criminal justice department or secretariat are not completely free from the responsibility for developing a consensus type of relationship with sister criminal justice agencies in the executive branch. Although coordination may appear to be "automatic" because of the organizational unity, in fact the organizational politics may be equally as challenging (see the description of the New Mexico SPA in Appendix H).

In summary, organizational structure and location are important factors in how an SPA approaches its task of comprehensive criminal justice planning, and may have a determining effect on its relative success. Generally speaking, those SPAs located within a consolidated department, encompassing a substantial number of the executive branch functions in criminal justice, appear to be among the institutionally most secure SPAs. To have such a home base provides more discernible opportunities to reach beyond the LEAA grant program in its planning efforts.

## Chapter IV

### Organizational Functioning in Nine States

This Chapter describes how planning actually functions in criminal justice organizations in the nine states observed. When visiting the SPA--the organization which has the largest gathering of criminal justice planners in a state--one finds more people busy in the area of LEAA grants and compliance than on other matters. Besides being foremost in effort applied to it, that area is also foremost in significance, some would say, because of the leveraging effect of LEAA funds.

Nevertheless, the processes can be visualized more readily if other matters are examined first. Consequently, this Chapter initially considers what is done in general, under the four categories of broad planning, standards and goals, specific planning, and coordination. Thereafter it reviews functioning in terms of the various outputs--not merely LEAA grants and compliance but also legislation, support-building, budgetary review, technical assistance, and sub-state planning.

Just as each state is unique in its organizational structure for criminal justice planning, so also is each state unique in the way that its planning network functions. In reading this Chapter on what the network does and how it does that, the reader should bear in mind the distinctiveness of each state. The generalizations which follow do not all apply to any one state; each state has its own blend of conformity to and divergence from them. The reasons for this distinctiveness are several. First, while the Safe Streets Act did prescribe an SPA and a council under the Governor, as well as an annual comprehensive plan, the Act also left much freedom of action to each state. Distinctive factors soon influenced how the planning area thereafter developed. Second, the nature, managerial style, and turnover of such key individuals as governors, SPA directors, council chairmen, and influential advisors are unique to each state and quite varied among them. The same is true of the constitutional framework and the overall governmental patterns within which planning operates. Distinctiveness therefore has been compounded. Third, both the historic setting and the unfolding events of each state's political life are absolutely unique, yet these tend to define both what is necessary and what is possible.

#### Broad Planning

The 1968 Federal legislation creating the LEAA program aimed to induce the states to do broad, overall planning in two senses. One was the system-wide sense, so that constant attention would be paid to the interdependence of all parts of the system, and plans would provide for the consequences that an action in one part would have for other parts of the system. The other sense was a concern for goals and priorities, so that effort would be purposeful and of cumulative effect over an extended time.

But the Federal money began to flow at once, before planning networks existed to do this broad planning. The states apparently felt one problem to

be overriding: to improve the effectiveness of police. A few people realized then that the effects of interdependence would quickly appear--that more arrests would mean more plea-bargaining, more trials, more offenders on probation, more offenders locked up, and more arrests still. Yet no planning network was tuned toward anticipating these and the thousands of more specific consequences of change, let alone toward sorting them into manageable aggregations, arranging the priorities, figuring out what could be done, getting it authorized and funded, and then coordinating the execution. Even though the LEAA program aimed to create such a network in each state, the infancy of these system-oriented planning and coordinating mechanisms occurred simultaneously with the new spending on law enforcement and its side-effects. These mechanisms, obliged to handle complex administration of grants and to deal with crises while at the same time creating themselves, spent years struggling to catch up. During just the last several years, however, most of the nine SPAs visited have overtaken these difficulties and begun to approach the hopes originally expressed in the 1968 legislative mandate. The strong, encouraging trend among the nine states is for agendas to be set by conscious system-wide forethought rather than by the random pressures of events.

Broad planning recently done in California and Virginia illustrates the point. The California Council on Criminal Justice, working intimately with its associated SPA, has backed off to view the whole system in perspective, drawing on extensive public consultation. The result was a fundamental policy framework of priorities and programs for the whole system. This framework the SPA now uses in dealing with LEAA grant matters and with proposals for state legislation, while sub-state planners use it to energize locally funded programs. The method used to develop it was highly systematic and structured, with carefully selected criteria and an explicit process for making the necessary choices. In Appendix O appears an extract from an April 1978 State of California, Office of Criminal Justice Planning publication entitled California's Legislative Anti-Crime Initiatives Based on Intergovernmental Planning which describes the process. California used a quite open process, involving many public hearings, and evidently sought--successfully--to nurture support for whatever was ultimately to be chosen.

Virginia, however, applied a quiet government routine, linked to the biennial budget process, but at least as systematic and structured. It, too, separated this broad planning altogether from the grants selection process, identifying the chief issues and sorting out their relative priorities. The SPA methodically ensured very wide input from local governments and state agencies especially, aided in this by the obvious budgetary implications. The role of the supervisory council has been less prominent in this process than that of its California counterpart.

What is highly significant about both these experiences, plus some similar ones elsewhere, is not only how recently they have emerged but also that the planning covers the whole of criminal justice activity in the state, not simply the LEAA-supported fraction. The Virginia system is clearly organic now to state government processes, although it remains to be seen whether California's subsequent updating will be regular and equally methodical.

In most of the nine states, the SPA's supervisory council has been taking an active role in identifying issues and problems. But in all observed cases, the interplay between council and SPA prior to decision has been extensive. To

find problems in the criminal justice field has always been relatively easy. To identify those susceptible to fruitful action with limited resources, however, is not. Basic issues need culling from among the superficial and "newsworthy." Problems which have cascade effects on others need to be located. Discrimination, attention to linkages, and a constant sense of the practical are all, therefore, essential.

All criminal justice planning organizations devote continuous effort to identifying what problems or issues exist, and which ones warrant early action. The SPAs do much of this, and it usually centers around the collection and analysis of data. While much of the relevant data is not statistical, nevertheless in those many states where the Statistical Analysis Center, or SAC, is within the SPA, data analysis is mechanically easier. If the SAC is instead within the state police, or the attorney general's department, there are often difficulties about timing, data quality, or responsiveness. While these difficulties may be reducible through judiciously applied grant aid, wasteful duplication sometimes occurs. As experience and sophistication steadily accumulate in SPAs, the quality of inferences drawn by comparing one year to another, or one region to another, steadily improves.

From beyond the SPAs come many nominations of problems and issues. State agencies usually do their share of this rather systematically, perhaps in conjunction with a periodic budget exercise. Regional planning organizations systematically involve their supervisory boards in judging regional problems, and pass those distinctive judgments on to the SPA. Some SPAs, Colorado and California among them, invite interest groups to suggest problems. In such states as New Mexico and North Carolina, the device of multiple public hearings throughout the state has been productive. The Governor and the legislature, or at least key committee chairmen, sometimes add their topics to the list.

Sometimes it is the broad problems which are assigned priorities, but some planners prefer to assign priority instead to the programs for dealing with them. In fact, to use the California framework as an illustration, it can be questioned whether the state's real priorities are those expressed in a council document or instead are only those authorized and funded in legislation to which both legislature and Governor agree. Certainly these latter two institutions are the ones which determine whether a line of endeavor is pursued, and with what intensity. Yet one can visualize either supporting, for tactical reasons, a criminal justice measure much lower on the council's priority list than others which, again for tactical reasons, are not even introduced. Perhaps a priority listing is not fully developed until it has taken full account of such tactical matters, since momentum and legislative confidence in the planning apparatus are so important. And priority is ultimately determined through the budget and appropriations.

At any rate, priorities usually emerge from a pragmatic process in which the council and the SPA normally are the centers of activity. Often some input from or clearance with the Governor's office and legislative staffs is sought early in the process. Further input is solicited from sub-state planners, public hearings, interest groups, and the criminal justice community, especially via professional associations. Special attention is paid to the SPA's own analyses, typically including offense trends, conviction rates, geographical differentiations, and experience with innovative programs. Current

LEAA emphases also receive close attention, with a special eye toward additional funding; most states have found such LEAA priorities as career criminal programs and corrections master planning to be quite worthwhile.

State criminal justice agencies recommend priorities, each ordinarily urging emphasis in its own area. Michigan not only includes agency heads on the council as most states do, but also has a committee of state agency heads to blend and coordinate these separate views. A similar effect is had by consolidating all state criminal justice agencies, as in New Mexico and Kentucky, or some of them, as in North Carolina and Virginia, under one cabinet secretary. In any case, the judiciary will be separate and in most states will not abstain from emphasizing its own preferences before the legislature merely because a secretary, council, or SPA perceives them to have modest priority. Again, priority is ultimately determined through a budgetary process.

### Planning of Standards and Goals

Perhaps significantly, the recent trend toward broad planning covering a state's entire criminal justice system has developed in the wake of a major long-range planning effort sponsored by LEAA in the early and middle 1970s. It began with a National Advisory Commission on Criminal Justice Standards and Goals (the Peterson Commission) which published its six volume report in 1973. These detailed a model set of targets for the system and all its components, plus the rationale behind them and a clear delineation of how pursuit of a goal in one activity might affect other activities. Then LEAA offered support for individual states choosing to develop their own standards and goals.

The states varied in how they approached doing so, but generally each one solicited broad involvement. Councils were enlarged, new committees were formed, public hearings were held, and responsible officials at all levels of government contributed ideas and data, or took part in discussions. Thousands of people were thus engaged to some degree in what basically was a long-range planning exercise.

What ensued in the several states was also varied. In California, the exercise was highly politicized, well publicized, and swiftly rejected by an incoming Governor of the opposite party. In New Mexico, grass roots participation was thoroughly cultivated, and the public interest which it stimulated became the basis for the successful reorganization of state criminal justice agencies. But the exercise seems to have made an enduring impression everywhere, for it was repeatedly referred to by practitioners in all states visited. What makes this remarkable is that evidently the follow-through on it has been rather modest, so that it is viewed widely as an aborted effort.<sup>1</sup>

The Michigan experience, however, is enlightening. The council there was apparently perplexed by the difficulties of reconciling what might seem ultimately ideal with the realistic possibilities for political acceptance and

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<sup>1</sup>A detailed discussion is in American Institutes for Research, The National Evaluation of the Standards and Goals Project, published in Washington, D.C., in December 1978 for LEAA.

funding. Several changes which seemed sensible, for example, were not permissible under the current state constitution; should they confine themselves to what was constitutionally acceptable, or should they express a visualization, unrestricted by the practicalities of the moment, of what Michigan's criminal justice system should ideally be in order to best serve its citizens? They chose to do the latter, and applied a very long-range view. Some of what emerged has been described as blue-sky wish-lists, altogether beyond the state's financial capabilities. Yet the ferment caused by comparing a visualized ideal with an observed reality has already led directly to increased state funding of local criminal justice activity, and the early prospect of more. Even in California, the notably successful development of the framework of priorities and programs was undoubtedly made possible by the prior consideration of standards and goals.

By bringing large numbers of responsible officials together repeatedly in an examination of the future on a system-wide basis, these exercises have stimulated better comprehension of system interdependence. The opportunities and needs for closer coordination, for more systematic management of change, were implicit in the subject matter. Recognition of them may be mainly below the conscious level, but that recognition is now much wider than before, and it will probably influence future decisions in a constructive way.

### Specific Planning

Planning toward specific purposes has decidedly improved in quality during the past two or three years in most of the states visited. Some of this is relatively abbreviated planning done within state agencies for short-run execution; an illustration is New Mexico's contingency planning for how the state police should deal with an anticipated intrusion by large groups of lawless motorcyclists. Some is aimed toward the long range, however, such as the corrections master planning done in many states, with LEAA encouragement.

A vivid example of mid-range planning which falls between those two is what the California SPA and council did as contingency planning for possible passage of Proposition 13. A property tax reduction measure, this would severely reduce the revenues of local government (as in due time it did). Four or five months before the vote, few people in government were much worried about the possibility of its being passed. But the SPA, perceiving how powerful an impact it could have upon local police and other criminal justice activity, catalyzed and thereafter actively supported an analysis by a committee of the council. When Proposition 13 did in fact pass, in the criminal justice field the necessary but hard-to-obtain data were already on hand, and the consequences of various alternative lines of action had already been worked out. Meanwhile other parts of state government had undertaken similar contingency planning. Immediate legislative and executive consideration of coherent facts and proposals was therefore possible, and occurred. In the criminal justice area, the result was virtually complete restoration, from state funds, of some \$800 million newly denied to the operating criminal justice agencies of sub-state governments. The planning done by the SPA and the council was timely, thorough, and closely concerted with sub-state governments.

Planners, however, do not usually set the planning agenda. An SPA or a state agency responds, for example, to the more or less predictable schedules

of a legislative session and the state budgetary process. But at less foreseeable intervals either may also face action requirements originating with the Governor, his staff, the council, other state agencies, or the legislature. An SPA may discover some change in the environment of government, such as a shift of position by some interest group, that permits motion on a project previously stalled. Or, news coverage of an event may significantly alter public opinion and hence the permissible limits of action. Some planning leaders think it is crucially important to take advantage of such momentary situations. To respond successfully in such an inherently political milieu, they say, builds an SPA's status among political leaders and thus allows further progress toward the SPA's goals.

Whether activist or not, however, all planners occasionally face situations to which they must react without prior notice. In responding to sudden challenge or transient opportunity, flexibility is necessary but not sufficient. Where basic preparations already have been made and basic necessities stock-piled, the prospects for success are better. Planners can extemporize most effectively when data are already on hand, networks of staff relationships are already functioning, and especially when goals and priorities already have been visualized through analytical work. It is this sort of prior foundation which permitted the California contingency planning to succeed so solidly. It is to achieve such a foundation that every SPA visited maintains continuous liaison with state agencies and looks for opportunities to lend them a planner or two, as Virginia has done with the courts on occasion and as North Dakota has done recently. New Mexico is apparently seeking to maximize this capacity to react, by having the same group of planners work on behalf of state agencies at one moment, and of the centralized department the next.

There is a widespread impression in the nine states that in just the last two or three years, the planning in corrections departments, state police, and state courts had advanced in quality and responsiveness. The courts, however, have begun planning more recently, and are perceived as still catching up with the others.

### Coordination

Centrifugal tendencies are natural in the criminal justice system, made up as it is of so many autonomous or nearly autonomous elements. Few of these elements feel today that their resources are adequate for handling their own responsibilities, let alone assisting other elements with theirs. The short-run tendency has been to seek efficiencies and productivity in one's own operation, with little thought to how that might inconvenience another element's operation. There are many signs, however, that responsible officials in the nine states are more and more recognizing the interdependence of the system and showing increased willingness to accommodate the needs of others--in a word, to coordinate.

Operating agencies carry out programs, and in the main it is they who plan the specifics of them. Of course, no hard and fast line is invariably visible to distinguish between such program planning and broader overall planning. But in Virginia, for example, the SPA stresses a broad distinction between strategic or general planning, which it regards as the area appropriate for the SPA, and tactical or operational planning, which is the concern of those organizations

which will carry out the programs--and whose leaders are responsible for results. Some approximation of this concept apparently is implicit in how most states divide the planning effort.

An exception to that rule prevailed in New Mexico during the initial year of its new consolidated Criminal Justice Department. The planners from the state police and corrections had been moved into one consolidated planning office in the SPA. From there they prepared operational plans for their areas, and also took part in the broader, overall planning. Even so, the concept was that decision on the operational plans would be made by the responsible operating officials, not by the SPA head or by the Secretary as common superior. Since this New Mexico arrangement has much potential for creating tensions, adjustments in it seem possible as the new organization shakes down.

More typical is North Carolina's present division of planning effort. The concept there is that central planning should be done by a relatively small SPA staff which concerns itself with broad policy thrusts. Detailed planning for the conduct of programs should be done within the departments or agencies having operational responsibility for carrying them out.

Regardless of who does the planning and where, the trend definitely is toward incorporating into it data and concepts gathered from elsewhere in the system. Thus, the California Youth Authority considers its own statistical data more accurate and usable than those available from the Bureau of Crime Statistics, so they base their operational planning upon their own numbers. But implicit in this judgment is that they have acquired and compared the other data. More important, they stay in touch with adult corrections planning, with the SPA, with other departments of state government, with professional associations, and with the legislature as they work up their plans. Sometimes planners from other organizations join in their deliberations.

The story is similar in dozens of other agencies visited. The Michigan Corrections Department now makes a point of coordinating its planning efforts. Its researchers and planners keep in regular contact with the state police and courts planners because they derive distinct benefit from doing so. Thus, by learning of a rule which the state Supreme Court intended to issue for expunging juvenile records, they were able to negotiate an adjustment still satisfactory to the Court but accommodating corrections' need for data for predictive analysis. Most court systems are not far along the learning curve, having begun planning rather recently, but they seem to be steadily increasing the amount of coordination done by their own volition. In New Mexico, for illustration, the courts planners not only keep up two-way liaison with the SPA and major departments, but also stay in future-oriented contact with such others as the head of the district attorneys' association.

All this is not to say that sensitivity about bureaucratic boundaries has vanished. Such sensitivity remains a major factor affecting the coordination of both planning and operations within the criminal justice system. But more and more operating agencies seem to appreciate that, by staying in touch with others whose work affects their own, they can obtain some help in handling their own responsibilities. What's more, they often can forestall problems.

Much credit for such growing awareness of the benefits of coordination belongs to the LEAA program and to the SPAs which are its principal activists



in the various states. By stressing the system-wide viewpoint, by bringing autonomous officials together to learn about interconnections and broader purposes, and by the demonstration effects of programs they have pursued, SPAs have both directly and indirectly been stimulating an increase of coordination.

In order to influence coordination constructively, an SPA must first recognize where and when it is needed. This is one reason why SPAs normally use people with relevant experience and specialized knowledge to maintain regular, frequent liaison with other criminal justice agencies at staff level, while maintaining top level contact as well. SPAs also stay in touch with interest groups, notably including the professional and vocational associations, and with sub-state operating agencies, often through regional planners. Such methods, plus access to reports and other documents, help them stay abreast of what is actually happening. Thereafter, perhaps the main need is a sensitivity to the discontinuities, the anomalies, the imperfect matching of one program with another.

Having identified the need, an SPA can pursue coordination first by simply bringing people together. This approach, by the way, is almost universally called one of the foremost successes stimulated by the LEAA program. Regular meetings of various councils and committees occur, and various special gatherings are held for conferences on particular topics, training sessions, and workshops. These meetings provide both broader understanding and the personal contact which help people resolve problems.

A second route toward coordination is via improvement in the acquisition, retrieval, and treatment of data. Criminal justice practitioners often mention how chaotic were information gathering, record keeping, and reporting before the LEAA program began, and how much improvement has occurred already. One regional planner observed that in 1968 fewer than half the police departments in his multi-county area were reporting felony occurrence into the Uniform Crime Reports system, while today all do. Yet he, like the others, stresses that much more improvement is needed before all parts of the system can base their decisions upon compatible data. Although SPAs vary in their influence over data collection and management, they can use technical assistance, project funding, or other means to pursue higher degrees of accuracy and consistency of data. The term "data" includes more than just numbers, and SPAs can improve coordination by watching for the use by several agencies of incompatible assumptions, especially implicit ones.

A third route is through state legislation. Legislatures have great potential power to regulate the way various criminal justice activities in a state are performed. As a practical matter, their exercise of that power will take into account many factors besides merely the efficiency of the criminal justice system. But SPAs often can influence or even propose legislation to improve system coordination.

A final route toward coordination is through budget review. An SPA having some influence within the budget process can use it to stimulate incremental improvements in coordination, particularly where SPA data and analysis can add a broader perspective. One state's SPA, for instance, has successfully supported an increased courts budget in order to improve the functional relationships of the courts with other components.

In all nine states, planning for the courts is still moving through relatively early stages of development. Coordination is not yet well developed, for judicial independence seems somewhat threatened by it, in the opinion of some. Many judges and at least some courts administrators and courts planners are uncomfortable with the idea of SPAs, or anyone else outside the courts system, doing any planning with respect to the courts. In Michigan and California, increased state-level funding responsibility for courts is being considered, and one normally assumes that the extent of state regulation or control would increase as state funding increases. To ensure that any such alterations benefited from a system-wide perspective, SPA participation in the necessary analysis and planning would seem in order. But courts planners and judges do not favor such participation. In California, the executive branch's role will be handled by the Department of Finance, but in Michigan the SPA's unusual additional role as the state budgeting agency for criminal justice ensures SPA involvement.

Although SPAs usually maintain some contact with the general planning offices at state level, and sub-state planners frequently work among their regional equivalents, there is scarcely any participation by general planners in the review of criminal justice policy and programs. SPAs and RPUs alike seem to consider that criminal justice planning now is more professionally advanced and more realistically applicable than what the general planners do. That same view was also heard from neutral observers in several states.

Criminal justice planners have numerous program-review interconnections with state agencies dealing with human resources, education, health, welfare, and the like. While these are particularly evident in the juvenile justice area, corrections and crime prevention sometimes also involve interdepartmental coordination. The initiative, or perhaps the catalytic leadership, for these joint efforts appears to have come from SPAs. In at least some cases, though, the SPAs are at pains to avoid any accusations of turf-infringement, or of unduly controlling some other department's planning. In 1978, for instance, the California SPA undertook to develop thoroughly the techniques for productively coordinating or integrating the application of various resources scattered throughout multiple Federal, state, and even non-governmental programs. A number of other states as well as California departments have eagerly availed themselves of the resulting multiple-source-funding approach. Meanwhile, however, the SPA has been seeking to pass the expertise and the cognizance for that approach on to the Department of Finance.

#### LEAA Grants and Compliance

In all nine states visited, some people called the SPAs and the RPUs by the name "LEAA." One reason is their central role in allocating LEAA funds, and another their close association with LEAA-supported activity. But a prime reason may be their concentration on complying with LEAA requirements and helping others to do so.

Nothing else which SPAs do consumes the amount of staff effort which LEAA requirements absorb. They have been expressed in legislation, several times amended, and in extensive guidelines from LEAA itself. Compliance has been a necessary condition for receiving Federal money, so the pattern was established early of concentrating on form rather than substance, to submit whatever

would be accepted as compliance, to confine attention mostly to LEAA-supported activity.

The administrative work associated with LEAA grants is universally deplored, mainly because it is complex and massive. People in state criminal justice systems appreciate that some controls are necessary over the spending of public funds, but they believe that to devote about half of the typical SPA's manpower to administrative accountability to the Federal government is excessive. Leaders of the SPAs visited were far from preoccupied with such concerns, however, and seemed to accept the administration as a necessary cost of doing business. In at least one state, California, the auditing portion of this has been shifted out of the SPA, but it still has to be done, in this case by the Department of Finance. Besides the auditing, much monitoring and periodic reporting is also required.

The centerpiece of compliance activity is the comprehensive plan from which the grant projects are supposed to derive. Submitted or updated annually, these comprehensive plans are characterized by controversy. They have been long, involved, expensive to produce, and of marginal value to states. Few state and sub-state planners regard them as worthwhile; they are mentioned rarely as a source of guidance or useful reference but mostly as absorbers of time and effort.

Nevertheless, the process of producing the comprehensive plans is indeed seen as valuable. It has been the main device obliging responsible officials to treat the criminal justice system as an interdependent one. This occurs when supervisory boards, both state and sub-state, meet to consider the plan or inputs to it. While the plan itself may be primarily confined to LEAA-funded activity, both the opportunity and the motive exist for criminal justice officials and others as well to recognize how interrelated the parts of the system are.

In theory, the preparation of a comprehensive plan should begin by analyzing the present and projected situations, should next identify the high priority problems, and only thereafter should develop specific programs and projects for dealing with the problems. Until the last few years, the actuality has been the reverse of that process, or allocation followed by rationalization through use of analytical formats. The trend now is toward doing the analysis first, but that has yet to be fully achieved.

The context in which criminal justice planning goes on, after all, is a political one. Authority is widely diffused, and unless a Governor is able to exert unusually strong leadership, decisions about programs and the accompanying funds will tend to occur through consensus among those sharing that authority. But most of those people also are, or represent, competing consumers. Each wants programs and funds which benefit his or her own interest. Log-rolling is a natural, predictable consequence.

Where log-rolling is being superseded by prior analysis as the basis for state allocation of LEAA funds, a change in perception may be part of the reason. There seems to be some tendency for autonomous officials, the competing consumers, to realize that their particular interests can also benefit in other ways than by obtaining project-funding directly. They appreciate more clearly now how interconnected and interdependent the parts of the system are.

They see more clearly how help given directly to another part of the system may indirectly help their own. This attitude was clearly reflected in the stated willingness of two sore-pressed state agency heads for the SPA, with its system-wide perspective, to allocate not only Federal but also state funds for the whole system.

Of course, a sheriff or a district attorney sitting on the state council may reach an earlier or more advanced appreciation of interdependence than the colleagues whom he represents. He then faces a representative's standard problems of reconciling the particular with the general interest, of responsiveness to constituents, of missionary work among constituents to help them reach the new understandings he has reached.

The SPA's professional staff meanwhile faces the similar problem of reconciling its objective perceptions of what is best for the system with its need to avoid loss of support. If the SPA disregarded public attitudes, the urban-rural balance, the balance between stern and compassionate approaches, the influence which sheriffs have with legislators and county commissioners, or other essentially political factors, it would risk trouble with the legislature and elsewhere, too. On the other hand, an SPA which is sensitive to such matters when identifying problems and recommending projects might well expand its opportunity to make system-wide coordination more effective.

In other words, even if analysis and not log-rolling is the first step in the comprehensive plan process, there will be some political ingredients to it. Other ingredients will include analyses of crime incidence and trends. But, as local officials emphasize, this is not an exact science, since reporting is imperfect, statistics are sometimes out of date, and aggregating may mask significant differences. The ingredients will also include explicit or--more often--implicit impressions about cause and effect: whether probation deters, the results of pre-trial diversion of youthful offenders, the value of short response times, and so forth. In the present rudimentary state of our understanding, such impressions are apt to vary from one person to another. Hence the process has room to accommodate some sensing of public opinion or political acceptability.

At least three of the states ensure that analysis precedes project selection by clearly separating the two. California, Colorado, and Virginia disengage the attention of SPA and council from ongoing short-term project questions while they do a thorough canvass of mid-term and long-term problems of relatively broad scope. From this canvass they select a rather short list of major problems, and then derive suitable goals. What results is a broad strategic framework, to which state agencies and local criminal justice organizations are encouraged to conform their proposals.

The grants selections process involves sub-state planners and many groups within the criminal justice community which contribute perceptions about needs and priorities. Most proposals for projects and programs originate within these groups. Because of regional dissimilarities, the assessments and proposals display much variation. Urban and rural regions especially diverge in their ideas. State-level planners usually try to stimulate intercommunication and progress toward consensus.

That consensus ultimately will be manifested in the councils which supervise SPAs and which are key elements in grant selection. Even in a state with nominally unrestricted council cognizance, such as California, the practice is for the council to deal mainly with LEAA-supported activity. The typical council formerly considered every proposed grant, sometimes in detail. Some still do, but Michigan illustrates the trend toward leaving details to the SPA and seeking broader perspective at council level. Although the states divide grant selection authority between council and SPA in a variety of ways, evidently few if any sharp differences ever develop. Communication flows freely, and cooperation is needed by both.

The SPAs themselves are heavily, continuously engaged in matters of grant selection as well as administration. LEAA money is an SPA's principal lever and lubricant; it permits the innovation which may yield progress toward an SPA's goals. SPAs consequently try to anticipate the best uses for Federal funds within a state, drawing upon LEAA's knowledge and often the experience of other states. Thus, it is said, easy access to relevant developments in Kentucky, Virginia, and other states, plus help from the Council of State Governments, was a decisive factor in the New Mexico SPA's success with criminal justice reorganization. SPAs have been concerned all along about non-Federal funding for project continuation, but a growing number now pursue the multiplier effect, applying Federal funds to stimulate more effective use of state and local money. To avoid disfavor within the legislature and the criminal justice community, an SPA generally will be attentive to regional and functional balance among its grants. Some may occasionally use grants deliberately to develop support in a needed area.

State freedom of action is by no means complete, however, for to some extent the Federal funds are earmarked or made conditional by statute. The SPA and perhaps council must manage with care in order to comply with a number of specific requirements. These include minimum percentages for sub-state planning out of state planning grants, division of action grants according to relative state and local expenditure, separate funds for corrections and courts under certain circumstances, mini-block grants for metropolitan areas, varying requirements for matching funds, and special provisions about permanent construction. When complying, the SPA must carefully consider the balancing of projects --to say nothing of the formidable problems of timing, personnel availability, and so forth which execution entails. Further complicating the compliance are the state's own important needs for balance: geographic, functional, urban-rural, state-county-local, and among important interest groups.

To achieve further balance according to a set of priorities established by broad prior planning may therefore be difficult. The inclination to reverse the planning sequence, first deciding on projects and thereafter constructing analysis which rationalizes them, is hence more understandable.

Legislatures are not much involved in the grants process, despite Federal legislation designed to encourage their attention to at least the comprehensive plan. Although at least California, Colorado, Connecticut, Minnesota, and Virginia have requirements for legislative appropriating of Federal grant funds or some similar control, the legislative oversight ordinarily is quite broad and general.

LEAA has lately emphasized state evaluation of the results of projects, as have several legislatures. The states vary in how they do this difficult task. Few seem to have undertaken extensive evaluation, and most of them question a requirement that is inadequately funded and requires sophisticated techniques if technical validity is to be attained. Minnesota's SPA has gained a national reputation for the quality of its evaluations but nevertheless has had difficulty communicating the results back to its sub-state criminal justice community. While other states are not satisfied that results from their early efforts are productive enough to justify the effort, they still persist.

For, in the end, compliance is essential in order "to protect the fund flow."

### Legislation

Since the legislature plays so decisive a role in criminal justice through authorizations and appropriations, people responsible for criminal justice planning in many states pay particular attention to relationships with it. Contact with elected members may be somewhat restricted, for a Governor may choose to have this contact usually be by relatively high appointees. It is not uncommon, however, for various civil service officials to testify before committees of the legislature. In any case, the legislators are by no means always in the state capital, even in Michigan where legislators are full time, by contrast with Virginia's short legislative sessions. For these reasons, the planners' contact is mainly with legislative staffs.

Here again the states vary, but legislative staff manpower is not great, especially considering that the number of criminal justice bills may run as high as the 350 or so in the last California session. The substantive committees are generally a judiciary or justice committee in each house and often such others as corrections or public safety. A few have no staff, while others have only two or three people. They draw heavily upon executive branch agencies for data, and often for analysis as well. Even where SPAs are strong, legislative staffs seldom channel requests for such help to or through the SPA, but as a rule go directly to the operating agency concerned. Even so, the trend seems toward more contact by legislative staffs with SPAs and more appreciation of the SPA's system-wide coordinating function. Confidence in SPAs seemed high in nearly all states visited.

In many states the executive branch, and more recently the judicial branch also, do some planning directed specifically toward legislative proposals. Some of this is quite systematic. In New Mexico, for instance, the Secretary of Criminal Justice holds sub-cabinet level meetings to complete the coordination of what he will recommend be the Governor's package of criminal justice proposals to the legislature. In North Carolina, the SPA does analysis and staffwork leading toward a similar package, and there now is a legislative agenda of over 500 pages of material to be addressed over the course of several sessions of the legislature. The California SPA, operating within the framework of policy and priority mentioned earlier, develops legislative proposals through a process which may involve more outside consensus-building than additional in-house analysis. Individual state criminal justice agencies also prepare their own legislative proposals, which tend not to be closely coordinated with the SPA except where the SPA is part of the staff of a consolidated grouping, as in Virginia,

or has budget control, as in Michigan. Legislative proposals emanating from the courts system tend to be coordinated only from a budgetary point of view. In each session there are also many bills originated by members of the legislature, some of which the legislative staffs may coordinate with operating agencies or the SPA. Of the 350 California bills mentioned above, for example, about a dozen were actually passed to the SPA for review.

There also are legislative staff organizations which are concerned with the whole broad span of government. The Senate Fiscal Agency and House Fiscal Agency in Michigan are among them, as is the Office of the Legislative Analyst in California. Often these agencies use the analogy of the Federal government's General Accounting Office, or GAO, in describing themselves. Sometimes they take a central part in legislative review, but their approach tends to be fund-oriented or organizational, rather than being oriented toward substantive policy.

Members of both houses usually are included on the council supervising the SPA, and occasionally on other state bodies concerned with, say, corrections or selection of judges. Through attendance there and in other ways the leaders of criminal justice committees appear to maintain regular contact with appointive criminal justice officials, including the SPA director. These leaders' assessments of political feasibility are solicited as key input to broad judgments about criminal justice programs under consideration. They often are in touch with the views of interest groups and local leaders in both criminal justice and general government. Despite this range of sources, members can attain a deep grasp of only selected matters in criminal justice, among the many other fields competing for their attention. Therefore any political symbols associated with proposed legislation may carry weight disproportionate to the actual cause and effect considerations involved.

Some state legislators are concerned about executive-legislative balance. Where Governor and legislative majority are of different parties, the legislature tends to take more initiatives and review more critically the executive's proposals. More commonly seen is simply an increased legislative assertiveness. One recent manifestation in California, for instance, is member-originated pressure toward determinate sentencing. Yet even after Congress statutorially encouraged state legislatures to review comprehensive plans, the legislatures persist in showing no real interest in them. The reason apparently is the legislators' feeling that comprehensive plans are too bulky and meaningless.

### Support-Building

Since its ability to perform within state government depends on decisions by executive branch officials and the legislature, an SPA operates in a political context. Opposition from the Governor, the legislature, the criminal justice community, certain interest groups, or the general public could thwart an otherwise deserving program or action. SPAs consequently devote effort to the quest for understanding and support, to a degree exceeding what is done by longer-settled state agencies.

The rules of the game today put more emphasis on open processes of government. They favor government initiative to inform the public about current issues and to consult concerned publics about possible actions. That meshes

well with an SPA's need to develop support. All nine SPAs were active in communicating both ways with various interest groups and in conducting public hearings, sometimes widely throughout the state.

In cultivating a Governor's active support, an SPA may concentrate on providing timely information and earning a reputation for producing results. Both approaches may focus the SPA more on shorter range topics than on longer range ones. The competing demands on a Governor's time, and his possible wish to avoid the "bad news area" of criminal justice, may keep the SPA's impact at the level of the Governor's staff.

Supervisory councils and boards, both state and sub-state, can be major factors in building support, especially within the criminal justice community. Usually they are composed with attention to balancing members' contributions to planning and back out to groups which members represent. The leader of the district attorneys' association is more likely to be on the council than are his colleagues. Judges and sheriffs who by joining the council take responsibility for system-wide planning and gain an authoritative grasp of how the rest of criminal justice works tend to become exponents of the system-wide view. Some may then actively advocate this view among colleagues.

Curiously, from so inherently political a context there evidently emerges little partisan political impact upon planners. One presumes a general intention, tacitly understood and deliberate, to avoid party polarization. A notable fact consistent with the situation elsewhere was that one Governor, who has especially strong political party identification, had appointed several people of the opposite party to lead the SPA, and he worked in close harmony with them.

#### Budgetary Review

The budgetary process, many officials believe, is the ultimate determiner of priorities. Indeed, in terms of what is done it is that. Since state governments provide from one-fourth (California) to three-fourths (Virginia) of all criminal justice funds, the processes by which these funds are budgeted are important elements of criminal justice planning, whether or not any budgetary review is done by the SPA and its supervisory council. These processes of course culminate in action by the state budgeting agency to recommend for the Governor's decision a budget to submit to the legislature. But the processes begin within the various state criminal justice agencies, as they collect and analyze data, decide what funds to request, and prepare and justify their budget requests. The people who do this within the agencies are taking a most direct part in the criminal justice planning for the fiscal year (or biennium) ahead.

Consequently, most SPAs, recognizing that budget preparation is so significant a part of planning, would prefer to have some SPA involvement in that preparation. While in some states the SPA is rather completely excluded from it, in others some association is the rule. Characteristically, the latter states arrange this in a wide variety of ways. The variety is illustrated by four of the states visited by the project staff:

- California's SPA has no role in the budget process for other criminal justice agencies, since the powerful Department of Finance deals directly with



those agencies. In fact, if some restructuring of courts or new state funding of local criminal justice activity were contemplated, the Department of Finance rather than the SPA probably would lead the executive branch planning for it. Nevertheless, and quite significantly, the broad framework of policy and priority worked out by the council and SPA constitute the guidance within which agencies construct their budget requests. What is still missing, of course, is criminal justice oriented follow-through on how the guidance is applied.

- New Mexico's SPA director supervises the preparation of the budget for the state Criminal Justice Department, which includes corrections and state police. His budget office also is involved in preparation of budgets by such administratively attached agencies as the public defender organization.

- Virginia's SPA has an unusually close, cooperative working relationship with the state budgeting office and provides to it and to the legislature SPA comments based upon review of all criminal justice agency budgets--including that of the courts. Moreover, the SPA actually pioneered an issue identification process which the state budgeting office is now applying, with the SPA's technical help, to other areas as well. Within Virginia's two-year budget cycle, the concept is to identify and methodically decide the central policy and program issues during one year and to prepare and meticulously coordinate the budget during the second.

- Michigan's SPA actually is the state budgeting agency for criminal justice agencies and programs. The SPA is located within the Department of Management and Budgeting and is responsible for both planning and budgeting. Within the state's criminal justice community, however, the impression is widespread that since these two functions were joined in the SPA, the planning function has not advanced. Recent initiatives have been few.

Among experienced state-level planning leaders, the consensus seems to be that the most desirable arrangement would be the opportunity for the SPA to review all criminal justice budget submissions and comment to the state budgeting agency.<sup>2</sup> As several years of experience refined such a system, the SPA staff would have some early contact with agency budget preparation and could improve coordination through encouraging if not ensuring the use of common data and compatible assumptions throughout the system. The SPA would gain important coordinating leverage, and the budget agency would gain the advantage of highly informed review from a system-wide perspective, which also should be more objective than individual departments.

Some complications exist, however. If the SPA is organizationally associated with some but not all state criminal justice agencies, then it may be vulnerable to some challenge of its objectivity. If the SPA came to be seen as a budget-cutting agency primarily, then state agencies might not always offer full data and cooperation. In a time of generally rising budgets, the SPA as proponent of a stronger, better coordinated system could advocate differential increases and still retain the confidence of all. But in a period of budget

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<sup>2</sup>As shown in results of a fall 1978 survey questionnaire in connection with this study.

cuts, a role as allocator of shortfalls could make the SPA seem an adversary. Where the money problems of local government cause proportionately more state spending, the significance of this increases. One final complication is that the more an SPA is involved with budgets, the more vulnerable it may be to the fallacy that if you can't count it, it doesn't count.

Sub-state criminal justice planners typically have had little or no systematic involvement with budgeting. Where the planners are respected for objectivity and breadth, however, some county commissioners have invited their comment on criminal justice budget matters, as in Hennepin County, Minnesota. With so many key criminal justice officials, especially sheriffs, being not only elective but also politically powerful, there is sometimes a tendency for county commissioners to be more cautious in reviewing their budgets than those of others. If there is a respected RPU to use as a buffer, however, budgets can be aligned with less political disruption.

Courts budgets are very much a special case. Consistent with their varying concepts of judicial independence and the equality of the judicial with the legislative and executive branches, many judges are quite uncomfortable about any involvement of the other two branches with their financial matters. Yet it is universally accepted as a fact of life that if the courts are to obtain the funds they need for operating, the legislative body is the source, and is entitled to a justification of the expenditures proposed. Various customs have evolved over the years, including in at least one case the submission by the Chief Justice of simply one number to the legislature, as the courts' requirement for the fiscal period. With the relatively recent permeation of courts systems by management mechanisms such as courts administrators and judicial planning committees, more coordination is emerging. Courts budgets are presented to and defended before legislative committees in some specific detail, and there is typically some contact with the state budgeting office as well. In only a few states as yet is the SPA significantly involved in examination of a courts budget before appropriation occurs in the legislature.

### Technical Assistance

One important avenue toward system improvement, pursued not only by criminal justice planners but to some degree by state agencies as well, is the provision of technical assistance in many forms to operating organizations. Usually this amounts to temporary reinforcement from outside, to help an organization bring about change. While that change might be better execution of existing policy and procedures, more often it is the introduction of new methods or new equipment. The people who come in to help may be from like organizations elsewhere, or specialist groups, or private sector contractors, or the SPA staff itself. Funding support is various, but SPAs arrange much of it via LEAA grants. An interesting feature of New Mexico's reorganization is that it builds into the state-funded part of the Department the capacity for technical assistance.

Perhaps the central theme of technical assistance is the diffusion of understanding and technique developed elsewhere, so it is inherently a unifying influence. Since autonomous criminal justice organizations will be receptive according to how they expect their own work to be helped, a certain aspect of merchandising is involved. But when they actually are helped by technical

assistance provided through system-wide planners, then criminal justice managers may become more sympathetic to a system-wide orientation. When technical assistance is offered mainly in areas which highlight system interconnections and stimulate coordination, then it can be an integrating, unifying force. Hence many sub-state planners cultivate every feasible opportunity for technical assistance.

Technical assistance done in the context of state-level planning is illustrated by the methodical development by SPAs in Virginia, Minnesota, and elsewhere of an integrated statewide police communications network. In Virginia, when many local police departments first began seeking LEAA grants to acquire improved communications equipment, the SPA foresaw much difficulty with frequency interference, system incompatibility, diseconomies, and the like. They also saw how these could be avoided or alleviated through a planned program. Instead of promptly funding new equipment, therefore, the SPA first funded analysis, preparation, and technical assistance, holding out the inducement of later funding of equipment for municipalities which conformed to a state scheme. Once this state scheme was worked out in close association with the police chiefs' association, the SPA then helped individual police departments. It sent them experienced police communicators who knew the state scheme in detail and who worked for the local chief, helping to prepare the local scheme, and writing up the grant applications. While the process was not swift, it economically yielded a totally integrated system: any police car in the state can talk to any other, yet there is no interference between departments.

Since the skill with which policies and programs can be carried out largely determines their success, many states lay heavy stress on training. Its nature may vary from basic vocational training for prison guards to periodic conferences where district attorneys are updated on recent court decisions about, for example, search, seizure, and the exclusionary rule. Training academies have flourished during the last decade, mainly for police but sometimes also training state and local corrections officers, and in a few cases managing other training as well. Some state college systems are engaged in specialized criminal justice training, and many universities and colleges contribute to the upgrading of general education for police. Mobile training teams are also used as a form of technical assistance. A great deal of this extensive new wave of training activity has been stimulated by SPAs and aided by LEAA funding.

Technical assistance in the field of data collection and management has also been extensive. Although its general thrust is toward system-wide compatibility and standardization, the variety of locally developed and LEAA-offered systems being simultaneously developed is bewilderingly large. In general, the courts seem to lag behind the rest of the system yet are the most reluctant to innovate in data system improvement. The emphasis on judicial independence inhibits the degree to which criminal justice planners can induce motion in this area, and technical assistance is principally handled by courts administrators.

In the courts area generally, the planning approach seems to have spread only slowly and then in the wake of other new administrative services. Self-conscious management, by courts administrators who introduce various forms of systematized assistance for judges, is rather recent; some judges have accepted it only reluctantly, and planning even more reluctantly. Many courts administrators and courts planners believe that only when courts administration is

solidly installed and thereafter well accepted can courts planning begin to approach its potential. They typically believe that it takes several years for most judges to appreciate the time conservation and other efficiencies which professional management brings them. In due time, they add, the judges similarly will come to value courts planning.

### Sub-State Planning

Although this study focuses on the state level, for perspective some material on sub-state planning was sought. The regional planners, supervisory board members, and responsible officials interviewed probably included more believers in planning and in the system-wide view than their colleagues average.

Even so, it is clear that sub-state planning, diverse and adapted to local realities and personalities, differs widely from that at state levels. It goes on in a less structured but quite personalized political context, where fence-mending, service-providing, and attention to timely notification are especially important. Support-building ideally should focus on county commissioners and city councilmen, but since regional organization impedes easy access to them, most effort is within the criminal justice community.

The professional planners are mostly in regional planning units, or RPUs (half a dozen to two dozen per state), but also within a few city and urban county governments and a few sub-state agencies, chiefly in law enforcement. Each RPU has a supervisory board, mixing officials of general government and criminal justice with some public members. Criminal Justice Coordinating Councils, or CJCCs, exist in some main urban areas with similar composition. Occasionally a criminal justice official, perhaps an assistant prosecutor or district court administrator, will function part time in a planning role.

System-wide planners seek to identify local problems, goals, and priorities in criminal justice both for local use and as contributions toward state planning. The law enforcement emphasis of early years, partly caused by heavy police representation on boards and their faithful attendance, has given way to a broader balance. Planners and boards actively stimulate and propose projects for LEAA funding, which furnishes much of their influence and causes local officials to identify them usually with LEAA. Analytical planning, to include consideration of options, lies behind some of these proposals. But sub-state planners lack resources for doing much of that. More often, therefore, they try to ensure that consideration of system interrelationships and the consequences of alternatives reinforces the experienced judgment of practitioners on the boards.

Although grants administration consumes much of their time, sub-state planners perceive their central activity to be coordination. Dealing in most cases with numerous jurisdictions, they encourage operating officials to take a system-wide view and accommodate the needs of others. This is delicate work done with little leverage and ordinarily needing a prudent, facilitative approach. The provision of technical assistance is what many sub-state planners regard as their main route toward success, especially if Federal funding declines. Many of them work persistently to improve and standardize data.

### Relationship with SPAs

RPU planners face the two classic problems of tensions normally existing between central office and field office plus serving two masters, the SPA and the local supervisory board. New Mexico has tried to resolve this by putting RPU people on the SPA payroll, but feelings remain somewhat strained. Various administrative arrangements used elsewhere, including joint powers agreements and a non-profit corporation format, have not altered the basic fact that the RPU leader must satisfy both the board and the SPA.

In their unique, diverse regions RPUs generally feel that the overall state priorities do not fit. Calling the crime battle already lost in the cities, rural RPUs may claim all funding should go toward insulating their areas from it. Urban RPUs meanwhile may hold that cities, having the problem now, urgently need all the funding. In the middle, pressed from all sides and with its eye on the legislature, is the SPA. Some RPUs brood over what they see as difficulty in communicating with the SPA, while some SPA people may perceive political maneuvering by RPUs and be disturbed.

Several states, notably Michigan and California, have achieved effective communication by having a senior SPA member constantly in touch with regions and charged with reflecting their views within the SPA as well as expediting the flow of information to them. California also gathers RPU directors before and during meetings of the SPA's supervisory council. Virginia also is attentive to the regions' needs for help and support, so that the atmosphere there is mutually supportive. But in most states it seems normal for some tension to exist between the SPA and sub-state planners, and most SPA directors work hard to bridge this gap.

### Relationship with Sub-State Governments

Since every planning region is distinctive, planners relate in a multitude of ways to the governments they support. The key discriminator is evidently the number of counties within a region: the more counties, the more attenuated and less effective is the contact. California planning leaders also hold that RPU effectiveness is better the closer the RPU gets to the "real government," this meaning the elected officials who decide about budgets, who are mainly city councilmen and county supervisors, or commissioners.

In a metropolitan area, a planning unit usually supports one county, one large included city, and often a number of smaller municipalities. Their combined criminal justice budgets typically may run in the range of 50 to 500 million dollars. Annual LEAA funding support of at least several million dollars will be in mini-block form, so that grants will be decided locally. The planners will be noticed, and senior responsible officials probably will attend board meetings regularly. The mayor may have a special assistant for criminal justice with some associated planning capability. At least one law enforcement organization will have some planning capacity as well. One or more court administrators may be prepared to take part in some coordination. The SPA will be attentive to the region, while various experts will be in and out on technical assistance missions. In other words, a planning network will exist, and the planning unit will have a reasonably central position.

Where population is not large and concentrated, planning regions include a number of counties.<sup>3</sup> Activity levels are lower. More agency heads compete for fewer Federal resources. Grants, being approved at state level, may reflect state but not local preferences. County commissioners' budgetary power makes them key criminal justice figures, but the mathematics of commission and RPU supervisory board sizes ensure that few can be involved in and familiar with system-wide planning. In fact, only a minority of the sheriffs, district attorneys, and county chief judges, let alone police chiefs, can be on the board. Technical assistance and other attention from outside will be scarcer than in urban regions. In such circumstances, the spread of system awareness and of the planning approach is bound to be more gradual.

Some RPUs are integrated into Councils of Government, as in Michigan, or Planning District Commissions, as in Virginia, or similar multi-purpose organizations. Contact with them in this study was limited. But many people believe that immersion in a COG separates a planner still more from "real government" and further limits the potential impact of planning. Nor are compensating benefits visible. Almost no mention was heard of advantage to criminal justice from association with other planning done in COGs, except easier access to economic and demographic data.

#### Budget Squeeze at Local Levels

The resource shortage evidently facing many local governments may have major impact upon criminal justice planning. If a state increases its funding and control of local activity, sub-state planners may gain status because they influence state-level officials and are spokesmen for local needs. But fund shortages do tend to focus attention on the short run and to make innovation less popular. Any function whose absence would cause neither quick harm nor early public outcry becomes vulnerable to deep budget cuts or even elimination. Localities in both New Mexico and California have already reacted to revenue stringency by cutting police planning and research units. Where money is short, local government leaders seem likely to fund criminal justice planning only where they anticipate favorable budgetary consequences from it.

Apparently mayors, councilmen, and commissioners do not expect such planning to yield savings through efficiency and productivity increases. A few, however, have seen how an RPU, with its system-wide view but no vested interest in any one part of the system, can help them contain cost growth. From RPU planners and board the general government leaders can gain an authoritative, objective review of criminal justice budgets. Such a review can wring out more water than can commissioners whose political freedom of action is limited by the fact that sheriffs, DAs, and often judges are elected officials with their own followings, too. Besides, on RPU may also bring in some helpful Federal or state funding support.

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<sup>3</sup>About two-thirds of the regions are multi-county, according to a Jan. 2, 1979 study "Survey Analysis of Local Criminal Justice Planning" done by Mark A. Cunniff and Janice Z. Stiers of the National Association of Criminal Justice Planners for LEAA.

## Chapter V

### The Essence of Planning in Nine States

Being unique, the states differ in the way that each organizes its criminal justice system and conducts planning within it. The systems are mostly within government, and the planning occurs within government processes, in a political context. So much do these contexts differ that it would be an error for an observer--as it would for other reasons be improper for the Federal government--to say there is any one best way to organize for and conduct planning. The foregoing two chapters describe several distinctive approaches and how each appears to be proceeding in its distinctive context. A final chapter of conclusions will highlight some key features of these individual approaches. This chapter offers some observations about planning in general in the nine states.

Criminal justice is a system and the planning apparatus uniquely provides the opportunity to see it as a whole. While in theory the Governor and the legislature can see it so, in practice both are engaged in a broad span of pressing actions which together crowd out the system perspective. On their own, individual parts of the system can see the other parts only dimly and from a parochial viewpoint. Criminal justice planning, however, brings together people from all parts and from many jurisdictions. They "begin to see the other guy's problems," and planning thus "gets the system speaking to itself." Meanwhile the SPA, spared the biasing obligation to operate any one part of the system but in close touch with all parts, can assess problems objectively to see the needs and where priority should go.

Although planning in general is organized forethought, in practice today in the nine states criminal justice planning is organized forethought plus coordination. The unique system-wide perspective of the planning apparatus offers the opportunity for knitting together functionally the many autonomous and semi-autonomous elements within it. The historical independence and centrifugal tendencies of these elements operating in an area of urgent public concern create a powerful necessity to do so. When mentioning the system-wide view, most planners say coordination is the way to apply that view in the public interest. They mean achieving ever smoother interconnection and mutual reinforcement not only among police, courts, and corrections but also between levels of government and among jurisdictions. They mean full, timely sharing of data and ideas among responsible officials, with planners as the catalysts, and between those officials and the planners themselves.

Planning is also concerned with marshalling and allocating resources, in the sense not of deciding but of preparing systematically for decision by responsible authorities. Everyone sees the SPA as the key to LEAA grants. In some states it also is seen as an influence upon how the state's own resources are used for state-level criminal justice programs and to support the programs of local government. A few SPAs have some role in state budget review. Those which do not may still find their data, analyses, relative objectivity, and system-wide perspective used constructively by others in government who do have such a role. Planners moreover make a further contribution in the resource area by helping to build consensus and support throughout the criminal justice community and perhaps beyond.

Planning is a way of initiating or contributing to constructive change in criminal justice activity. Both broad planning and specific planning by the SPA can lead to such change, and so can specific planning by state agencies, courts, and others. Perhaps the key steps are identifying the right problems and finding the ways to ameliorate them. Close attention to alternatives, to consequences, and to side-effects throughout the system are the relatively new elements which more professional planning has been introducing. All these are aided by the easy access which planners have to the state's criminal justice community and also to the expertise in LEAA and other states. A sense of what is feasible is sharpened through activity to develop consensus and support.

Within state agencies and courts systems, most planning has to do with organizing for execution. Some comparative analysis of alternative policies or programs does occur, but most planning tasks center around making the most effective and efficient use of resources. Thus, the present or prospective overcrowding of prisons has led to much planning of both sorts in corrections agencies during the last two or three years. While courts planning is of recent origin, it has been stimulated by the possibility of change in organization or financing of courts.

State legislatures, probably the key institutions in American criminal justice, have a limited understanding of or appreciation for criminal justice planning. Many legislators tend to have a stereotyped perception of it as bureaucratic fumbling and waste. They seem inclined to oppose it in principle. Yet if the term "planning" can be bypassed, the same legislators often are very receptive to its products: the analyses of data, the visualization of options and their consequences, the coordination, and the rest. As one cabinet secretary essentially said, "The legislators are only here part-time and face many, many demands. I don't try to improve their attitudes about planning, for there isn't time. But they are practical and do want the efficiencies and the clarity which our planning offers them."

Courts systems steadily are acquiring a more favorable attitude toward planning, more so for courts planning than for system-wide planning. The latter is still resisted somewhat by judges mostly at county level, although other judges and administrators experienced with system-wide dealings appear to believe that they too soon will find their apprehensions overdrawn and the benefits worthwhile.

Although decision tended to precede planning in the early years, the trend now is strongly toward prior planning analysis as an aid to decision. That was the intention all along, and it seems generally realized in the SPAs of the nine states. In the state agencies it is approaching realization if not already there. But it is not yet within the reach of all sub-state planners.

Broad overall planning is done by all nine SPAs. The majority plan for more than just LEAA funding, for they are producing frameworks of programs, goals, and priorities aiming to cover the whole of the criminal justice system in the state. Much that was done in the nine states several years ago in developing standards and goals had the character of overall planning. Although the follow-through seems to have been relatively scant and unsystematic, the memory provides some guiding influence on current efforts.



A Federal requirement endured more or less stoically as a necessary cost of doing business is the comprehensive plan. It is accepted partly because some accountability is not only inescapable but also appropriate when public funds are being spent, but mainly because to do so "protects the fund flow." The turbulence of early years largely set the pattern and helps explain why the comprehensive plan has been severely criticized for emphasizing form rather than substance, and financial management rather than crime control. That it consumes planning resources better used for productive anti-crime planning and coordinating is widely accepted.

The current reality of the comprehensive plan has two defects even more fundamental. First, it concentrates attention on the LEAA-funded fractions of the criminal justice system, to the detriment of across-the-board examination of all activity no matter how funded. Second, it gives criminal justice planning a bad name. The product lacks appeal for busy elected officials, for its great length, complexity, and turgid detail tend to create doubt or worse on the reader's part. If an SPA is primarily identified with preparing the comprehensive plan, establishing that SPA's worth may be an uphill struggle.

In the past the mechanics of the processes for manufacturing comprehensive plans have done much good. Over the decade they have brought together at sub-state and state levels thousands of criminal justice leaders and have shown them the interconnected nature of the system. Most of these men and women, however, have grown in system-awareness, and sentiment toward continuing to have such interdisciplinary, interjurisdictional gatherings is strong. The comprehensive plan exercise need not be maintained as a stimulus for them.

## Chapter VI

### Criminal Justice Planning: How Firmly Is it Rooted?

#### Introduction

The focus of the preceding chapters has been a description and analysis of criminal justice planning organization and processes as observed in nine states. This chapter attempts to assess the extent to which criminal justice planning has become a regular, accepted process in the functioning of state government. Throughout the discussion, it will be useful to keep in mind one assumption and several observations which overlay the whole question. First, there is the primary assumption that criminal justice planning in the states is useful and more than a supporting activity to the LEAA grant program. The discussion and analysis of the previous chapters generally support this assumption.

Responses from 25 of the 57 SPAs revealed a wide array of "accomplishments," with considerable clustering around: (1) advances in law enforcement training, including standards, facilities and systems; (2) codification and updating of criminal law; (3) consolidation and master planning in corrections; (4) planning, expansion, and improvement in juvenile justice, including substantial expansion in community based services; and (5) modernization, integration, and standardization in law enforcement communications.<sup>1</sup> Second, there is great variability from state to state in virtually all aspects of the criminal justice system and important factors which affect that system, so that judgments about the extent to which planning has been institutionalized must take into consideration differences from state to state, even where common issues are being compared. Third, as evidenced in the early chapters, the concept of planning is not well understood by many officials in state government. Too frequently planning is viewed in a pejorative sense as being unduly detached and academic or arbitrary and directive in nature.

#### Indicators that Criminal Justice Planning Is Becoming Part of the Governing Process

There are three general indicators which can be used in judging the relative extent of integration of criminal justice planning into a state's governing process: (1) the existence and nature of a legislative charter for the function of criminal justice planning, (2) the existence and nature of strong linkages to the program decision process, and (3) the degree of acceptance and support for criminal justice planning.

The existence of a legislative charter for an SPA is no longer as important an indicator as it once was, since a legislative basis for the SPA is now required for the continuation of the LEAA program in any state or territory.<sup>2</sup>

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<sup>1</sup>From survey of SPAs in cooperation with the National Conference of State Criminal Justice Planning Administrators.

<sup>2</sup>P.L. 90-351, as amended.

There is considerable variation, however, in the legislative mandate given to an SPA. (Samples of these legislative charters can be seen in Appendices L and N.) For example, the charter legislation for North Carolina's SPA (the Division of Crime Control) specifically names the Governor's Crime Commission as being the sole body in the state responsible for developing a comprehensive state-wide plan for improving criminal justice. It also proclaims the Commission to be the chief advisory board serving the Governor on all matters pertaining to criminal justice. This broad mandate puts both the Governor's Commission and the SPA in relatively strong positions when seeking information, assistance, and cooperation from other criminal justice agencies in the state and at local levels as well. In Virginia the Division of Justice and Crime Prevention (the SPA) and the Council on Criminal Justice are vested with wide responsibilities for conducting criminal justice planning, including providing technical assistance, collecting and analyzing data, developing and conducting programs, coordinating activities, etc. The Council is identified as the body responsible for the implementation and administration of the Omnibus Crime Control and Safe Streets Acts of 1968, as amended (and other such Federal programs directed toward the criminal justice and related areas), but is not given clear authority to act as the criminal justice coordinating body for the state. Minnesota's charter, establishing the Crime Control Planning Board, focuses upon the LEAA program but lists additional powers and duties directed to assisting state, regional, and local agencies in activities designed to improve criminal justice functions, to include undertaking studies and making recommendations to the Governor and the legislature about specific topics for improvement in the criminal justice system. In a structural sense, the SPAs now are more firmly rooted than they were in the past, since all have legislative authorization and cannot be easily bypassed or eliminated without legislative action.

The nature and strength of linkages to the program decision process are especially important as an indicator of institutionalization. Here the key points are the Governor, the legislature, the state budget agency, and the major criminal justice agencies. It is important to discern whether these linkages are on a regular or an ad hoc basis. The link to the Governor may be personal or direct, or it may be institutionally through the secretary of a department. Either may give evidence of strong ties. For example, in North Carolina, the SPA Director has access directly to the Governor on a personal and professional basis and through his immediate superior, the Secretary of the Department of Crime Control and Public Safety. Since the Governor has a strong and continuing interest in criminal justice matters (having campaigned on this issue and being Chairman of the National Governors' Association Committee on Criminal Justice and Public Protection), he works directly with the SPA director without a sense of "disrupting the chain of command." In this case, the ties are both personal and institutional, regular and ad hoc. In California, links are both personal and institutional through a principal staff assistant. In both Minnesota and North Dakota the link with the Office of the Governor tends to be ad hoc and personal between the SPA director and, usually, a staff aide to the Governor. Although these links are cordial they may be quite infrequent, reflecting the relative priority of criminal justice on the Governor's agenda. Personal ties can give an SPA a considerable base of strength as long as they last. But when an SPA Director moves, or a Governor retires, that linkage can be broken and remain essentially unconnected for some time, as occurred in Minnesota in 1977.

All of the SPAs visited had at least some positive relationship with the state legislature. These varied widely from a dependence on top political level ties between a departmental secretary and key legislators through professional relationships between the SPA director and/or SPA staff and legislative staff, to personal ties between an SPA director and key legislators. The closest, most regular linkages were observed in Virginia and North Dakota where there was a continuous liaison between the SPA and legislative staff dealing both with substantive legislative matters and with appropriations. Most SPAs have undertaken some type of legislative review, although it tends to be limited. Aside from Michigan where the SPA is the budget office for criminal justice, Virginia is the only SPA that appears to service the appropriations committees of a legislature regularly by reviewing criminal justice agency budgets. North Carolina and New Mexico have recently undertaken the development of a criminal justice legislative package for the Governor, and both Minnesota and Colorado have launched more limited, but relatively broad (in terms of issues) legislative reviews. Others tend to limit themselves to ad hoc reviews of issues referred to them or to issues of particular interest to the department secretary or the state council. Since the legislature is the single point in state government to which all criminal justice functions must relate, this linkage is particularly important and deserves nurture.

With the exception of Michigan and Virginia, most SPAs appeared to have little relationship with their state budget office except on their own budget or those connected with the LEAA grant program. Since the annual development of a budget usually is the principal program decision process in a state, the extent of participation in this process beyond its own budget by an SPA provides some measure of its institutionalization. Finally, with rare exception, most SPAs have close and continuing ties with the major criminal justice agencies in the state--corrections, state police, the courts, and the Office of the Attorney General. The latter usually was found to be the weakest link since most Attorney Generals' Offices concentrate on the function of counsel to state agencies, administer few programs, and are relatively autonomous where the incumbent may be a political rival of the Governor.

The third key indicator of the state of institutionalization is the acceptance and support of criminal justice planning by the other components of the criminal justice community (courts, executive agencies, sub-state agencies, and professional associations or interest groups), the Governor and his staff, and the legislature. From the outset, SPAs have faced some "turf" problems with their sister institutions in the criminal justice community; however, this has been reduced considerably over the past decade and, except for some institutional frictions and personal irritations involving sub-state planning units, it is possible to characterize the acceptance and support of criminal justice planning as quite strong from most of the community. With respect to Governors, there is wide variation that seems to depend mostly upon the Governors' interest and awareness of criminal justice issues and the nature of the personal relationship with the SPA director. Both can be transitory. However, an SPA, if not located within the protective environment of a department, would be hard put to carry out its responsibilities effectively in the face of a negative relationship to the Governor or the Governor's staff. Few Governors have a strong, continuing concern for criminal justice topics except as they become politically important issues. More or less passive acceptance and support tends to be the rule. Much the same is true of SPA relationships with state legislatures. The fundamental problem is that legislatures, by their nature, are

pluralistic in organization and tend to lack focus except in fiscal and financial concerns. The principal continuing points of contact normally are through a professional staff serving legislatures, and if these are not assigned according to some functional scheme, there may be little awareness of the SPA's activities apart from the grant process. This generally is the case although both Virginia and North Dakota have established strong and continuing relationships with professional staffs serving the legislative committees and appear to receive valuable acknowledgment and support in return.

#### Other Factors Affecting Institutionalization

A factor which can have an important influence is the diffusion or consolidation of authority within the criminal justice community at the state level. In states where there has been some amalgamation of executive branch activities or where there has been unification of the court system, the SPA has an easier time of establishing and maintaining key linkages to these components and thereby undertaking a more effective comprehensive planning process. In addition, the SPA may be located within a consolidated department and thereby be in a position to more "automatically" achieve coordination and integration over that array of functions. Such was the case when the Virginia Division of Justice and Crime Prevention was included in the new Secretariat of Public Safety. The SPA was thereby placed in a more natural location to obtain data, assistance, and cooperation as the Secretary's principal arm for planning and analysis. It also gave the SPA a more powerful "voice" represented in the Governor's Cabinet through the Secretary of Public Safety. This change did not dramatically shift or improve criminal justice planning in Virginia; it did, however, provide a more secure base from which these activities could be conducted and expanded. On the other hand, diffusion of authority through the dispersion of criminal justice agencies across a variety of locations makes the task of coordinating, essentially on a voluntary and cooperative basis, more difficult, depending upon the number of independent bases which must be touched. Diffusion does not preclude effective planning nor does consolidation ensure it, but either can significantly affect the opportunities and the nature of the effort which must be forthcoming.

A second important factor affecting institutionalization is the SPA leadership--both its stability and quality. Clearly, the frequent changes in the SPA directors have been an important factor retarding the effective implementation of criminal justice planning. Where there has been relative stability, combined with effective leadership, notable progress has been made. Since most SPA directors are appointed by the Governor, there has been a strong tendency for the directorship to change with a change in governors. Not only does this disrupt continuity of effort, but it also makes difficult the attraction of well-qualified professionals to be SPA directors. SPAs are not so generously staffed but what the director must serve as an internal leader as well as a representative of the function to other agencies of government and to the general public. This requires professional knowledge, organizational leadership capabilities, and political sensitivity. Such characteristics are not frequently combined in a single individual and therefore should be conserved when located. In most instances quality leadership at the head of an SPA is fully capable of accommodating changes of priority and emphasis to accompany gubernatorial change. Anything less than first class leadership from an SPA undermines the

critical relationships necessary for effective criminal justice planning, and prevents its institutionalization.

Third, specific political and demographic circumstances peculiar to any one state not only affect institutionalization, but may require the use of different criteria for making such a judgment. For example, these factors are strikingly different in California than they are in North Dakota. The criminal justice planning process in North Dakota is considerably more informal, more dependent on relationships between particular individuals and less formal in a "system" sense than is the case in California. However, it would be an error to thereby conclude that the process in North Dakota is any less a regular, ongoing process in state government than is true in California. To cite another example, the Virginia General Assembly is controlled by the Democratic Party and the Governor is Republican; in its sister state of North Carolina the Governor is Democratic as is the legislature. One might expect that there is a closer, more harmonious relationship between the executive and legislative branches in North Carolina than in Virginia, but such is not the case. This should not be taken to mean that there is disharmony between the legislature in North Carolina and the Governor; it does mean that one cannot make simple extrapolations without understanding the nature of the political system in a particular state. In Virginia two factors are at work: one is the long period of close working relationships between the SPA and the Virginia General Assembly; a second factor is that party label tends to be less of a problem in legislative relationships in Virginia than does political philosophy. In North Carolina a common party label often disguises intense intra-party rivalry. Each state has its own political and demographic characteristics or peculiarities which, in combination with other factors, can facilitate or hinder institutionalization of the criminal justice planning process. These should not be overlooked, and tend to mitigate against simple, common solutions across all or collections of states.

#### The Status of Criminal Justice Planning

Since the beginning of this study, the panel was cautioned about the need to put emphasis upon criminal justice planning and not the state planning agency. The purpose of the study was to look at the general state of institutionalizing a process and not a particular organization that was required under the LEAA grant process. The basic philosophy here was that, on a conceptual basis, it is possible to distinguish between comprehensive criminal justice planning and the LEAA grant program (and the SPA) so that one might judge the relative state of institutionalizing criminal justice planning, quite apart from the LEAA program or the SPA structure. The assumption here is that neither the SPA nor the LEAA program is essential for a state to undertake successful criminal justice planning. But there was almost no planning underway prior to the LEAA program, except what might be done on an intra-agency basis. Since then, the SPA has become the focal point for criminal justice planning at the state level, there being no other organization or institution remotely competitive for that role. The extent to which criminal justice planning has been institutionalized in any particular state is due largely to SPA leadership and the effective use of SPA staff--most of which would not be in existence without the LEAA program. Criminal justice planning is most likely to be improved through efforts to support and strengthen the SPA rather than through other efforts outside the SPA. It is not easy, nor would it be useful to

completely separate the grant program from criminal justice planning. The grant program has served as a focus for the development of many of the links in the process. It also has been the main source of the data contributing to more comprehensive planning. Grants now provide important leverage for innovative action and stimulating wider participation. The core of the staff in the comprehensive planning outside the LEAA program was developed and still is largely supported through the grant program. Criminal justice planning cannot easily be separated at this time from the function of the SPA or the LEAA grant program.

Limited though they were, impressions about the permanence of sub-state planning were consistent in the states visited. Where population is concentrated and planning units related directly to local general government, planning seems embedded or promises to become so. Away from metropolitan areas where RPUs may lack close connection to general government, planning is less well-rooted.

Criminal justice planning is really just beginning in most states. Although there is considerable variation from state to state in the progress that has been made to date, the process has expanded beyond the LEAA grant program. Thus, it is fair to say that this process has at least a foothold in all of the states visited.

The SPAs, which are the focal point of the criminal justice planning in the states, are more stable today than they were just a few years ago. There appears to be a tendency for less rapid turnover among directors, and there has been a similar "settling down" of the professional staff. In addition, the staff generally is more professional now; representing a greater depth of educational preparation and experience relevant to criminal justice functions and the planning role.

There is a strong tendency to believe that the real "test" of institutionalization is whether or not criminal justice planning would survive the withdrawal of the LEAA grant program. At this stage of development, and even where indicators are most favorable, the answer to that is highly problematical. Clearly, criminal justice planning would receive a severe setback necessitated by substantial reduction in planning staff. The principal reason is that, although the program has been underway for ten years, institutional difficulties facing criminal justice planning are immense. Generally there is not much public awareness of the positive contributions that have been made in the face of unfavorable publicity about significant failures and some horror stories. This awareness has yet to permeate most state legislatures where there is an increasing fervor for tight fiscal control not conducive to "taking over" a federally initiated program. The plain fact is that legislators across the country are becoming more sensitive about matching grant programs instituted by Federal agencies which portend eventual state subventions of those programs. Some "residue" of current efforts at criminal justice planning would remain, as would the positive results of those grant programs which proved successful. But progress toward a more cohesive and coordinated criminal justice system would be severely stunted just as its potential is being recognized. As the earlier chapters reveal, there were many elements of the LEAA planning process which proved unwieldy, obstructive, and dysfunctional. However, the process has yielded order, system, and increasingly better ~~data resources~~; weaknesses and excess baggage have been recognized and can be remedied. Except for those

few places where gubernatorial interest and support is unusually strong (such as North Carolina and California), or where the SPA has developed a recognized track record and enjoys the relative security of a consolidated department (such as in Virginia), removal of LEAA program support would seriously undermine criminal justice planning in the states and delay its institutionalization to some distant time in the future.



## Chapter VII

### Concluding Observations and Suggestions

To carry out their prime functions of keeping domestic order while protecting individual rights, the 50 states have organized themselves in unique ways. Also unique is the experience of each with crime and crime control. Federal legislation inducing each one to operate an SPA in its executive branch did not of itself require other change in either the structure or the functioning of the criminal justice system. Yet in every state it set in motion, or accelerated a process of repeated reexamination of both. That process has led to changes in every state. These changes have had some characteristics in common, but they have occurred in distinctive ways. The states are no less unique in their criminal justice system in 1979 than they were in 1968.

The appended state descriptions portray for the nine states visited the main specifics of criminal justice planning there and its prospects for permanence. Drawing on them plus the experience of Panel members and staff, this report has sought to describe the field of state-level criminal justice planning as it exists at the start of 1979. The attempt has been made to respect state distinctiveness.

Now, some generalizations will be offered which may not apply to a particular state. These generalizations aim to expand public officials' understanding of (1) the setting in which criminal justice planning occurs, (2) some lessons planners draw from experience, (3) the permanence of the planning approach, (4) what makes criminal justice planning work, and (5) strategies for reform.

#### The Setting for Criminal Justice Planning

Criminal justice planning does not take place in a vacuum. It is part of a loose network called a criminal justice system which, in turn, is embedded in a particular political system. It is bounded by regulation and practices as well as the nature of those problems/issues that generally fall within the rubric of "criminal justice."

#### Diffusion of Authority

One of the most obvious characteristics about the criminal justice system is that authority is widely diffused, often to relatively autonomous officials. Many of them are elected and inclined to key their actions to public opinion or fairly short-range considerations. A fundamental element in this diffusion of authority is the independence of the judiciary. Sensitivity of most judges about this independence inhibits and sometimes warps the courts' participation in system-wide planning and coordination. In spite of these shortcomings, the diffusion of criminal justice authority and the independence of the judiciary generally are viewed as representing important safeguards of our individual freedom and democratic government.

Criminal justice planning has been a fundamental cause in the spreading appreciation of how interdependent are the parts of the criminal justice system. It continues to spread and deepen. Participants undergo a gradual process of recognizing progressively more interconnections and side-effects, as they learn how they can be helped and how they can help others, becoming motivated toward pursuing the general interest instead of the particular.

#### The Political and Demographic Context

Each state has its own peculiar political dynamics set amid differing demographic environments. The specific aspects of a state's singular political situation often will determine the outcome of a criminal justice planning enterprise. The dynamics of the legislative-executive balance may affect what scope is permitted to planners. An SPA that is respected for analysis-based, objective support to the legislature as well as the governor is more likely to have wider scope and greater impact. As local and state governments have become increasingly sensitive to financial stringency, there is a tendency for state governments to be considered as the appropriate source for acquiring funding responsibility for local criminal justice activity. The rise of such basic issues in the nature of pressing problems presents criminal justice planning with an unusual challenge to identify feasible alternatives and make concurrent system improvements as well.

#### The Comprehensive Plan and Attitudes Toward Planning

The Federal government has contributed toward the spread of system awareness by requiring an annual comprehensive criminal justice plan. Its system-wide nature has exposed general government and criminal justice officials to the facts of interdependence and to the opportunity for motivation. Comprehensive planning has brought other benefits, too, by clarifying goals, programs, and priorities and by helping in the organizing of resources--although probably far less than Congress had hoped.

The administrative labor entailed in generating comprehensive plans is great. Both state and sub-state planning organizations put considerable effort into the comprehensive plan, since it is their main single product. They therefore become associated in the eyes of the criminal justice community with what many regard as bureaucratic gobbledygook. To establish the credibility of criminal justice planning, they must first somehow offset that impression.

The Panel believes that whatever the utility of a comprehensive plan may once have been, it is now low, if not negative. Other mechanisms can spread system-awareness better. No state that really achieves integrated overall planning seems likely to stop doing it if the comprehensive plan requirement is lifted. Any state that has not achieved it after ten years of massive paperwork is not apt to do so best via an eleventh, a twelfth, and so on. Ways of assuring performance of congressional will and accountability for federal funds can be found at lower cost.

How elected executives, legislators, and responsible criminal justice officials feel toward criminal justice planning determines to a large degree how much the planner can accomplish. These attitudes can easily change. Three

main influences upon them are now visible. A positive one is the planners' ability to attract Federal funds. A negative one is public antipathy toward bureaucracy. The third, which in some states has lately become quite positive, is the track record of criminal justice planning. A difficulty planners face with the third one is that in the political arena of their work they must sometimes adroitly avoid credit for achievements, to build good will and improve prospects for the next time around.

### The Intractable Nature of Criminal Justice Problems

Planners are quite sure that the criminal justice system is being steadily improved. But little is said about how much crime has been reduced. As yet nobody can be certain how to reduce crime or prevent recidivism. Cause and effect linkages are obscure or unknown. Until the past decade research was scant, and what has been primarily learned is what fails to work, without a full grasp as to why. A major reason for the uncertainty about progress toward crime reduction has been the relatively poor quality of data. It has been greatly improved, but there remains much to be done. While planners often expect early results from steps taken toward system improvement, they do not look for quick response to crime reduction measures. The Panel did not attempt to judge the relative success of criminal justice planning by some calculus of cost/benefit assessment. The principal focus has been on the process of planning rather than an estimate of benefits, and the data and primitive state of such analyses as might be applied here all mitigated against such an exercise. However, planners consistently express a strong conviction that criminal justice planning produces benefits to the public.

### Lessons from the Planning Experience

#### The Persisting Image of Planners as Federal

Criminal justice planning, launched by the Federal government and sustained with Federal funds, naturally has had a Federal image. People tend to call both state and regional planners "LEAA." Even though a number of state and local officials are outspokenly appreciative of the LEAA program and what it has done, most such officials share the stereotyped view of some clash of interests between the Federal government and their own level. Being identified with the Federal government, the planners are, by inference, seen in some opposition to state and local interests. Nor would the problem be eliminated if planners were totally identified with state government, since some big city officials view the state level more negatively than the Federal. To induce cooperation, perhaps the ideal image would be of one cohesive group, the SPA plus regional planners, relating evenhandedly to the whole of the criminal justice community throughout the state. Practically speaking, that ideal seems scarcely attainable. But to replace the Federal image with a state image is attainable and seems desirable.

### Planning for Non-LEAA Activity

Clearly the planning approach should be applied to the whole criminal justice system within a state. To achieve that, the typical SPA concentration upon the small fraction of activity supported by LEAA funds should be supplanted by attention to all state criminal justice activity, which also influences the local activity. This does not imply, and indeed should openly avoid, any acquisition of control or central consolidating of planning; both would be actively resisted by state criminal justice agencies. Instead, the idea is to encourage those agencies to enrich their exercise of control with coordinated forethought, to deepen their perspectives, to improve the accuracy and commonality of data, and to encourage smoother interrelationships among agencies. Some services such as training support could also be provided, especially for smaller agencies and local governments. New arrangements like these probably would take several years to be fully installed and accepted.

The emphasis on planning beyond the LEAA program should not, however, lose sight of the importance of LEAA funds. Representing a modest three to five percent of total system expenditures, they do provide opportunity for innovation and some flexibility, and thereby are a significant influence for change.

### Incremental Planning

Improvement in the criminal justice system seems best brought about incrementally. Gradual adjustments do not arouse fears about turf, but do simplify coordination, conserve planning effort, and avoid the friction losses inherent to major change. Massive planning, moreover, has been tried, is ineffective, and damages the credibility of planners. The key element of successful incremental planning is anticipation of the consequences, especially the side effects, of various options. As people gain experience and therefore confidence, the increments could be gradually enlarged in some cases.

### Meeting the Demands of the Political Process

Planning is useful only when it has a purpose and leads to action which advances that purpose. Criminal justice planning is part of government, not of the academic world, and must adapt itself to that context. The political processes of pluralist democratic government are fluid, involve many participants, and put much weight on timing. Some policies or programs are simply not feasible, or become feasible only when certain factors change, and valuable premiums come to those who assess feasibility correctly. Support-building is a necessary art, done usually through consulting and informing the right groups and individuals, but done sometimes by adjusting plans to suit the half-a-loaf that can be supported.

### Increased Professionalization

As experience accumulates, enriched through the mobility of individuals, criminal justice planners have been emerging as a new professional group. Competence levels are well above those of several years ago. Loose networks now

exist, through which planners obtain advice and help from outside their organizations. The high average turnover rate of SPA directors, a negative influence, has slowed somewhat. A distinctive style of planning seems to be developing; different from the corporation style of planning at first thought appropriate, it is a more functional style, fluid and responsive to political processes. Allied to this is increased professionalism throughout police, courts, and corrections, carrying with it greater system-awareness and respect for planning.

### The Permanence of the Planning Approach

Substantial progress has been made during the past decade in establishing criminal justice planning as a regular, on-going process in state government. Much remains to be done. The rate of progress has been considerably slower than was hoped when the Omnibus Crime Control Act was first passed, but the general disarray of the criminal justice system at that time precluded quick results from the application of money and good intentions. System-wide improvement has been painfully slow, though accelerating substantially during the past three years. Comprehensive criminal justice planning is becoming rooted. It is not full blown, covering all components of the system in all aspects, but the framework has been laid down, a workable process established, and the disparate pieces gradually brought together. With a few exceptions, criminal justice planning in the states remains relatively fragile, but growing stronger and capable of substantial advances with increased recognition and support from governors and state legislatures.

Several factors are adding strength to criminal justice planning as a permanent process in state government. First, under some prodding by LEAA, most states now have legislative authorization for the SPA, vesting it with broad responsibility for comprehensive criminal justice planning. Second, the SPAs increasingly have a multiplicity of ties to the key decision points in state government and are able to have a more regular influence on the program decision process. Third, criminal justice planning is becoming accepted as a positive contribution to program development and evaluation, not only by criminal justice agencies, but by legislative committees and the staff organizations which support them as well as by governors' staffs and governors. Fourth, there has been a notable improvement during the past several years in the stability of the SPAs, both in terms of professional leadership and in organizational location.

On the other hand there are several influences which are slowing progress toward institutionalizing criminal justice planning. Two are part of the environment in which planning must operate--diffusion of authority and functions in the criminal justice system, and low awareness. As noted earlier, some diffusion is basic to our system of government, but considerable improvement can be made in many states, especially among the executive branch agencies. The relatively low awareness about criminal justice planning or its contributions hinders the development of support among political leaders; however, care must be exercised lest undue expectations are placed on this complex and difficult, but promising process. Finally, uncertainty about the Federal commitment to criminal justice planning and the grant program over the past two years, indeed over much of the program's life, engenders reluctance among state officials to grapple with mid- and long-term problems or to invest the state resources that can lead to more assured permanence.

## What Can Make Criminal Justice Planning Work?

There are a number of factors or circumstances which can greatly facilitate the success of criminal justice planning as conducted or assisted by an SPA. Among them are: the quality and stability of SPA leadership, gubernatorial support, a solid relationship with the legislature, participation in the budget and other executive decision processes, the spread of a system-wide perspective and coordination, and an active governing board that provides leadership across the system.

### SPA Leadership: Quality and Stability

An SPA cannot fulfill its role in criminal justice planning without top quality, qualified leadership. Neither can the director be changed every year or two without seriously disrupting the SPA's capability. Those SPAs which have had quality leadership and stability have made the greatest progress toward meeting the goals for criminal justice planning that were evident in the 1968 Safe Streets Act. The SPA director must know the criminal justice system and work easily with people and instill their trust--both throughout the system and in his or her own office.

### The Governor's Support

Crucial to the effectiveness of the planning approach is the extent to which the governor supports it. Support can come in various forms. The governor can appoint to criminal justice leadership positions people who favor organized forethought. The governor can cause them to coordinate their efforts, especially if he visibly backs his SPA. Using the SPA director as principal staff advisor on criminal justice matters, the governor can assign to the director the responsibility to assemble a package of gubernatorial proposals for legislation in criminal justice. Above all, a governor can increase the SPA's involvement with state-funded criminal justice activity, perhaps via organizational adjustment or by closely associating the SPA with the criminal justice budget review process. The more apparent that the governor's support of and accessibility to the SPA becomes, the more frequently will the general interest supersede the particular.

### Solid Relationships Between the SPA and the Legislature

The most extensive power bearing upon the criminal justice system is that of the state legislature. It determines the authorizing laws for local general government and local criminal justice, as well as both authorizations and appropriations for state-level criminal justice, including the courts. While enlarged legislative staffs sometimes possess management analysis capability, legislatures are not equipped to do coordination. The centrifugal forces on them are considerable. State-level criminal justice agencies often deal with legislatures directly, and interest groups are active lobbyists as are local governments. If a legislature regularly responds to such forces without consulting the SPA, coordination tends to suffer. But consultation with the SPA is likely if the SPA regularly services legislative needs for data and analyses,

and if the SPA's record for objectivity and a sense of the feasible is thought to be good.

#### Participation in the Budget and Other Executive Decision Processes

Planning, legislative review, and the budget process are all executive decision processes in which an SPA should be engaged, to the extent possible, on a system-wide basis. Of these three the budget process probably is the most regularized and, in the past 40 years, has become the principal program decision vehicle across government. When system-oriented planners are able to review budget submissions from several criminal justice agencies, often they can find incompatibilities of assumptions, data, or intentions among them. Even when they lack any budgetary authority, their comments can be constructively influential. If, however, the planners are perceived as having some power in the budget process--for example, if the state budgeting agency relies upon the SPA for objective expert review--then the cooperation which agencies show on other matters is more assured. Their ability to nurture innovation and system improvement is strengthened by a budgetary review role.

#### The Spread of a System-Wide Perspective and Coordination

As more criminal justice leaders come to appreciate the system-oriented viewpoint, it becomes steadily easier to obtain analysis of consequences, of side-effects, of priorities--introduced into both current and future business. Where the tone and procedures of a state council, for example, encourage its members to avoid acting merely as log-rolling representatives of their constituencies, and instead to pursue the larger interest, then the planning approach will benefit. Such an approach to planning emphasizes cooperation and coordination with the SPA playing a facilitating, rather than a directing, role. It generates the confidence of the criminal justice agencies as both participants and clients and reaches beyond the LEAA program to the whole array of cross-cutting problems in criminal justice for which state and local governments have responsibility. The SPA needs to view planning as an open process in which professional, interest, and citizens' groups as well as others can contribute and participate.

#### An Advisory Board that Provides Leadership

Increasingly, governing boards of the SPAs are breaking out of their former patterns of spending their time screening project proposals and undertaking the necessary horse trading to assure that all interests are reasonably balanced in the final awards for any given year. Although most still spend considerable time in this process, they have begun to consider legislative programs, agendas of issues/problems that need addressing via research, demonstration or other programs, and public information functions. Where boards have moved out to deal with state-wide criminal justice issues, they have shown unusual potential to provide non-partisan leadership in exploring alternatives within an open forum where citizens, officials, client or professional groups, and individuals can participate. It offers a unique opportunity for difficult problems to be discussed and examined before being thrown into a more political, possibly less flexible, arena such as gubernatorial or legislative politics.

## Strategies for Reform

Comprehensive criminal justice planning is unlikely to be substantially changed in a state without the interest of and sustained support by the governor. Initiation of such change is possible through the efforts of an influential legislator, supported by key interest or criminal justice agencies. Substantial change also may slowly unfold over a period of years, usually nourished, however, by senior officials who are in leadership positions over a long enough time to quietly orchestrate change and to exploit larger opportunities. Four alternative strategies for reform are suggested; their respective appropriateness and likelihood of success depend upon the political, organizational, and other important characteristics of the particular state at that point in time. Each has been successful.

### Enlarge the Role of the SPA Within a Cabinet Department or Secretariat

This action usually combines the movement and expansion of the SPA with some consolidation of executive branch criminal justice agencies. States where this has been carried out successfully are New Mexico, North Carolina, and Virginia. In New Mexico nearly all executive criminal justice functions were brought together in a new department. In North Carolina the consolidation included state police, SPA, and para-military functions. In Virginia the executive criminal justice functions were collected under the leadership of a "secretariat," as distinct from a department. In all three instances the SPA became the principal planning staff arm for the new department head or secretary. The SPA's enlarged role included reviewing all of the criminal justice issues coming before the secretary, which was an expansion considerably beyond those of the LEAA grant program. Substantial reorganization carries costs as well as benefits, pros as well as cons.

Pros: Major reorganization is dramatic, highly visible, and widely accepted as symbolic of "action." It is evidence that a governor is doing something to bring a problem under control. It can, if well carried out, alleviate the problem of diffusion among criminal justice agencies, making coordination and cooperation, at least among executive agencies, more regular. It also provides a broader base for criminal justice planning in terms of access to decision points, issues and pertinent data, and institutional support.

Cons: Any major reorganization carries with it certain costs in terms of a governor's political capital. The key question is, will the result be worth the effort? Legislative support must be developed, opposition there and elsewhere overcome. The actual implementation may disrupt clientele relations with executive agencies and legislative committees, causing irritations that may have to be dealt with later. It will take some administrative energy to implement the reorganization, including time and attention of the governor. A new cabinet officer must be selected--this can be an excellent opportunity or a difficult situation, depending upon the expectations, etc., of the agency heads who form the new department and the extent to which the governor has a free hand and there are able candidates for the new position.



### Reconstitute/Reorganize/Revitalize the SPA

A reorganization or reconstitution of the SPA is most effective when the governor directs it, with close supervision by one of the governor's top assistants. Usually it is undertaken in conjunction with the appointment of a new SPA director and reflects important changes in emphasis by the administration. When accompanied by a clear strengthening of the ties between the SPA, its director, and the governor, the SPA is given potent leverage in its coordinative role within the criminal justice community. Perhaps the most striking example of this strategy among the nine states is that of California. When Governor Brown first took office, the SPA was drastically reduced in staff, given new and dynamic leadership, and provided a new set of guidelines.

Pros: This more modest type of reorganization usually can be carried out within the governor's own authority, providing him with considerably more freedom of action, particularly freedom from numerous legislative compromises. The governor is better able to select the leadership and set the organization to meet his/her specific needs since few, if any, commitments would be made as might be the case in a legislatively based reorganization.

Cons: Organizational change limited to the SPA will not cure serious structural weaknesses elsewhere in the system, though it may facilitate better coordination. This type of "personal" reorganization will require considerable time from the governor and one or more of the governor's principal staff assistants--both in the planning and following up on the implementation. To succeed it requires the governor's personal touch if the other criminal justice agencies are to properly recognize the SPA as a surrogate for the governor in criminal justice matters.

New Leadership for the SPA. A sluggish, poorly performing SPA may be considerably enhanced by new leadership, especially if institutional relationships are abrasive or the director appears to lack the confidence or trust of the criminal justice community. The emphasis here must be upon the careful selection of a new director who can work well with all kinds of people as a facilitator and coordinator, who is politically sensitive, innovative without being rash, knows the criminal justice system, and understands or can quickly learn the political geography of the state. Substantial positive change was made in planning, the work of the supervisory board, and the relationships between the SPA and criminal justice agencies in Colorado without any real change in SPA structure or location--fundamentally by the introduction of new leadership. It is commonly asserted that a good leader can accomplish much even in the face of poor structural arrangements. The new director must be selected carefully, with the governor's approval and assurance of reasonable personal access to the governor.

Pros: Compared to other alternatives, this one causes little disruption, but still can be used as the opportunity to signal "new directions" and a change of pace or direction. It provides the opportunity to obtain a director who is compatible with the governor. The process can be relatively simple, especially if the director to be replaced is recognized as ineffective or lacking some of the desired leadership qualities.

Cons: The recruitment effort should be given the careful attention of the governor or the governor's senior staff--time that always is in short supply.

Problems related to system structure will not be solved by this means, though some friction may be relieved. It is not a practical alternative if the incumbent director has strong political support and/or is viewed as reasonably effective.

### Incremental Change

The key factors here are time and longevity of leadership. It requires the systematic picking away at problems, exploiting opportunities as they arise, nurturing favorable tides and trends, planning and being prepared to move when the time is ripe--but, generally speaking, staging no big battles or confrontations. A foremost example is Virginia where the political astuteness of the SPA director, combined with his longevity in that position, made the step-by-step approach succeed. In no way does this approach eliminate horse-trading, political assessment, or the like; it does reduce confrontations and short-run bargaining for high stakes.

Pros: The greatest advantage of the incremental approach is that it is least disruptive, with change usually coming at a rate that can be digested before moving on. It permits testing innovation before full-scale application, and makes possible the identification of potential pitfalls as well as potential opportunities. With time and well-situated leadership it can produce substantial results.

Cons: Incremental change is inherently slow and low profile. No single governor is likely to make a name within the confines of a single term via this approach. Its generally conservative nature can reduce innovation that might otherwise occur. Finally, the requirement for long-term leadership may make it impractical in terms of a given state's political environment.

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Comprehensive criminal justice planning is a cooperative Federal-state challenge. The Federal government has an important stake in improving the criminal justice system, especially in its collective impact nationally. Over time the LEAA program has established a series of networks in the states that contribute to that general goal. The states have the principal responsibility for the system and for the conduct (or not) of criminal justice planning--ultimately to their own benefit. The respective roles for planning, action, and support are still being sorted out. What is most needed for continued progress is positive, sensitive leadership by both Federal and state officials interested in a better functioning criminal justice system.

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State Criminal Justice Planning  
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### Components of the Criminal Justice System and Their Characteristics

The criminal justice system is usually regarded as having three components: police, courts, and corrections. Are prosecutors and public defenders part of the courts, however? Some people think not, so in the discussion below the two are treated separately from courts. Furthermore, another important part of criminal justice is the non-governmental or quasi-governmental community, discussed below as the fifth category, "other participants."

#### Police/Law Enforcement

Most of the people in the criminal justice system, and most of the organizations, are in the law enforcement area. The great bulk of these are in municipal police departments, ranging in size from many thousands down to one or two part-time officers. Most counties have sheriffs with law enforcement officers under their control--from a handful up to several hundred, and in exceptional cases more. At the state level there is either a highway patrol or a fully-empowered state police force, but usually it operates outside of incorporated areas, with intricate jurisdictional agreements. Many specialized groups are found at the state level also, such as state capital police, alcohol law enforcement agencies, and state investigative organizations with limited police powers. Besides these, several score Federal agencies operate in their specialized law enforcement and protective roles, and there are probably more private security guards in a given state than uniformed police.

The primary law enforcement concern of planners, however, is with the municipal police, the county sheriff's department, and the state police/highway patrol. They exercise general police powers in enforcing the laws of the state and/or municipal ordinances. But they are also responsible for maintaining the peace, and here arises one of the major sources of frustration for police officers. They view themselves as an anti-crime force; they would like to spend their time preventing crime, detecting it, apprehending offenders. Instead, much of their time is spent on service functions--dealing with family altercations, automobile accidents, lost dogs, and household emergencies, to say nothing of traffic control. Often they see themselves as the only active resistance to a potential flood of violent criminality; they see imperfections in courts and corrections, complaining that within hours after arresting a criminal they see him back on the street, ready to commit further crimes to meet bail expenses.

Police organizations tend to follow para-military lines, with sharp divisions of responsibility and clear lines of command, although this is moderating somewhat. During the past decade police forces have in general become more professional. Training standards and courses generally are much more rigorous and more widely applied. Educational levels have been raised, and the trend has been toward college training either pre-entry or during an officer's early service, although some observers question the quality and value of such training.

Police forces are integral and valued parts of a local community structure. Communities tend to resist strongly the idea of losing control of their police through consolidation, so there are literally thousands of police forces of under ten officers in the United States. Police chiefs are reluctant to allow various coordinating devices to attenuate their control over their limited resources. Hence the difficulties in many areas about installing 911 as a universal police telephone, for it would have some officers dispatched by others than their own organization. Rivalries and problems of jurisdiction are not uncommon.

### Courts

Most criminal laws are state laws and every state has always had a state court system. But until recently, most of the courts were not state courts but local courts at city or county level. They derived jurisdiction and powers from state law but they were funded, manned, and managed (if that is the right word) from local levels. In recent years, however, a strong trend has been toward consolidation of courts, even unification under state control. The states still vary very widely in how they organize courts and in the various elective or appointive methods for selecting judges.

During a period in which major revision and modernization of the executive and legislative branches has been occurring in many states, there has been a lag in similar adjustment of judicial branch arrangements. Much of this could probably be attributed to one of the prime characteristics of American government--the emphasis upon independence of the judiciary. The courts were not prepared to deal with the enormous increase of crime in the 1960s, and fell farther behind than did the police or corrections. Dockets grew alarmingly and it was by no means uncommon for a felony case to require two years to come to trial. This occurred despite widespread increase in plea-bargaining (a device for dealing with cases through rapidly-processed guilty pleas, usually to a lesser included offense). The last few years have seen major improvement in shortening dockets (60 days is not an uncommon figure now), but plea-bargaining remains the rule in a majority of cases, ranging up to 85 or 90 percent in some jurisdictions.

One reason for recent improvement in court performance is the tendency toward the use of courts administrators to manage much of the non-judicial decision-making and management. This relieves judges of some diversion from their central work and allows management by professional managers, usually specially trained and able to draw upon nation-wide experience elsewhere and upon specialized help. The new profession of courts administrator has not been immediately accepted by all judges. Some judges regard the administrator as an intruder needlessly complicating a judge's life. In most cases, however, judges soon recognize how their own work is made more effective and efficient by the administrators' contributions. But the courts administrators generally have been limited in the topics to which they could apply their talents. Management of payroll, paperflow, and the like usually preceded their attention to management of the flow of cases. After systematizing the scheduling of cases--often conserving many hours of the time not only of judges but of police officers, other witnesses, prosecutors, defenders, and others--administrators have had mixed success in establishing systems to collect and manage data about courts. The resistance of judges to systematization of data handling is marked

in some states, where judges often insist on keeping records in the same individual ways they always have, and some judges bitterly resist the principle of associating judges' names with any measure of the amount of business handled.

Again, the principle of judicial independence, which they see as highly significant for the continuation of our individual freedom, makes some judges leery lest there be intrusions upon it via data management--for example, by using conviction rates as a factor in the promotion or retention of judges. Yet other judges believe that judicial use of the best data management techniques will clear away many obstacles and let judges contribute more effectively to reducing the crime problem; this, they say, would strengthen rather than weaken the status of the judiciary. While such variation in judges' views is common, they agree that the principle of judicial independence is at the heart of the judicial ethic, and of the American governmental system. It is of fundamental importance to preserve the independence, the dignity, and the inviolability of each judge, in a government by law rather than by men. It seldom is far from the center of a judge's thoughts when he considers coordination of any sort with other parts of the criminal justice system.

### Corrections

The corrections component of the criminal justice system deals mainly with convicted offenders, comprising as it does the prisons, jails, probation systems, community-based facilities, and parole services within which a sentence is served. Jails, however, are also used for short-term detention in advance of trial, thus containing people who are accused but are not adjudged offenders. Juvenile offenders usually are detained in special facilities just for youth, which may be designated by euphemistic terms such as home, training school, and the like. Prisons (excepting the Federal ones) are operated by state governments, and jails usually by county government. Large city police departments usually operate their own jails, however, and a few states have consolidated the jails under a state system which leaves only part of the responsibility and authority at the county level. Sheriffs control county jails, and prisons are controlled within a state corrections department. Juvenile corrections facilities may be within the same department as adult corrections, or under a separate juvenile corrections agency. Probation services may be state controlled or county controlled, but their operations are de facto at county level, usually in close contact with the county court system.

The last decade or so has seen substantial change in the visibility of corrections. Some of this has occurred because of serious breakdowns which brought vivid publicity. But some also has resulted from deliberate and sustained efforts at all levels of government to improve the correctional performance. Where previously there was virtually no research, the Law Enforcement Assistance Administration, or LEAA, has encouraged and funded a great deal. Early products essentially confirmed what did not work, but in the last few years there are signs that our society's understanding of cause-and-effect in corrections may be starting to build.

Another aspect of our national neglect was in the personnel and training field. Guards and other personnel were not selected by excellent methods from ideal competitors, and the training they received usually was scant and crude. Their pay and status did little to ensure high quality people, and the same was



often true of probation officers. Work loads for all became a great problem when the crime boom of the 1960s burst upon the corrections systems. Personnel difficulties are far from eliminated (the ethnic mix of corrections officers is quite unlike that of the offender population, causing communication problems, for instance), but much energy and some LEAA money already have brought about significant improvement.

Most states still have problems of overcrowding in corrections systems. A prison built for 1,000 might contain 1,500 or 2,000--quite apart from the question whether even 1,000 is too large a single population. In several states, Federal judges have issued mandates about prison crowding, and prison conditions. In most states there is consideration of greater or lesser intensity about what facilities should exist in the 1980s, complicated by active ferment about what correctional philosophies and techniques should apply.

Probation systems and community based corrections have had increasing emphasis from those urging new departures. Much experimentation is under way, and partly for that reason, these parts of corrections have been able to draw into their work more people of better qualifications.

Professional standards have risen, public attention has increased, and governmental support has increased as well, during the past decade. A new crop of corrections managers and corrections administrators has developed, showing some mobility from state to state and also an inclination to benefit from experiences elsewhere. These are not the same kind of narrowly focused corrections leaders of earlier years; the leaders today generally have a much broader grasp of the social and legal context in which their institutions operate.

But the corrections field itself is an unusual environment. Operating in an atmosphere containing elements of fear, coercion, repression, frustration, and even desperation, its people have long had bitter knowledge of the grotesque differences between abstract principles and theories on the one hand and the infinitely varied inhumanity and inexplicability of man on the other. Cynicism and a high contempt for social science theory come easily at the lower organizational levels, and that is bound to have some influence upon higher management. All this is complicated by the recent infusion of new thoughts from such fields as social psychology, and by the sharp increase in social work education throughout the corrections field, especially in probation services. There have also been new external pressures from many sides during an era of social turbulence. Corrections people often feel that their authority has been diminished but the demands upon them multiplied; feeling they sit on a powder keg, perhaps they should be the most motivated toward seeking new, better methods.

#### Prosecution/Defense

The prosecution function usually is found at the county level and is conducted by an independently elected district attorney, or DA. Some DAs seek long tenure in that post, others use the position as a political stepping stone. In most states they have only distant and tenuous formal connections with the state government's chief prosecutor, the Attorney General. In their relative autonomy they have extensive discretion but nonetheless have some

responsibility to work smoothly with the judiciary of the district, with the various police organizations, and with the county commissioners or other body from whose budgets their funds come. There is also awareness of some monitoring by the local bar.

Tensions between prosecutors and police have been routine. Police become upset when a person arrested for a crime is not prosecuted for it; prosecutors become upset by defective handling of evidence or other built-in disabilities of the case as turned over to them by the police. Although it seems most unlikely that such tensions can ever be totally eliminated, efforts on both sides have been ameliorating them in the last few years. Increased professionalism among police and more active educational and coordination efforts by DAs have been among them. Both have contributed toward a broadened understanding within each group of the role, needs, and problems of the other. So have the various periodic planning meetings where people of different jurisdictions and different disciplines have been brought together.

Recent court decisions clarifying the rights of the accused to representation by counsel at public expense have expanded the role of public defenders in the system. While in many jurisdictions the court simply appoints a defense lawyer, the trend is toward an increasing number of permanently established Public Defender offices. They often emphasize their separateness from the rest of the criminal justice system, lest their clients view them as adversaries. This tends to complicate their participation in system-wide coordination and planning. Since the extent of appeal activity has some impact on costs and may anyway add to the tensions between defenders and others, the defenders, too, have tough choices to make.

The relationship between public defenders and the rest of the criminal justice system is affected by the nature of the people attracted to the work. Historically, the defense of indigent criminals has had the reputation of attracting members of the bar who were below average in terms of competence. But in the past decade significant numbers of lawyers, often young ones of high promise, have involved themselves in public defense out of a sense of civic responsibility.

Efforts to gather public defenders into associations and to improve their mutual coordination and training standards have lagged behind those of the more solidly established prosecutors. But such efforts are discernible.

### Other Participants

Participation in criminal justice matters by non-governmental and quasi-governmental groups has expanded greatly over the past ten years. There are many groups, such as the National League of Cities and the International Association of Chiefs of Police among others, that have a long history of involvement. But even they have stepped up their activity in response to the same public attention and resource availability that has stimulated the birth and growth of hundreds of newly engaged groups.

The many professional and vocational associations and unions are among the most active of these. They range very widely; in membership, for example, they vary from mass-membership groups such as the Fraternal Order of Police

and the American Bar Association to such quite select ones as associations of chief judges of district courts or of state criminal justice planning administrators. Some are subsidized by legislative appropriation, as are some state associations of DAs, for example, while others may be subsidized by grants from an executive branch agency. Many of these concentrate their attention on representing the material interests of their members in such areas as pay, pension, tenure, and the like. Others quite consciously put their efforts toward substantive policy issues, where in most cases the public interest is seen as best served when government favors the viewpoint or the ethic of the particular discipline involved. Within a single vocational area there may be a number of such groups, some in the union-like role and others doing research and analysis either on contract to some government entity or perhaps on behalf of their own representation on policy councils.

Among these associations are a few which are politically potent in many states. Sheriffs' associations, for instance, and associations of county supervisors or of DAs are all listened to attentively by state legislatures. They are, after all, state-level groupings of individuals elected at local levels and thus possessing comparable credentials to the legislators themselves. In some states there are bar associations at state or local level which involve themselves and possess significant influence.

But perhaps the main impact from these groups comes via the two-way communication they stimulate. Not only are they excellent vehicles by which government information and ideas can reach various sectors of the criminal justice community, but also they are excellent vehicles for informing government of the observations and ideas of their membership. A certain freedom from hierarchical restraints often yields understandings that are thus more realistic and pertinent. Recognizing this, plus the ability of many groups to do broadly-based analysis, legislatures will often consult some of the professional associations.

It is other interest groups, however, which the legislatures more often hear from, and the executive branch also has much contact with them. The proliferation of these is one of the central features of post-World War II American political development, and many have had major influence on recent criminal justice developments. The various civil rights groups, for example, have seen massive consequences flowing both directly and indirectly from their efforts. Long-established groups such as the National League of Cities, the National Association of Counties, and the National Conference of State Legislatures are quite active. The League of Women Voters has done extensive educational work in criminal justice and often contributes. Single-issue groups wax and sometimes wane in such fields as juvenile justice, gun control, victim assistance, and prisoners' rights. Community groups may become extraordinarily effective when touched on by criminal justice matters, and they have stalled the introduction of community-based corrections facilities in many localities, for example.

The news media are major participants, largely in an indirect way through what their impact on public opinion makes possible or impossible. Among the criminal justice community one hears frequent discontent about press and TV sensationalizing, which may contribute to public misunderstanding of criminal justice problems and lead to further distortions in the system. Because nearly all news about criminal justice is bad news, many political leaders--not

excluding some Governors--have seemed leery of becoming identified in the public mind with criminal justice, and have kept their distance from it. Yet along with the untimely and wrong consequences of media coverage, there also often come helpful consequences, as when the glare of publicity creates a climate in which previously impossible reforms can be brought about or funded.

During the last ten years, proliferating education and research institutions have come to have real impact on the system. A few of these have long histories of important service, but the sudden availability of large quantities of research and training money has multiplied the numbers in the field. A great many colleges now offer vocational education in criminal justice fields, or professional development courses. Their faculties plus others in numerous non-profit organizations have accumulated an outside expertise which is accessible to and regularly used by various agencies in state criminal justice systems. There is a certain amount of personnel mobility between criminal justice agencies and these institutions, to their mutual benefit.

## Criminal Justice Planning in California

### Introduction

In California, criminal justice planning is highly attentive to political processes and feasibilities. While avoiding any partisan or factional tone, it nevertheless is sensitive to the visibility of issues and to marshalling support in an intensely active political setting. The SPA does not dominate criminal justice planning as SPAs do in many states, for the criminal justice system is quite dispersed, with some planning done in many parts of it. Moreover, the state spends only about a fourth of the total criminal justice expenditures and the SPA's influence over the budgeting of that is modest. When Governor Brown was inaugurated in 1975, he at once lashed out at the symbol of criminal justice planning. Calling the SPA a "pretzel palace," he slashed its size and ordered new directions and emphases. Traumatized for a period, the SPA since then has become actively oriented outward, toward the operating criminal justice system. While stressing the development of sub-state planning capabilities, it has worked vigorously and successfully toward selected criminal justice legislation, against a background of widespread consultation and preparation.

Proposition 13, which reduced sub-state revenues drastically, is evidently having dramatic consequences for criminal justice planning. During the months before the vote on it, the SPA and its supervisory board had done some thorough planning against the contingency that Proposition 13 would pass. When it did, they were prepared to take part immediately in the allocation of the state surplus. Prompt executive and legislative action caused the swift movement of state funds to sustain local criminal justice activity essentially undamaged. So far, however, only stop-gap measures have been taken; permanent accommodation to the new revenue situation is yet to be worked out. One possibility often mentioned, for example, is state funding of what has been a judicial system funded largely by counties. As such adjustments are worked out, many people expect criminal justice planning to meet challenges and probably to establish itself solidly in the patterns of California government.

A tenth of all Americans live in California, which therefore has a tenth the membership in the U.S. House of Representatives. One metropolitan area contains nearly half the state's population, but about 40 major cities would be "entitlement jurisdictions" under proposed Kennedy Bill.<sup>1</sup> Home rule is an unusually powerful theme in California political life. Regional diversity is great--demographically, economically, physically, and politically. Many interest groups are active in the criminal justice area. Finally, California has a tradition of breaking new ground in the criminal justice area, as in government generally, with other states often following its lead.

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<sup>1</sup>Sec. 3270, 1978.

## The SPA

In California the SPA is the Office of Criminal Justice Planning, or OCJP. It is located within the Governor's staff group, and its director reports to the Governor's chief of staff or to the Governor directly. During the past four years, the OCJP has experienced both traumatic change and evolutionary development. It is now a highly active participant in the political processes affecting state legislation and state and local funds for criminal justice activity.

Prior to 1975, the OCJP was viewed by the criminal justice community as an LEAA surrogate and a source of federal funds. California had begun criminal justice planning before the 1968 Safe Streets Act, and by 1975 the OCJP had grown to over 200 people. It was doing extensive, complicated analysis as well as all the LEAA compliance activity.

Governor Edmund G. Brown, Jr., was inaugurated in 1975 after a campaign stressing lowered expectations. One of his first targets for dramatic change was criminal justice planning. Denouncing the SPA and denying that comprehensive planning in criminal justice was possible or the attempt productive, he ordered deep cuts in OCJP's manning and redirection of its work. For some months there occurred visible agitation and ferment, including confrontations with regional criminal justice planners and with LEAA, as well as executive and legislative studies. A smaller OCJP emerged, oriented in significantly changed directions. It was also in shock, with serious morale problems. Many experienced planners left OCJP voluntarily, as others also left some RPUs.

Exactly what Governor Brown intended, and how his concepts of the needs and the feasibilities evolved, are not altogether clear. It seems widely agreed that his onslaught on criminal justice planning partook to some degree of a demonstration which sought effects elsewhere as well. Similarly agreed is that he wanted to transfer effort away from bureaucratic production of paper, although impressions diverge about where he wanted it to go. The costs of planning were highlighted, but no better measure of its benefit was found than how much LEAA money was granted. There was much initial insistence that OCJP's effort and LEAA's money should all go toward actual reduction in crime, not toward system improvement. While the term "planning" was used pejoratively, the practice of "thinking ahead intelligently" was being encouraged.

Interestingly, the word "Planning" remained part of OCJP's title, and the Governor presently appointed one of his principal staff associates (a member of the opposite political party, by the way) to head OCJP. The four top positions in OCJP are appointive, and an altogether new leadership group was assembled. It undertook some marked shifts of emphasis. Perceiving the previous approach as a formalized, corporate planning style, based on inward-oriented research, the leadership sought to change that. One aim was to economize on resources consumed by planning, so as to increase resources available for execution elsewhere in the criminal justice system. Another was to achieve a decisionmaking process focused not on an overall state plan but on stimulating sounder local government treatment of practical problems. What was to be addressed was not total systems but incremental change, with the local plans made neither by staffs nor deputies but instead by the local decisionmakers having responsibility for outcomes. To capture public

attention and thus gain support and momentum, they put the spotlight on such visible symbols as abused children and career criminals.

It is absolutely fundamental, according to OCJP leadership, that criminal justice planning occurs within a political system and therefore, if it is to be effective, constantly must take political feasibility into account. For a proposed initiative, it is at least as important, they say, to accurately recognize potential support or opposition at county level as to assess the cost, manning requirements, or coordination needs. Similarly, legislative confidence and support for one's next proposal require a present proposal to be not only meritorious but politically feasible. Elected officials' views about public acceptability heavily influence what criminal justice planning is deemed worthwhile. As it happens, several criminal justice themes, such as juvenile justice and determinate sentencing, have been prominent in California political life lately, and public attention to crime is still high. In the state capital, the perception is that the OCJP has been gaining momentum during the last two years through skill with government processes, although some people suggest that attention to this aspect is excessive.

As a major part of the redirecting of criminal justice planning, the OCJP catalyzed an overall assessment of problems, programs, and priorities by its supervisory group, the California Council on Criminal Justice. This assessment, which will be further discussed in the next section below, yielded a broad framework within which OCJP has been recently concentrating its efforts. That framework concerns itself not with compliance and grants administration (which the Brown Administration had perceived as OCJP's undesirably inward orientation, and which it now attends only to "protect the fund flow") nor merely with LEAA-supported activity. Instead, that framework, and the OCJP itself, are concerned with the totality of criminal justice in California, whatever the jurisdiction and however the funding. But, in keeping with its principles, OCJP has put its energies not toward a comprehensive scheme but rather toward a few items selected for their feasibility.

In this move outward into the state and local funded 97 percent of the system, the OCJP appears to have become increasingly successful over the past year or two in contributing toward enactment of favorable legislation. Besides assisting with matters initiated elsewhere, perhaps by a state agency or a legislator, OCJP itself often has been involved in legislative initiatives. Enactments of the last two sessions of the legislature cover such programs as career criminal apprehension, career criminal prosecution, victim and witness assistance centers, joint-funded multi-service youth and family programs, and community crime resistance. Most of these involve state appropriations, and in each case the law assigns an executive responsibility to OCJP.

When reviewing legislative proposals initiated elsewhere, OCJP sometimes seeks to refine them. The Youth Authority, for instance, sponsored a bill to replace California's noted county probation subvention with a much broader subvention to counties covering delinquency prevention, diversion facilities, and homes for juvenile court wards. In supporting passage of the \$55 million bill, OCJP was able to secure a modification to let a county use its RPU as the local board for the program. Some six or seven RPUs have been so named; the result should not only strengthen criminal justice coordination in those regions but also further embed the planning approach.

OCJP has deliberately extended itself to contribute to matters of policy, where money is not the central concern. It also has ventured in a coordinative, cooperative way beyond the strictly-defined boundaries of criminal justice, when activity elsewhere could constructively affect criminal justice activity. Interestingly, one venture of the latter sort was concerned with money. The OCJP has pioneered multiple source funding--how to focus onto one problem area, in a tightly coordinated, reinforcing way, the resources of a number of federal, state, and even foundation programs--and has thereby gained not only skill but also status. OCJP is consequently accepted as leader in interdepartmental coordinating efforts which aim toward programs for the young, whether actual offenders or potential ones. However, the OCJP now hopes to transfer the funding skills involved to a more appropriate part of government, the Department of Finance.

Perhaps OCJP's most outstanding success story concerns contingency planning for Proposition 13. Four or five months before the vote on that property tax reduction measure, few people in government were much concerned about the possibility of passage. But at that point the OCJP, perceiving how powerful an impact it would have upon local police and other criminal justice operations if it did pass, supported an analysis by a committee of the Council. Thus, when Proposition 13 did pass, the necessary but hard-to-obtain criminal justice data were already on hand, and the consequences of various lines of action had been worked out. Other parts of state government had meanwhile undertaken similar contingency planning. Immediate executive and legislative consideration of coherent facts and proposals was therefore possible, and was done. In the criminal justice area, the result was virtually complete restoration, from state funds, of some \$800 million now denied to operating criminal justice agencies of sub-state governments by Proposition 13's reduction of sub-state revenues. This planning in the criminal justice area reportedly was perceived as the most timely and thorough in state government, and it was done in close concert with sub-state governments. If there were any lingering doubts about OCJP's role beyond the LEAA-funded area, the Proposition 13 planning tended to resolve them, for the entire criminal justice community statewide followed the matter with close interest.

Success has many fathers, of course, and it remains to be seen how many county supervisors, city councilmen, sheriffs, police chiefs, and others will attribute the pleasing outcome mainly to criminal justice planning in general or the OCJP in particular. Certainly some rise in esteem and influence for the planners seems to have resulted already from the Proposition 13 contingency exercise.

Proposition 13 seems likely, in the opinion of many within the California criminal justice community, to lead to important shifts in criminal justice, creating in the process both demands and opportunities for coordinated state-level planning. The citizens apparently want no cuts in the levels of anti-crime effort. In the past, the state has funded only about 26 percent of all criminal justice expenditure. But sub-state governments, with their revenues reduced, cannot continue to pay as much as before. There seems to be some question yet about what levels of what other services the electorate will pay for willingly. But in the end, many criminal justice people believe, the state will surely be funding more criminal justice activity. It seems to be taken for granted that along with state funding will come some degree of state control. Legislation will be needed, presumably after some consideration of alternatives.



But the planning and the coordination needed for such shifts would not automatically fall to OCJP to handle. In fact, for the three areas which would seem the leading candidates for more state-level funding and involvement, few observers would expect OCJP to play a leading role in working out the changes. The court system is the most frequently mentioned candidate, and the expectation is that the courts leadership and, on the executive side, the powerful Department of Finance would handle the proposals for change. Similarly, for possible changes in probation systems and corrections systems, California observers anticipate that the Corrections Department, the Youth Authority Department, and, again, the Department of Finance would lead the consideration of possible changes.

Yet the charter of the OCJP, as enacted by the legislature, is fully broad enough to justify OCJP's leading or coordinating the executive branch's address of these questions. The choice of whether to have OCJP lead, or instead to involve OCJP in some lesser participating role, appears to be the Governor's.

Possibly some clues to how the Governor might choose can be inferred from among the policy themes which the OCJP's director emphasized in September 1978. The central consideration in criminal justice planning, he stressed, was political feasibility. Not everything desirable from a criminal justice viewpoint might be possible to attain at a given moment. It is therefore important to choose accurately which ones are possible and which ones when achieved would help others to become possible. Momentum and batting average are important influences on legislative-executive relationships. Within criminal justice, many individual interests are held by various constituencies, and it is important to avoid imbalance in responding to them. Now lean and outward-oriented, OCJP has come to be associated with innovation, with coordination rather than control, with a potential for service to various parts of the system. These are suitable characteristics to continue. To stay lean, to spin off operating responsibilities, to concentrate on progressing, to emphasize the service aspects--above all, to keep close communication with the criminal justice universe in California while selectively, flexibly pursuing priorities systematically chosen--these seemed to him the best ways to proceed.

#### The Governor's Council

The OCJP's supervisory board is the California Council on Criminal Justice, or CCCJ, whose composition has been shifted during the Brown Administration to represent the legislature less and local government more. In performing an important function of two-way communication, the CCCJ works closely with OCJP and stays in touch with the network of sub-state planning, both of which it nominally oversees. The CCCJ has undertaken to make its policies explicit, and these policies emphasize reliance upon local governments and involvement of citizen groups. The CCCJ as a whole appears to concern itself mainly with LEAA-related matters, although it leaves most grant business to OCJP and local boards. However, the committees within the CCCJ, and especially its Futures Committee, have turned increasingly toward the state and local funded criminal justice system. It was the Futures Committee which, together with OCJP itself, did the Proposition 13 contingency planning.

In 1977 and 1978 the CCCJ made, in close concert with OCJP, an unusually significant contribution to criminal justice planning, by providing the broad substantive policy framework mentioned earlier. The CCCJ undertook to examine the whole field of criminal justice in California, without limitation as to jurisdiction or fund source, to identify and assign priority to problems, and to develop specific programs to alleviate them. Into this effort it brought not only its own three program committees but also the Judicial Criminal Justice Planning Committee, the JJDP Advisory Group, the Part E (Corrections) Planning Committee, local and regional planning units, the State Agency Planning Committee, and such interested organizations as associations of district attorneys, public defenders, and peace officers. Explicit criteria were used to arrive at priority ranking of identified problems. The resulting 19 problem statements were passed to government and non-government agencies alike for nomination of programs. Then the programs proposed were judged against another set of explicit criteria. As everyone experienced in the teamwork of Councils and SPAs will appreciate, throughout all these processes the OCJP's contributions both of substantive analysis and staff support were great. The CCCJ adopted 16 programs. Goals and objectives suited to them were then derived, again with wide consultation. From that foundation, OCJP has proceeded to take legislative initiatives, with considerable success to date. These initiatives do seek to focus the available LEAA funds and to be compatible with other federally-funded programs. But they also do much more: They deploy state funds and authorize state and sub-state activity in pursuit of the goals selected by CCCJ.

#### State Criminal Justice Agencies

Since the county, not the state, is California's most active level of government in criminal justice, only about one-fourth of criminal justice expenditure is by the state. Moreover, the emphasis on home rule historically has been so strong that the state exercises less control over local criminal justice activities than do many states. One hears, however, that this home rule emphasis is being eroded by events, and Proposition 13 is expected to accelerate that process.

The state criminal justice agencies are dispersed. The Attorney General is elected. His department contains the Bureau of Criminal Statistics and possesses, but does not use, legal authority with respect to district attorneys and sheriffs. California has a highway patrol rather than a fully-empowered state police, and it is supervised by the Secretary of Business and Transportation. Besides the Corrections Department for adults, there is a Youth Authority Department for juvenile corrections; both are under the Secretary of Health and Welfare. A Board of Corrections has some oversight over not only state-level but, nominally, local jails as well. The courts, not unified, will be discussed below, and OCJP, as noted above, is part of the Governor's staff. A major organization in criminal justice as in all other areas of government is the powerful, respected Department of Finance, which evidently concerns itself much more with structure than policy. In general, the Governor is believed to look first for advice in the various criminal justice areas to the heads of operating agencies for state-level matters, and for sub-state matters to the Board of Corrections for jails, to the Youth Authority and Corrections for probation activity, and to OCJP for local police and prosecution.

While a little planning among criminal justice antedates LEAA, a decided increase of planning has occurred in recent years. Most of it is interior, operational planning, as a department seeks to visualize the early future and to focus what it does. The Corrections Department, however, has had a major effort under way to project needs and visualize developments well ahead, in order to achieve not only orderly construction but also smooth adaptation to evolving correctional policies. The Youth Authority carried through, with much outside participation and coordination, including OCJP's, a scheme for state subvention to county justice systems much broader than the former probation subvention, aimed at prevention as well as dealing with offenders.

In all the state criminal justice agencies, more attention seems now given to foreseeing developments, identifying issues, and using data-based analysis in considering how best to deal with them. Their perception is that the planning approach is now embedded in their ways of doing business, and will persist. Until about a year ago, these agencies saw OCJP as concerned only with LEAA support and administration, but since then they see OCJP as more widely involved with activity beyond that which is federally funded. It is widely perceived that the Governor supports planning in criminal justice, and especially supports OCJP. But none of the agencies appears to regard OCJP as an automatic participant in, let alone the leader of, all criminal justice planning. Agency-oriented planning evidently does not always locate potential side-effects elsewhere in the criminal justice system nor undertake to accommodate them. Only in two places is this planning, or at least the programs and actions which emerge, reviewed. These are the executive's Department of Finance and the legislature's Office of the Legislative Analyst. Both are esteemed for efficient, intelligent, practical approaches, but both also orient their judgments on money, with less attention to system coordination and its consequences. A State Agency Planning Committee does exist, but its functions appear to relate mainly to LEAA grants and CCCJ action on them.

Most observers expect the after-effects of Proposition 13 to include a higher proportion of criminal justice expenditure by the state. Consideration of increased state involvement in probation, which has been 95 percent locally funded, seems likely. The Department of Finance is expected to lead any planning effort dealing with probation. The organizational location of adult and youth corrections is attracting some attention, as is the possible joining of the two. The idea arises from time to time of creating a department for local criminal justice support, probably based around OCJP.

The criminal justice planning process in California includes a good deal of non-governmental as well as inter-governmental involvement. Interest groups are alert and active. Any thought about a corrections merger, or even about expanded state responsibilities toward probation, would be promptly resisted, not least by professional associations and by groups organized around children's issues.

### The Courts

Courts in California are largely funded and controlled at the county level. Support for keeping them that way is strong, even though the concept of a unified trial court for the state gets some attention and, in fact, was proposed about five years ago by the Judicial Council. After Proposition 13, however,

it seems taken for granted that the state will assume more funding responsibility for local courts. It is also widely assumed that along with the funding responsibility, some considerable degree of control will also pass to state level. In the planning for such changes, however, the expectation is that only the courts themselves and the legislature will play significant roles. The OCJP is expected to be completely outside the question, and even the Department of Finance is expected to have little involvement.

This exclusion of other participants would apply, it is said, not only to the consideration of options but even to the providing of data and its analysis. Even the RPU's and CJCC's, located where the courts interrelate to the other system components, would not be looked to as data sources. The reason for such exclusion is hardly that the courts system is abundantly supplied with accurate data of its own. They are, at best, still en route toward a uniform system that would yield data sound enough and complete enough for state level planning. Some districts are held to have excellent data systems, but these vary, and are exceptions to the general rule. The courts are developing their data systems quite separately from the rest of the system, too.

The principle of judicial independence mainly explains why OCJP and the sub-state planners are expected to have little or nothing to do with planning toward any new courts arrangements. Judges, accepted in California as especially powerful figures, are accustomed to deciding for themselves. County judges evidently treasure their independence, most of them even from other counties and judges. The idea of explaining the courts budget before a legislative group is distasteful to some of them, let alone involving the executive in any consideration of it. They tend to speak fondly about the implicit authority to simply levy an amount against a county budget, although it is recognized as a fact of life that a county chief judge who tried doing so could scarcely succeed.

Only quite recently has the planning approach entered the judicial picture in California. While some judges are coming to the view that planning is useful, most others have not yet concluded that it benefits the courts--which is their sole criterion at present. At local levels, judges seem less committed to the planning process than at state level. Nevertheless, according to key members of the Judicial Criminal Justice Planning Committee, the trend is favorable; they estimate that in five years or so the judges throughout the state will have seen enough good products of planning to let them accept the need for judicial planning.

Nor can the incompleteness of courts data be attributed only to the reluctance of lower court judges to standardize. Both the Governor, in 1975, and the California Supreme Court Chief Justice have cut off projects which would have yielded needed courts system cost data.

Among judges the OCJP, and indeed criminal justice planning in general, are still apparently viewed as limited to federally funded activity.

#### Sub-State Criminal Justice Planning

In California, county government operates court systems, jails, probation services, and even, where no city police have jurisdiction, local law

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**1 OF 3**

enforcement. Counties are governed by boards of supervisors, but they also have elected sheriffs, district attorneys, and judges. Counties tend to be wary about state government but also about city governments; the cities are apprehensive about not only state and county but each other as well. The money crunch of recent years has evidently intensified this, with different governments often seeing themselves as competing for funds--not merely tax dollars, but federal funds, too. Thus, the only opposition voiced to the creation of a new criminal justice planning region, when one county sought to disengage from a multi-county region, expressed concern lest the move reduce funds for the counties remaining in it.

That move would bring the state's total of planning regions to 22. The relationships between them and OCJP are evidently smoother than is true between most SPAs and their sub-state planners. Certainly those relationships, and state-local tensions in criminal justice planning more generally, are less often spoken about, and seem less a matter of concern than elsewhere.<sup>2</sup> The OCJP does consciously try to keep communications fully open with the regions, both individually and collectively. One device, for instance, is to hold a meeting of the regional directors prior to each monthly meeting of the CCCJ; it is presided over by the sub-state planners' own leadership but heavily attended by senior members of OCJP. The discussion there appears to be open, unfettered, and characterized by mutual confidence and respect rather than any defensiveness.

Nevertheless, some unease prevails among sub-state planners. Their generally stable situation was apparently disarranged several years ago when LEAA funded support for them was cut back. Moreover, one effect of Governor Brown's early emphases was to highlight the cost of the planning effort, so that local as well as state leaders now look to make sure the game is worth the candle. Proposition 13's funding consequences introduce further unsettling.

Yet the sub-state criminal justice planning situation looks somewhat promising. Many California observers believe that the planning approach has taken root, or begun to do so, at county and city levels in and around major metropolitan areas. Many illustrations are offered. At criminal justice planning and coordinating meetings, the attendance by general government leaders themselves is said to be good and getting better. The Supervisors of Los Angeles County have asked the planners for a comprehensive county criminal justice plan covering activity funded by all sources--federal, state, and local. Of the many planning projects LEAA supported in the Los Angeles area (at one point, some 22 were active), about 80 percent were permanently absorbed--compared with a normal of 60 percent. In San Mateo County, near San Francisco, 11 of 17 police departments now have a research capacity built-in. In these high population areas, the planning approach seems to many to be much more implanted than in rural areas or at state level.

There are some contrary indications also, however. Even in the Los Angeles area, some sub-state planners feel unsure that local governments would pay for continued criminal justice planning if federal fund support of it were ended. Influence over federal dollars, say others, has given sub-state

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<sup>2</sup>For example, the 1976 ACIR Study Op. cit.

planners their status, which would therefore all but vanish if those grants should stop.

Besides administering LEAA grants, what the sub-state planners do is mainly coordination and service functions. Some of them perceive a growing appreciation of these functions by leaders in general government as well as in criminal justice. One function universally praised is getting people together periodically for their mutual benefit. The practice now is for criminal justice leaders to talk to each other directly, often during and after these planning meetings, instead of shouting at each other on newspaper front pages. The planners believe that these multi-disciplinary, multi-jurisdictional meetings will continue, no matter what. Some planners also believe that one consequence of Proposition 13 will be more reliance by general government on criminal justice planning. Besides helping to optimize services, the planners will be a valuable buffer for general government leadership in dealing with elected criminal justice officials--the sheriffs, district attorneys, and judges--when tight budgeting is necessary.

Several experienced planners point to variation in directness of contact with "the real government" as a significant differentiating factor. A planning organization which relates directly to county or city government has more opportunity, they say, both to be effective and to be seen as effective than does one which is detached at COG level. Some multi-jurisdiction organizations are independent non-profit corporations, while others are based upon joint powers agreements among local governments. The latter are said to be better able to achieve linkage with decisionmaking processes in counties and cities.

### The Legislature

The one place where all criminal justice responsibilities, apart from those pertaining only to the independent judiciary, come together is the legislature. California has a judiciary committee in each house, and also a criminal justice committee in the lower house. The Office of the Legislative Analyst is a powerful, separate staff arm which operates mainly in budgetary terms, but its five criminal justice staffers inevitably have some substantive involvement.

The legislature evidently views the criminal justice field as quite an important one, attracting much public attention. Some 350 bills came before the criminal justice committee of the lower house during the last session, many in response to interest group activity. Legislators are said to be sensitive toward any appearance of state intrusion upon local control. Some members are believed to dislike the idea of planning regions, while even more think the public perceives government as planning too much.

But the legislature clearly has accepted criminal justice planning as necessary and beneficial. Perhaps the best evidence is its responses to the legislative initiatives growing out of the CCCJ/OCJP exercise on problems, priorities, and programs. After thorough consideration and some adjustment, the Administration's proposals have been enacted. Furthermore, in several acts the legislature has assigned operating responsibility to OCJP. Frequent contact occurs between OCJP and legislative staffs, and to a lesser extent, with

members. Initiation is by both sides. Legislators and their staffs have recently become persuaded, in the main, that state-wide criminal justice planning is needed and must apply to state funded and locally funded activity as well as federally funded. Within the past year or two, the former impression of OCJP as federal surrogate seems to have vanished.

Although legislators regularly look to OCJP for data, analysis, and judgment on many criminal justice matters, OCJP is far from having a monopoly on their attention. The Bureau of Criminal Statistics in the Attorney General's office, for instance, is a more usual source of data, and on corrections matters, contact is direct with the two concerned departments. On many criminal justice matters, especially relating to organization, the legislators or their staffs would look to the Department of Finance. Any consideration of unifying the courts, or funding them more from the state level, would be a matter between the legislature and the Judicial Council; neither the OCJP nor even the Department of Finance would be primary participants.

Views vary on whether the legislature restricts the Governor's freedom of action in criminal justice or is supportively responsive to his programs. Most people seem to locate the executive-legislative relation somewhere in between. One long-time observer believes that if the Governor were to press more forcefully for criminal justice legislation, and use his item veto, he would find the legislature more compliant than it has been.

### Interest Groups

California has a great many interest groups, and the criminal justice planners make a particular effort to ensure two-way communication with them. Much more often than not, their support is thus achieved. Some of these are single-issue groups. A good many have been active lately in the area of children's issues and juvenile justice. Others are level-of-government groups, such as the California League of Cities and the California Association of County Supervisors. OCJP is at pains to ensure that through public hearings, representation on committees, participation at CCCJ meetings, mailings, telephone consultation, and the like, a suitably close contact is kept.

Most interesting, however, is the relationship of OCJP with the abundant professional and vocational associations in the criminal justice area proper. By no means do these associations confine their attention to such bread-and-butter issues as pay, pensions, and work conditions. Many are vocal on substantive policy and program issues. OCJP regularly draws upon the professional skills and judgments of some associations. It not only solicits their inputs into the identification of problems and development of programs but also occasionally calls on them for independent analytical work, sometimes with funding support. During the Proposition 13 planning, for example, the associations of public defenders and of district attorneys were invaluable contributors to the data collection and analysis, and swiftly responsive.

These groups are not automatic, uniform spokesmen for the OCJP, nor its prime constituency. But by making a major effort to share facts and ideas with them, OCJP reduces the likelihood of opposition based upon misunderstanding. And more often than not it turns out that the positions of these interest groups are compatible with OCJPs, if not the same. The groups themselves



are not at all inhibited about making contact widely throughout government, urging their positions, or explaining them, to legislators and even the Governor. A few, such as the sheriffs' association, have considerable political standing of their own. They appear more and more in sympathy with the notion of system-wide planning and coordination, and would no doubt support its continuation by the state if Federal support were absent. There is some speculation that their broadened understanding of the interdependence of the system across jurisdictional and discipline lines may become a force to moderate some of the difficulties caused by insistence on home rule.

### The Nature of Criminal Justice Planning in California

In California government, criminal justice planning today is a respected term. Wide support exists for the concept of systematic, data-based forethought with a view toward organized action, and especially where that support most counts: the Governor's office, the legislature, and the criminal justice agencies. Moreover, it is acceptable and even encouraged that planning should aim not only to reduce crime but also to improve the system. Much planning, therefore, is being done.

Planning is done in many places and in many ways. State criminal justice agencies mainly do operational planning for the relatively short term, but they increasingly use data analysis to consider alternatives. They also contribute, partly through the State Agency Planning Committee and partly directly to broader, longer-range planning done by CCCJ. Moreover, Corrections has been doing some long-term planning, using variable assumptions. The judiciary is also doing planning, but since that planning is in the early stages of sophistication and is hampered by non-uniform data, it focuses mainly on LEAA requirements and the next budget.

OCJP has a charter giving it broad authority to collect data, do analysis, make plans, and undertake coordination throughout the criminal justice field in California. To date, OCJP has not sought to exercise all these authorities fully. It has, however, moved far beyond the grants management and LEAA compliance work which monopolized its time. Now its concentration is upon state legislation covering state-managed or state-funded programs. Some of these, such as career criminal apprehension and prosecution programs, do pursue LEAA priorities and avail themselves of LEAA support. But they do so because these efforts are within the California framework of priority programs, carefully worked out through the CCCJ. During the last year or so, all of OCJP's main efforts appear guided by that framework.

OCJP is not attempting simultaneous attack on all 16 priority programs, however. Certain ones are selected and pursued energetically. How the selection is done is not altogether clear. Evidently the process includes relatively continuous assessment, in concert with the Governor and his legal affairs advisor, of the political feasibilities involved. What is clear is that the approach taken is not a comprehensive but an incremental one, with emphasis on obtaining results. Planning attention is therefore focused on the legislative process and the building of support.

In this basically political approach, OCJP encourages continuous involvement of and input from large numbers of others. Hence, on its major

issues, OCJP does not do much of the classically linear planning, where from a neat beginning to a tidy ending, all marches in orderly sequence. Rather, its planning process is a dynamic, even volatile one, with continuous adaptation to continuous feedback. Nevertheless, all this goes on in the context of a quite specific purpose.

How this will work when the more feasible of the priority programs have been legislated, and effort turns toward the progressively more difficult ones, remains to be seen. Apparently the planning leadership seeks an early track record, presumably in hope that initial successes may reduce opposition to later efforts. And, indeed, the momentum to date does seem to be building. That which OCJP has attempted has been enacted, usually in a way which adds status and influence to OCJP. Meanwhile, relationships with both the operating criminal justice community and the legislature seem to have grown steadily closer and more supportive.

At sub-state levels, what the planners chiefly do is to coordinate and to provide services. Arranging technical assistance and working toward data improvement are among the frequent services, but probably the key one is bringing people together. Among general government leadership, more principals are themselves attending criminal justice coordination meetings, rather than being represented. At these meetings they, and especially the more-or-less autonomous criminal justice leaders, come to perceive more clearly the interdependence with criminal justice systems of the various disciplines and jurisdictions. Their willingness to adjust their own priorities and procedures in the common interest consequently seems to be expanding gradually. The planners, lacking authority and anxious to avoid accusations of overstepping, nonetheless try to catalyze mutually cooperative efforts among these leaders. Occasionally the planners may do some analysis and program development. The trend is said to be toward analysis beforehand as an aid to decision, instead of after a decision in order to rationalize it.

Many sub-state planners, and others too, believe that Proposition 13 will cause criminal justice planning to flourish. Most adjustments made to date are stop-gap ones, and a series of more durable rearrangements will need to be worked out, they believe, over the next several years. Elected local officials seem likely to call more often upon the criminal justice planners to take part, perhaps to take a lead, in this process. Data-based analysis of alternatives is expected to be done often.

Some organizational change is occasionally discussed, and one possibility is a state level department for criminal justice support to local governments. Presumably this would consolidate some such organizations as the OCJP and the police standards and training activity, among others. Ordinarily such consolidation achieves automatically a close coordination of and integrated planning for the activities involved. But reorganization in criminal justice, especially if it were to include adult and youth corrections, would be a pre-eminently political question, in the sense of how it related to the objectives, the methods, and the appearances which Governor Brown might choose for his 1979-83 term.

## The Institutionalization of Criminal Justice Planning

Among the clearest bits of evidence of criminal justice planning's prospects for enduring in California is the characteristic of it most striking to an outside observer. That characteristic is the high quality of the people doing it now, throughout the system. Clearly they have alternatives yet are strongly committed to making criminal justice planning effective in serving the people of the state.

After a convulsive initial period, Governor Brown's new directions for California government have evidently yielded a surge toward institutionalization of criminal justice planning. Although much smaller than before, the OCJP is also more firmly embedded in the fabric of government. Its charter and its current practices both involve it in much more than simply LEAA grants and compliance requirements. The OCJP is hardly the focus of all criminal justice planning, but on selected matters, especially if they involve state funding or legislation, it is increasingly used by the Governor and is increasingly effective. OCJP leaders are not the Governor's sole source of criminal justice advice but are frequently in contact with him and frequently handle his proposals for legislation. Increasingly they are consulted by the powerful Finance Department and by the legislature. Perhaps as a consequence of confidence arising from the growing contact with legislative staffs and members, several new laws have assigned new responsibilities to OCJP. Its relationship with sub-state governments, sub-state criminal justice planners, and many interest groups are both extensive and two-way, and they only partly concern LEAA grants.

Moreover, OCJP's political orientation involves it in executive and legislative decision processes into which it can contribute organized forethought about the active issues. Its outward orientation meanwhile increases its ability to determine which issues will be active ones. As yet, OCJP is little involved in state level criminal justice budgeting. But concerning the three-fourths of criminal justice expenditure which has occurred from sub-state level, it has been gaining influence. The universally anticipated shift toward more state funding could expand OCJP's role still further, owing both to its outward orientation and to its recent track record. The people in OCJP are entirely sure that, at their level, the planning approach is wholly institutionalized. Most others elsewhere agree that even without federal fund support, the OCJP activity would continue, probably diminished somewhat.

Nevertheless, OCJP is far from being established as the central planning authority, with automatic entree into every criminal justice issue. On several rather significant criminal justice issues--future corrections policy and courts financing, for instance--OCJP was not expected to be involved more than peripherally.

Here a distinction ought to be noted between institutionalizing an SPA and institutionalizing the planning approach. Conceivably, a central planning organization could shrink in size, even disappear, while elsewhere the planning approach flourished. In order to have decisionmaking processes pervaded by organized forethought about available options and their likely consequences, a central organization is not essential. All this can go on in operating agencies, perhaps on a shorter term, more operational basis,

probably with less inter-agency coordination, but probably still yielding purposeful adaptation to changing circumstances.

And in the state criminal justice agencies, the planning approach does appear to be implanted. Those agencies do look ahead, using data and analyses in a search for preferred options. Most of this is indeed in connection with operational planning, to determine how best to carry out a given policy. But the planning approach is also sometimes used to consider what policies ought to be established, as when the Youth Authority developed the county subvention which was in due time enacted. Such analytical foresight is said to be a permanent feature now, not only there but also in the Corrections Department, the Attorney General's Department of Justice, and in the state-level judiciary. Although this departmental planning may vary in its consideration of exterior effects, a State Planning Committee does exist; it evidently deals mainly with LEAA matters but could be a vehicle for coordination as well.

At sub-state levels, the picture is mixed. Within metropolitan regions, much planning is already being done, some of it locally funded beyond LEAA required levels. Observers differ as to whether the budget crunch will thin out this local planning or instead call upon it increasingly. Away from metropolitan areas, however, not many general government leaders are said to be so persuaded of the benefits of criminal justice coordination that they would fund it themselves if LEAA funds stopped. Not to be overlooked is the possibility of some state support, for many local criminal justice officials have discovered that there are real benefits from meeting with officials having related responsibilities. Much of this coordination would continue.

Because it has stimulated such interchange and substantially contributed to more effective work against crime, especially through innovation, the LEAA program is appreciated widely throughout the criminal justice system in California.

#### Persons Interviewed--California

##### Office of Criminal Justice Planning

Douglas R. Cunningham, Executive Director  
Nathan W. Manske, Deputy Director  
Gregory Harding, Deputy Director  
Jo Wallach, Chief, Planning Division  
Max Wendel

##### Executive Branch Officials

Charles Barrett, Chief Deputy Attorney General  
Dale Speck, Director, Law Enforcement Division, Justice Department  
Herbert Ellingwood, Special Counsel to Attorney General  
Jerry Enomoto, Director, Department of Corrections  
Robert Mabbutt, Deputy Director, California Youth Authority  
Raymond C. Davis, (Chief of Police, Santa Ana), Chairman, California Council on Criminal Justice

Legislative Staff Officials

Gloria R. Megino, Counsel, Senate Committee on Judiciary  
Michael Ullman, Senior Consultant, Assembly Criminal Justice Committee  
Craig Brown, Office of the Legislative Analyst

Judicial Officials

Judge Melvin E. Cohn (Superior Court, San Mateo), Judicial Council  
Ralph J. Gampell, Administrative Director of the Courts  
Jon D. Pevna, Project Manager, Judicial Criminal Justice Planning  
Committee  
Lowell Jensen, District Attorney, Alameda County

Sub-State Planners

Fran Frey, Justice System Coordinator, Los Angeles County  
Donald H. Graham, Deputy Director, Los Angeles Regional Criminal Justice  
Planning Board  
Lester L. Stanbrough, Jr., Director, Regional Criminal Justice Planning  
Board, Redding  
Anne Taylor, Director, San Mateo County Criminal Justice Council  
Michael F. Thompson, Deputy Director, Criminal Justice Planning, Office  
of the Mayor, Los Angeles

Others

Robert C. Cushman, American Justice Institute, Cupertino  
Richard McGee, former Director of California Youth Authority and of  
Corrections Department  
Timothy L. Fitzharris, Executive Director, California Probation, Parole,  
and Correctional Association

## Criminal Justice Planning in Colorado

### Introduction

During the past three years criminal justice planning in Colorado has been characterized by a systematic march toward comprehensive criminal justice planning at the state level. This has been accomplished by exploiting opportunities as they occur, by the judicious use of grants as leverage to induce coordination among criminal justice components, and by fostering a growing leadership role for the State Council on Criminal Justice. The SPA (here the Division of Criminal Justice) clearly is viewed as a source of professional assistance and technical competence to be called upon by any or all of the criminal justice components within the state. Relatively strong, if informal, linkages have been established to the major criminal justice agencies in state government, and similar linkages have been cultivated with local and regional agencies.

The SPA and its leadership have been faced with a number of challenges. The current director, who has been in that position for three years, was brought in after a nation-wide recruitment effort seeking new leadership to recast the SPA. In this process, several staff changes at the professional level were made, requiring considerable managerial attention (all of the positions in the Division of Criminal Justice, including that of the Director, are under Colorado's civil service system). Criminal justice functions in the executive branch are scattered among more than a dozen agencies, committees, and boards. The state does have a unified court system under which the state finances nearly all of the judiciary costs down to the level of municipal courts, except that the Denver (county/city) courts are effectively outside that system. In addition, the state is large (approximately 104,000 square miles) with 63 counties. Geographically the state has three distinct regions: (1) the eastern slope, which consists of approximately one-half of the state is essentially arid plain (where Denver is located); (2) the mountains which constitute the continental divide; and (3) the western slope which is sparsely populated, dry, rough country undergoing considerable development in terms of recreation, mineral, and energy exploitation. Slightly more than half of the approximately two and one half million people who live in Colorado are in the Denver metropolitan area; 17 cities have a population of more than 20,000. Thus the state must cope with the characteristics both of a highly populated urban center and a sparsely populated rural area.

About 60 percent of all criminal justice expenditures in the state are spent at the county and municipal levels, principally upon police functions, with some on corrections and a very small amount (except for Denver) on judicial and legal services. The state's principal expenditures are in the field of corrections, judicial and public defender services--amounting to three or four dollars by the state for each local dollar.<sup>1</sup>

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<sup>1</sup>Expenditure and Employment Data for the Criminal Justice System, 1976, U.S. Department of Justice, SD-EE No. 11, Table 6, pp. 30-37.

Police functions are principally the responsibility of the county or local level--the Sheriff's Department (one in each county), or the 144 municipal police departments. The State Patrol is responsible for highway safety and emergency criminal justice assistance. The Colorado Bureau of Investigation provides technical assistance and laboratory facilities to other law enforcement agencies and is responsible for the Colorado Crime Information Center. Prosecutorial responsibility rests with district attorneys (one for each of the 22 judicial districts in the state) who are elected on a partisan ballot. The Attorney General, apart from acting as counsel to state agencies, has responsibility for an organized crime strike force and anti-trust action. A public defender system is financed by the state through 21 regional offices. It and probation are the responsibility of the judiciary. The Colorado judiciary system consists of a Supreme Court (having final appellate responsibility), a Court of Appeals, State District Courts (which have principal criminal jurisdiction), County Courts (located in each of the counties) which have limited criminal jurisdiction, and Municipal Courts which have jurisdiction over local ordinances. A Department of Corrections at the state-level has responsibility for all adult offenders, except those incarcerated in local (county or municipal) jails where prisoners may be kept for as long as two years.

Corrections and sentencing have been matters of concern at the political level for some time in Colorado. A substantial amount of work by the SPA in recent years has centered upon corrections problems. The SPA has been able to provide "neutral ground" and professional assistance that brought many of the interested parties in the criminal justice community, as well as citizen groups, together to deal with this problem.

The State Council on Criminal Justice increasingly has provided leadership on issues and problems which involve more than one function or cut across agency and governmental lines. The Council gives unusual evidence of being a cohesive body directed toward system-wide problems, rather than a group which perceives itself as representing various criminal justice constituencies to assure appropriate distribution of Federal grant funds. Both the SPA and the leadership of the State Council have established positive working relationships with the judiciary, with the Office of the Governor, and with the state legislature. This latter requires some skill as the legislature is Republican and the Governor is a Democrat.

The recent history of the Colorado Division of Criminal Justice and the State Council represents considerable progress. Many of the linkages to the components in the criminal justice system appear to be well-established, such as those with the judiciary, the Department of Corrections, the Colorado State Patrol, and the Governor. In the latter case the SPA Director is called upon, with some frequency, by the Governor to assist and provide advice on system-wide problems in criminal justice. He also has reasonable access to the Governor on his own initiative, and through his immediate superior, the Executive Director of the Department of Local Affairs. The link with the legislature has been both positive and productive, but remains one of the weaker relationships in the system. The SPA has good working relationships with the Office of State Planning and Budgeting, but, essentially, makes no input to the budget process other than that limited to the SPA's programs and two agencies responsible to the Director, the Colorado Bureau of Investigation (CBI), and the Colorado Law Enforcement Training Academy (CLETA). Legislative review is directed principally to recommendations based upon task force or

ad hoc research, not on a systematic review of criminal justice legislative requirements per se. Finally the sometimes abrasive relationship between regional or local criminal justice planners and the SPA which was so evident some years ago has considerably abated, although there are a number of differences in perspective that will remain in the future, given the nature and fragmentation of criminal justice functions in the state and its demography. The SPA leadership continues to give considerable attention and effort to improving this series of relationships. Whether or not the Colorado SPA could survive a complete shut out of LEAA funds is open to question. Still, the SPA has developed good constituency relationships, and there is evidence that the SPA would receive strong support from state level agencies, from the judiciary, and from the Governor. Such support probably would be enough to sustain some type of state level planning activity in the criminal justice area, depending upon the extent to which this function can be sold to a legislature which has a strong cost-consciousness. This does not mean that there is a negative stance toward the SPA by the legislature. There is not much evidence of a strong awareness about the work of the SPA in the legislature, although the nature of the relationship seems to have been generally positive.

#### The SPA

In Colorado, the SPA is the Division of Criminal Justice located within the Department of Local Affairs. The Colorado legislature created the Division in 1971 to replace the SPA which previously had been established by executive order, reporting as an independent entity to the Governor. Since 1971, the SPA has reported to the Governor through the Executive Director of the Department of Local Affairs, although the present incumbent has had direct access to the Governor. The General Assembly provided the SPA with a broad charter for state-wide criminal justice planning, including technical cooperation and assistance, the collection and dissemination of statistics, and the research and analysis of criminal justice problems. The State Council on Criminal Justice was established, with the members appointed by the Governor. The General Assembly set several policy guidelines for state planning and the distribution of grant funds, one of which was:

The State plan should provide for the distribution of financial grants to local law enforcement and other agencies in such a way that each grant is of sufficient size to make a significant impact. Grants should be used to encourage coordination and consolidation of law enforcement agencies where appropriate and shall not be used in such a way as to perpetuate unnecessary fragmentation of the criminal justice system.<sup>2</sup>

The staff of approximately 30 full-time employees is divided into two major groups. The first, under the Planning Director, includes the criminal justice area specialists (police, courts, corrections, juvenile, etc.), research and statistics, evaluation, and an ad hoc restitution project. The second group under the Operations Director is responsible for grant administration, finance, and audit. Reporting to the SPA Director is a staff member

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<sup>2</sup>Colorado Administrative Code, Chapter 37, Article 33, Section 3-33-6 (2).



responsible for special projects, and the director of the recently established criminal justice system study. All of the SPA employees, including the Director, are protected by the Colorado civil service merit system.

The Division of Criminal Justice has established close working relationships with the other criminal justice agencies in the executive branch of the state government, with the judiciary, and with the Governor's Office. Although not formally reporting directly to the Governor, the SPA Director does have access to the Governor and his principal assistants on an "as needed basis." The Governor does seek SPA assistance and advice on an ad hoc basis and views the SPA as a key source of advice and assistance on criminal justice matters in general. The SPA staff work frequently with the staff of the Legislative Council which serves the General Assembly. The SPA works closely with regional and local planners, both on ad hoc projects and in the annual planning process. The SPA staff endeavors to keep in touch with major interest and professional groups that are involved in criminal justice programs or issues.

Considerable time and attention of the SPA is devoted to the LEAA grant program and the planning process which is built into that program. The planning process has been broadened to encompass programs that are outside the LEAA grant program. To a large degree, the identification of problems or needs related to criminal justice in Colorado has become more comprehensive and less directed toward those issues or problem areas which are considered most likely to attract grant funds. The planning process is no longer considered as basically a compliance procedure to be completed annually, but a continuing process of problem identification, data collection and refinement, analysis, development of alternatives, action planning, evaluation, and feedback. This is accomplished under the general guidance of the State Council, in close cooperation with interested state agencies and regional and local officials. The SPA staff take considerable initiative in their respective areas of responsibility, and are responsible for stimulating interest and action on the part of Council members and state and local officials. The SPA does not involve itself in the review of criminal justice budgets, apart from those in the LEAA grant process, the Division of Criminal Justice, or the two other agencies responsible to the Director, the CBI, and CLETA. In 1976, there was an informal agreement between the Division and the Office of State Planning and Budgeting whereby SPA staff were to provide assistance by reviewing budgets of criminal justice agencies. This informal agreement never was implemented, apparently due to the limited staff time available from either agency. The SPA staff and the State Council do review legislative proposals--principally limited to those legislative recommendations which flow from reports on criminal justice system problems (such as corrections, juvenile justice, etc.). The SPA has not undertaken regular review of all legislation being proposed in the area of criminal justice.

The way in which the SPA operates within the Colorado criminal justice system is exemplified by an illustration in the corrections field. In 1976 there was a dramatic escape from Colorado's maximum security prison. In the process the escapee murdered an entire family. As a result of the public outcry over this incident, the Department of Corrections requested a substantial amount for new construction and the Governor called a special session of the legislature to deal with the problem. It soon became apparent to the legislature that the whole problem of corrections was considerably more complex than the need for hurried construction to deal with maximum security.

Recognizing that concentrated study was essential, the legislature appropriated \$200,000 for the development of a corrections master plan. The SPA worked closely with the Division of Corrections (later to become the Department of Corrections in 1977) in facilitating the development of this plan. It also helped develop several pieces of legislation which provided for the reorganization of corrections (establishing a separate department, moving all adult corrections programs from the Department of Institutions to the newly formed Department of Corrections), and legislative review of community-based corrections. In this latter case, the SPA provided staff support for a study of community-based corrections which had originally been assigned to the Legislative Council. The SPA provided assistance for task groups, conferences, and research. Some of the activities were funded from the LEAA grant programs directly, others benefited from current or previous grant programs data, research analysis, and the availability of research and planning talent. The SPA tends to act as a facilitator and coordinator rather than as progenitor of comprehensive master plans. However, the broad planning required as the basis of the LEAA program, which is supposed to relate the various elements of the criminal justice plan one to another, obviously has provided a useful framework against which to view ad hoc priority problems within the criminal justice system.

#### The Colorado State Council on Criminal Justice

In 1977 revision in the charter legislation for the Division of Criminal Justice (House Bill #1537) adjusted the Criminal Justice Council to consist of 25 members of whom eight were ex-officio members: the Attorney General, the Chief Justice of the Supreme Court, the State Public Defender, the Director of the Colorado Bureau of Investigation, the Executive Director of the Department of Corrections, the Director of the Division of Local Government in the Department of Local Affairs, the State Court Administrator, and the Chief of the Colorado State Patrol. One member was to be a State Senator appointed by the President of the Senate and another to be a State Representative appointed by the Speaker of the House of Representatives. The other 15 members are appointed by the Governor representing various elements of the criminal justice system and geographically representative of the state as well. The State Council appears to provide substantial strength and support for criminal justice planning on a state-wide basis in Colorado. Apart from its LEAA program responsibilities to identify priority needs and make final decisions with respect to the allocation of LEAA grant funds, the Council concerns itself with the status of the criminal justice system as a whole, and with emerging problems. Council members have been characterized as "people of independent mind and of considerable capability." Shortly after the present SPA Director took his position, a new State Council Chairman was selected by the Governor. The new Chairman "took charge" and was responsible for revising the Council's bylaws so that proxy votes could no longer be cast by surrogates for the principals who were appointed to the Council. Attendance at Council meetings (approximately every six weeks) is usually at 80-85 percent. All grant proposals come before the full Council, but much of the detailed policy, planning, and study work is accomplished through Council committees. The Council appears to have developed a corporate sense of its own being, acting not as representatives for various constituencies but rather as a collection of individuals having different kinds of competencies, working for common improvement in the criminal justice system.

It is evident that the SPA leadership works to facilitate this role. The Council encourages broad participation in its meetings, soliciting input from state and local officials, citizen groups, professional associations, and interested individuals. The Colorado Council exhibits considerable potential for providing important leadership to problems cutting across the criminal justice system which require cooperation among many elements and agencies.

#### State-Level Criminal Justice Agencies

Criminal justice functions of the State of Colorado are fragmented among a variety of agencies and boards. The Department of Corrections is responsible for adult state corrections institutions, parole, community corrections, and correctional industries. The Department of Law, under the aegis of the Attorney General, has an Organized Crime Strike Force and an anti-trust unit. In addition, the Attorney General is the statutory chairman of the Colorado Law Enforcement Training Academy Advisory Board (which is formally located for organizational purposes under the Department of Local Affairs). The Department of Law also administers the state funds for the salaries of district attorneys. The Colorado State Patrol is located in the Department of Highways, and the Chief, by statute, is the supervisor of the Colorado Law Enforcement Training Academy. The Department of Institutions houses the Division of Youth Services which has responsibility for juvenile diversion, detention-community services, state institutions, and parole. The Department of Social Services has the responsibility for Title XX Services Program for Youth in Conflict which includes juvenile shelter, care, and other programs for prevention and reduction of delinquency and dependency. Finally, within the Department of Local Affairs are the Division of Criminal Justice, the Colorado Bureau of Investigation, and the Colorado Law Enforcement Training Academy. In February 1978, the SPA Director was named as Deputy Executive Director for criminal justice within the Department of Local Affairs which gives him coordinating responsibility for these three criminal justice agencies within the Department. A number of boards and committees operate within this system. For example, the Juvenile Parole Board is attached to the Division of Youth Services, while the Adult Parole Board is attached to the Department of Corrections. The Colorado Law Enforcement Training Academy has an Advisory Board chaired by the Attorney General. Of course, the State Council on Criminal Justice is attached to the Division of Criminal Justice and relates to the Juvenile Justice Council and the Criminal Justice Information System Committee. In addition, the Division of Criminal Justice has attached to it a Jail Advisory Committee. The Division is responsible for staffing this Jail Advisory Committee, which, in turn, reviews the construction and renovation of jail facilities. The Director of the SPA is the sole authority to approve new jail construction or renovation. In addition, the staff provides extensive technical assistance to local sheriffs regarding legal and administrative problems on running their jail facilities. The Division also has the responsibility for instituting a program to develop jail standards on a state-wide basis. The SPA maintains a working liaison with five other agencies which have an impact upon or offer services to criminal justice agencies. For example, the Division of Mental Health within the Department of Institutions provides mental health and drug and alcoholic treatment to criminal justice clients through their community mental health centers; the Division of Communications within the Department of Administration provides technical assistance to local law enforcement agencies in the development of their communication

systems; the Alcohol and Drug Abuse Division within the Department of Health reaches offenders who are drug and alcohol abusers; and the Consumer Protection Section of the Disease Control and Epidemiology Division of the Department of Health is responsible for inspection of jails and other such facilities to enforce health standards. The counterpart of the Division of Criminal Justice, the Division of Local Government within the Department of Local Affairs is mandated by statute to provide technical assistance to district attorneys. Beyond these relationships, there is a network of services provided by other general government agencies of which a small portion of their clientele are correctional clients or offenders--in this category are: the Department of Education which provides educational programs, the Division of Vocational Rehabilitation which provides rehabilitation services, and the Department of Labor and Employment provides job referral services.

It is evident that the elements of the criminal justice system within the executive branch alone are widely scattered. In many respects, it is a tribute to the leadership of the various agencies that much progress has been made, given the overlapping complex relationships which are the result of a highly fragmented system. The three criminal justice agencies in the Department of Local Affairs (Colorado Bureau of Investigation, the Division of Criminal Justice, and the Colorado Law Enforcement Training Academy) were so placed because these agencies provide service to or interact closely with local government. However, they tend to share more in common as criminal justice agencies with the Department of Corrections and the Department of Law than they do with sister organizations within the Department of Local Affairs. In addition, there are overlapping responsibilities. For example, the Colorado Bureau of Investigation (CBI) is authorized by statute to investigate organized crime that occurs across county boundaries; however, the Attorney General's office operates the Organized Crime Strike Force which deals with organized crime throughout the state. Another example is the Colorado Law Enforcement Training Academy (CLETA) which is a division of the Department of Local Affairs, whose superintendent is the Chief of the Colorado State Patrol (by statute) and the Chairman of its Advisory Board is the Attorney General. In actual practice, a captain of the Colorado State Patrol, employed and paid specifically for this sole duty, supervises the CLETA. There appears to be considerable opportunity for consolidation of criminal justice functions within the Executive Branch in the State of Colorado.

### The Courts

In Colorado the judiciary has jurisdiction over courts, probation, and public defender functions. The state operates under a unified state court system, with the Chief Justice as the titular head of the system, assisted by the State Court Administrator's Office which does central budgeting for the entire court system. The District Court is the basic court of general jurisdiction in Colorado, the state being divided into 22 judicial districts. Appeals from the District Court are to the State Court of Appeals and ultimately to the Supreme Court. Each of the 63 counties has a County Court of limited jurisdiction, from which appeals go to the District Courts. The Municipal Courts have jurisdiction over local ordinances. The main exception in the unified court system is the city/county of Denver which is treated separately from any other city in the state and has a County Court system independent from the rest of Colorado's unified court system but responsible to

the Chief Justice. Apparently, at the time legislation for a unified court system was being debated, Denver had enough political support (about half of the state population in this metropolitan area) to keep Denver a separate system. One observer believes that this was principally on financial grounds since the court system within the county/City of Denver costs in the neighborhood of a million and a half dollars per year, whereas revenues through the court system were considerably in excess of that. The conclusion was that Denver did not wish to "subsidize" judicial systems elsewhere.

Colorado has a Judicial Planning Committee established under a directive of the Chief Justice. The Committee of 18 members includes judges representing all levels within Colorado, practicing attorneys, prosecutors, public defenders, bar association, and the public at large. The Committee works closely with the State Council on Criminal Justice, and conducts reviews of grant applications related to judicial projects, and undertakes special studies and reviews for consideration by the State Council. The Chief Justice, who chairs the Judicial Planning Committee, is also a member of the State Council, as are several other members of the JPC. The JPC has assisted in the development of priorities for the Colorado judiciary, including attention to such areas as improving the public's understanding of the judicial system and its processes, improvement of the educational standard of both administrators and justice, and a study of alternatives to dispute resolution outside the formal court system. The JPC appears to cooperate closely with the SPA, and to be very serious about supporting the SPA's mission of providing a neutral environment for the discussion of issues and problems which cut across the various elements of the criminal justice system. Those members of the judiciary who are members of the State Council seem to share a strong consensus about seeking common solutions and finding common ground within a cooperative environment rather than acting as "representative" of the judiciary.

#### Sub-State Criminal Justice Planning

Regional staff and Criminal Justice Advisory Councils (CJAC) are located throughout the state and serve Colorado's 13 Planning and Management Regions. The Denver Anti-Crime Council conducts criminal justice planning for the city/county of Denver. Most of the regional planning units are part of a regional Council of Governments. As in other states, the regional planners are responsible for preparation of an annual criminal justice plan for the respective region, which lays out the general needs and priorities of that area for the development and receipt of LEAA project funds. These regional plans are then used by the SPA in developing the comprehensive state plan. Regional planners assist in the development of project proposals by local officials, give technical assistance where possible, and act as a point of representation of the LEAA program in the region.

Criminal justice officials, including individuals who have or are serving on the State Council and individuals who have served on Criminal Justice Advisory Councils at the regional level attest to the difficult role of the RPUs, which sometimes results in an adversary relationship with the SPA. Except for the Denver Anti-Crime Council, the staffing of this function is marginal--usually one individual in a region. Since the regions represent clusters of general purpose governments, the RPU cannot easily represent any single local government or agency to the SPA, without jeopardy to its relationships

with other governments or agencies within the region. The RPU may be viewed by local officials and agencies "as another layer of bureaucracy" between its proposed projects and the SPA. The combination of salary structure and career opportunities tends to limit the tenure of regional planners so that there is relatively high turnover and a subsequent lack of continuity. In terms of program perspective, regional and local planners tend to be issue/project-oriented with less concern for system-wide problems except as they are visible within the local system. These differing perspectives necessarily result in some institutional conflict between the RPUs and the SPA.

Generally, local officials are reluctant to put local money into criminal justice planning, relying principally upon Federal funds to regional or local government. The exception to this is the Denver Anti-Crime Council which obtains funds from the county/city of Denver. Denver received special attention and funding under a special impact cities program of LEAA's some years ago, which helped establish a staff of considerable experience and expertise. The Denver Council tends to operate more or less independently, partly because of Denver's metropolitan influence in an otherwise rural state. The SPA, through its regular committee work, special conferences and training sessions, has made positive attempts to alleviate some of the institutional differences which have existed between the RPUs and the SPA.

### The Legislature

The SPA has had a relatively close and productive relationship with the Colorado General Assembly. Much of the work is channeled through the staff of the Legislative Council which serves the legislature both during sessions and through special interim committees between sessions. Most of the SPA's work has been with the Interim Committee on Corrections, the Interim Judiciary Committee, and the House Committee on Health, Environment, Welfare and Institutions. The SPA follows two general modes of operation with the legislature: (1) providing reports and recommendations produced under SPA initiative (usually in conjunction with another agency) which will be brought to the attention of the appropriate committee with special reports, testimony, etc., depending on committee interest; and (2) undertaking special assistance to the legislature or one of its committees at the request of the legislature.

Recently the Legislative Council was given the task to do a review of the sentencing issue in the state, but time and staff availability precluded this so an agreement was reached with the SPA to conduct a study for the Council. In the past three years, the legislature has requested that the Division of Criminal Justice conduct an evaluation of all LEAA projects exceeding \$30,000. This was requested under the "financial note" portion of the general appropriation bill (House Bill #1252). The results of the evaluation were to be reported to the Joint Budget Committee by the end of the calendar year. Each project was to be evaluated using criteria set down by the legislature which were:

- a. The benefit of each LEAA project funded on or after July 1, 1978, to local government or the state must be identified, documented, and quantified where possible. The reduction or elimination of crime, the improvement of the criminal justice system, or cost savings to law enforcement or government agencies must be identified and

quantified; where no baseline data exist against which to measure a project's success, the collection of that data shall be an integral part of the project.

- b. The achievement of a project's stated objective, where those objectives do not specifically include the measures required in "a" above is not to be considered a demonstration of the project's success.
- c. Projects where the project's success cannot be quantifiably measured are to be considered unsuccessful.

The Joint Budget Committee of the Colorado legislature is an extremely powerful Committee which has virtual veto power over any budget item. The group has begun casting a critical eye on Federal programs requiring cost-sharing by the state, and there has been considerable interest in recent years in the extent to which Colorado is forced to "buy in" on projects as Federal grant money runs out in a particular project and the locality or agency is interested in continuing the service.

Thus far the SPA and the Council have not conducted a general screening of criminal justice legislative proposals, but have tended to limit their efforts to those proposals that flow directly from special reports undertaken by the SPA under its own initiative or in conjunction with other criminal justice agencies.

### Interest Groups

The Division of Criminal Justice makes it a practice to consult with interest and professional groups representing various segments or parties of interest to the criminal justice system, depending upon the nature of the particular issue, problem, or study concerned. For example, in the recently established study of the Colorado criminal justice system, the SPA has made it a point to invite participation by a wide array of professional/interest groups. Among those most frequently consulted are Colorado District Attorneys' Council, County Sheriffs of Colorado, Colorado Chiefs of Police Association, Colorado Association of Probation Officers, Colorado Counties, Colorado Municipal League, Colorado Bar Association, Colorado Juvenile Council, League of Women Voters, the American Society for Industrial Security, and the National Alliance of Businessmen. In addition they will consult widely with public officials and public agencies at all levels (including advisory committees) and representatives of the academic community who have special expertise to offer. News media representatives participate essentially on their own initiative, although in some cases they are specifically invited such as in the task force appointed by the Governor to examine security and privacy of criminal justice records (September 1976). Activities of both the State Council and the SPA reflect an attitude of "openness" that is especially pronounced. The general attitude reflected by SPA staff and members of the Council suggest that participation by interest groups, professional associations, and interested citizens (as individuals) is welcomed.

## The Nature of Criminal Justice Planning in Colorado

Criminal justice planning as practiced by the SPA in Colorado is rooted in the LEAA grant process, but rapidly expanding beyond that as opportunities present themselves. There is clear intention on the part of the SPA leadership and the State Council to focus upon system-wide issues or problems in the criminal justice system, using the grant program as a means to stimulate innovations, to encourage cooperation, and to ensure appropriate coordination. Mechanics of the grant process still occupy considerable time--as much as one-third to 60 percent of the time of various staff members on the planning side of the SPA operation; however, staff activities and interests of the Council carefully mesh the grant program with opportunities to achieve positive change in the various elements of the criminal justice system. The annual plan has become less of a "compliance" document and more of a framework within which the Council can assess the relative desirability for placing emphasis and resources. The opportunity to cooperate across agency lines in special studies and subsequent follow-up action is fully exploited, supported frequently by the grant program. For example, the considerable study of community corrections essentially sprang from the prison break crisis of several years earlier. As the problem was better defined and specific needs identified, legislative support was developed by the interested agencies, and an appropriate means for conducting the study negotiated. The SPA staff and grant funds supported this study which became a principal input to the legislative hearings. The SPA continues to provide technical support and advice through the hearing process and is available to both state and local agencies as the legislative plan of action is developed. This is entirely consistent with the role of the SPA as conceived by the Council and the SPA leadership of being the facilitator and coordinator rather than an "up front" leader.

This approach has developed excellent working relationships and a sense of mutual support with other executive agencies and the judiciary. It has produced positive results with the legislature, although it is not clear that this carries over to legislative support for the program or the SPA per se. The close, harmonious relationship with the Office of the Governor is important in achieving political support and facilitating contacts with other agencies and with local government. But since the Governor is of one party and the legislature is controlled by the other party, gubernatorial backing cannot automatically be transferred into support for the SPA program within the legislature.

As noted in the Introduction, the planning process does not include a systematic review of legislative proposals and recommendations on a periodic cycle, but tends to be limited to ad hoc review and evaluation of alternative legislative proposals flowing from particular studies in which the SPA has been engaged. In this sense, it is a "natural" process representative of the manner in which the Colorado SPA engages in criminal justice planning. Currently, there is no focal point in the executive for either review or aggregation of criminal justice legislation. Budget review is even more limited than legislative review. The invitation by the Office of State Planning and Budgeting to assist in the review, across the board, of criminal justice component budgets presumably still stands and remains an open opportunity for the SPA provided an appropriate modus operandi can be found and staff time made available for this.



On the whole, the SPA approach to criminal justice planning appears to be pragmatic, and is viewed as positive and helpful by components within the criminal justice system, becoming purposefully more comprehensive.

#### The Institutionalization of Criminal Justice Planning

Criminal justice planning, as practiced by the SPA in Colorado, has gained a significant foothold as an ongoing governmental process over the past three years. There is strong evidence of close working relationships between the SPA and the principal components within the criminal justice system at the state level including the Office of the Attorney General, the Governor, and the judiciary. Indeed, the State Criminal Justice Council which includes the heads of the major criminal justice agencies and the state, local, and public interest representatives, greatly facilitates a positive bond among these elements and serves as a neutral forum for the development of a general consensus on major issues and programs in criminal justice. The SPA has put extensive effort into providing assistance to legislative committees and the Colorado Legislative Council. This has resulted in a generally positive relationship but not one in which there is clear recognition by the legislative leadership of the relative value of the SPA to the legislative function. This, in part, may be attributed to the partisan division between the executive and the legislature in Colorado; however, this is not always reflected in programmatic issues.

A substantial reduction in LEAA grant funds available for the planning function or for action grants, undoubtedly would affect the operation of the Colorado SPA. It would not cause the SPA to collapse, nor would it undermine the operation and work of the State Criminal Justice Council. There appears to be enough enthusiasm and common purpose among the membership of the State Council (including the official representatives) to keep this function going whether or not the funds are available from the Federal Government to support its operation. The same cannot be said for the RPUs. The main exception is the Denver Anti-Crime Council which is virtually independent anyway. RPU activity is almost solely identified with the LEAA grant program and does not have a strong enough constituency to survive removal of Federal funding.

If both the State Council and the SPA continue along the directions already chartered, one can anticipate even stronger ties among the components of the criminal justice system and a clearer sense of purpose indicated to the legislature.

Persons Interviewed--Colorado

Paul G. Quinn, Director, Division of Criminal Justice  
Dion Callaghan, Director of Planning, Division of Criminal Justice  
Joan Keane, Juvenile Specialist, Division of Criminal Justice  
David Sack, Corrections Specialist, Division of Criminal Justice  
Nancy Gray, Chairwoman, State Council on Criminal Justice, Councilperson,  
Ft. Collins\*  
Dr. Allen Ault, Executive Director, Department of Corrections\*  
Chief Gary Wall, Vail Police Department\*  
Greg Walta, Public Defender\*  
J. D. MacFarlane, Attorney General\*  
Paula Herzmark, Executive Director, Department of Local Affairs  
Stephen Ellis, Principal Planner, Division of Planning, Department of Local  
Affairs  
David Greenberg, Special Assistant to the Governor for Legal Affairs  
Brad Leonard, State Budget Director  
Colonel C. Wayne Keith, Chief, Colorado State Patrol\*  
Earl Thaxton, Principal Analyst, Colorado Legislative Council  
Judge Don Smith, Appellate Judge, Court of Appeals\*  
Robert Gallagher, District Attorney, 18th Judicial District\*  
William F. Hafstrom, Criminal Justice Systems Analyst, Denver Anti-Crime  
Council  
Charles Shannon, Director of Management and Human Services, Denver Regional  
Council of Governments

\*Designates members of the State Council on Criminal Justice

## Criminal Justice Planning in Connecticut

### Introduction

In Connecticut the SPA is the Connecticut Criminal Justice Commission which consists of a staff of approximately 50 people governed by a 21 member Commission. The Connecticut CJC is best characterized as an agency in transition conditioned by a complete overhaul of the executive branch in Connecticut state government. The charter legislation for the CJC is Connecticut Act No. 76-432 which became effective on June 9, 1976 and reconstituted the Commission. In 1978 Governor Grasso (who was re-elected to a four-year term in November 1978) received legislative approval for a sweeping reorganization of the executive branch of Connecticut state government, with the effective date for the first stage of reorganization being January 1979. As a part of that reorganization, the CJC was attached, administratively, to the newly created Office of Policy and Management--a kind of Office of Management and Budget for Connecticut. In the process of implementing the general reorganization, the CJC is preparing a pilot program that would have the CJC conduct OPM functions in the criminal justice area, on behalf of OPM. This pilot program would "test" the concept of how OPM might best perform its tri-partite functions of comprehensive planning, budgeting, monitoring, and evaluation. In addition to the planning, preparation, and adjustments necessitated by this, the SPA underwent a substantial internal reorganization in September 1978 whereby planning and program development, statistical analysis (including research), and technical assistance services were all consolidated under an Assistant Director for Justice Programs. Management services, including accounts examining, grants and contracts and administrative services were consolidated under an Assistant Director for Management Services.

The criminal justice system in Connecticut is an interesting combination of state domination of the system with relatively wide dispersion of the criminal justice functions among the state agencies. For all practical purposes, courts, corrections, prosecution, and public defender functions are controlled and financed at the state level (although the actual conduct of some of these may be through local agencies or groups). The law enforcement function is shared, principally between the state police and municipal police in those locations that have their own departments and which do not operate under contract with the state police. In spite of the concentration of functions at the state level, there are at least ten autonomous or largely autonomous criminal justice agencies in state government that are responsible only to the Governor, to a governing board or commission, or to "constitutional" safeguards--in the latter case, the courts.

On the one hand the SPA has an "easier task" since most of the criminal justice functions can be tracked through the state budgeting system; on the other hand, the challenge of coordination is substantial because of the widespread dispersion of authority and responsibility among the many state agencies. For example, the public defender, the Department of Adult Probation, and the Board of Parole all are nominally under the administrative umbrella of the judiciary but each is answerable to its own board or commission with

no administrative, budget, or other legal or technical control being exercised by the courts or administrative offices responsible therefor. State's attorneys (prosecutors) are appointed by district judges and thereby at least nominally responsible to them, but really consider themselves autonomous. There is a Chief State's Attorney, separate from the Attorney General, having broad leadership/supervisory responsibility for the prosecutorial function but having no direct control over the way the various state's attorneys handle their responsibilities.

In spite of the dispersion of criminal justice responsibilities, the SPA has developed close and productive working relationships with these agencies, largely in the context of the LEAA program. The most comprehensive efforts in terms of reaching across functions, appears to have taken place in the field of corrections. There the SPA has facilitated successful efforts encompassing resources and service agencies related to the corrections function but, normally outside their direct jurisdiction. For example, the Department of Children and Youth Services which originally was concerned with the operation of two youth correction institutions less than ten years ago, now encompasses the full range of services to include child abuse and neglect, foster care and adoption, aid to unwed mothers, counseling and guidance, non-institutional handling of status offenders, mental health treatment, community based rehabilitation, and special education, among others.

The intention to expand CJC activities to include budget review and comment as well as a more integrated (and operational) comprehensive system-wide planning, and an extension of the monitoring/evaluation process to include more than grant projects but full agency programs, represents an ambitious step. It could provide a possible model for the new OPM as that agency undertakes its functions if the expanded role does not negatively affect current positive relationships between the CJC and criminal justice agencies by a perceived shifting from facilitation and coordination toward a more control-oriented role.

#### The SPA

Criminal justice planning in Connecticut actually predated the LEAA program by a full year. Following the issuance of President Johnson's Crime Commission Report in 1966, Governor John Dempsey formed a Connecticut Planning Committee on Criminal Administration in fulfillment of the report's recommendation for the establishment of such comprehensive planning agencies in state government. The Planning Committee had a small staff and immediately undertook a study of both the public defender and prosecutorial functions, issuing a report on these in July 1968--a report which established the necessary groundwork for the further development of these functions in Connecticut. Upon the establishment of the LEAA program, Governor Dempsey assigned that function to the Connecticut Planning Committee. The SPA continues to be viewed predominantly as the LEAA grant agency, although the charter legislation of 1976 provides a comprehensive role considerably beyond the grant program itself. The legislation charges the Criminal Justice Commission with 21 different tasks, among which are such broad mandates as:

- (a) To develop a comprehensive state-wide action plan for the prevention of crime and the improvement of the criminal and juvenile justice systems in Connecticut;

- (b) To create, develop, and correlate programs and projects for juvenile justice agencies, for the state, units of local government and other political sub-divisions thereof, combination of units and inter-state programs and the projects for the improvement of law enforcement and the administration of criminal and juvenile justice systems;
- (c) To collect data and relevant statistics pertaining to law enforcement and administration of criminal and juvenile justice systems;
- (d) To define problem areas and establish goals, priorities, and standards for the improvement of law enforcement and the administration of criminal and juvenile justice systems;
- (e) To oversee, evaluate, and coordinate implementation of the comprehensive state-wide action plan and other Federal, state, or local programs relating to or having an impact on law enforcement and the criminal and juvenile justice systems;
- (f) To advise the Governor and the General Assembly on legislation and other significant matters pertaining to law enforcement improvement, criminal and juvenile justice reform and the prevention of crime, and prepare and recommend legislation to the Governor for the improvement of the criminal and juvenile justice systems.<sup>1</sup>

From the outset, the SPA has had a close, working relationship with the courts through the leadership of the Supreme Court and the Chief Court Administrative officers. The SPA has provided continuing project support to activities in the court system directed toward improvement of administration and process. In addition, the SPA has been instrumental in the initial development of the Chief Public Defender's Office as well as the expansion of the functions of the Chief State's Attorney. A planning and administrative function was recently established in the Office of the Chief State's Attorney under LEAA grant funds, including a victim witness project and an economic crime unit that is now being picked up under regular state funding.

Considerable work has been done with the Department of Children and Youth Services, the Department of Corrections, and the Department of Adult Probation, especially in an effort to move away from rehabilitation and treatment of offenders in centralized institutions and toward community-based facilities, services, and activities. Both the Commissioner of the Department of Children and Youth Services and the Director of Adult Probation attest to the importance of the grant and planning assistance that has been made possible by the SPA, principally through the LEAA funding program. In both agencies, pilot efforts in a number of areas were successfully demonstrated which could, otherwise, not have been started and which, they believe, have resulted in significant progress for their respective agencies.

The SPA also has been instrumental in "spinning off" planning capability to the operating agencies. Key administrative and planning officials in several criminal justice agencies (such as the Chief State's Attorney's Office, the Administrative Office of the Court, and the Department of Children and

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<sup>1</sup> Connecticut Public Act N . 76-432, June 9, 1976.

Youth Services) are former SPA staff specialists who have "colonized" planning and research functions by moving from the SPA. In addition they have helped to provide an institutional basis in those organizations for more systematic consideration of problems and their respective interface issues with other criminal justice functions. However, the SPA remains a principal focal point for the more comprehensive type of planning, since most of the planners in the line agencies are oriented toward ad hoc problem solving, problem analysis, and similar activities rather than longer term or formal planning. SPA staff specialists are looked upon as technical resource people by the line agencies, with close, informal contacts at all staff levels between the line agencies and the SPA.

The SPA has worked closely with the legislature, primarily on ad hoc study assignments, task groups or commissions to which the SPA provided informal staff assistance or project funding. The other principal line to the state legislature has been through the annual detailed budget presentation of the SPA made to the Appropriations Committees of the House and Senate. A third avenue, perhaps more formal but providing an informal avenue of feedback as well, has been the appointment process to the Commission whereby three members of the Criminal Justice Commission are appointed by the Senate Majority Leader and three members by the House Majority Leader, while two members are appointed by the Senate Minority Leader and two members by the House Minority Leader. Thus, ten of the 21 members of the Commission are appointed by the senior leadership in the legislature, providing an opportunity for informal but frequent feedback on Commission activities to the legislative leadership.

The Executive Director of the SPA has a close institutional and personal contact with the Governor. The Executive Director is considered by the Governor as a "natural" point of reference for criminal justice matters and she has given the Executive Director ad hoc assignments on several task forces or committees.

As noted above, an important topic of current consideration in the SPA is the proposal for the SPA to act as the surrogate for the Office of Policy and Management in a pilot test within the area of criminal justice. A consultant has been retained to develop and analyze alternative arrangements by which such a test might be initiated. Undertaking such a role clearly would assure the function of the CJC in Connecticut as an integral part of OPM, regardless of whether or not LEAA programs continue to grow, decline, or are closed down. Depending upon the level of analysis attempted, such a change in role for the SPA could result in: (1) a need for more detailed coordination between the SPA and the operating agencies with respect to their current programs and, through comprehensive planning, for future action to meet perceived needs; (2) an expansion of the monitoring and evaluation function which thus far has been limited, on a selective basis, to the grant program; and (3) breaking new ground in the budget review area. Even though the substance of two of these three functions (planning and evaluation) will not change greatly, the nature of the role of the SPA vis-a-vis the criminal justice agencies is likely to change and could strongly influence the nature of the future relationship between these agencies and the SPA.

### The Commission

The Connecticut Criminal Justice Commission is a 21 person body of whom 11 members are appointed by the Governor to serve at her pleasure (the Governor has a four-year term) and 10 members appointed by and to serve at the pleasure of the Majority and Minority Leaders of the Connecticut House and Senate. The Commission tends to fall into two groups: those members who are also leaders in one of the formal criminal justice agencies within the state or "citizen" members, such as local elected officials, or representatives of an interest or professional group. Reputedly, attendance is best among the "institutional" members. Because of their frequent contact with one another on official business, they tend to take the leadership in Commission discussion and activities. The Executive Director of the SPA is placing more issues of system-wide significance before the Commission; however, the Commission still spends the greatest portion of its time on the LEAA grant program in terms of the comprehensive plan, guidelines, review and approval of projects, reporting, and follow-up on those projects. It remains to be seen what role, if any, the Commission will have with respect to the pilot demonstration for planning-budgeting-monitoring and evaluation.

### State-Level Criminal Justice Agencies

In Connecticut criminal justice activities are the responsibility of state government, with the exception of local law enforcement in those localities which chose to have their own police departments. In the executive branch of government there are, apart from the SPA, three major departments concerned with criminal justice: the Department of Children and Youth Services, the Department of Corrections, and the Department of Public Safety. The first two are responsible for the corrections function in the broader sense of the term, with the Department of Children and Youth Services conducting an extraordinarily broad range of functions from prevention to follow up services--most at the local level. The Department of Public Safety includes the Military Department, the Office of Civil Preparedness, the State Police Department, and the Municipal Police Training Council--the latter two being the principal law enforcement agencies of interest at the state level. The State Police Department covers a whole array of functions that, in other states may be located in a number of places. For example, its Bureau of Criminal Investigation has responsibility over such areas as investigating organized crime, criminal intelligence functions, and investigating legal gambling. It has a forensic sciences laboratory within its Bureau of Staff Services which provides laboratory support not only to the State Police but also to local jurisdictions. Within its Bureau of Management Services is located a Research and Planning Unit which has, for example, undertaken a 20 year plan to forecast changing needs for facilities and the distribution of state troopers. The Municipal Police Training Council has general cognizance over the Connecticut Police Academy which is a central training operation for municipal police, in conjunction with state police. The Council also establishes training standards and certifies training conducted in-service at municipal departments or in cooperation with Connecticut colleges. The Connecticut Police Academy was initially established with funding from the SPA.

To the extent that a role as chief state prosecutor exists that function is with the Chief State's Attorney whose office has general "leadership" and

administrative responsibility for the prosecutorial function as it is carried on in the judicial districts by the State's Attorneys. In addition the Chief State's Attorney's Office has acquired responsibilities for white collar crime, joint investigation of organized crime with the State Police and a special project to investigate medicaid fraud. The Chief State's Attorney also will undertake the prosecution and resolution of major criminal cases. The Chief Public Defender is responsible to an autonomous board, supervising the operation of the public defender function from a central office in Hartford through 30 offices around the state. Both the Board of Parole and the Department of Adult Probation tend to "serve" the court, but each is governed autonomously by a board or commission. In the case of the Department of Adult Probation there is a six member Commission chaired by the Chief Justice of the Supreme Court. The Board of Parole consists of 11 members including a Chairman who also acts as the full-time administrative officer for parole. As might be expected in a state where there is considerable interest and emphasis upon community based corrections, the stronger emphasis between parole and probation is upon probation, with services being offered on a local basis.

In spite of the dispersion of criminal justice functions, there has been considerable cooperation and coordination across these agencies. Each, however, operates quite independently and prides its relative autonomy.

### The Courts

There are five segments within the general collection of agencies which are cast in the judicial branch: the courts per se; the prosecutorial function, public defender's office, the Department of Adult Probation, and the Board of Parole. Connecticut has a unified court system with a Supreme Court, and a Superior Court which just recently has encompassed juvenile and probation courts. The Superior Court is the court of original jurisdiction, the Supreme Court is the appellate court. There are no other courts in Connecticut. There is a well-established administrative and planning function under the leadership of the Chief Court Administrator who is the sixth justice of the Supreme Court and thereby carries special influence throughout the judicial system that is not as evident in other states. In addition, this justice is widely considered to be an innovative member of the bench with a considerable reputation for providing judicial leadership.

### Sub-State Criminal Justice Planning

Criminal justice planning at the sub-state level in Connecticut focuses upon eight regional planning units of which two (Hartford and New Haven) are metropolitan units with substantial staff. Since the criminal justice system in Connecticut is essentially state-based, much of the activity at the sub-state level centers upon law enforcement functions, or those services which are delivered locally and related to the correction system (juvenile justice, services to probationers, etc.). Considerable attention is focused upon bringing criminal justice and general government officials together at the regional level to deal with cross-cutting problems. The emphasis is upon exchange of information, technical support from the regional planning staff, or from outside the region available through the RPU, and the facilitation of cooperative and



coordinative activities. Considerable progress has been made in improved training, investigation, criminal apprehension, supervision, and management. RPUs have provided assistance to police chiefs in developing more systematically their budget proposals for town councils. They have supplied technical support in instituting projects to upgrade manpower resource utilization (such as through the Improved Utilization of Police Resources Project) which developed and utilized local data and analysis to improve operational planning. The South Central Criminal Justice Supervisory Board, based in New Haven, is an excellent example of the close working relationships among criminal justice officials of the 17 jurisdictions in that region, whereby information is exchanged through a number of functional newsletters, meetings of regional officials, seminars, workshops, training sessions, and special projects. The "clientele" of this RPU thought highly enough of this planning-coordinative effort that they contributed \$60,000 in fiscal 1979 to maintain the desired level of planning service.

### The Legislature

The Connecticut legislature has been dominated by the Democratic Party for some time, so that shifts in legislative leadership have been on an intra-party basis. Relationships between the SPA and the legislature have been primarily through the leadership, the appropriations committee, and with staff or members on ad hoc task groups or commissions when the SPA provides staff support or project funding. The SPA does have some continuing visibility with the legislative leadership because of the appointive function to the Commission by the majority and minority leadership, and the detailed presentation to the appropriations committee of the SPA budget, including the full grant program. As a rule, criminal justice matters are not consistently a matter of high priority to the Connecticut legislature unless there is some dramatic problem or a special issue. The Juvenile Justice Commission is making its final report and legislative recommendations during the 1979 legislative session. There are no points of special or continuous staff contact between the legislature and the SPA.

### Interest Groups

The role or influence of professional, public interest, and special interest groups on criminal justice planning in Connecticut was examined only in passing. However, it does appear that the groups that traditionally have strength and influence within the criminal justice system--the Bar Association, associations of law enforcement officials, and (especially in Connecticut) groups interested in juvenile delinquency and juvenile services are particularly strong. The courts appear to carry considerable organizational authority and influence, but have not been active in any organized sense politically or legislatively.

### The Nature of Criminal Justice Planning in Connecticut

Criminal justice planning in Connecticut seems best characterized as an extension of functional planning in the criminal justice areas. There is considerable cooperation, coordination, study and work across agency lines within

the functional areas such as corrections, courts, and law enforcement. But what is not as clearly evident is similar activity that cuts across law enforcement, corrections, and courts. A systematic, rational process is followed in terms of needs identification, assessment of resources, and the development of appropriate alternative plans of action. Planning has progressed logically, based upon the results of past projects, current projects, and the subsequent uncovering of new and different problems or challenges. Planning among the various components and agencies in the system has been fostered and sustained. The SPA continues to be the principal focus for comprehensive functional and cross component planning and evaluation. Appropriate linkages for information, coordination, and action have been established with all of the principal agencies at the state level in the criminal justice system and with sub-state planners. Criminal justice planning is continuing to move toward a more comprehensive, more inclusive activity. Possible undertaking by SPA of OPM activities in relation to the criminal justice community undoubtedly will have an impact on the nature of criminal justice planning in the future. If the Michigan experience is valid in Connecticut, it suggests some caution in undertaking the budgeting function which has had a tendency to retard a more comprehensive approach to planning.

#### The Institutionalization of Criminal Justice Planning

Criminal justice planning seems to be well-established in the process of state government in Connecticut. It also appears to have excellent roots at the sub-state level in both New Haven and Hartford. Much of the planning activity that occurs within the criminal justice agencies in Connecticut is the result of "colonization" of efforts by the SPA. The relationships have centered around the LEAA grant program, but have not been limited to that and have moved in considerably broader circles beyond that, particularly in corrections and law enforcement. The SPA has developed excellent ties with the criminal justice agencies and these contacts at both the top and at staff levels need to be continued and expanded. Further links with the legislature, particularly between SPA staff and legislative staff on a professional basis could improve an already good relationship. The Connecticut Criminal Justice Commission has positioned itself well to meet any possible contingency for change in Federal support of the program. This also is reflected by actions at the regional level. The reduction or loss of action grant funds for criminal justice activities as conducted by the SPA, would reduce the SPA's leverage for improved comprehensive criminal justice planning; however, it should not permanently damage the coordinating, research assistance, and technical assistance functions for which the SPA is so highly valued. The removal of the grant incentive, however, could negatively affect the possible change in role for the SPA as it explores a new relationship with the Office of Policy and Management.

Persons Interviewed--Connecticut

William H. Carbone, Executive Director, Connecticut Criminal Justice Commission  
Benjamin Goldstein, Deputy Director, Connecticut Criminal Justice Commission  
Robert C. Hetzel, Connecticut Criminal Justice Commission  
Craig Appel, Criminal Justice Manpower/Training, Connecticut Criminal Justice Commission  
Jack Brooks, Corrections Planner, Connecticut Criminal Justice Commission  
Robert Mulvey, Director of Programs, Connecticut Criminal Justice Commission  
Senator David Barry, Assistant Majority Leader, Connecticut Senate  
Terry Capshaw, Director, Department of Adult Probation  
Francis Maloney, Commissioner, Division of Children and Youth Services  
Hugo J. Masini, Chief, Hartford Police Department  
Austin McGuigan, Chief State's Attorney  
John Cronen, Director of Administration, Office of the Chief State's Attorney  
Ken Nappi, Senior Regional Planner, South Central Criminal Justice Supervisory Board  
James Mortimer, Project Coordinator, Improved Utilization of Police Resources, SCCJSB  
Alfred W. Oppenheimer, Deputy Secretary, Office of Policy and Management  
Lt. Colonel Rice, Connecticut State Police  
Joseph Shortall, Chief Public Defender

## Criminal Justice Planning in Michigan

### Introduction

Resource control is the dominant theme in Michigan's criminal justice planning. The SPA actually is the state budget agency for criminal justice. While continuing to have the usual responsibilities of an SPA, the Office of Criminal Justice Programs (OCJP) has been incorporated into the Department of Management and Budget (DMB) and does the final action review, short of the Governor's decision, of all state-level criminal justice budget proposals. As the state budgeting agency, DMB handles elsewhere within its structure the usual budgeting functions for the rest of state government, but for criminal justice it has all these functions done by OCJP.

Criminal justice planning at the state level is thus solidly linked with criminal justice budgeting. Budgetary feasibility is not a secondary consideration in late stages of planning but is primary from the outset. The chief planners seem convinced that the resource aspect is the central core of effective planning.

But after planning merged into budgeting, the planning appears not to have flourished. Concerning major criminal justice issues which planners and criminal justice leaders expect to arise in the year ahead, the OCJP has little planning under way, although state agencies are active on some. Responsible criminal justice officials no longer expect, as they once did, that the OCJP will lead or figure prominently in the development of needed new legislation and programs. Uneasy about what it perceives as a near-void, the legislature seems to be edging in to fill it.

The organization of criminal justice in Michigan otherwise is not unusual. State police and corrections are separate departments reporting directly to the Governor. The elected Attorney General is not deeply involved in criminal justice. While nominally the courts are one system, little central control has yet been instituted. The county, with its funding responsibilities for courts, sheriff's department, and prosecution, is the key sub-state level, but cities with their police responsibilities still account for about half the criminal justice expenditure in the state.<sup>1</sup>

The way that political processes work in Michigan is said by close observers to be methodical, relatively predictable, and characterized by continuity. The state encompasses a great deal of diversity, with extensive rural areas, a number of cities, and half its population in the Detroit area, plus considerable ethnic and economic variation among all these. The patterns,

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<sup>1</sup>State level funding of criminal justice activities is highest for corrections (53.5 percent) and tapers off to 16.7 percent for police protection; Expenditure and Employment Data for the Criminal Justice System, 1976, U.S. Department of Justice, SD-EE No. 11, Table 6, pp. 30-37.

however, are stable, compared to many other states--except that the automotive industries which overshadow the state's economy are subject to much wider economic swings than the U.S. average. Unions are quite powerful politically, but major corporations are politically active as well. Political parties and factions are well organized, and their strength and policies are well established and evidently slow to change. The limits on program and policy change permissible within the existing balance of power are apparently well understood by those in political life; these shift only rather gradually. New faces and new ideas which might alter the settled allocations of power are accepted reluctantly. A highly structured civil service has long existed at all levels of government, and the state has enjoyed a reputation for sound management. The newly re-elected Republican Governor faces an even more heavily Democratic legislature.

### The SPA

The OCJP, Michigan's SPA, was initially established in the Governor's office where the State Budgeting Office was also located. In 1973 both were transferred to the Department of Administration, an agency until then that was similar in function to the Federal General Services Administration. The reconstituted Department of Administration was renamed the Department of Management and Budget, or DMB. The OCJP had been largely concentrated on LEAA-funded activity, but the DMB Director conceived the idea of "bringing them into the real world" by combining within OCJP the responsibility for planning and budgeting for all state-level criminal justice activity, however funded. Corrections, State Police, and the Attorney General endorsed the idea. After extensive inquiry and discussion, the Governor gave his approval and strong support, which the DMB Director describes as one of two keys to success for the change--the other being universal confidence in the individual who was to head the planning-budgeting OCJP. Since only internal reorganization of DMB was involved, no new legislation was needed, nor any new appropriation. While the legislative leadership was agreeable to the change, uncertainty remains whether a bill positively committing the legislature would have passed.

Although the transition took time and did not lack rough spots, Michigan's executive branch leaders are gratified with the results. Some experienced budgeteers from within DMB were incorporated into OCJP, and apparently within a year or two the system was working smoothly. While several responsible officials said that an expected tension between the advocacy role and the budgeting role had not materialized, there is some evidence of restlessness by the budgeteers about having substantive people looking over their shoulders. Whatever difficulty this may yield evidently is resolved within the OCJP. And the SPA, where all the criminal justice data and all the LEAA information and assistance are focused, is deeply involved, by way of the budgeting process, in the coordination and control of all state-level criminal justice activity.

OCJP's potential for control, via budgeting, over state-level criminal justice activity is realized only partially, however. At least one criminal justice agency occasionally goes to appropriations committees of the legislature directly, without OCJP clearance, and thus obtains funding for activity beyond the Governor's budget. More significantly, OCJP begins to consider criminal justice budgets at too late a stage to permit much impact on them,

apart from some reductions shortly before the final decisions on the overall budget.

OCJP does play a role in the processes leading to criminal justice legislation, but the role seems to be largely reactive. Many bills affecting criminal justice are routinely passed to OCJP by legislative committee staff. On significant ones, OCJP people will not only confer with committee staffs but also sometimes testify, as they did 10-12 times during the 1978 legislative session. But there was little evidence of systematic preparation and initiation of new proposals for legislation. Surprisingly few upcoming criminal justice issues were mentioned by planners. One contributing reason might be general satisfaction with what had previously been enacted, and another might be a normal slow-down toward the end of a gubernatorial term. But evidently the main reason for the modest level of effort on issue identification, analysis, and program development is the OCJP concept of its role.

OCJP leaders stress that Michigan's approach consistently has been to have a low-profile SPA. From its early years, the OCJP has been intent on developing strong planning capability within State agencies. It funded, encouraged, and assisted the planning elements of corrections and state police, now state-supported, and of the courts. When their products became manifest in budgetary proposals, OCJP comes into play, applying the policy themes and priorities which have emerged from its supervisory council. In Michigan, the Council itself does much basic planning, with reliance on OCJP for data and staff support; it is the Council's concern to ensure that a system-wide view permeates the priorities and programs. Follow-through on standards and goals was viewed as the Council's responsibility. The OCJP has considered that it should not itself be engaged in major forward planning, nor criminal justice advocacy, but rather in providing staff support to those who are.

Even so, an impression exists within the criminal justice community that opportunities, if not requirements, exist for forward planning by OCJP.

The question of corrections capacity was already a problem even before a ballot proposition appeared which would increase the confined population. Similar effect might flow from the determinate sentencing now under legislative consideration. The November 1978 ballot also contained three propositions to reduce or limit certain taxes. DMB was doing some planning against the contingency of one or more being passed, but that planning was evidently almost all in terms of revenue replacement. OCJP was not taking part in that planning, and the structural or operational consequences for criminal justice were not being examined, let alone the available alternative responses. OCJP was engaged, however, in a planning analysis of how best to organize sub-state planning, with a number of options being reviewed.

#### The Governor's Council

The supervisory council over the SPA is the Michigan Commission on Criminal Justice (MCCJ). The 36 member commission includes members from all levels of government, criminal justice agencies from the state, members of the legislature and association or citizen groups. Several of its distinctive features bear upon the level of planning activity in OCJP. One of these is that for three years, until mid-1978, the chairman of the Commission was the director

of the OCJP. In that capacity, the director was an advisor to the Governor. Upon the departure of the incumbent to a university post, the OCJP directorship was temporarily added, for the last half-year of the gubernatorial term, to the responsibilities of the Deputy Director of DMB, already an advisor to the Governor.

A second feature is that the Commission itself has engaged in planning. While the Commission proper meets only four times a year, much of the planning has been done by committees of the Commission, able to meet separately and more often. The OCJP has supported these committees, although apparently more through providing factual data than through analysis of available options and their consequences.

There is, however, the important matter of gaining understanding of and support for proposed changes. To have representative, influential, responsible criminal justice leaders deeply involved in planning can be educational, horizon-broadening, and fruitful of change. Hence the several years which the Commission's law enforcement committee spent on defining roles of various agencies doing road patrol should be viewed in terms of consensus-building, also. Yet, in the end, the Commission had not fully resolved this delicate question when from outside the MCCJ/OCJP framework there came before the legislature a bill covering the same area. Consideration of that road patrol bill took the play away from the Commission. A law emerged, carrying an \$8.7 million appropriation for State subsidy of sheriffs' departments' road patrol activity. Some Michigan criminal justice people expect that the 1979 legislative session will further develop the issue of duplication/overlap/reinforcement of law enforcement, with possibly some effort toward further State subsidy of sub-state activity. Yet they do not expect the Commission or the OCJP to play a leading role on this issue, or even do more than react to outside proposals.

A third distinctive feature is that although in 1976 the OCJP proposed legislation to authorize the Commission and the OCJP, no statutory basis for them existed until late December of 1978.<sup>2</sup> Although Michigan has long been regarded as among the nation's leaders in criminal justice planning, it was thus among the very last states to enact statutory authorization for its SPA (redesignated the Office of Criminal Justice). A member's bill was the vehicle, and two related issues appeared to dominate consideration of it.

One issue concerned direct access by the SPA director to the Governor. Some Commission members and others had been uneasy about what they regarded as some subordination of criminal justice planning and advocacy to budget concerns. They had wanted the director to be appointed by the Governor so that, even though operating under the DMB director, he could take the case directly to the Governor if he felt criminal justice needs were unduly subordinated. The new act so provides.

The other issue had concerned greater Commission authority over allocating LEAA resources. The Commission had had a broad supervisory role, setting

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<sup>2</sup>Legislation in late December 1978 established such a basis. See Appendix L. The name of OCJP was changed to the Office of Criminal Justice.

policies and priorities for the SPA to apply in handling grants. What was proposed was an increase in the Commission's direct authority over grants, although the Commission hoped still to avoid being drawn into detailed consideration of them. The new act appears to strengthen the Commission's authority slightly.

An interesting device the Commission uses is adjunct membership. By Commission authority, various individuals with specialized knowledge or particular interest have been named as adjunct members, to sit with the Commission or its committees during consideration of their topics. A broader base of mutual understanding has resulted.

### State-Level Criminal Justice Agencies

Operational and some policy planning are done within State Police and Corrections. Both organizations seem keenly impressed with the importance of accurate data and are appreciative of the progress there and elsewhere which LEAA programs have enabled and encouraged. Both profess much broader comprehension now than a decade ago of the interrelated nature of criminal justice activity in various jurisdictions and components. Both organizations evidently support warmly the concept of system-wide planning in OCJP and wish it were less subordinated to the budgetary role. Regret was expressed, for example, that on such a topic as determinate sentencing proposals, OCJP would be unlikely now to take the interdepartmental planning leadership that it used to take and ought to take now.

The involvement of the Attorney General's office in criminal justice planning is slight. No need was recognized, for instance, for any coordinated examination of the implications of possible changes in plea bargaining.

### The Courts

Michigan law provides for one unified trial court in the State and gives significant authority to the Chief Justice/the Supreme Court/the Court Administrator. Implementation of the law has proceeded cautiously, however, so that many lower courts are as yet little affected, and who is to exercise what authority is not yet clearly defined. A judicial planning committee does exist, but with a staff separate from that of the courts administrator, thereby forfeiting an opportunity for improved coordination.

Opinions are mixed about how receptive Michigan judges are to planning, and to change in general. Some people see progress, others see continuing resistance. Judges are elected in Michigan. They vary in perceptions of responsibility toward the state court system and of what is the appropriate involvement with the executive branch through data management and planning coordination. While some cooperate toward system-wide data, one was quoted as saying, "If you want those statistics, then you come here and get them." Some observers believe a gradual process of change is well under way, with judicial planning started and slowly gaining acceptance. They are confident that the judicial planning committee would continue even without LEAA funds.



Concepts of judicial independence tend to retard the coordination of judicial planning with overall criminal justice planning. Contact between OCJP and the courts administrator of the Supreme Court is frequent and evidently fruitful. But the courts tend to deny to OCJP any real role in the main planning business affecting them: how best to progress with court unification and appropriate funding by the State. Even so, the courts no longer simply tell the various State and sub-state legislative bodies what dollar amount they require for the budget year. Court representatives now appear before committees of the legislature concerning budgets. On other issues, on occasions when the courts were not content with an OCJP position, they have taken the matter directly to the legislature.

And there is some motion toward improved courts data.

#### Sub-State Criminal Justice Planning

Seventeen sub-state organizations receive funding for criminal justice planning. Their communication and relations with OCJP seem close. Most criminal justice planning occurs within multi-purpose agencies, chiefly the multi-county COGs. In one interesting exception, local governments in one region successfully sued to block execution of the Governor's 1973 action to integrate criminal justice with other planning there. The planning unit in that one region has thus stayed separate, concentrated on criminal justice, and visible; it now has good prospects for absorption into county government. The Detroit/Wayne County CJCC seems prospectively permanent, too, but whether other sub-state criminal justice planning could survive without LEAA funding is doubtful.

Much sub-state criminal justice planning effort is devoted to grants management. Most of the rest goes toward coordination, mainly among various political jurisdictions rather than between criminal justice components. The latter sort of coordination has been going on for a decade, during which "bringing people together" has already had, many responsible officials say, profound effects toward improving the interrelationships. As an illustration of the former sort, one sub-state criminal justice planning office has helped bring together police forces of five municipalities so they now perceive that joining their investigative resources into one unit will yield better capability at lower cost. The main effort at that office, however, is toward accurate, complete collection and management of data, seeking cause-and-effect judgments to improve planned crime control.

At the county level in Michigan, and in its large cities, a serious money crunch now inclines elected leaders toward dealing with crises of the moment and in the most economical way. That is also to say that they are disinclined from planning and investing toward the future. Rapidly rising personnel costs, pressures for tax reduction, and concurrent demands for improved services have contributed to the money crunch and threaten to make it worse. Inflation aggravates all three and sustains public attention to government costs. Counties pay most of the costs of courts, prosecutors, jails, and sheriff's department law enforcement; cities pay heavily for police departments and incur

some courts and corrections costs, as well.<sup>3</sup> Heavily populated, economically stressed Detroit and Wayne County have been experiencing especially acute money and budget difficulties.

A tendency thus exists for sub-state governments to seek state-level relief from the money crunch. Thus, the legislation providing State subsidy of sheriffs' road patrols was occasioned by Detroit's effort to cut costs by dropping city police patrol of thruways, plus rising pay rates for police and sheriff's deputies, plus the desire of the sheriff's deputies' union to prevent layoffs. An obvious candidate for increased or even full state funding is the court system, and another is the sub-state portion of the mixed-jurisdiction probation system. There is general recognition that when funding responsibility is transferred, at least a good share of control ordinarily goes with it. To sub-state officials and those who elect them, the notion of attenuated local control over local courts, DAs, sheriffs, and so forth is not appealing. There clearly will be trade-offs to negotiate, and a potentially important role for the sub-state criminal justice planners.

With money so important at local government, criminal justice planners are increasingly persuaded that for effectiveness, sub-state criminal justice planning needs to be done in very close proximity to the people who make money decisions, the county commissioners and city councilmen. When planners get them involved, help them see how to obtain better productivity, greater efficiency, and perhaps even some state-level help, the inclination to integrate criminal justice planning into local government should be nurtured.

One aspect of county government already favors such integration. Some imbalance already occurs in fund allocation because elected criminal justice officials tend to be favored. Sheriffs and DAs are prominent political figures whom a county commissioner would rather not alienate. But a county criminal justice planning mechanism in good standing, with a reputation for objectivity and system-wide concern, can serve as the commissioners' buffer.

After some years' experience with criminal justice planning integrated into general purpose planning at multi-county COGs, much sentiment in Michigan now favors change. Movement toward direct connection with county government is one proposal. Another is disengagement from multi-purpose activity. The impression exists among criminal justice planners that in other areas COGs yield not activity but paper, with the COG saying to local governments in general, "Here is our thick report; it affects you, and you might want to do something." The outcome is seen as one more shelved dust-catcher, unread and unfunded. Consequently, the impression goes, county and city governments are not very receptive to COG planning. Criminal Justice planning, by contrast, deals with real programs and real money. At any rate, the possibility of extracting criminal justice from multi-purpose planning, and the related possibility of rearrangement of regions, are being analyzed as part of a full-scale reexamination of how best to deliver sub-state services, planning and otherwise.

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<sup>3</sup>72 percent of police costs, U.S. Department of Justice, op. cit.

The considerable political access of sub-state criminal justice planners in a state so highly organized politically is worth noting. They are automatically in touch with elected sheriffs and prosecutors, perhaps also county commissioners. State legislators are attentive to the views of these officials on what state-level action is locally preferable.

### The Legislature

The Michigan legislature, which continues to be Democratic, seems to be progressively claiming a greater share of authority vis-a-vis the Governor, who continues to be Republican. In the criminal justice area, at least, none of this is dramatic, and the executive-legislative cooperation in this highly organized state seems consistently reasonable. But the legislature has nevertheless produced its own bills for resolving, e.g., the road patrol and SPA authorization issues, and there are other signs of growing assertiveness. Thus, the Senate Fiscal Agency, part of the legislative staff, has recently led a planning analysis of how best to meet future space requirements for convicted offenders.

While the legislature has the usual committee structure, with staffs having good working relationships with OCJP and other criminal justice agencies, substantive legislation has been known to originate in the appropriations committee and travel through to enactment without involvement in the usual coordination processes.

### Interest Groups

The great political power in Michigan of labor unions seems a universal impression. Automotive manufacturing and transportation industries are prominent in the state's economy, and it is often said that when the UAW, AFL-CIO, and Teamsters ever decide to back the same measure, it inevitably becomes law. But as yet the unions have not been active in the criminal justice field, except perhaps for one public education effort on crime prevention.

A number of law enforcement officers organizations function in Michigan. Associations of sheriffs and of police chiefs are strong and active while the union of sheriff's deputies played a key role in activity leading to the road patrol legislation. Ordinarily, however, such associations concern themselves with not substantive policy matters but rather with the normal sort of pay, pension, and working conditions issues. Several judges associations and the state bar are expected to contribute to both executive and legislative consideration of the financing and organization of courts.

Aside from League of Women Voters activity on juvenile justice, and related activity by an organization of child-serving agencies in the private sector, relatively little other effort by groups to shape policy or legislation has been noted. Several key criminal justice officials remarked the virtual absence of pressures from either legislators or interest groups directly.

Communication through interest group representatives, however, is frequent. The MCCJ has members from the Michigan Municipal League, the Michigan Association of Counties, and the League of Women Voters, among others. Regularly the

OCJP undertakes to keep such organizations currently informed. It occasionally briefs meetings of law enforcement associations. But as a matter of long-standing policy, it does not make grants to such groups for projects.

In Michigan one gets the impression of a generally lower level of interest group activity concerning criminal justice than in most states. Possibly the reason is that few legislative initiatives have been taken recently; possibly it is the other way around.

### The Nature of Criminal Justice Planning in Michigan

In the OCJP, planning is seen as closely linked with resource management, especially budgeting. Two major planning exercises are conducted each year, preparation of the comprehensive plan for submission to LEAA, and preparation of the criminal justice portion of the Governor's budget. Considerable effort is devoted to LEAA grants administration and state financial management. Staff support is furnished to the Commission, largely in the form of data analysis. Proposed legislation submitted by others is reviewed. Little original examination of policy issues was evident.

Some criminal justice officials believe that OCJP follow-through on standards and goals would be fruitful. The criminal justice standards and goals for Michigan were developed in the Commission by a major effort which involved a great many people throughout the state. Although some of what emerged is said to be controversial or not realistic for the early future (the ground rules having encouraged long range thinking), the result is nevertheless widely admired. Much of it should be pursued, in the opinion of many in the criminal justice community with whom this was discussed. They believe OCJP and perhaps the Commission could pursue legislative or other routes toward many of the standards and goals, after sorting out which could be promptly attainable.

OCJP's standing is illuminated by the handling of the road patrol legislation mentioned above. OCJP had opposed the appropriation, saying analysis showed no clear public benefit. The sheriffs' associations, supporting it, therefore urged the legislature not to make OCJP responsible for administering the program. Yet the legislature confidently assigned it to OCJP nevertheless. Moreover, when the acting director of OCJP thereafter met with the sheriffs to explain how OCJP could run the program, the sheriffs not only were fully satisfied but voted a resolution urging the Governor to appoint him as permanent director. Professionalism both in policy debate and in administering the decision was shown, and was recognized.

The concept of planning analysis which the OCJP uses appears to be the classic one of problem-identification and data-based comparative analysis of alternatives. Conscious attention is given to making criteria for comparison explicit and to varying the assumptions. Cost-benefit comparison is heavily stressed.

Elsewhere in the criminal justice community, planning seems to be almost wholly a matter of organizing and coordinating the operational functioning of what is in place. Options are not regularly considered in any systematic way. Sometimes, it is said, planning analysis is done by a criminal justice agency after the decision, as a rationale.

Coordination, however, is emphasized. Agencies and responsible criminal justice officials seem uniformly aware that their policies and actions affect others elsewhere. They seek information from others and provide information to them. Criminal justice agencies routinely advise OCJP of their contacts with legislators. Legislative staffs routinely inform OCJP when they are taking up a criminal justice matter. Corrections planners regularly visit the State Police to get or compare data, and vice versa. Throughout the criminal justice system, people (perhaps excepting some lower court judges) appear to place high value on uniform, compatible data about crime and how the system deals with it. They believe that the general quality of data has been improved from poor to good, but they want to see it made better.

There is visible effort to use data creatively toward better anti-crime work. The Corrections Department, for example, has done original research concerning the characteristics of potential parolees which were associated with subsequent violent crime, and the results were soon to influence policy. One sub-state criminal justice planner doing pioneering work with police data collection was intent on getting more usable cause-and-effect findings from data, so as to improve crime prevention and control.

#### The Institutionalization of Criminal Justice Planning

In Michigan the permanence of system-wide criminal justice planning at the state level seems to be generally taken for granted. At all levels from the Governor's office to county prosecutor the belief is expressed that the OCJP would be continued even without Federal fund support, although on a somewhat reduced scale. State-level criminal justice agencies, apart from the Attorney General's office, have confidence in and appreciation for OCJP's contribution. They would expect to continue their own internal planning and develop it further. While courts planning is of more recent origin than the others, key officials have no doubt that it would continue whether with or without Federal funds, for it is steadily gaining acceptance among judges. The legislature has clearly accepted the idea of criminal justice planning and supports it.

At sub-state levels, the prospects for continuity are less uniformly sure. Away from metropolitan areas, support for criminal justice planning, especially by the crucially important county commissioners, is believed to be light. In and near large cities, however, the prospects for support of criminal justice planning by local funds are good. Individual criminal justice elements there, such as the Detroit police department, have their own planning offices, while others have people who do planning part time. Especially well-rooted is the practice of bringing people from different criminal justice activities together periodically for their mutual benefit. The motivation for this, however, is sometimes the negative one of protecting one's own interests. For local criminal justice planning is still widely perceived as an extension of LEAA, with log-rolling for grants as a main feature.

The OCJP, however, is perceived as not LEAA but an integral part of Michigan state government.

Persons Interviewed--Michigan

Office of Criminal Justice Programs

William M. Nugent, Acting Administrator (and Deputy Director, Department of Management and Budget)  
Glen L. Bachelder, Deputy Administrator  
Marilyn Hall, Planning Director  
Richard Liles, Regional Coordinator

Executive Branch Officials

Gerald H. Miller, Director, Department of Management and Budget  
Kenneth P. Frankland, Legal Counsel to the Governor  
Ernest C. Browne, Jr., Chairman, Michigan Commission on Criminal Justice  
Col. Gerald Hough, Director of Michigan State Police  
Perry Johnson, Director of Michigan Department of Corrections  
Stanley Steinborne, Associate Attorney General

Legislative Staff

Bruce Timmons, Counsel, House Judiciary Committee  
Gregory Owen, Analyst, Senate Fiscal Agency  
Carl Schweitzer, Analyst, Senate Fiscal Agency

Judicial Officials

Judge Robert J. Danhof, Court of Appeals  
Einar Bohlin, Court Administrator, Michigan Supreme Court  
William F. Delhey, Prosecuting Attorney, Washtenaw County  
Myzell Sowell, Chief Defender, Legal Aid and Defender Association

Sub-State Planners

Eugene S. Baldwin, Director, Genesee County CJCC  
Lt. Ronald Stephens, CO Special Projects Section, Detroit Police Department

Others

Kenneth L. Preadmore, Sheriff, Ingham County  
Thomas Anton, Professor, University of Michigan  
Don LeDuc, former Administrator, Office of Criminal Justice Programs  
Ilene Tomber, past-President, League of Women Voters

## Criminal Justice Planning in Minnesota

### Introduction

Criminal justice planning in Minnesota remains closely identified with the LEAA grant program and continues to be dependent upon the Federal program for much of its vitality. The SPA (here the Crime Control Planning Board) can best be characterized as an agency without a constituency, except at the national level. The research and evaluation units are considered among the best in the nation, having provided reports which are superior technically and considered to have national significance. Yet, with a few exceptions, the SPA lacks well established ties to State level criminal justice agencies, the Governor's office, and the State legislature, and has only recently begun to "make peace" with the regional criminal justice planning units.

Since the summer of 1977, the new SPA leadership has made substantial efforts to establish such ties when those existing were disrupted by the departure of the previous executive director. In actual fact, the principal ties had been with the Governor's office and were of a close, personal and political basis between the SPA executive director and the Governor. When both departed, the key executive link was broken. Links with other executive agencies had been tenuous at best, sometimes exacerbated by substantial differences between the SPA leadership and senior officials in the agencies. Minnesota provides a graphic demonstration of the impact of and the transitory nature of top level political linkages in state government when key personnel change.

Minnesota provides criminal justice planning with a number of challenges. First, except for the court system, criminal justice functions are widely scattered at the state level and have greatly varying characteristics at the regional level because of the population distribution within the state. Of the nearly four million inhabitants in Minnesota roughly half live in the Twin Cities area, giving it a typical urban flavor, while the remainder of the population is scattered among the state's 87 counties and 854 municipalities--82 percent of the former having 2,500 or fewer residents.

The basic function at the state level in terms of expenditures is corrections (which represents over 50 percent of the criminal justice expenditures by the state).<sup>1</sup> Law enforcement is principally a local function centering in the sheriff's departments of the respective counties or municipal police forces. At the state level law enforcement is represented by the Highway Patrol (which is responsible for enforcing traffic laws on the highways and providing assistance to local police or sheriffs), and the Bureau of Criminal Apprehension which provides state-wide investigative services, laboratory

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<sup>1</sup>57 percent in 1976 according to the Expenditure and Employment Data for the Criminal Justice System, 1976, U.S. Department of Justice SD-EE No. 11, Table 6, pp. 30-37.

services, and other assistance on request to local government or in special investigations ordered by the Governor. Both of these are located within the Department of Public Safety. Corrections is the responsibility of the Department of Corrections which has jurisdiction over adult, juvenile, probation and parole functions although counties and municipalities maintain jails for temporary holding and for sentences of one year or less. Localities also have individually, or in conjunction with other localities, juvenile detention centers. The court system in Minnesota has yet to be unified, although there has been considerable planning and legislative preparation for such a move. The State Supreme Court is a court of final appeals, with District Courts being the courts of general jurisdiction and County or Municipal Courts being courts of limited and special jurisdiction.

The dispersion of criminal justice functions, the semi-rural nature of most of the state, combined with the highly urban Twin Cities, all contribute to the need for some coordination device in the criminal justice area. To a limited extent, this has been provided within the Minneapolis/Hennepin County and the St. Paul/Ramsey County areas by the respective Criminal Justice Coordinating Councils which have established effective operating linkages with their local criminal justice agencies. Unlike the SPA, these two CJCCs might survive the end of the LEAA program since their respective functions appear to have been well enough rooted to continue without substantial Federal funding. Given the general lack of constituency at this point in time, and barring a dramatic improvement in the institutional linkages, the SPA probably could not survive the demise of the LEAA program.

#### The SPA

The Minnesota SPA was established in 1969 as a Governor's Commission on Crime Prevention and Control, reporting directly to the Governor. At that time, it was located, for housekeeping purposes, in the State Planning Agency (not to be confused with the LEAA-SPA). In 1971, because of the heavy accounting and financial management requirements of the LEAA program, as well as administrative irritations, the Commission moved from the State Planning Agency to become independent in both organizational and administrative terms. In 1977, the State legislature partially revamped the Governor's Commission on Crime Prevention and Control and gave it a legislative basis. The new legislation called for a Crime Control Planning Board to replace the Governor's Commission on Crime Prevention and Control, and designated the chairperson of the CCPB as an executive director of the staff supporting the Board. The new legislation took effect in August 1977, approximately the same time that a new executive director of the SPA staff arrived. Governor Wendell Anderson's resignation (to take Senator Walter Mondale's seat in the Senate), a mild political controversy involving the SPA director and his subsequent departure, legislative interest in recasting the SPA, and the arrival of a new SPA director, all have resulted in no small amount of trauma in the operation of the Minnesota Crime Control Planning Board.

The case study of the Minnesota SPA, as described in the report by the Advisory Commission on Intergovernmental Relations, reflected some friction between the SPA and other elements in the criminal justice community at that



time (1976).<sup>2</sup> The new director of the SPA took charge in the summer of 1977, when the situation appears to have been as follows. The close link between the Governor's office and the SPA through the director no longer existed. There was a new Governor, and a new SPA director, and the previous relationship of a single channel between director and the Governor's office was not replicated or supported at the professional staff level. The legislature, though not demonstrating any serious continuing interest in the criminal justice planning activities as such, had provided a legislative basis for the SPA through a reconstituted Crime Control Planning Board. The Board had a charter to develop a "coherent state-wide comprehensive plan." The charter made special provisions for legislative review of the final state-wide plan prior to its adoption by the Crime Control Planning Board. Relations with local or regional criminal justice planners was neutral or antagonistic, partly because of differences over resource allocations for planning/administrative functions, and partly because of the policy of the SPA leadership that research and evaluation would remain centralized as a state function servicing both state and local requirements. Linkages with the state level criminal justice components varied considerably, depending upon the staff persons involved. The linkages appeared to be best with the law enforcement components, juvenile justice, and the courts. There was little continuing liaison with the legislature, the planning agency, or the state budget operation (apart from that necessitated by the SPA's own budget).

The shift in leadership and the organizational change also more or less coincided with an increased stringency in the LEAA budget followed closely by a tightening of the fiscal screws by the new Governor. During the past year and a half, the SPA staff's strength has been programmed to drop by nearly 30 percent.

The new director was faced with many challenges, among which were organizing a newly constituted Crime Control Planning Board, making internal organizational and staff adjustments to meet new fiscal constraints, and building a series of positive relationships with sub-state criminal justice planning units and with key general government and criminal justice agencies at the state level. Considerable progress has been made, but more time and effort will be required before these relationships can be considered to be well-established. There still remains a considerable vestige of suspicion among officials outside state government, and even some within, about the SPA. The impression one receives is that because of strong political ties at the very top, the SPA previously was in a position to follow its own path, tending to direct programs or projects rather than to facilitate cooperation and coordination. Whether this in fact was true is no longer important; but a significant number of the agency's officials in the criminal justice system continue to carry that view in spite of the change in leadership. It will take time and the demonstration by the SPA, through its actions, that "things have changed" before important institutional ties can be fully developed.

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<sup>2</sup>Advisory Commission on Intergovernmental Relations, Safe Streets Reconsidered: The Block Grant Experience, 1968-1975, Part B, Case Studies, The Intergovernmental Grant System: An Assessment and Proposed Policies, January 1977, Washington, D.C.

An important management/policy challenge faces the SPA leadership in how best to utilize the capability of its research and evaluation units. These two functions were carefully built up over a period of years and staffed with individuals who are highly trained in research and evaluation methodology. Both units have won for themselves a national reputation in the criminal justice community, but have suffered locally from a reputation of being "aloof and not responsive" to local criminal justice officials. Some of this ill feeling is institutional, stemming from oftentimes considerably different goals and priorities between a state perspective on a particular problem and that of the local officials involved. Another portion may be attributed to the previous leadership of the SPA which concentrated on centralized research and evaluation resources with limited opportunity for local or regional intervention. However, it appears that a good deal of the problem is fundamentally a problem in communications. Leadership of both the research and evaluation units sincerely have tried to bridge the gap with local program and project officials, but they do not always reflect a sensitivity/understanding of the environment or perspectives of operating officials at the local level; this "talking past one another" provides the ground for later misunderstandings and disappointments in research or evaluation products. It is important to note that, combined, the research and evaluation units constitute nearly half of the authorized positions in the SPA. Both of these functions have been financed primarily from LEAA rather than state funds. This leaves both units in some jeopardy should Federal financing be substantially curtailed since neither unit appears to have any significant constituency that would provide them the political support necessary to assure state financing.

Another important challenge has been the SPA leadership's move toward a more inclusive comprehensive criminal justice planning that goes beyond the LEAA grant program per se. Steps have been taken in this direction over the past year and a half by directing the attention of the Board to more inclusive issues. The SPA also is providing the initial leadership and analysis for the review and recommendation of criminal justice legislation. Contacts have been established, at least on an initial basis, with the Governor's office and with key, interested legislators and their supporting staff. This process is relatively new, and not clearly established.

The vast bulk of effort in the planning process is directed to the LEAA program. It would be a mistake to conclude, however, that the planning process is a narrow one. The interrelationship among the components is not coordinated in a manner that is evident. But, the process of identifying needs, in which the research unit has been heavily involved, does lead to a systematic development of action programs to meet well-researched needs. More attention can be given to the adequate inclusion of perspectives by local officials and other criminal justice agencies. Neither the staff nor the Board have been involved in the budget process as it involves other elements of the criminal justice community, except as it relates directly to the LEAA grant program. This avenue of influencing system-wide issues or problems has not been pursued.

In summary, the Minnesota SPA is in the process of making some significant shifts in the way it is organized and functions--both internally and in its relationship to other criminal justice agencies, the legislature, and the Office of the Governor. Those outside the agency perceive these efforts as

positive and much needed--and challenging in a period of restricted resources but increased demands for system performance.

### The Crime Control Planning Board

The Crime Control Planning Board is the new version of the Governor's Commission on Crime Prevention and Control. The new legislation (1977, Chapter 407, Section 1) prescribes an 18-member Board, plus the chairperson, to include 12 citizens of the state appointed by the Governor plus 6 ex-officio (but voting) members to include the Chief Justice of the Minnesota Supreme Court, the Attorney General or his designee, the Commissioner of Public Safety or his designee, the Commissioner of Corrections or his designee, the State Court Administrator, and a District, County or Municipal Court Trial Judge. This new group was constituted and began functioning in September 1977. In addition to serving as the state planning agency to administer the LEAA program, the Board has broad planning and coordinating responsibilities for the improvement of criminal justice functions, encouragement of "interjurisdictional and interdisciplinary actions by affected governmental units," the provision of technical assistance, the development of recommendations to the Governor and the legislature, and the provision for analysis and distribution of criminal justice data.

The Board conducts much of its detailed work through committees or special task forces, with the final review and approval accomplished by the full Board. Continuity of membership in the Board has been provided by four-year overlapping terms, but there was some disruption in continuity of the Governing Board at the time of the change from the previous Governor's Commission to the new Board. Even though ex-officio members of the Board may designate another individual to act on his or her behalf, the general practice has been for either the principal or designee to remain the representative and to attend the Board meetings, so there is not a continual rotation of agency representation among the six ex-officio members.

The Board has, over the past year, begun to deal with some larger interests across the criminal justice system other than the prioritization and approval of applications for LEAA grant funds. There is general consensus that the CCPB is more aware of and interested in system-wide concerns than was the case with the Governor's Crime Control Commission, especially because of the leadership of the SPA executive director (who also chairs the Board). There is a strong tendency for the Board to consider itself as principally the LEAA grant arbitrator and thus spends much of its time involved in the grants process. There is also a tendency for the ex-officio members to act as "representatives" of their respective agencies or functions rather than as corporate members of the group with a larger interest in criminal justice as a total entity. It will take time for the Board to develop initiative as a "leader" for system-wide criminal justice planning, principally under stimulation from the SPA leadership in directing Board attention to cross-cutting issues. However, the intention to do this clearly is evident, and the initial groundwork is being laid.

State-Level Criminal Justice Agencies

As noted earlier the criminal justice agencies in Minnesota are widely scattered. The Department of Public Safety includes both the Minnesota Highway Patrol and the Bureau of Criminal Apprehension, but this Department is really more of a loose holding company with its components nearly as autonomous as before the creation of the Department. The Department of Corrections is more tightly organized, and includes responsibility for both adult and juvenile offenders. Over the past several years, this Department has developed a considerably improved analytical and planning capability. There is not a separately identified planning group within the Department of Corrections; the usual approach is for the establishment of a task force, supported by appropriate staff, which conducts a study and makes recommendations regarding a major issue or problem. The Board of Peace Officers' Standards and Training is responsible for developing and administering standards on the selection, training, and licensing of police officers throughout the state. The Board establishes curriculum standards and facilitates arrangements for police officer training and education in both post secondary educational institutions and police academies. The Board is an independent entity administered by an executive director. The Attorney General functions largely in the appellate area and as counsel to state agencies. Principal relationships with the Attorney General's Office is through his designee on the CCPB. Close working relationship is maintained with the court system through the State Court Administrator and the Chief Justice, principally through their participation on the CCPB but also with the Court Administrator at the staff level. The most productive relationships appear to have been on law enforcement training, particularly with the Peace Officers' Standards and Training Board, since the SPA sponsored an extensive study on peace officers' training which included an in-depth evaluation. This study, in which the POST Board participated, helped considerably in the transition of that function to a more active mode required by recent legislation. In the area of juvenile justice there have been a number of joint efforts, at least partly funded by the SPA, with the Department of Corrections. One official observed that there appears to be a growing interest on the part of criminal justice agencies to more effectively address issues/problems that cut across a variety of agency lines and governmental jurisdictions, but there is not yet a mechanism to take advantage of this, other than on an individual, ad hoc basis. The SPA has not provided the mechanism for broader, multi-agency coordination of concern with criminal justice matters.

The State Planning Agency is responsible for generic planning and the A-95 review process. It works principally as an issue/policy analysis operation for the Governor. The agency does not have government-wide responsibility for planning, program, or budget review, or any other cross-cutting function. Its ties with the CCPB are loose and informal. A representative of the agency participates from time to time on special task forces or committees established by the CCPB--for example, a special committee to consider potential input from the State of Minnesota on the LEAA reauthorization legislation. The relationship with the Budget Office in the Department of Finance centers upon the SPA's budget and is not related to any other element of the criminal justice system, except as part of the LEAA grant program.

## The Courts

In 1974, the state legislature considered legislation which would provide for a unified court system in Minnesota. At that time the Chief Justice had serious doubts about the readiness of the judiciary to accept a unified court system. Deferring to the judgment of the Chief Justice, the legislature established a Select Committee on State Judiciary which conducted a series of studies on costs, the personnel management system, etc., that involved the necessary planning and preparation for a unified court system. Much of this effort was supported by a grant from the CCPB. The Judicial Planning Committee was established following the 1976 amendments to the Omnibus Crime Control Act, and the initial staffing for that effort came from members of the SPA staff that had been responsible for courts projects under the Governor's Crime Commission.

Most of the projects within the courts, that have been funded by the SPA, have been continued by state funding upon completion of the grant period. The Judicial Planning Committee reviews judicial project proposals for LEAA funding and makes its recommendations known to the CCPB. There is a strong tendency for the JPC to take the position that it should be the arbitrator and final judge on court-oriented project proposals. The Chief Justice has supervisory responsibility over the trial courts. The State Court Administrator acts as surrogate on behalf of the Chief Justice, for general court administration. Therefore, the planning function and the JPC fall within his ambit of responsibility. Since the establishment of the JPC in Minnesota, there is a pronounced tendency for the courts portion of the system to identify itself in a separate fashion rather than as part of a larger "whole."

## Sub-State Criminal Justice Planning

Sub-state criminal justice planning in Minnesota has three distinct components: (1) eight regional planning units outside the Twin Cities metropolitan area which are based upon regional development areas; (2) two local metropolitan Criminal Justice Coordinating Councils (Hennepin County and St. Paul/Ramsey County); and (3) a "regional" planning unit which overlaps the two metropolitan units by a Criminal Justice Advisory Committee under the jurisdiction of the Twin Cities Metropolitan Council. As in other states, annual plans and applications for grants come from a local agency through the regional planning unit (and its committee) to the CCPB. In the case of the Twin Cities metropolitan area, a local jurisdiction in either Hennepin or Ramsey Counties must submit its proposals to that county Criminal Justice Coordinating Council and from there to the Metropolitan Council before going to the CCPB. There is considerable dissatisfaction among both local officials and the staff or council members in the Hennepin County and the St. Paul/Ramsey County Group about having the Metropolitan Council interposed between it and the SPA. However, the 1977 law establishing the SPA clearly authorizes this arrangement, and the Metropolitan Council serves as the A-95 review body for the metropolitan area. In addition, the Metropolitan Council has specific responsibilities in the areas of health, aging, housing, transportation, and sewers. The Metropolitan Council is a unique public agency in that it has special taxing authority to meet its service responsibilities (such as in transportation and sewers), yet all of its 17 members are appointed by the Governor--not

elected either by the people within the region or by local government bodies such as is usually the case with Councils of Government.

There has been considerable friction between the local/regional criminal justice planning bodies and the SPA. In the first place, local officials believe that the additional review level between them and the SPA merely absorbs time and is not particularly facilitative in the grants process. There is little evidence that, outside the metropolitan area, the criminal justice planning function goes beyond the LEAA grant process. Funds are limited, the "regions" for criminal justice planning are not natural entities in terms of community interest, and the regions have no common political leadership. In addition, resources are short and this limits the extent of staff available for the function. A major bone of contention for a number of years between the SPA and the RPU's was the centralization of the research and evaluation functions in the SPA. Funds for these functions were retained by the SPA and services provided by the SPA to the RPU's. The complaint was that needs peculiar to the regions were not being met since state-provided research and evaluation efforts tended to reflect state perspectives and priorities rather than those of the region. This criticism has been muted recently with the change in leadership of the SPA.

The two metropolitan CJCCs have moved beyond planning solely for LEAA grant operations and tend to focus upon local needs and issues as determined by their respective political leadership. Each provides planning, analysis, technical assistance, and, in some cases, mandated services to criminal justice agencies within their jurisdiction. For example, the Hennepin County unit provides review comment on the budgets of county criminal justice agencies. Both have been largely integrated into city or county government structure so that a significant reduction in LEAA grant funds (particularly those going to support planning efforts) would not have as severe an impact upon the CJCCs as it would those outside the Twin Cities. The Metropolitan Council's CJAC also has undertaken activities outside of the LEAA program. This is a relatively recent phenomenon, largely due to the leadership of the current chairman of that committee. There is still some criticism at the RPU/local level of the technical assistance supplied by the SPA as not being fully responsive either in the nature of the assistance or the timing of the assistance in terms of what regional/local planners perceive to be their own peculiar needs.

### The Legislature

There has not been a consistent point of either political or professional contact between the SPA and the Minnesota legislature. Interest in any particular criminal justice issue tends to wax and wane with public sentiment and the leadership of the substantive committees in either the House or the Senate. The one continuing point of contact has been with the legislative staff of the House Appropriations Committee. It is responsible for servicing the Legislative Advisory Committee (LAC) which is a special committee consisting of chairmen of the Appropriations and Finance Committees and of the two Tax Committees in the House and Senate and the Governor who meet quarterly between the sessions of the legislature to allocate funds from a contingency fund for "emergency purposes." Because LEAA grants must be made annually, and Minnesota operates on a biennial budget, a considerable number of grants have

to be made by the process of formally obtaining the State matching money through the LAC. For this reason, the staff supporting this committee is generally familiar with the SPA and its programs--however, only from the grant side of the picture and in the context of state matching money for the LEAA grants. There is some staff contact with the Majority Caucus Research Group, principally in the areas of corrections and juvenile justice.

Within the past few years, the most concerted interest has been by a trio of Senators whose interest in criminal justice has earned them their colleagues' sobriquet of "the crime busters." These three tend to take the leadership on general criminal justice concerns and have maintained an informal contact with the SPA. They have received staff support from the Senate research staff, and particularly from a professional staff member who formerly was a member of the SPA staff. It remains to be seen whether or not this avenue develops into a fruitful and "regular" basis for contact, in a program and planning sense, between the SPA and the Minnesota legislature. The legislature itself is not equipped to look system-wide at criminal justice issues on a formal basis since both the staff and committee structures tend to deal only with fragments of the system.

The legislation formally establishing the CCPB in 1977 provided specifically for legislative review of the annual plan. There is no evidence that this is done in any systematic sense by one or more committees of the legislature; no comments have been received by the SPA as a part of this process. A legislative staff member was assigned the responsibility of reviewing the plan but this yielded no comment or action on the part of the legislators. Legislative staff have suggested that CCPB reports and plans should be written with an eye to meeting the needs of staff and legislators for succinct findings and recommendations which can be more easily digested in the hurly-burly of the legislative process.

### Interest Groups

There is a concerted attempt on the part of SPA staff to maintain liaison with key professional groups and interest groups that have a stake in the criminal justice system. Such groups as the Minnesota Criminal Justice Planners' Association, the Police Officers' Association, Minnesota Corrections Association, the Minnesota Sheriffs' Association, the Citizen's League, the Minnesota League of Cities, etc., work with the SPA staff on an ad hoc basis, depending upon their particular interest and involvement in specific programs or issues. Rarely is there a continuing liaison. There does not appear to have been any significant attempts by one or more interest groups to make special efforts to influence SPA activities or planning, nor has there been evidence of the SPA "orchestrating" one or more interest/professional groups in a particular activity.

### The Nature of Criminal Justice Planning in Minnesota

Criminal justice planning in Minnesota, with some exceptions, is largely tied to the LEAA grant program and processes. Serious attempts were made from the very outset of the program in Minnesota to identify real needs, to prioritize these, and to proceed in an orderly manner for their study and solution.

For example, in 1969, as the program was just being geared up, a meeting of principal law enforcement officials was convened by the SPA to review their respective needs. Preparatory to the meeting a preliminary outline of the kinds of programs that might possibly be funded in the first year had been circulated for review among both state and local law enforcement officials. The group convened and agreed that communications was their collective first priority which needed to be addressed. Starting from this point, a state-wide study of radio communications was undertaken which lead to a \$7 million upgrading program under the guidance of a committee of law enforcement officials. This process has become more sophisticated as research and evaluation capability improved and as pertinent data is collected on a more regular basis. Studies of a major problem such as court reorganization or juvenile justice may be undertaken jointly with the agency having principal operating responsibility or independently by the SPA. Such studies frequently lead to action programs involving both LEAA grants and other funding sources. The SPA, through its Statistical Analysis Center, conducts data collection and analysis on a system-wide basis. Yet, the planning process connected with the grant program does not seem to have generated a comprehensive, system-wide review of criminal justice functions and needs which include impacts across the various components and levels of government. For example, what is the impact of the funding made available to the different criminal justice components in terms of how it affects common concerns in any given issue or cluster of issues?

There has been some concerted movement in this direction at the local level. For example, the Hennepin County Criminal Justice Coordinating Council has the responsibility for reviewing all criminal justice system budgets prior to final review by the County Budget Office. In the Metropolitan Council, the chairman of the CJAC has instituted a "criminal justice impact statement" to accompany large LEAA grants. Those are reviewed to understand what their impact might be, system-wide, on other elements within the responsibility of the Metropolitan Council.

The CCPB has, within the past year, instituted a process by which to develop and propose legislation in the criminal justice area. This is to be based upon consultation with interested agencies, legislators, advisory groups, and supported by SPA research.

#### Institutionalization of Criminal Justice Planning

In terms of constituency support and well-developed linkages to operating criminal justice agencies, criminal justice planning seems to be most deeply rooted in the local planning units of Hennepin County and St. Paul/Ramsey County. In both instances, the planning group focuses upon local priorities and concerns whether or not they fall within the general span of attention for the LEAA grant program. Both are integrated into local government and support the ongoing functions of general government. In response to a question about whether or not criminal justice planning deserves the kind of staff resources it receives in contrast to other functions within local government, the Mayor of St. Paul replied that criminal justice planning at the local level is a necessity because of the extreme sensitivity of the criminal justice system, its high state of fragmentation, and the fact that it plays a central role of great importance to local government in the United States.



He noted that few other areas of local concern are as complex and therefore require the same kind of planning and analysis resources as does criminal justice.

If one were to judge "institutionalization" on the basis of the percentage of grant programs which were continued under local or state funding, following the conclusion of Federal participation, Minnesota's 75 percent of continuation suggests a well-institutionalized program. It does reflect a well-developed grant system. Criminal justice planning in Minnesota is so closely identified with the LEAA grant program that a considerable reduction in the grant program or Federal planning funds could cause the demise of the SPA and most of the regional planning units as well. Planning continues to emphasize the grant program, and the linkages with the key elements of the criminal justice community and, more particularly, with the key agencies of general government, are weak though improving. Commendable progress has been made over the past year and a half and continues. Consolidation of state criminal justice activities could improve the outlook considerably. Old linkages need to be reestablished, and new links need to be built. The SPA needs to cultivate a modus operandi as a facilitator, a means of coordination and cooperation toward common goals--a vital resource to the general functioning of government in Minnesota.

Persons Interviewed--Minnesota

Crime Control Planning Board

Jacqueline Reis, Executive Director  
Rosemary Ahmann, Board Member and County Commissioner, Olmsted County  
Steve Coleman, Research  
Larry Grant, Assistant Director  
Ann Jaede, Juvenile Justice  
Ed Mattson, Law Enforcement  
Mike McMann, Director of Evaluation  
Tom Reed, Corrections  
Cindy Turnure, Director of Research  
Jeff Zlonis, Policy Coordinator

Local Officials

Kathryn Ackland, Executive Director, St. Paul/Ramsey County CJCC  
John O'Sullivan, Executive Director, Hennepin County CJCC  
Kevin Burke, Chairman, Metro Council, Criminal Justice Advisory Commission  
George Latimer, Mayor of St. Paul  
R. W. Schaller, Chief of Police, Maplewood, Minnesota

State Government Officials

Jerry Heil, State Planning Agency  
Betsy Buckley, Deputy Commissioner, Department of Corrections (also a Board member)  
John Kingrey, Special Assistant to the Governor  
Ted Spiess, Department of Finance  
  
Laurence Harmon, State Court Administrator (also a Board member)  
Mark K. Shields, Executive Director, Peace Officers' Standards and Training Board  
Paul Tschida, Superintendent, Bureau of Criminal Apprehension  
  
William Bloyer, Senate Research Staff  
Connie Nelson, House Majority Caucus Research Group  
Joe Reed, Legislative Staff, House Appropriations Committee

## Criminal Justice Planning in New Mexico

### Introduction

The New Mexico experience with criminal justice planning is dominated by reorganization. After the SPA made a major contribution and the Governor boldly supported it, the legislature enacted a tight consolidation of state-level criminal justice agencies. It took effect in April 1978. The SPA consequently now does the planning, budgeting, and personnel management for most of the system and reports directly to the Secretary of Criminal Justice, who exercises policy supervision over the operating agencies. Much new legislation is being produced, and there is now a palpable sense of motion in New Mexico criminal justice.

A new Governor begins his own constitutionally limited single four-year term in early 1979, however, and it remains to be seen whether the new organization will remain intact. Apparently it has gained good standing with the legislature, but pressures have been building to move the politically strong State Police back to independent status. This possible move, plus personnel changes, could yield back much of the ground gained for system-wide planning and coordination.

Distinctive features of the New Mexico political environment may bear upon the outcome. While Albuquerque contains about half the state's people, the rest of the state is by no means uniform and rural. Other cities and towns vary in size, in ethnic mix--Hispanic and Indian components are strong--and in attitudes about government, law, and home rule. Population change varies greatly, too, with some small localities experiencing energy-related influxes, with high crime incidence simultaneous with soaring demands for other municipal expenditure. While the financial impact on these localities is extraordinary, all local governments are now suffering a resource squeeze. Locally funded criminal justice innovations and continuations have been slowed, and some cuts in police strength have been made. However, apart from police, the bulk of criminal justice expenditures are paid for at the state level, ranging from 68 percent of judicial costs to nearly 100 percent of costs for public defense.<sup>1</sup>

### The SPA

The director of the SPA is the head of the Administrative Services Division of the Department of Criminal Justice (whose other Divisions are State Police, Corrections, and Criminal Justice Support). Under him are four Bureaus: Planning and Evaluation, Financial Management, Personnel Management, and Management Services. Following a concept of tight centralization, these bureaus are to provide full services in their respective areas for the operating divisions.

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<sup>1</sup>Expenditure and Employment Data for the Criminal Justice System, 1976, U.S. Dept. of Justice, SD-EE No. 11, Table 6, pp. 30-37.

As an interim aid to transition, some of the functions have been temporarily left where they were (e.g., some personnel functions at State Police headquarters, some administration at correctional institutions). But the planning has been consolidated. The planners from State Police have been incorporated into the SPA, although they prepare plans for decision by the State Police leadership as well as contributing to other staff work for decision at Criminal Justice Department level.

With the new organization effective only in April 1978, it is too soon to be sure how this will work out. The State Police leadership did not want and apparently still do not want to lose independent status, reporting to the Governor. The decision against them in the legislature was very close. Since then, there has been further activity aimed at reversing that decision in a subsequent legislature. Meanwhile, there are apparently some differences of view as to the desirable extent and nature of planning for the State Police. Some of the planning done has broken new ground, and some decisions formerly made within the State Police organization are now made above that level.

The SPA planners seem intent to serve the operating divisions, to work for them instead of over them. During the early months of the transition, they say, there have been too many new departmental matters to permit full service to the divisions. But during 1979 they expect to show Corrections, State Police, and Criminal Justice Support many ways that centralized planning can give them valuable help. They are confident that they can show a range of benefits through actual results in policy analysis, program planning, and grantsmanship. Being solidly established now in planning across the whole range of state-funded as well as LEAA-funded activity will, they believe, do much to ensure that.

Two related themes now prominent in the SPA's planning are an operational focus and an emphasis upon feasibility. Grants administration and preparing comprehensive plans for LEAA continue to absorb much effort. But the primary planning for the past several years has been on preparing for a sound, practical reorganization, and the present concentration is upon making it work and yield positive results.

The nature of the reorganization was influenced by an instance of criminal justice planning. When the Governor assigned his initial SPA director to the temporary headship of the state corrections system, the latter promptly asked the SPA to produce a "master plan" for corrections which the legislature had called for. The resulting plan, dealing not only with current realities and short-term needs but long-run needs as well, was very well received. Several pieces of legislation based on it were proposed by the Governor and enacted by the legislature. As these passed through executive and legislative processes, the data and analyses in the corrections master plan were found to meet the requirements of both. As a consequence, the standing of criminal justice planning prospered, and the idea crystallized that as part of the Governor's overall reorganization of state government, the SPA, Corrections, and State Police should be combined into one Criminal Justice Department.

Legislation would be needed, and the SPA was prominent in preparing it. The SPA undertook fact-gathering and consultation aimed toward developing consensus in the criminal justice community and beyond. This was helped by previous SPA activity in developing state criminal justice standards and goals, when

meetings held throughout the state had elicited widespread involvement. Then, in drafting legislation and supporting it before the legislature, both planners and decisionmakers concentrated upon creating a new organization that would produce results.

But that did not make them timid. The organization they proposed, which was enacted, boldly centralized into the SPA the planners and the planning functions of the hitherto independent Corrections and State Police. Similarly, it centralized such key control functions as budgeting, property control, and personnel. One may wonder if on some future date the innovators may conclude that to reach so far precipitated more opposition than it was worth. But in 1978 it powerfully established central control in the hands of the Secretary and his immediate staff.

Some practical considerations of management argued for a few activities to be left temporarily in place, as exceptions. But these exceptions were made in the implementation planning, not the law. The law gave sweeping authority to the new Secretary of Criminal Justice. In the early phases of execution, however, he has chosen not to exercise all of them fully. Instead, planners and decisionmakers looked diligently at not only costs and benefits but also consequences and side-effects, as they examined alternative ways to carry out reorganization. The implementation planning for criminal justice was commonly perceived as the most thorough and workable among the newly created umbrella departments.

Of potentially high significance for future trends in New Mexico criminal justice planning is the turn-over of top people. In the context of Governor Apodaca's own drive toward broad reorganization, three individuals had dominant impact, observers agree, on the criminal justice outcome. These three apparently shared an identical view of the importance of organized, data-based, future-oriented analysis and decision-preparing for the whole criminal justice system. If usual patterns are followed, none will participate in the new Administration. All speak with admiration for the soundness of the career officials who are staying on. But the new appointed leadership might be less convinced about the planning approach and might, consistent with whatever the new Governor's policies may be, turn the thrust in some other direction.

### The Council

The Criminal Justice Coordinating Council is the gubernatorially appointed board associated with the SPA. Under the new organization it has become an advisory group linked into government at the level of the SPA director. The actual change may be slight, for in recent years the Council has tended to express itself about priority objectives and allow the SPA elbow room to pursue them. From the Council's leadership, however, has come much of the impetus toward present organization and the SPA's involvement with state programs rather than merely the activity funded by LEAA. The Council was reduced to about 15 people in 1975, but during the standards and goals exercise it engaged 125 people on five committees and consulted extensively throughout the state. The results drew national recognition. Many new ideas have come from the Council. While not at all reluctant to challenge the SPA staff, the Council has been warmly supportive and played a key role toward consolidating Corrections and State Police along with the SPA into the new Criminal Justice Department.

State Criminal Justice Agencies

Except for the courts and the Attorney General's office, the criminal justice agencies at state level are within or administratively attached to the Criminal Justice Department. The category of administrative attachment applies to the Juvenile and the Adult Parole Boards, the Organized Crime Commission, and the Public Defender, permitting virtually automatic coordination of their autonomous activities and easy exchange of information, as well as economical administrative support. The Attorney General is elected, and the state constitution inclines his office toward a degree of central coordination of legal activity throughout state government. Since this may not always mesh smoothly with the Governor's executive direction, tension may arise between Attorney General and Governor. Certainly it has existed during the past four years, and that may have retarded the development of a closer relationship of the Attorney General's office with criminal justice planning.

Noted above was the State Police leadership's wish to move back out of the Criminal Justice Department. For a variety of historical reasons, the State Police are evidently the most potent single influence group in New Mexico criminal justice, so legislative consideration of such a move could prove serious. Some of the less senior officers in the State Police are said, however, to prefer the new policies and direction emanating from the Criminal Justice Department in its early months. Moreover, some sentiment is anticipated among legislators to let the new organization, so laboriously agreed to, have time to demonstrate its actual merits and demerits. The consequences for criminal justice planning are apt to be substantial, one way or the other. The new organization was a major step forward for planning. It centralized in one Secretary the responsibility for coordinating the operations and controlling the planning for most criminal justice activity at state level. To extract the State Police from this Department would diffuse the present automatic coordination.

Timing is a major factor affecting both planning and criminal justice organization in New Mexico. There are two conflicting aspects. First, the Governor has a single, four-year term, with self-succession constitutionally barred. Second, it takes time for results to appear which can be confidently attributed to organizational and policy change. Yet it also took time for the Administration to analyze and develop its organizational preference, to negotiate that through the legislative process, and then to prepare detailed implementation plans. Consequently, the new organization began to function only in April 1978. It is doubtful that many top officials of either the legislative branch or the new Administration can feel, by early 1979, that visible results convincingly demonstrate whether the new organization is the right way to go, or not. Had the new organization been in place for, say, two full years, a better basis for such a judgment would exist.

No doubt the new Secretary had in mind these timing problems, which appear to be reflected in departmental emphasis upon operational and short-term planning, to post some results early. He and his staff evidently became increasingly involved in operational performance, especially when exigent circumstances seemed to call for new departures. While they tried still to apply the planning approach involving data, analysis, alternatives, and consequences, they had to deal with short-term matters, including some crises. The concentration was therefore on practical feasibility, seeking early results for their demonstration as well as substantive value.

These operational responsibilities for Corrections and State Police, plus coordinating responsibility for administratively attached elements, totally excluded any possibility that the Criminal Justice Department or its planning element would be concerned mainly with LEAA-funded activity. They plan across the range of the Secretary's responsibilities, so their concerns are mostly for state funds and state legislation. Courts planning is done elsewhere, but its coordination with the rest of the criminal justice system needs to be ensured. District Attorneys are individually elected and funded by counties, but the Criminal Justice Department seeks to provide services for them, including training, and to catalyze some coordination. Even without any LEAA support, the Criminal Justice Department would continue to do criminal justice planning and coordination, everyone is sure. Losing that support would reduce its extent, however.

### The Courts

In New Mexico the court system has been unified for a decade. Except for buildings, which counties provide, costs are met by the state. The system includes an administrative officer of the courts and a judicial planning committee. Contact with the Criminal Justice Department is close and continuous. It is partly motivated by the courts' perception of better prospects for successful outcomes in the legislature when executive and judicial branches have shared their understandings and ideas. The courts are apprehensive these days, believing that legislative attitudes toward them are often skeptical and that legislation affecting them is sometimes passed without recognition of its financial and administrative impact.

Courts planning is still in developmental stages but appears to be progressing. The various District Courts have different ways of filing cases, for example, and in the course of seeking to systematize this, courts planners have consulted with district attorneys. The Judicial Council is expected to support the creation of a state-funded administrative office for DAs, which the DAs have been urging. Courts data systems, which as in other states are the source of some frustration for the SPA, are being worked on with a view to standardization and rational data management. As yet the courts, anxious to maintain judicial independence, have not undertaken to consult with the Criminal Justice Department concerning the budget, and indeed have been described as barely willing to let the state budgeting agency see it. Yet the courts budget is seen by the judicial planners as their principal planning instrument. Their approach to planning is an incremental one, stressing feedback and practicality, for they regard massive master plans as neither realistic nor valuable.

The principle of judicial independence is a strong theme in New Mexico. Judges seem quite prepared to conform to the legislature's will about determinate sentencing, but to couple that with mandatory sentences for certain offenses strikes at least some of them as usurpation of the judicial function. There is clear unrest about the emphasis upon criminal justice, too, for the judges believe the Federal legislature and executive are wrongly forcing them away from adequate attention to their chief function, civil justice.

### Sub-State Planning

New Mexico has five multi-county regional planning units plus a Metropolitan Criminal Justice Coordinating Council (MCJCC) for Albuquerque and the surrounding Bernalillo County. The levels of academic training and practical experience among planners seem reasonably high, and despite uncertainties and fund cuts, the personnel turnover is not great. While they seem well-grounded in the principles of policy analysis, they have few occasions to do formal planning but instead apply those principles in a coordinating role. Grants management occupies some of their time, but despite being perceived by the criminal justice community as being "LEAA," the bulk of their effort goes toward non-federally funded activity. Through arranging technical assistance, searching out side-effects and options, and encouraging a system-wide view, they aid their clientele toward obtaining greater efficiency and effectiveness from the resources at hand. The sub-state planners do indeed see it as part of their role to detect opportunity for operating elements to mesh their respective efforts more smoothly. But they are convinced that prudence is essential in dealing with those autonomous elements; to catalyze needed changes by bringing the responsible people together is their usual technique. These interdisciplinary and occasionally intradisciplinary meetings which the planners sponsor, and perhaps even more the follow-up contacts which occur, have evidently broadened the horizons of understanding of local criminal justice officials. They have led to such progressive steps as the codifying and systematizing of Indian law in some pueblos, and a joint county-city jail in Albuquerque.

Local officials, both general government and criminal justice, seem quite favorably disposed toward such services and the criminal justice planners. The MCJCC already draws about 30 percent of its funding from county and city, and consideration is being given to absorbing its staff within the county government. The County Commission and City Council do not yet consult MCJCC routinely on all significant criminal justice matters, but the trend appears to be toward that. Away from the metropolitan area there is not yet a general perception that sub-state criminal justice will yield better service for a given public expenditure. The resource crunch on local governments, especially where population growth is irregular, is serious and has led to some lay-offs in law enforcement. Turf sensitivities are therefore sometimes acute, and this is one reason why the criminal justice planners emphasize providing service.

Tensions exist between state and sub-state criminal justice planning organizations. As one participant said, "They look on us as an obstacle, I'm afraid, and certainly we see them as an obstacle." Reorganization has not yet helped this. The transition disrupted communication somewhat, and the Criminal Justice Department is now emphasizing that the sub-state planners are state employees under SPA control. This has produced some chafing by at least one local "supervisory" board, which regards local planners as responsible to them, not the SPA. The sub-state planners felt they should have been used more fully on several occasions when state levels sought public involvement and input. On all sides there seems to be effort to make the relationship work smoothly, but at the moment it does look a little tenser than the usually tense central-field relationship.



## The Legislature

Legislators in New Mexico generally are thought to have a skeptical, even negative attitude toward government planning. They are said to believe that the state general planning office has produced little of value, and that planning is an expensive bureaucratic waste. Yet when they saw the fruits of corrections master planning, the legislators were very gratified. Since then, the legislature has called upon the Criminal Justice Department and its SPA more and more often for data, analyses, and ideas. These planning products have drawn a very positive response from the legislature, as have the Criminal Justice Department's recommendations for legislation. Indeed, a remarkable 80 percent of its legislative proposals have been enacted.

It may be that legislators dislike the abstract notion of "planning," but clearly they like fact-based comparison of available options, and systematic consideration of how to get something done. The executive branch shows no inclination to insist that what yields the well-received products is actually planning.

Meanwhile, the legislature does not view the SPA as an LEAA surrogate, or simply a conduit for federal funds. Instead they see the criminal justice planners--which category includes, for important matters, the Criminal Justice Secretary--as a legitimate operating part of state government. They see them as the prime source for information and analysis about criminal justice activity throughout the state, and the Administration's authoritative voice on criminal justice matters. The Criminal Justice Department originates or staffs legislative proposals and has extensive contact with members and staffs of the legislature.

The legislature is said to be taking a very down-to-earth, practical approach to two important criminal justice areas. The first is courts data, which the legislature feels need to be made both accurate and also compatible with other data used in the criminal justice system. Here the legislature expects not the SPA but the Department of Finance and Administration to lead the executive branch effort to elicit good data from the courts. The rationale is that as the state budget agency, that department deals with the courts budget, and no lesser leverage could be as effective. The second is Criminal Justice Department organization. Here the sentiment in the legislature is predicted to favor allowing the new Department to operate without change for at least a year or more, so that actual results may show whether the consolidation should continue or not.

## Interest Groups

Few interest groups are active in the criminal justice area, and their involvement in substantive policy is not often a major factor. A number of law enforcement groups do pursue matters of pay, pensions, and the like. A number of State Police officers are evidently making full use of that organization's high standing in an effort to regain its former autonomy directly under the Governor. In the juvenile justice area, several ad hoc groups work regularly with both executive and legislative branches toward better systems and facilities. The state bar association is described as not especially active in the criminal justice field.

The Criminal Justice Department sees itself as responsible to keep citizen groups informed. It is in frequent and cooperative contact with interest groups, particularly in the juvenile justice and law enforcement areas. Several times it has made use of public hearings around the state to cultivate mutual understanding.

#### The Nature of Criminal Justice Planning in New Mexico

In the administration of Governor Jerry Apodaca, criminal justice planning has been an integral, central part of the executive management process. The planners have been closely involved with the responsible decisionmakers, supporting them and being supported by them. The Governor has looked to his Secretary of Criminal Justice for recommendations based upon data and the analysis of alternatives. The Secretary involved his planners on immediate operational matters as well as on futures planning. The planners, being thus involved in the ongoing stream of criminal justice activity, have been recognized by line criminal justice officials as a key element in management.

Their planning activity has been oriented toward practical results. The emphasis has been on feasibility and workability. Planners have been encouraged to discover and take fully into account the problems and possibilities which political situations present. Consultations with and guidance from the secretarial and gubernatorial levels are quite frequent, which adds realism to the assessment of those problems and possibilities. Planning toward a purpose is stressed. Continuous update and feedback based on evaluation are techniques used to help ensure the practical applicability of plans. The general aim is to make the best use of limited resources, so the planning does emphasize program aspects within the budget process. But planning also concentrates on necessary legislation and on coordination with, for example, the courts and social service agencies.

During 1977 and 1978, when reorganization was being planned and then carried out, the proportion of planning effort devoted to short-run matters was evidently high. Both the appointive leadership and the civil service planners, however, are confident that as the new organization becomes more solidly rooted, the proportions will shift more toward mid-range and longer-range matters. The planning approach, with its consideration of alternatives and their consequences, including side-effects throughout the system, is intended nevertheless to remain very much a part of day-to-day management.

The Criminal Justice Department puts priority on training and other technical assistance to raise performance standards throughout the system. An aspect of this is managed training and development of criminal justice planners.

The SPA has been especially active on what seems to be the principal current criminal justice issue, the handling of juveniles. An earlier planning exercise led to enactment of a state-funded program for upgrading county jails to meet standards for holding juveniles. The SPA realized through this and through its contacts with interest groups and the public that much opportunity and many resources lay outside the bounds of criminal justice. Consequently, the SPA stimulated regular analysis and program development by an interdepartmental committee (including Health and Environment, Human Services, Criminal Justice, and other agencies). Some legislation growing out of this will be

proposed by the Criminal Justice Department in 1979, and the criminal justice planners expect to continue to catalyze further development as well.

### The Institutionalization of Criminal Justice Planning in New Mexico

At the state level, the criminal justice planning approach is solidly embedded in state statutes creating the present organization and others assigning program responsibility to it. In this new Criminal Justice Department organization itself, planning is thoroughly implanted. Even if the new Administration and the legislature were to agree at some point that the organization should be changed, it would be neither easy nor quick to legislate change, let alone execute it. At the very least, throughout 1979, planning will be done in one central, automatically coordinating location for well over two-thirds of the state-level criminal justice activity.

The patterns of extensively involving planners in consideration of criminal justice matters are well developed on both the executive and legislative sides. The planners are centrally involved in budget preparation or review. Some state funds are devoted to criminal justice planning, and the planning is concerned with not just LEAA-supported activity but the full range, however funded.

But there will be an effort to disengage the State Police from the Criminal Justice Department, and if it should succeed, the institutionalizing of criminal justice planning is bound to suffer. There would be some loss in the coordination of State Police activity, including some services for local governments. Moreover, to a few people the separation might carry some implication of rejecting the value of system-wide planning and coordination.

In all likelihood, little criminal justice planning would survive at sub-state levels if LEAA funds were cut off. In Albuquerque, a planning activity probably would be continued on a reduced scale, and periodic gatherings of criminal justice principals as well as some mutual coordination among their staffs would continue. But elsewhere the conviction evidently has not yet come to local government leadership that the benefits of criminal justice planning warrant local funding of it, given the serious money crunch at local government.

### Persons Interviewed--New Mexico

#### Department of Criminal Justice

Charles Becknell, Secretary  
 Michael J. Banks, Director, Administrative Services Division  
 (and Criminal Justice Support Division)  
 John W. Ramming, Administrative Assistant to Secretary  
 Martin Vigil, Director of State Police  
 Richard Lindahl, Chief, Planning and Evaluation Bureau  
 John Patterson, Chief Planner  
 Sheila Cooper, Director, Statistical Analysis Center

Executive Branch Officials

Jerry Apodaca, Governor  
Nick Franklin, Secretary, Energy and Minerals Department  
(Council Chairman)  
Beverly Ortiz, Director, Administrative Services Division,  
Department of Human Services  
John Taylor, Director State Budget Division, Department of  
Finance and Administration

Legislative Staff

Marylyn Budke, Director, Legislative Finance Committee

Judicial Officials

Judge Gene E. Franchini, Division V, Albuquerque  
Edward Baca, Administrative Office of the Courts  
Samuel Larcombe, Administrative Office of the Courts  
Ira Robinson, District Attorney, Second Judicial District,  
Albuquerque  
L. Scott McCarty, Chief Deputy DA, Albuquerque

Sub-State Planners

Richard Serna, Region II Coordinator, Santa Fe  
Arsenio G. Brito, Coordinator, Metropolitan CJCC, Albuquerque  
John A. Herring, Law Enforcement Planner, MCJCC

Others

R. W. Driggers, Undersheriff, Bernalillo County  
Peter Lupsha, Associate Professor, University of New Mexico  
Julia Lopez, former Director of Administrative Services Division,  
Criminal Justice Department  
Ruth White, League of Women Voters

Criminal Justice Planning in North Carolina

Gubernatorial leadership has been a key element in the sharp improvement in criminal justice planning in North Carolina. Momentum has been sustained by continuing follow-through on the part of the Governor, the SPA, and the newly created Department of Crime Control and Public Safety. Providing supplementary support to the Governor's interest in criminal justice have been consolidation of several criminal justice functions in the new department, a unified court system which has been making progress through administrative integration (an Administrative Office of the Courts), and a strong Department of Corrections.

Governor James B. Hunt took office in January 1977 following a campaign in which crime control was a major issue. His transition team put together a proposal for a new Department of Crime Control and Public Safety, incorporating the SPA, State Highway Patrol, the Alcohol Enforcement Agency and several paramilitary agencies. The Governor called for adoption of this legislation in a special message to the legislature. The bill was passed shortly thereafter. The Governor then proceeded to name his long-time friend and political ally, J. Philip Carlton, as the first Secretary of the new department. From this point on, the SPA and its work have prospered--not solely because of political connections and gubernatorial leadership, but also because of strong professional leadership and commitment in the SPA.

Hunt's predecessor, James E. Holshouser, Jr., a Republican, was a "surprise" winner in the 1972 election. Although he was personally interested in criminal justice system improvement, key levers of power and action were denied to him. He came from a weak party organization that lacked depth, faced a heavy Democratic majority in the legislature, and an elected judiciary that was predominantly Democratic. In addition the State Constitution denied him any veto power. The North Carolina Criminal Justice Training and Standards Council, charged with establishing standards for criminal justice officers in the state, and the North Carolina Justice Academy were both placed in the Department of Justice directed by the Attorney General (to preclude Holshouser's control of these functions). Thus, strong interest by a Governor was not sufficient to carry out change.

Governor Hunt has continued his emphasis on criminal justice through a series of 37 public hearings around the state sponsored by the Governor's Crime Commission and chaired by the Secretary of Crime Control and Public Safety. The hearings have revealed a concern for structural changes, e.g., sentencing reform, modernization of corrections facilities and methods, juvenile code revision, and new approaches to violence in the family.

The criminal justice system is largely state financed and operated with the exception of police. The state budget of approximately 186 million dollars annually is roughly divided: 24 percent to police functions, 21 percent to judiciary, and approximately 48 percent to corrections. Local expenditures range slightly above 143 million dollars per year with approximately 78 percent devoted to police functions, 11 percent to judiciary, and 8 percent to corrections. North Carolina has a population of approximately five and a half

million almost equally divided between urban and rural, with 8 standard metropolitan statistical areas, 100 county governments and 454 municipal governments.

The principal state law enforcement functions are embodied in a highway patrol and a State Bureau of Investigation (under the Office of the Attorney General) which provides laboratory and investigative capability at the state level and technical support for local efforts. The police function is largely conducted by local (county) sheriffs or city and municipal police forces.

The state has managed the corrections function since the 1930's when the county jails were brought under the jurisdiction of the state with jail officials being placed on the state payroll. Since that time the corrections function, except for holding prisoners locally during trial, awaiting transportation, or serving short sentences for misdemeanors, has been recognized as a state responsibility. It is centralized in a Department of Corrections which is responsible for all adult offenders, juveniles being under the Division of Youth Development within the Department of Human Resources.

North Carolina has had a unified court system since 1965. The appellate level consists of a seven-member Supreme Court headed by a chief justice and a Court of Appeals of 12 members who sit in panels of three. Members of the Supreme Court and of the Court of Appeals are elected on a partisan ballot for terms of eight years. There are two levels of trial courts: the first is of general jurisdiction termed Superior Court; the second is the District Court which has jurisdiction over misdemeanors and civil cases where the amount in controversy is \$5,000 or less. The state is divided into 33 judicial districts, with Superior Court judges elected from each district for a term of eight years. District Court judges are elected within the district for four-year terms. Each judicial district has a district (prosecuting) attorney, elected for a four-year term; the district attorney is considered an officer of the court and, along with the Supreme Court, the Court of Appeals, Superior Courts, and District Courts, comes under the general administrative jurisdiction of the Administrative Office of the Courts.

The Attorney General heads the Department of Justice in the State and has jurisdiction over the state's Bureau of Investigation, the North Carolina Justice Academy (which is the principal education and training facility for law enforcement and criminal justice in the state), and the North Carolina Criminal Justice Training and Standards Council which is charged with regulating employment, training, remuneration, and retention of law enforcement personnel in the state.

#### The SPA

In North Carolina, criminal justice planning at the state level is principally done by the Attorney General, the Administrative Office of the Courts, the Department of Corrections, and the Department of Crime Control and Public Safety. Clearly the central focal point for criminal justice planning and coordination has been the LEAA sponsored SPA, in this case the Division of Crime Control located within the Department of Crime Control and Public Safety.

The Division of Crime Control became a part of the Department of Crime Control and Public Safety which was created by the legislature, at the Governor's request, in March 1977. The Governor called for the establishment of the Department in a special message to the General Assembly, the first special message on crime ever presented by a Governor to the North Carolina legislature. In addition to the state criminal justice planning function, the Department includes the State Highway Patrol, the Alcohol Law Enforcement Agency, the Civil Air Patrol, the National Guard, and the Office of Civil Preparedness. The first Secretary, J. Philip Carlton, is a long-time personal friend of Governor Hunt and played a prominent role in the Governor's 1976 election. A factor which marks the difference between the previous SPA in North Carolina and the current Division of Crime Control is the relatively close and personal access to the Governor. This has been facilitated by the close relationship of the Secretary to the Governor, and both the Secretary's and the Governor's regard and trust for the SPA Director. This is further enhanced by the Governor's interest in criminal justice matters and the fact that Carlton, Secretary of the Department, has ranked as "first among equals" of those departmental secretaries over whom the Governor has appointment authority. In addition to the usual LEAA grant responsibilities, the SPA functions as the principal policy and planning staff for the Secretary of Crime Control and Public Safety, and through him as the principal planning and coordinating mechanism for criminal justice matters coming before the Governor. He views his new cabinet level Department of Crime Control and Public Safety as the logical place to draw together the vital process of criminal justice planning. In his view, central planning must be conducted by a relatively small staff (the SPA) which looks at broad policy thrusts while the more in-depth, detailed planning for the conduct of programs should be conducted within the responsible departments or agencies which have primary operational responsibility.

The General Assembly Bill which established the new department, also established the Governor's Crime Commission as a body advisory to him and to the Secretary of the Department of Crime Control and Public Safety and as the state's oversight group responsible for the LEAA grant program.<sup>1</sup> The Division of Crime Control acts as the staff support to the Commission in its LEAA responsibility as well as to the broader functions for which the Governor looks to the Crime Commission--principally a coordinating body for change and review of those actions needed to pursue the Governor's interest in the reduction of crime.

#### The Governor's Commission

The 35-member Commission is broadly representative of the court system in the state, county and municipal law enforcement officials, general government, county and local elected officials, state agencies with the responsibility for criminal justice, trial attorneys, and citizens representing public interest groups. The state legislation creating the Commission charged it with the responsibility to develop a comprehensive state-wide plan for improving criminal justice and to be the chief advisory board serving the Governor on matters pertaining to the criminal justice system. Prior to James Hunt's becoming Governor, the Commission spent most of its time dealing with LEAA grants via

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<sup>1</sup>G.S. 143B-337.

the screening and decision process. However, there is considerable agreement that, since mid-1977, the Governor's Crime Commission has moved in a significant way to provide leadership and guidance to criminal justice planning across the various criminal justice components at the state level. Now, although considerable time is still engaged in the review and decision on LEAA supported grant programs, most of this activity is accomplished within committees of the Commission. When meeting as a full body, the Commission more recently has been dealing with criminal justice issues that cut across various agencies and government levels, and even the substantive committees have begun to take up concerns other than that of reviewing and recommending grants. The Commission will review the legislative recommendations that have been placed before the Governor in the field of criminal justice and will comment upon those recommendations to the Governor. In addition, the Commission recently has begun to receive follow-up reports on the activities under the LEAA grants to state agencies and local government, and expects to spend more time on the question of how the grant program is operating in relation to the broad criminal justice needs it perceives.

#### State-Level Criminal Justice Agencies

Among the other executive agencies concerned with criminal justice planning, the Department of Corrections probably stands out as undertaking the most sophisticated efforts to date on criminal justice planning. The Department of Corrections recently has completed the first effort at a ten-year master plan. In organizing this effort, two committees were created: one was a corrections planning committee which is responsible to the Department but is viewed as an adjunct to the Governor's Crime Commission (which has general oversight of the development of the master plan); and a committee of six prominent legislators representing key appropriations and authorizing committees (representing the oversight function on behalf of the legislature). Task forces were formed based on each of the major divisions in the Department of Corrections, with responsibility to develop strategies, analyses, demonstrate potential impacts, and to assure that the delineation of alternatives was carefully linked to budgetary considerations for the next biennial budget. The master planning consisted of five fundamental steps: (1) projection of the size and composition of the corrections population; (2) a series of alternatives on how the Department might deal with this population; (3) a catalog of resources available within the corrections system; (4) shortfalls in the anticipated resources needed; and (5) various alternatives for effective action. Some 200 strategies or major issues were identified and put before the leadership of the Department for consideration. These were then reduced to about 40 for further analysis and determination of priorities. Ultimately, 21 were recommended for action. In this process a matrix was developed which highlighted such factors as facilities, services, and staff compared against policies, legislation, and budget considerations. Throughout this planning process, and in other activities (such as grant review and issue review) the SPA has been tied closely to the Department of Corrections through its corrections specialist.

The other executive agency in which there is a considerable cluster of criminal justice functions is the Office of the Attorney General. With the Attorney General being a constitutional officer, separately elected, that independence must be recognized in the relationship between the SPA and the Attorney General's Office. There appears to be continuous, informal coordination



on issues and programs of mutual interest. It was something of a political anomaly that the North Carolina Justice Academy and the Criminal Justice and Standards Council were established within the aegis of the Attorney General (under his Department of Justice). This occurred during the term of Governor Holshouser, a Republican, by a Democratic legislature that did not wish to have these newly established functions under the control of a political opponent. These two activities, along with the state's Bureau of Investigation, form a law enforcement cluster within the Department of Justice. Most of the leadership's attention is taken up with special prosecution, the legal affairs of the Executive Departments, and legislative concerns. There is no formal or informal planning activity that is conducted on a regular basis within the Department of Justice. The Attorney General's representative is a key member of the Legislative Task Force which has been working on the Governor's criminal justice legislative package for 1979.

The other Executive Department which has a strong hand in the whole planning process is the Department of Administration in which is housed the State Budget Office and the Policy Development Division (formerly designated by the Department of Housing and Urban Development as the planning agency for the state). The classic roles of these two agencies have been somewhat modified and strengthened in the last two years. The Policy Development Division has spun off its A-95 grants review function to the Budget Office where it has been integrated into the general oversight of financial planning in conjunction with the budget process. The Policy Development Division spends less time on generic planning as such and functions more as a policy analysis and policy development/coordination body for the Governor on those issues he considers of greatest importance. As such it has undertaken a number of very broad projects including a series of public hearings across the state on matters of concern generally to the citizens and the development therefrom by the State's Goals and Policy Board of a program proposal for a "Balanced Growth Policy for North Carolina." There is no formal or even informal means for reviewing the criminal justice system budget as a whole--either within the SPA or within the Budget Office. However, the three budget officers responsible for the various parts of the criminal justice system (courts, Attorney General's Office, human resources, corrections, and the Department of Crime Control and Public Safety) do compare notes with their respective counterparts on the SPA staff. They also receive reports on grants in process as well as grants in the implementation stage and evaluation reports.

### The Courts

The key point for liaison and planning in the court's function is with the Administrative Office of the Courts. This office has evolved as a central court administrative operation from a much smaller organization in support of the Supreme Court and is under its jurisdiction. The 1965 unification of the court system aided substantially in pulling together the administration of courts and addressing a number of important operational problems such as better calendar management, improved training of judges, and timeliness in disposing of cases. The Administrative Office of the Courts is now in the process of establishing an information system, on an automated basis, which can provide more timely data on a wider variety of administrative and legal topics. It recently hired an individual whose principal responsibility is courts planning. The rapport between the Administration Officer of the Courts and the SPA is continuous and friendly.

### Sub-State Criminal Justice Planning

The Division of Crime Control maintains a continuing liaison and cooperation with regional criminal justice planners who are located with the regional Councils of Government in the 17 planning regions of the state. There are no independent regional criminal justice planners apart from the regional Council of Governments organizations, since legislation in 1975 made them the sole recipients of funds passed through the SPA under LEAA auspices.

This relationship seems to be cooperative and productive although there does not appear to be a great deal of integration in the planning function apart from that dealing with specific project grants. Criminal justice needs within the grant program are identified at the regional level and forwarded in priority fashion to the SPA for competition with other regions in a combination of local and state priorities. In some respects the "regional plan" may represent something less than a full needs assessment followed by analyses and priority setting. A series of forms is provided to regions whereby planners can "fill in the blanks" to provide the required plan. Planning is difficult at this level because of a short-range time perspective and strong "turf" consciousness which generates a strong proclivity to guard carefully the allocation of grant funds rather than to give much attention to system concerns.

### The Legislature

There is no single place in either the upper or lower house of the North Carolina legislature where criminal justice concerns are focused. Neither is there a consistent point of contact within the staff which provides support to the legislature (approximately 50 individuals provide support staff to the Committees and leadership of the legislature). Contacts between executive staff such as the SPA staff and the legislature are ad hoc and change from issue to issue and time to time. There have been no established pathways of communication between the SPA staff and the staff serving the legislature. This is attributed to the fact that there rarely is a consistent assignment of responsibility for specific topics within the legislative staff and thus the professional point of contact does not remain constant. Another reason seems to be that the political habits of North Carolina are for most contacts between executive agencies and the legislature to be handled through the political officials in a given department or agency (usually the department secretary or agency head) with the key legislators who are most influential on a given issue or topic. (These may or may not be the committee chairmen of the particular subject matter committee.) Therefore, in the process of reviewing potential criminal justice legislation for the 1979 legislation session, the major contact with the legislature will be the Secretary of the Department of Crime Control and Public Safety with the legislative leadership.

An influential member of the Senate and former member of the North Carolina House of Representatives observed that the legislature is interested in, and intends to have, a more important voice in the funding decisions of LEAA projects. The normal process in the past has been for the legislature to appropriate a block of funds (state matching share) for LEAA projects anticipated during a given biennium for allocation by the SPA to state agencies and local governments.

## Interest Groups

The impact of interest groups upon criminal justice planning is sporadic and somewhat muted, with several exceptions. The State Bar Association is especially powerful, having considerable standing with the legislature, the Governor, and the Attorney General. The Bar Association this past year was asked to take the lead in reviewing the problem of sentencing reform and proposing possible legislation. Law enforcement officials, represented by the Sheriffs' Association and the Association of Chiefs of Police have maintained close contact with the SPA and the grant program. Juvenile service organizations have been especially active through the Juvenile Justice Committee of the Governor's Crime Commission. Judges and District Attorneys--both elected on the partisan ballot in North Carolina--carry influence beyond their official position because of party/political ties. Finally, faculty at the University of North Carolina, especially the Institute of Government, have had considerable influence through their studies, research, training, and consulting in criminal justice topics. Typically the University is treated as a neutral source of expert knowledge that is useful and welcomed.

## The Nature of Criminal Justice Planning in North Carolina

Most of what is described as "planning" among criminal justice agencies in North Carolina is relatively short-term preparation for implementing a program or project, or is related directly to the LEAA grant program. There are two clear exceptions: (1) the master plan activity for a ten-year program that is currently under way in the Department of Corrections; and, (2) the coordination of a Governor's Criminal Justice Legislative package under the aegis of the Governor's Crime Commission. Both of these activities are significant, not only because they are quite separate from LEAA mandated activity, but because they both engage most of the elements of the North Carolina criminal justice system in orderly analyses of cross-cutting problems with broad political factors being duly considered. Key program actors are involved so that neither activity is an "ivory tower" exercise, but tied to pragmatic political and financial considerations.

The LEAA mandated planning process should not be sold short. Although much of the earlier planning effort of the SPA was a pro forma compliance exercise, it more recently has come to reflect what probably were the basic intentions of the 1968 Act; that is, a series of systematic activities covering problem identification (or needs), goal-setting and prioritization, followed by grant selection and implementation and, finally, evaluation and feed-back into a reiteration of the process. This is still somewhat idealized as the actual process is more a collection of partially identified needs, trade-offs among priorities that may not be comparable, and a gradual shifting (via trial and error) toward more successful, better justified, and researched projects. Any one year's collection of grant projects is unlikely to be particularly cohesive in design and purpose; but over time they do appear to move the system forward in terms of its capability and the development of desirable interconnections.

This whole process has been upgraded considerably since the beginning of the LEAA program when the bulk of the grants went to law enforcement projects and the "comprehensive plan" was more of a retrospective rationalization of the collection of grants already selected for funding. Now, the regions regularly

submit prioritized needs, updated from previous estimates and plans. The Governor's Crime Commission, through its subcommittees, identifies state-wide problems by functional areas (e.g., juvenile justice, law enforcement, etc.) and sets state level priorities for the LEAA grant program. Although the LEAA program is still the framework around which this exercise takes place, it is viewed by the leadership of the Commission as a means of leverage to induce change and innovation within the criminal justice system, rather than as an end in itself or a mechanism for distributing the Federal largess.

Regional planners tend to view much of this process as paper shuffling in order to obtain the grant money. Several have observed that the priorities of the regions are so different, one from another, as to be relatively useless in the determination of state-wide priorities; and the Commission appears to approach priority-setting more from a general state-wide perspective rather than starting from some amalgamation of regionally-determined needs. Local planning seems most successfully focussed on single project development and implementation, and least successful in integrating across components or levels of government.

The development of a legislative agenda on criminal justice for the 1979 legislative session is an impressive step forward by the SPA. It derives principally from two sources: the Governor's own interests and perceptions of need for legislative change, and the series of 37 public hearings conducted by the Secretary of Crime Control and Public Safety on criminal justice concerns. Although this effort was mounted hurriedly and lacked the time for elegant analyses, it should produce both near term and longer range spin-offs, with further opportunity for substantial analyses and public discussion.

#### The Institutionalization of Criminal Justice Planning

A substantial number of the more than 30 officials interviewed believe that criminal justice planning at the state level in North Carolina already has been institutionalized. They recognize that considerable improvements toward a firmer "rooting" of the process remain to be accomplished, but they contend that the process has irrevocably changed and will remain even if the LEAA grant program dries up. Most concede that a withdrawal of Federal funds would set the program back and probably cause some reduction in SPA staff capability, but they believe that the Commission and the SPA have proved their value and would be strongly supported for state funding by Governor Hunt. However, few, if any, of the regional criminal justice structures would be likely to survive (though most of the staff probably would be absorbed by assignment into other duties by the COG's).

There are several reasons why this prognosis probably is correct. First and foremost is the strong, highly visible, support of Governor Hunt. This is highlighted in a number of ways: (1) his special message to the legislature in 1977 on crime control which called for the creation of the new Department of Crime Control and Public Safety; (2) his appointment of his close personal friend and political ally, Judge Carlton, as first Secretary of the new department (3) his public (and frequent) backing of the Secretary and the SPA director in their various efforts to improve criminal justice planning and coordination; (4) his continued vigorous interest in criminal justice issues (e.g., the 1979 legislative agenda) in North Carolina and nationally as Chairman of the

National Governor's Association Committee on Criminal Justice. Second, the Governor's Crime Commission is broadly representative of the criminal justice community, has potent leadership, and has begun to "find its role" in dealing with broader, cross-cutting issues/problems in criminal justice. Third, the SPA enjoys a friendly organizational location in the Department of Crime Control and Public Safety where it plays a central planning/coordination role with excellent staff, good momentum, and support/access at the secretarial and gubernatorial levels.

There are several areas where the institutionalization could be solidified through some patient nurture. The linkages to the General Assembly are weak, dependent principally upon the Secretary and the Governor. Practical means need to be explored as to how more frequent liaison may be established between professional staff of the SPA and those serving the General Assembly. Concern has been expressed both by the legislators and executive officials about the legislature's resentment at being "locked into" matching grant programs and the desire to have a greater role in these programs (yet having no comprehensive mechanism itself to review criminal justice needs across the whole system). Another area that deserves strengthening is a more systematic, even if informal, participation in the budget review process whereby the SPA can bring a systemic perspective to bear. This is a delicate area, especially since the SPA is a component of a department with claims on the budget, but the staff relationships already exist between the SPA and the Budget Office whereby a more comprehensive activity can be approached. The data systems for comprehensive planning simply do not yet exist in North Carolina although they appear to have a high priority and substantial progress is being made. The staff and agencies responsible for the development of the data systems have a pragmatic view toward installing the kinds of systems which can be maintained without undue cost and which will provide information useful to line managers, although these may not be the type of data systems most sought by LEAA. Finally, both the SPA and the Commission need to underline their fundamental concern with criminal justice planning in contrast to grants administration through allocating more time and staff to the planning function. Both the SPA and the GCC suffer from being almost solely identified throughout the state as surrogates in North Carolina for the LEAA grant mechanism.

#### Persons Interviewed--North Carolina

##### SPA (Division of Crime Control)

Gordon Smith, III, Director  
 Bruce E. Marshburn, Deputy Director  
 Anne Bryan, Director of Planning and Evaluation  
 Gregg C. Stahl, Planning and Evaluation Specialist  
 Debbie Carrington, Courts Specialist  
 Alex Almasy, Corrections Specialist  
 Robert Hinkle, Juvenile Justice Specialist  
 Virginia Neb, CJIS Specialist  
 David Jones, Systems Analysis  
 Don Jones, Law Enforcement Specialist  
 Robert Collins, Juvenile Code Revision

Governor's Crime Commission

Judge Burley B. Mitchell, Jr. (Chairman) (Justice of North Carolina Court of Appeals)  
Barbara W. Sarody (Chairman, Juvenile Justice Committee)  
Director, Youth Care, Inc., Greensboro  
Beth Finch (Law Enforcement Center) (Mayor, Fayetteville, North Carolina)  
Darryl L. Bruestle, Chief, Wilmington Police Department

State Executive Officials

Governor James B. Hunt, Jr.  
Robert Trimble, Deputy Secretary of Corrections  
J. Philip Carlton, Secretary, Department of Crime Control and Public Safety  
Howard Kramer, Deputy Attorney General  
G. G. Williams, Director of Management, Department of Corrections  
Arnold Zogry, Assistant Secretary of Administration  
Susan Adams, State Budget Officer  
Les Stevens, State Budget Officer  
Enoch Holloway, State Budget Officer

Courts

Bert M. Montague, Director, Administrative Office of the Courts

Others

Senator Robert Wynn (Committee on Corrections)  
Richard McMahon, Institute of Government, University of North Carolina  
Ron Lynch, Institute of Government, University of North Carolina  
Perry Powell, Director, North Carolina Justice Academy, Cape Fear, North Carolina  
Phil Lyons, Deputy Director, North Carolina Justice Academy, Cape Fear, North Carolina  
Jerry Ramsey, Criminal Justice Planner, Cape Fear Council of Governments

## Criminal Justice Planning in North Dakota

### Introduction

Criminal justice planning in North Dakota is characterized by pluralism and informality. It is most influenced by the demography of the state, and a modern version of North Dakota's historic "prairie populism" which is manifested in strong local autonomy and a distrust of power in executive functions. In spite of the many influences and structural patterns which could make criminal justice coordination or planning impossible, the function is carried out successfully because of the mutual recognition for such coordination, a general spirit of good will among the participants, and a pragmatic approach by those involved. The same environment that resists centralization and more formal structure nurtures the informal person-to-person approach which permits positive action.

Nearly every state official interviewed attempted to facilitate understanding by observing that "North Dakota is a small state" and emphasizing the importance of informal as contrasted with formal relationships. Therefore, it may be useful to note a few demographic features of the state at the outset. First, North Dakota is not a small state physically; it comprises an area of approximately 71,000 square miles. It is a small state in terms of population, having a total of 620,000 inhabitants distributed among 53 counties and 358 incorporated municipalities (159 of which have fewer than 200 inhabitants). Approximately 56 percent of the population lives on farms or in cities of fewer than 2,500. By these standards, North Dakota is a rural state.

In terms of criminal justice activities, the major focus is upon local government and law enforcement. Of the total expenditures for criminal justice activities (approximately \$18,000,000 per year) the state accounted for approximately 30 percent, the counties 28 percent, and the municipalities 42 percent. The major area of state outlay was for corrections.

The criminal justice functions at the state level are scattered among a variety of agencies. With the exception of the courts, which are to be "unified" in accordance with a recently amended constitutional article, criminal justice functions are decentralized. Dispersion, or decentralization of executive authority is a tradition in North Dakota. No executive officer or agency has very much strength; most of the "power" at the state level rests with the legislature. Although conceptually North Dakota criminal justice functions are "ripe" for reorganization, one senior state official observed that there is a general feeling among the population that pluralization of executive power and authority has been good, it is workable, and there is no reason to change this in the near future. He characterized North Dakota state government as essentially "government of the 1880's," much as it was when originally established (1889).

However, this is not now a serious disability. Because of the rural nature of the state, and the relatively small population, there is personal knowledge and acquaintanceship among the membership of the component criminal

justice communities. For example, the superintendent of the State Highway Patrol acknowledged that he knows most of the chief law enforcement officers in North Dakota. Members of the North Dakota Combined Law Enforcement Council (the governing body of the SPA) attest to the fact that the work of the Council is not highly structured, yet is more or less easily accomplished because "most of the people in the Council know one another and most of the people who play responsible and major roles in criminal justice are closely familiar with one another." The informality is best epitomized, perhaps, by the fact that the Governor does not have an unlisted telephone number, so that he receives calls directly from citizens, at all hours, seeking assistance on some personal problem which they associated with state government--and they receive a courteous audience. It is the same type of informality which facilitates cooperation across lines that may be strongly partisan, and where personal and professional respect, as well as mutual common purpose, supervene traditional or institutional barriers.

This combination of resistance to formal centralization and a pragmatic approach to informal cooperative ventures, can conflict with attempts to impose uniform approaches to a class of problems. For example, LEAA regulations on the treatment of status offenders in jails were considered unworkable in North Dakota, leading to the decision not to participate in this program. The sparsity of the population and the relatively meager facilities which could realistically be provided precluded meeting the regulations. Much the same phenomenon was experienced in the field of record keeping and data processing where the real needs of the state were judged to be considerably simpler than that required under the regulations--again leading to a determination not to participate in the Federal program. (Of course, the main purpose of the regulations at the outset was to provide leverage for perceived needed "innovative" changes in these systems. The less populated, less formally structured states often may find themselves outside zones of reasonable comparison with more urbanized, highly organized states.)

The fact that North Dakota is characterized by a pluralistic and informal system, however, should not be taken to mean that the criminal justice planning function has no roots or is incapable of being institutionalized. Common practice can be as powerful a force, if not more so, than a law in the statute books. The habit of viewing criminal justice problems as part of a larger system of criminal justice is beginning to take hold in North Dakota. It is true that the program, and the attention of the Council, has been focused primarily upon the LEAA grant program and its administration. However, key leaders (such as the Attorney General, the Chief Justice of the Supreme Court, senior law enforcement officials, and others) have strongly endorsed cooperative action in criminal justice planning and continue to bring more resources to bear on the more systematic pursuit of this function. The LEAA grant program has been a driving force (some would say a diverting element) in North Dakota. A number of experienced officials and criminal justice observers believe that a diminution of the grant program would not eliminate criminal justice planning and coordination at the state level.

#### The SPA

The North Dakota SPA (the Combined Law Enforcement Council) actually goes back to the year before the enactment of the Omnibus Crime Control Law, 1967,



when the Law Enforcement Council was established to replace the North Dakota Commission on Peace Officers' Standards and Training. The duties and responsibilities of the LEC included:<sup>1</sup>

- to cooperate with and assist all Federal, state and local law enforcement agencies and officials;
- to make legislative recommendations on matters affecting law enforcement;
- to accept gifts or grants or contracts with persons or organizations, including the Federal Government, on such terms as may be beneficial to the state;
- to recommend jail rules and inspect jails;
- to conduct law enforcement training programs;
- to recommend selection standards for the hiring of police officers;
- to prescribe minimum standards for training prior to carrying a side arm;
- to establish and coordinate the development of a uniform records management system for North Dakota law enforcement agencies.

Following the enactment of the Omnibus Crime Control and Safe Streets Act of 1968 which established LEAA, the LEC legislation was slightly amended, through membership changes in the Council, to make the LEC eligible for LEAA grants. The Council consists of 35 members representing all elements in the criminal justice community. The Council is supported by an executive director and staff of approximately eight professionals, representing finance, training, corrections, police services, courts, juvenile justice, research and evaluation, and planning. Initially, because of its state charter, the LEC showed special interest in jail problems and in law enforcement training. With LEAA's support, the North Dakota Law Enforcement Training Center was established, under the management of the State Highway Patrol. In addition, a regional law enforcement training center managed by the Fargo Police Department was located in the more populated eastern portion of the state. Although there has been a reduction in emphasis upon the construction of facilities during the past several years, the LEC did sponsor the establishment of four Combined Law Enforcement Centers which provide facilities housing such criminal justice functions as police, courts, and corrections agencies on a multi-county basis. The inspection of jails and the establishment of standards for jails continued to receive attention by the SPA under its state charter though it never was given clear enforcement authority to impose the proposed regulations. In spite of this, the inspection program resulted in the closing out of over 150 substandard or archaic jails, so that now there are 44 county jails and 13 city jails.

LEC staff work informally with other state agencies to identify needs and to develop proposals which can pilot-test potential solutions to those needs.

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<sup>1</sup>Chapter 12-61, North Dakota Century Code.

They have worked closely with the Attorney General's Office, the State Police, the State Penitentiary, juvenile authorities, the State Administrative Officer of the Courts, local authorities, and criminal justice associations. In addition, the staff has been responsible for developing draft legislation based on needs identified in working with client groups. In the case of both the legislation and potential grant proposals, the suggested action is placed before one of several committees of the LEC for review and recommendation before going finally to the LEC for decision. Members of the Council acknowledge that the full Council rarely overturns recommendations of one of its committees. Following Council approval, the proposed project will go to LEAA for approval, or in the case of legislation, to the state legislature.

Smooth, if informal, linkages have been established with all of the key elements in the criminal justice system at the state level and with appropriate counterpart organizations (principally law enforcement officials) at the local level. Most of the linkages at the sub-state level are in specialty areas and not between planners as such. There is little general criminal justice planning done at the sub-state level and there is very limited professional staff available to man this function in multi-county planning districts.

#### The Governor's Council

The Combined Law Enforcement Council is a general reflection of the criminal justice system in North Dakota and is considered to represent that "constituency" quite well. It provides general guidance to the relatively small SPA staff. Senior criminal justice officials who are members of the Council, as well as others, agree that the Council has only occasionally "picked away" at system-wide issues or problems, and does not pursue a leadership role for the criminal justice system in North Dakota. However, it does represent much of the criminal justice leadership.

Some observers believe that the influx of LEAA funds in early 1969 tended to focus Council members' attention on grant priorities and grant administration, including the allocation of funds, while leaving the more substantive matters in criminal justice to the attention of the SPA staff.

With the advent of the LEAA, there came an abundance of funds, and, we suggest, lessening concerns with either planning or accountability. There were individual Council members who maintained these concerns, of course, but the minutes of the Council meetings indicate a shift from the discussion of substantive matters to almost total involvement in the distribution of grant funds and concern with meeting Federal requirements to ensure the continuation of those funds. The directives under which the Council was created then became concerns of the Council staff, primarily while the Council members concentrated on the equitable award of grants. Similarly, other improvements in law enforcement and the criminal justice system intended by the programs funded by the Council were essentially removed from the scrutiny of Council members themselves. The reality of a central law enforcement/criminal justice planning organization at the state level seems to have been interrupted by the availability of funds before the specific needs for funds were established. The

major concern of the Council seems to have become equitable distribution rather than planning, with the planning function being passed on to the Council staff.<sup>2</sup>

Much of this description appears valid today. Most of the time of the Council and its committees is taken up with grant consideration and decision. However, one must not lose sight of the fact that these same committees and the Council do update the identification of needs within the state, a general prioritization of areas for funding activity, and review legislative proposals. A number of Council members argue that North Dakota's "needs" really are to achieve minimum standards in the key criminal justice functions such as standard police equipment, fundamental training for peace officers, a uniform system of record keeping for jails, and administrative support to courts. These may not be as "innovative" as envisioned in the LEAA charter legislation; however, they do provide the essential first steps which must be taken before substantial innovation is possible.

#### State-Level Criminal Justice Agencies

Criminal justice functions are dispersed among a number of executive agencies at the state level. The State Highway Patrol, headed by a superintendent appointed directly by the Governor, is an autonomous agency having responsibility for law enforcement on the state highways and for the security of state property and state buildings. The Governor may authorize the Patrol to provide assistance to sheriffs' departments in counties or to municipal police in cities. The State Radio Department which services the State Patrol and other law enforcement officials, is located under the Director of State Institutions. There is some feeling that the State Radio Department should be a function of the State Patrol although it is conceded to have other functions such as civil defense and disaster communications as well.

The responsibility for corrections is located in several places: the State Parole Board has responsibility for parole and probation, while the Director of Institutions has under his jurisdiction the State Penitentiary, the State Farm, and the State Industrial School (the latter two being minimum security institutions). In addition, the Department of Social Services has the State Youth Authority. In practice, the warden of the State Penitentiary also is the general supervisory official for the State Farm. County and local jails are used primarily as holding facilities, or for minor local offenses, but may be used to incarcerate prisoners for up to one year. The penitentiary population in North Dakota is less than 300. These institutions have been relatively peaceful in the recent past so that there is little public consciousness about their operation.

The Attorney General has a cluster of criminal justice functions. In addition to responsibility for acting as counsel to state agencies, providing

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<sup>2</sup>Bob Helten and Michael Beller, "Evaluation and the SPA's: One State's Experience in the Context of the Future without Regional Offices," paper prepared for discussion at the 1977 Annual Meeting of the American Society of Criminology, November 16 at Atlanta, Georgia, page 10.

technical assistance to local prosecutors, or undertaking special investigations at the request of the Governor, the Attorney General has responsibility for a drug enforcement unit, liquor licensing, consumer fraud, and the Bureau of Criminal Investigation. The latter conducts special investigations and provides assistance to local law enforcement officials. (Forensic laboratory assistance is provided localities by the State Laboratory.) The drug enforcement and the consumer fraud units were organized on a pilot basis through LEAA funding. Prosecuting attorneys in North Dakota counties are elected on a non-partisan ballot and are the state prosecutors in criminal cases. Since most of the counties have only part-time prosecutors, the Attorney General has suggested a system of regional prosecution, where the attorneys would be full time. A regional public defender program was sponsored with LEAA funds, but was not continued when the grant funding concluded. The SPA Director currently is pursuing the possibility of State Bar Association funding to test the public defender type program on a contractual basis.

The court system in North Dakota, though not truly unified, will become so in the near future since the passage in 1976 of a Constitutional amendment providing the outline for a unified court system. The court system is under the general jurisdiction of the Chief Justice of the North Dakota Supreme Court, with administrative support to the Supreme Court and court planning coming from the Office of the State Court Administrator.

### The Courts

As noted above, a new judicial article was adopted by the North Dakota electorate in September 1976 providing for a uniform court system. The judiciary and legislative leaders undertook a planning process to review North Dakota Court structure and jurisdiction and the administrative process which would lead to the consolidation of an effective unified court system. Legislative recommendations from this planning process are being presented in the 1979 legislature for consideration. The judicial system consists of four classes of courts. First, is the Supreme Court consisting of a Chief Justice and four associates (elected for ten-year terms, with the Chief Justice serving a term of five years). It is the final appellate court in the state for all criminal court cases. It exercises original jurisdiction over writs of habeus corpus, mandamus, etc., and in cases of public concern affecting the sovereign rights of the state. At the second level are the District Courts consisting of 19 judges in six judicial districts, with the judges elected for six-year terms. (All justices in the North Dakota court system are elected on a nonpartisan ballot.) This court has original jurisdiction in all criminal cases, in all juvenile matters, and issuing writs, process, and commissions provided by law. It also serves as an appellate court to municipal and county courts. The third level is the County Court which is in three classes: (1) the County Court with Increased Jurisdiction (located in 16 counties with one judge per county) which has original jurisdiction in civil cases up to \$1,000, small claims for the same level, all misdemeanor cases, and appellate jurisdiction over municipal courts. The second group is the County Justice Court which is located in 37 counties (one justice per county) and has original jurisdiction in civil cases up to \$200, misdemeanor cases, small claims up to \$500; can institute search and seizure, hold preliminary hearings and try other cases as provided by law; it has no appellate jurisdiction. The third is the ordinary County Court with 37 judges in 37 counties which has original jurisdiction in

all probate, guardianship and other testamentary matters but has no appellate jurisdiction. When this court is combined with the County Justice Court it becomes then what is known as the County Court with Increased Jurisdiction (when approved by the county electorate). In all three versions of this county court system, judges are elected for four-year terms. Finally, there is the Municipal Court which has original jurisdiction in all offenses against city ordinances (in North Dakota there are something over 100 municipal judges). Municipal Court judges are elected by city voters for a four-year term. Juvenile Court and Family Court are services of the District Court. Small Claims Court and mental health commitments are services of the various County Courts.

North Dakota and some other western states have a peculiarity in their legal systems caused by the location of Federal Indian reservations within the confines of the state. The state has no jurisdiction, civil or criminal, over Indian reservations. The Federal Government is preeminent as to jurisdiction on Indian reservations. Although Federal laws exist which make it possible for tribes to grant civil jurisdiction to the states, and North Dakota has established legislation which provides such a mechanism for the assumption of civil jurisdiction, neither has been established on any reservation in North Dakota. Two recent cases of the North Dakota Supreme Court established that there is no state remedy available for injuries occurring to an Indian or non-Indian, even in an automobile accident on a state highway, within the limits of an Indian reservation.<sup>3</sup> The Federal courts have jurisdiction over felonies committed on the reservation and the tribal courts have jurisdiction over misdemeanors and civil claims up to \$300. This leaves all civil jurisdiction over \$300 in no court at all. Litigants with a civil claim over \$300 are left without a forum in which to pursue their claim.

The State Court Administrator was established in 1971, supported initially by LEAA grant funds. The State Court Administrator is the Executive Secretary of the Judicial Council, in addition to his responsibilities for administrative and managerial support to the Chief Justice and the Supreme Court. A management information system, education programs, fiscal management, and planning services have been established. The State Court Administrator and local judicial leaders are now cooperating on administrative matters. Article 87 of the new judicial article makes the State Court Administrator a Constitutional office.

A pilot program in court administration has been initiated at the District Court level. The Fourth Judicial District, in cooperation with the State Court Administrator, established a District Court Administrator located in Burleigh County. Relieving the District Court judges of administrative duties under their supervision, the District Court Administrator has undertaken major case scheduling, budgeting, jury management, and planning tasks within the judicial district. Coordinating relationships have been established with the county government, county court officials, and clerks of district courts in this program.

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<sup>3</sup>Gourneau v. Smith, 207 NW 2d 256 (N.D.), and Nelson v. Dubis, 232 NW 2d 54 (N.D. 1975).

### Sub-State Criminal Justice Planning

North Dakota has established a series of resource, conservation, and development districts to which were attached regional justice planners in six such districts. It is within these groups that the principal responsibility for sub-state criminal justice planning resides. As is so often the case in other states, little political support is given to these sub-state efforts. At least on one occasion, serious thought was given to dropping financial support to the RPU's because of anticipated funding stringencies. Aside from the generic state planning agency (not to be confused with the LEC) there has not been consistent support for this sub-state activity. Localities are not always interested since regional planners frequently are viewed as a filter between local agencies (especially in larger communities) and the SPA. Planning resources at the regional level are so minimal, many officials believe whatever support is needed in terms of planning can be provided through technical assistance from the SPA.

### The Legislature

The North Dakota legislature meets only once every other year for 60 days, though it can be extended to 80 days by special action. The legislature is supported by the North Dakota Legislative Council which provides essential staff both during and between sessions. Interim study committees deal with specific topics as established by each legislature in preparation for the next legislative session. For example, there is an interim study committee on the criminal justice system. Relations between the LEC and the Legislative Council are described by members of both as being close and generally informal. It is not always clear where the initiative on a particular project starts, but this is not considered too important since the two work together on various studies. The Legislative Council recently completed a four-year study on a new criminal code which was presented to the legislature in 1979 and is being continuously updated. This program was funded with LEAA grant money through the LEC. In another instance, the studies of the correctional system initiated by the LEC found a receptive audience in the Legislative Council. The legislature has continuing interest, through the Legislative Council, in courts, the prosecutorial system, and corrections. It should be noted that every member of the legislature has a seat on at least one of the Council committees so that all members participate in these interim committee activities.

Within the Committee on Criminal Justice two studies are currently under way: the first deals with the adequacy of the statutes on the use of dangerous or controlled substances, including criminal penalties relating thereto. This concern grew out of the drug enforcement program in the Attorney General's Office. The second study deals with the prosecutorial function, essentially the question of full-time versus part-time State's Attorneys, and whether or not "state guidance" is needed or would be desirable. The Corrections and Penology Committee has two action areas in which it is working. First, there is a jail study which was initiated by LEC; and, second, the policy question of how the state should handle its women prisoners. There are few women prisoners in North Dakota, so several alternatives have been proposed including a combined facility for women and juveniles (not looked upon too favorably by juvenile authorities), the possibility of a small facility solely for women (considered impractical), or contracting with another state or with a Federal institution.

Since the Council provides not only staff support to the legislature in the interim but also provides staff support to the legislature during the brief 60-day session, this group provides a fundamental base for linkage with the LEC on criminal justice concerns. Directors of both organizations, supported by the Attorney General and other senior state officials, attest to the excellence and frequency of contact and cooperation between these two groups. The Attorney General, who is also the chairman of the Law Enforcement Council, frequently takes the political leadership on criminal justice legislation. However, the Attorney General has not used his position as chairman of the Council to press any particular piece of legislation as endorsed by the Council. It is his opinion that the Council carries its weight with the legislature primarily working as individuals, because they represent a substantial constituency of associations or professionals within the state. The Attorney General believes that the relatively large size of the Council has value in that the members can represent a fairly wide constituency to the members of the legislature. To the extent that Council members do reflect and carry their constituency elements with them, legislative recommendations of the Council do have strong support and are likely to be considered favorably by the legislature. In addition, the SPA is viewed as a neutral source of technical competence on criminal justice topics.

#### Interest Groups

The State Bar Association, and the Sheriff's Association appear to have considerable influence in the criminal justice community. The Council has on its membership, as a statutory member, a representative of the North Dakota League of Cities which has a considerable interest in law enforcement problems since this is a fundamental concern of the many small towns and cities in North Dakota. Other groups undoubtedly are active and the Council is widely representative of all elements of the criminal justice community including professional groups likely to have impact on the criminal justice or to be affected by it. One official noted that sheriffs are a politically potent group because they are elected on a county-wide non-partisan ballot, attain considerable visibility, and usually are among the more active officials in a county.

#### The Nature of Criminal Justice Planning in North Dakota

In North Dakota, it has been the SPA staff which is responsible for criminal justice planning that goes beyond the compliance stages of the LEAA program. By common assent, the Law Enforcement Council has concentrated its attention upon the grant program, monitoring its health and allocating the funds among the various recipients. Some attention of the Council has been given to cross-cutting concerns and issues of the criminal justice system as a whole, but it is the SPA which bears the brunt of integrating the various pieces of the grant program into the larger whole. The key emphasis in the SPA in North Dakota has been upon coordination--bringing people and programs together for study and action. The LEC staff specialists interact closely with their professional counterparts in other elements of the criminal justice system, so that there are continuing linkages of an informal, professional nature with most of the criminal justice components, despite the widespread location of these elements.

The relationship between the LEC and the budget operation within the state is very limited and relates strictly to the LEC's own budget and the general framework of the grant program. Conceivably it would be possible for the LEC to provide "technical assistance" in an examination of the criminal justice portions of the state budget. Staff capability at the level of the Governor's budget office is extremely limited (only two professionals) so that such an analysis conceivably could be of considerable assistance in the executive budget process--providing it proved politically acceptable.

In the larger sense, the LEC does informally coordinate criminal justice legislation through pulling together the various elements in informal meetings prior to the legislative session, passing these off for review to the Council and proposing these to the legislature with appropriate hearing support as necessary.

One example of how the planning operation has been handled by the LEC was the 1970 juvenile justice plan which was developed following a series of hearings held throughout the state to identify juvenile justice needs. Special task groups were used, developed essentially from Council membership that was expanded to include other experts and interested parties. From this there developed a series of feedback groups to determine the utility of developing proposals to meet identified needs, then reviewing results from grant programs undertaken and on to a further needs assessment as the process reiterated. Although the process approaches operational planning, it is more in the nature of the coordination of various elements to achieve action objectives which have been determined by a broad look at an area of need--in cooperation with staff from other interested agencies. However, in this process, the Council has not been the leader in terms of determining priority areas or reflecting a total system of criminal justice. It tends to be undertaken more as a function of SPA staff initiative.

There is considerable interest, as the LEAA program has tightened up, for the LEC to take a stronger hold of its 1967 mandate, placing greater emphasis on jail inspections, jail standards, peace officer training and standards, technical assistance, research and data analysis directed to North Dakota's peculiar needs, with less attention or emphasis on questions of administration and operation of LEAA grants.

#### The Institutionalization of Criminal Justice Planning

Depending upon how one chooses to define criminal justice planning, it is possible to affirm that North Dakota in essence was one of several states that "led the nation" in moving into the criminal justice planning when the LEC was first mandated by the North Dakota legislature in 1967. It is true that this mandate was limited in its initial intent to law enforcement and local corrections concerns. However, it was a broad mandate to recommend legislation on all matters affecting law enforcement and to cooperate across the board at all levels. The LEC was not originally established to deal with criminal justice problems system-wide--but then neither was LEAA. The present level of SPA staff activity could in no way be supported by the kind of state appropriation that was made for the LEC in 1967 (\$10,000). However, there are more proponents in the state government at this time for the kinds of activities which have been undertaken in support of the LEAA grant program than was the case in



1967. Important institutional and personal linkages have been established. Key state officials are supportive of criminal justice planning and have dedicated resources to it or have provided backing for obtaining such resources. Yet the institution is very fragile. At least half or more of the SPA staff might not be supported if all LEAA planning funds were withdrawn. Clearly the legislature would have to provide support for at least a minimal staff to carry out the recognized responsibilities with respect to jail inspection and standards, and peace officer training standards. Initial planning, initially supported by LEAA, is being picked up by the state so there is a practical precedent for criminal justice planning activities, of at least some magnitude.

Although the SPA Director is appointed by and responsible to the Governor, there is no reason to believe that his tenure is related to that of the incumbent Governor. The Chairman of the Council, the Attorney General, is of the opposite party of the Governor but the two work well and closely together. The process of criminal justice planning appears to be well enough institutionalized so that political incumbency, irrespective of party, of the principal constitutional officers of the state is unlikely to cause any significant change. Legislative ties are essentially professional, close, well-developed and not partisan.

In its own "informal" fashion, North Dakota has made a place for criminal justice planning although it may not be the same brand of a more sophisticated, formal nature found elsewhere. It appears to fit well into the environment in which it must operate; therefore, its outlook for survival is reasonably good.

#### Persons Interviewed--North Dakota

Oliver Thomas, Executive Director, North Dakota Combined Law  
Enforcement Council  
Colonel James Martin, Superintendent of Highway Patrol  
Honorable Allen I. Olson, Attorney General  
Honorable Arthur A. Link, Governor  
Joseph Havener, Warden, North Dakota State Penitentiary  
William G. Bohn, State Court Administrator  
Tom Wallner, Planning Coordinator  
Arne Boyum, North Dakota League of Cities  
Sharon Gallagher, Staff Attorney/Courts Coordinator  
Bob Helten, Research and Evaluation Coordinator  
Richard Hilde, Chief Agent, Bureau of Criminal Investigation  
John Graham, Director, Legislative Council

## Criminal Justice Planning in Virginia

### Introduction

The principal themes which characterize criminal justice planning in Virginia are incremental consolidation and mature, stable leadership. During the past decade the criminal justice system in Virginia, and state government as a whole, have been undergoing steady incremental change. There has been a step-by-step movement toward consolidation throughout state government via the institution of a "cabinet system" in which clusters of similar activities have been consolidated under a secretary who is responsible to the Governor. This is not to be confused with a "super department" concept, as the secretaries in Virginia have responsibility for policy and broad financial matters within their respective realms--they do not have operational control of the agencies for which they have responsibility. This cabinet system of government was first instituted in 1972. It was through an extension of this in 1976 that a Secretary of Public Safety was created, consolidating a number of criminal justice system activities in the Executive Branch, including the Division of Justice and Crime Prevention (the SPA), the Department of Corrections (containing all state adult and juvenile corrections activities as well as probation and parole), the Rehabilitative School Authority (responsible for conducting all adult and juvenile education programs within state corrections facilities), the Department of State Police (which has general law enforcement duties and highway patrol responsibilities), the Criminal Justice Services Commission (charged with setting and enforcing training standards for criminal justice personnel, setting and enforcing qualifications for private security personnel, and coordinating the operation of and insuring the security and confidentiality of criminal justice information systems in the state), the Commonwealth's Attorneys' Services and Training Council (which coordinates the provision of training and technical assistance to all local prosecutors), the Capitol Police (responsible for security of the seat of state government), and the Department of Alcoholic Beverage Control (which operates the state's retail liquor stores and enforces ABC laws). Two other agencies which were added to the secretariat, but are not directly related to criminal justice, were the Virginia State Fire Services Commission and the Office of Fire Services Training.

The second theme is personified by the Director of the Virginia SPA (Division of Justice and Crime Prevention), who holds the distinction of being the only SPA Director in Virginia, having been appointed to this position when the program was first started in 1968 and reappointed through three succeeding gubernatorial administrations. Progress in the improvement of the criminal justice system in Virginia is not characterized by any one dramatic action, program, or project; rather, it reflects steady, solid, continuing progress which is most impressive when one looks at current activities and the well-developed relationships among the various components in the system, compared to the much more fragmented nature and operation of the system as it existed some ten years ago.

The SPA now spends at least as much or more time on the coordination of Virginia concerns, unrelated to any aspect of the LEAA grant program, as it does to the planning and programming of the Federal grant programs. It has established administrative, planning, data collection and analysis techniques, and arrangements which serve both purposes well and in an integrated fashion. The SPA has become a hub for criminal justice planning and coordinating activities which include the state executive agencies, the Attorney General's office, the interests of the legislature, the concerns of the judiciary, and local governments as well. By offering its services in a resource/technical assistance mode, the SPA regularly reviews and comments upon the budgets submitted to the Governor by all of the criminal justice elements in the state government, notwithstanding the constitutional separation of the courts from the executive and the Attorney General's functions from those of the Governor's executive agencies. The SPA serves as the staff of the Secretary of Public Safety. The SPA has developed a professional and cordial relationship with both the professional staff members of the Virginia General Assembly and with the political leadership in the area of criminal justice. The SPA in Virginia was instrumental in obtaining planning and other assistance for the courts prior to the modification of the Omnibus Crime Control Act, setting aside special planning funds for the judicial function and funds for additional staff for the State Court Administrator. This cooperative relationship has continued to grow, producing a spirit of professional and mutual cooperation in common endeavors.

These accomplishments all came about, slowly and over time, because of the continued guidance provided by the SPA and by the Governor's Council on Criminal Justice--both of which have had remarkable continuity of leadership. The accomplishments were based principally on developing a strong capability for planning, data collection, and data analysis within the SPA and making that competence available through a variety of means in terms of technical assistance and research and planning help where it might be needed in regions, local government, and in state agencies. At crucial points the LEAA grant program was used to provide substantive and/or financial leverage to open doors or entice initial cooperation for breaking new ground.

There are several areas where the program has concentrated its resources and produced state-wide programs of substantial significance and impact. For example, like other states, Virginia has achieved considerable improvement in law enforcement personnel standards and training requirements--made possible through the collection and analysis of data about law enforcement officers, their pay, training, etc. The revelations of these early data collection efforts were quickly followed by state-wide development of training standards and the means to accomplish the needed training--in this case principally through regional criminal justice academies. Second, at the outset it became apparent that there would have to be some kind of consolidation or coordination with respect to law enforcement communications systems since many departments were submitting requests for communications equipment. As studies were made and standard plans developed, there was instituted a state-wide plan for a law enforcement communications system which involved not only updating equipment but consolidating systems to avoid unnecessary overlap interference. This plan ultimately facilitated the implementation of a state-wide law enforcement communications system with direct car-to-car communications between all state and local officers. On the coordinative side, the work of the Council revealed the need to coordinate resources and talent in the field of drug abuse

control and prevention. The Council's efforts resulted in the statutory establishment of a Drug Abuse Advisory Council (subsequently renamed the Substance Abuse Advisory Council) which now performs this function on a continuing basis. Finally, the probing of the Council and the SPA demonstrated the need for more adequate forensic laboratory support at the state level. Local departments were not receiving timely support that was needed in criminal investigation. The result was the creation of the Bureau of Forensic Science within a Division of Consolidated Laboratory Services. The Bureau and its three regional laboratories were funded by the SPA initially, with the state assuming the full cost two years ago.

Throughout this period the SPA has made a systematic effort to help interested officials and others understand the complexities of the criminal justice system in Virginia and to participate as fully as possible in the planning and coordination process so essential to bringing the disparate parts of the system together. One example of this effort is the short handbook first produced by the Division of Justice and Crime Prevention in 1974 titled, The Criminal Justice System in Virginia: An Introduction for Planners (December 1978). Through a variety of means, but principally through providing interested assistance to other agencies and officials, the SPA has succeeded in developing a series of relationships (some formal and some informal) which support and strengthen its role as the principal agency responsible for state-wide criminal justice planning and coordination. This responsibility is clearly outlined in the law which established the Division of Justice and Crime Prevention and the Governor's Council on Criminal Justice.<sup>1</sup> However, two elements have had fundamental influence on the success of the SPA in meeting its responsibility both to the State of Virginia and to the LEAA program. One has been mature, capable leadership which fully recognized the environment in which the agency was required to operate and took full advantage of opportunities to make progress while avoiding unnecessary confrontations. The second is a fortuitous continuity of leadership which provided the "institutional memory" and the opportunity to follow a long-range plan of action as events and opportunities unfolded. What has resulted is a system of criminal justice planning and coordination which is well rooted in the regular functions of state government in Virginia. The system is not yet complete, and it is far from the ideal laid out in the original Omnibus Crime Control Act of 1968; yet it has made substantial contributions to the improvement of criminal justice in Virginia and it has the institutional strength to survive the anticipated wave of frugality in government. The Virginia SPA and its program have become well institutionalized in Virginia government. The way it achieved that status reflects a thorough understanding of Virginia's political system (and its peculiarities) by the SPA leadership. And it is for that same reason that its viability for the future looks good.

#### The SPA

In Virginia, the SPA is the Division of Justice and Crime Prevention (DJCP). The legislation establishing the Division was enacted in 1970 and assigns the DJCP broad planning and coordinating responsibilities relating to all aspects

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<sup>1</sup>Chapter 7.3, Sec. 2.1-64.23ff, Code of Virginia.

of criminal justice. In 1972 the General Assembly created six cabinet positions, reporting to the Governor, with each agency of state government assigned to a cabinet member. Each cabinet member is responsible to the Governor for general coordination of the agencies assigned to him. As was the case with all "staff" (as opposed to "line") agencies, the SPA originally was assigned to the Secretary of Administration. In 1976, with the creation of a Secretary of Public Safety, the SPA became one of the principal agencies within that cluster and, in fact, the principal planning, coordination, and evaluation unit serving the Secretary of Public Safety in his broad responsibilities.

The DJCP devotes approximately half of its effort to secretarial or system-wide concerns not specifically related to LEAA grant programs. Here the Division strives to stimulate, encourage, and support planning by criminal justice components, sub-state governmental units, and other elements of the criminal justice system. It is the Director's philosophy that the SPA should confine its planning to the "strategic level" as distinct from the "operational or tactical levels." For example, the SPA has been involved, literally from its establishment in 1968, in an attempt to identify major issues in criminal justice administration at the program, agency, or system levels. While limited during the earlier years to the kinds of projects and programs that were initiated or requested under the LEAA program, this quickly spread to non-LEAA program areas in the criminal justice community. The process is fundamentally one of issue identification, followed by analysis and evaluation, with recommendation for positive action and follow-up. Over the decade, the process has become considerably more sophisticated particularly as better data have been more systematically collected. The SPA has assisted the state's Department of Planning and Budget in developing a similar process for the program planning and budgeting system used throughout the state government.

The SPA first became involved in the development of the state budget in 1970 during the preparation of the budget for 1972-74 biennium. The SPA worked directly with the state's Division of Budget which asked the SPA to review and assess the budget requests from those state agencies and other organizations responsible for state criminal justice related functions. Even at this early date, the review included a review of the budgets of both the Office of the Attorney General and the judicial system. The first "comprehensive" budget review had a two-fold purpose: (1) to determine whether or not state funds were requested for activities already supported by Federal grants, and (2) to advise the Division of Budget about the programmatic substance of certain budget requests. The SPA then provided assistance in the next biennial budget, expanding its analysis into a comprehensive review of the full plans and budget requests of all those state agencies involved in criminal justice. Included, along with the Office of the Attorney General and the judiciary, were agencies that had major programs impacting criminal justice such as the Department of Health, the Department of Mental Health and Mental Retardation, and the Department of Education. This second analysis was used both in the executive branch review and by key staff and legislators in the General Assembly during the preparation and deliberation of the 1974-76 biennial budget. By 1974 (the beginning of preparation for the 1976-78 biennial budget), the SPA was firmly involved in this "advisory" budget process, serving both the executive through the Division of Budget, and the General Assembly through the House Appropriations Committee. At this time, the SPA was located within the secretarial cluster of Administration. It had established working relationships with the three secretaries who had responsibilities in the criminal

justice area (Administration, Human Resources, and Transportation and Public Safety), providing technical and analytical assistance to them in their budget reviews to fulfill the DJCP mandate for a "coordinated" approach to criminal justice in the state. The SPA has continued to act as a "coordinator" for the criminal justice system-wide budget requests, working with all the agencies across cabinet lines even though the SPA is now located within the purview of the Secretary of Public Safety instead of the Secretary of Administration. It continues to provide technical and analytical support through budget analyses to the legislature. Throughout this process, the SPA has managed to retain cordial and close working relationships with all of the criminal justice agencies, with the Department of Planning and Budget (successor agency to the Division of Budget), and the legislature. Since the SPA provides expert analytical and evaluative support and is not involved directly in the decision process relating to the budget (although it is involved indirectly by advising those who are), it is not viewed as a threat to its sister agencies. Rather, it is viewed as an advocate of criminal justice matters by other elements in the system, since the DJCP's budget involvement has yielded more state money for criminal justice activity. The Director of DJCP believes that this non-threatening role is strengthened by the fact that the SPA is the planning and coordinating agency for the cabinet secretariat responsible for public safety and criminal justice and is not a part of the Department of Planning and Budget where he believes it inevitably would be perceived as a budget cutter.

As suggested above, the fundamental emphasis in criminal justice planning by the DJCP is long term, system-wide, "strategic" planning (in contrast to planning for execution--which is believed to be the responsibility of the action agency rather than the SPA) with a special emphasis upon technical assistance in all of its forms.

Regional and local planning, including issue identification and priority setting, is integrated into the SPA's state-wide plan for criminal justice. However, the state plan is not merely the sum of the local or regional plans. In Virginia, the state plan takes cognizance of the special priorities and peculiarities of the various regions, but places emphasis upon state-wide and state agency concerns in the criminal justice system. This type of planning is consistent with the nature and organization of state and local government in Virginia, whereby the court system, the vast majority of the corrections system and prosecutorial systems are supported through state funding. Even a significant portion of the law enforcement function is supported by the state government--particularly in rural areas where the sheriffs' departments represent the principal arm of law enforcement (the sheriffs' departments being supported two-thirds by state funds and one-third by county funds). It is principally in the major metropolitan areas, such as the Norfolk/Tidewater and the Northern Virginia/Washington areas where there may be substantial local expenditures for law enforcement, corrections, and prosecution purposes; however, the local or regional planning in both of these areas is rated as superior in comparison to sister regions within the state.

Technically, the State Council on Criminal Justice (CCJ) is the supervising body for the SPA. This is clearly the case with respect to the LEAA grant program; it has less supervisory responsibility over the SPA for other functions now that the SPA reports to the Secretary of Public Safety and acts as the Secretary's principal staff arm for planning, evaluation, and analyses. Although spending much of its time on the question of priorities, the allocation

of grant funds among broad areas and specific programs themselves, the Council is able to review major issues across the criminal justice system, raise and discuss questions related thereto, and provide broad guidance in terms of identification of criminal justice concerns which go beyond the LEAA grant program.

### The Virginia Council on Criminal Justice

Like its cohort groups in other states, the Virginia Council on Criminal Justice has tended to restrict its concerns principally to the LEAA grant program until recently. The first years were devoted largely to sorting out the program in terms of the burgeoning regulations and guidance coming from the Federal Government. There was a tendency to deal with small matters in terms of trade-offs within a grant or between various grants. As its members attest, it was difficult for the Council to relate to a concept of a "criminal justice" system since law enforcement was the principal thrust during the formative years. However, the Council itself began to be concerned about dealing with planning in the broader sense and has taken considerably more interest during the past five years in the broad systems interrelationships. This concern did grow from the grant program itself, however, and is illustrated in the way that the Council had to deal with the police communications problem. During the first years there were a host of grant requests from police departments and sheriffs' departments seeking funds to purchase radios. Quite apart from its arbitration of relative priorities and need, the Council soon realized that it could not permit individual departments to buy equipment solely on their own, as there were important technical and operational problems which had to be considered--such as interference from one jurisdiction to another, overlapping frequencies, and the need for some compatibility among the various systems. This stimulated the Council and law enforcement officials to look at the question in broader terms, ultimately resulting in a state-wide study and plan which integrated law enforcement radio equipment and networks on an optimum basis across the state. Although this problem was limited to the law enforcement components of the system, it demonstrates how the grant process itself forces an awareness of a number of problems which are cross-cutting and system-wide. It was from this kind of experience that the Council gradually began to look at other cross-cutting issues. A second factor was the increasing availability of better data about the various components in the criminal justice system which permitted more graphic problem identification and consideration.

The Council on Criminal Justice has never become the premier planning body in criminal justice for Virginia. It has not for several reasons. First, as essentially a citizen body representing both general government officials and those involved in the various aspects of criminal justice, the Council never asserted itself in either a program or political fashion. Second, the legislature established the State Crime Commission, whose purpose was to be advisory to the legislature. The Commission consists of legislators who step out on the political front, with relatively high visibility, and address those issues which generate greatest public concern. Third, the SPA gradually evolved into a superb staff for planning and analytical support, and provided these kinds of services to such groups as the State Crime Commission, committees of the legislature, the Governor's cabinet, and others on an as-needed basis. While the LEAA program kept the Council more or less fully occupied, the establishment of the Secretariat of Public Safety, with the SPA as its

principal staff arm, more or less took the action away from the Council in terms of being the planning leader. It does not necessarily follow that the Council could not take that leadership; however, a number of the members are ex-officio members from components within the Secretary of Public Safety's areas of responsibility so that such a role might conflict with their responsibilities to the Secretary. The Council is advisory to the Governor, and as such, is one of the "collegial" bodies assigned to the Secretary. The Secretary has responsibility for all major criminal justice activities in the Executive Branch and has taken the initiative (by his use of the SPA as his staff arm) to become the de facto coordinator on behalf of the Governor for all state-wide criminal justice concerns.

#### State-Level Criminal Justice Agencies

As noted earlier, virtually all of the important executive functions in the area of criminal justice are located within the purview of the Secretary of Public Safety. These include the SPA, state police, the state's adult and juvenile corrections programs, probation and parole, setting and enforcing training standards for criminal justice personnel, coordination of criminal justice information systems, and training/technical assistance for local prosecutors. The Bureau of Forensic Science, which provides laboratory analyses to state and local law enforcement officials, is located within the Division of Consolidated Laboratory Services of the Department of General Services. The Attorney General is one of the three Constitutional officers in the state of Virginia elected directly by the people and is independent of the Governor. The Attorney General has responsibility for criminal appeals to the state Supreme Court, for original jurisdiction for a limited number of state crimes, and acts as counsel to executive agencies in the state. He does not have direct authority or supervisory responsibility over the local prosecutors (Commonwealth Attorneys, elected locally). The other body which does have some impact is the Compensation Board located within the cluster of the Secretary of Administration and Finance. The Compensation Board is responsible for entertaining budget requests and setting the salaries and budgets of local prosecutors and sheriffs (sheriffs' departments receive approximately two-thirds and local prosecutors approximately one-half of the budgets so established from state funds).

Another key element of the system is the judiciary. In Virginia, the court system is unified, headed by a Supreme Court, with Circuit Courts (which are courts of general trial jurisdiction and the first courts for felony offenses), General District Courts, and Juvenile and Domestic Relations District Courts (which deal with misdemeanors and juvenile and domestic matters), and the magistrate system. The Chief Justice is the head of the judicial system and is supported by a staff in the Office of the Executive Secretary of the Supreme Court (the state court administrator). There is also a Public Defender Commission which has been pilot testing the establishment of public defender offices in selected jurisdictions in lieu of state-paid individual attorneys appointed from the bar to represent indigent defendants.

As noted, the legislature created the Virginia State Crime Commission as an advisory body to it on criminal justice matters. The Commission does not, in any way, displace the legislative responsibility of the Courts of Justice Committees in both the Senate and House of Delegates. Like the House and



Senate Judiciary Committees of the U.S. Congress, the Virginia legislature's Courts of Justice Committees have responsibility for most, if not all, legislation affecting criminal justice.

In this framework, the basic power of the criminal justice system rests with the Governor and the General Assembly. The General Assembly selects (elects and appoints) the members of the judiciary from the Supreme Court through the District Courts. It also has a strong influence on the administration of the District Courts through the Committee on District Courts which is composed of the Chairman and two members each of the House and Senate Courts of Justice Committees and three judges appointed by the Chief Justice. Working with the State Court Administrator, this Committee is responsible for general supervision of the District Courts, with authority over such things as the appointment of substitute judges, establishment of clerks' offices, and a whole variety of administrative and managerial responsibilities related to the District Courts. It is in this extension of the legislative system that the General Assembly has very strong influence over the judicial branch. In the executive branch, nearly all responsibility for criminal justice is located in the Secretariat of Public Safety, apart from the responsibilities which reside with the Attorney General. In this kind of system, it is noteworthy that the SPA has developed a close relationship, as the principal staff arm of the Secretary of Public Safety, with the General Assembly on both a professional staff level and at the political level with the respective committee chairmen of both the substantive and the appropriations committees. In addition, the SPA has established and maintained working relationships with the judiciary and the Court Administrator, providing both technical and financial assistance to pilot programs in that area and being supportive in every way appropriate. Thus, the SPA has managed to develop and sustain close working ties to the key elements within the criminal justice system at the state level in Virginia.

### The Courts

Virginia's recent (1973) consolidation of courts put the Chief Justice of the Supreme Court firmly in charge of the system and supplied him with a court administrator and staff through which to manage the system. The SPA worked closely with the previous equivalent official (Executive Secretary of the Supreme Court), particularly with respect to a comprehensive judicial training program and the development of judicial data systems. The SPA also provided funding for a number of pilot operations which contributed to the impetus for judicial unification and the establishment of an Administrative Office of the Courts. When, in 1968, the legislature created a commission to study the courts, the SPA provided funds for research and employment of staff, in addition to providing significant services from its own staff. When the Court Administrator's office was first created the SPA helped provide the funds to man its first efforts. Since then the SPA has cooperated closely with the administrative officer of the courts and has provided support and encouragement in expanding its planning, analytical, and administrative outreach. The SPA provided LEAA funds to start up the new functions of the AOC. Soon thereafter the legislature assumed the costs of these new functions.

In spite of the constitutional separation between the judiciary and the executive, the Chief Justice follows the practice of submitting his budget

**CONTINUED**

**2 OF 3**

for the courts to the Department of Planning and Budget (as would any executive agency or department head). This is viewed as being done principally for the sake of "convenience and efficiency," so that a unified presentation of the budget can be made to the legislature. The Court Administrator and the Chief Justice do deal directly with the legislative committees, but review and comment upon the budget of the judiciary is made in the regular budget process by the Department of Planning and Budget and to DPB by the Division of Justice and Crime Prevention. SPA comment is sought informally by the Administrative Officer of the Court in the planning and preparation of the judicial budget. The relationship between the SPA and the judiciary can be described as warm and productive, with the SPA encouraging the judiciary to undertake a variety of innovative steps.

### Sub-State Criminal Justice Planning

From the outset it was recognized both by the SPA leadership and by the Council that sub-state criminal justice planning is the most difficult challenge in the whole system. By the time the SPA was created, Virginia already had established a series of 22 Regional Planning Districts which blanketed the state, each with a Commission with general authority for planning in its respective district. Rather than establish some other pattern exclusively for criminal justice, the SPA decided to make provisions for funding criminal justice planning in each of the Planning District Commissions (PDC). This continues down to the present time. The results have been varied, depending upon the strength of the particular PDC and its relationship to the localities which it serves, the innovativeness and strength of the PDC staff leadership, and finally, the capability of the individual who is assigned to be the criminal justice planner. As might be expected, there tends to be a greater reluctance to embrace the criminal justice planning concept in rural, non-urban areas than in areas of greater population density. The Council, with the support of the SPA, very early set about to develop a rapport with local government officials so that the LEAA program might move smoothly with appropriate knowledge of the various rules and regulations and mutual understanding of one another's respective needs. This early effort was only partly successful given the considerable institutional reticence and questioning about the rationale for Federal intervention in "local" affairs such as law enforcement, courts, prosecution, etc. The usual questions were asked about why dollars couldn't be made available directly without going through some apparatus at the state level, and how could Washington, or indeed Richmond, know what local needs were? However, the Council recognized that it was important to include local and regional officials in the entire process, because they represented an important level at which to deal with criminal justice, and because consolidated effort was needed across the state involving both levels of government. Finally, a mechanism was needed to make appropriate linkages with rural areas. In some cases technology and the need for cooperation combined, as in the development of a Virginia radio network for law enforcement officials. Here the facts spoke for themselves and it became obvious that cooperation within regions and across regions was essential if progress was to be made. As time went on other areas for cooperation among localities became evident, and early efforts at such cooperation, where they proved successful, provided the basis for additional efforts. For example, in the Lynchburg-Bedford County/Campbell County area there was developed a criminal investigation unit (which has both sophisticated equipment and individuals with sophisticated training) which is on

call as needed by all of these jurisdictions. Such a unit could not have been supported by any single jurisdiction, yet together they were able to work out an arrangement that served the needs of all. Law enforcement training has been approached on a regional basis with the establishment of regional police training academies which have been very successful and are looked upon with some pride by the various regions.

In those regions where comprehensive planning has taken hold, it generally follows the broad pattern originally outlined by the LEAA and DJCP. The regional Criminal Justice Advisory Committee (CJAC), with the support of the regional criminal justice planner, will engage in a two- to three-year cycle of identifying problems, collecting as much data as possible relating to those problems, analyzing the problems, suggesting goals and alternative means of achieving those goals, prioritizing the goals, and then fashioning these into an annual plan for reaching these goals. Subsequently, the annual call for grant proposals to the various communities, followed by the review and awarding of grants, will be based upon this annual plan. Each year the process is updated, and periodically it will be undertaken de novo. As data become more sophisticated and better analyses are available, special studies may be made on issues of special significance. For example, there has been considerable interest in Virginia recently in crime against the elderly. The CJAC serves as a means for attracting comment, interest, and information, and is able to provide some filtering to make the planning process more manageable. The SPA serves as a resource to both the CJAC and the regional criminal justice planner. The criminal justice planner serves as a source of technical assistance to local officials who are undertaking a planning or analysis activity, or are making grant applications. Although the bulk of CJAC concern is directly attached to LEAA grant programs, the process of identifying major problems, needs, and issues surfaces opportunities for joint activity which may or may not be related to the LEAA grant program. While system-wide concerns are not as systematically reviewed at the regional level as they are at the state level, there is increasing evidence that such concerns are a part of the CJAC considerations in pursuing the regular cycle of problem identification and grant recommendation. Several examples of outstanding planning efforts have been obtained. They show a systematic approach to the whole question of criminal justice planning within the region and, though they may lack some sophistication in terms of data availability or analysis, they do provide important and useful guides to public officials with respect to the allocation of all available resources as well as to the officials responsible for the Federal grant program itself.

Although there is no clear consensus on the question, on balance it seems that Virginia SPA officials made a wise decision in opting to supplement the PDCs through provision for criminal planning rather than establishing separate, autonomous districts. Regional criminal justice planners usually receive excellent support from other members of the PDC staffs in terms of technical assistance and analytical help, and they have immediately available a wide variety of demographic and economic data which can be integrated for purposes of criminal justice planning. It also provides continuity in terms of the governments and local officials served, possibly eliminating some confusion that might otherwise develop.

There does not appear to be the semi-abrasive relationship between the SPA and the regional criminal justice planners in Virginia that occasionally

exists elsewhere. Strong attempts are made on the part of the SPA to provide technical and other assistance to the regional planners and to have them participate in SPA activities. In August 1977 the SPA initiated a pilot program with local officials and local criminal justice planners in eight counties and cities to test/demonstrate more effective methods for integration of criminal justice planning with the budgeting process at the local level so that program decisions can be more closely coordinated and there may be better linkages between budget decisions made at the local level and resource allocation decisions made in the budget process at the state level.

### The Legislature

The Virginia General Assembly has played a strong role in upgrading the criminal justice system within Virginia, and works principally through four committees and one commission. Both the Senate and the House of Delegates have a Courts of Justice Committee which is responsible for substantive legislation in the criminal justice field, and their respective appropriations committee. The Virginia Crime Commission acts as an advisory group to the legislature, taking a long range look at the problems of crime in the state. It has studied the courts system, probation, corrections, and a number of other topics. Its members are influential in bringing legislature changes affecting the administration of justice. For example, the Commission greatly influenced the enactment of the modifications to the judicial system in 1973. The SPA has developed and retains cordial, productive relationships with the Virginia State Crime Commission, supplying funds for its staff support, and routinely working directly with the Commission and its staff on a variety of matters. The same is true of the General Assembly. Over six years ago the House Appropriations Committee requested the SPA to comment on the budgets of criminal justice agencies. Since then this tie has grown stronger and the SPA has continued to provide comprehensive analyses of the budgets of criminal justice agencies as previously discussed. The Director of the SPA and the Secretary of Public Safety have made it a point to work closely and candidly with the legislative committees.

Thus, although institutionally and constitutionally separate, the SPA has developed and continues to enjoy unusually good, strong ties with the legislature, both at the professional staff level and at the political leadership levels. Even with the legislature dominated by one party and the executive in the hands of the other, there have been significant ties of a professional and productive sort. This is due in no small measure to the leadership of the SPA in carefully, and at low profile, working with staff and legislators in a manner to be of assistance to them while, at the same time, not disturbing its responsibilities and relationships to the executive.

### Interest Groups

There are a number of nongovernmental organizations in Virginia which have a professional or interest group impact upon the criminal justice system. Different groups choose to work at different levels, depending upon the nature of their association. For example, those interested in juvenile justice and improved conditions in the corrections institutions generally are most active at

the regional, county, and local levels, because most of the institutions related to their interest are at these levels or are institutions where the problems in which they have an interest are located. The SPA tends to be more concerned with state-wide organizations, and particularly those which have considerable political influence such as the Virginia State Sheriffs Association, the Virginia Bar Association, and representing general organs of government, the Virginia Municipal League, and the Virginia Association of Counties.

Criminal justice officials in Virginia attest to the extraordinary amount of voluntary effort contributed to various elements within the criminal justice system--both by organizations and individual persons. This contribution, and the increasing potential of the role of volunteers in improving the criminal justice system, is recognized by having the head of the Virginia State Office on Volunteerism sit as a member of the Council on Criminal Justice.

The SPA has cooperated closely in an operational sense with several of the interest groups. For example, it provided pilot funds to establish an executive secretaryship in the Virginia State Sheriffs Association which has made available a series of training and outreach programs to improve both the administration and the standards of Virginia sheriffs' departments. The association has since assumed the costs of its staff by membership fees. The SPA also worked with the Virginia Association of Commonwealth Attorneys in assisting, financially and otherwise, with the start up for what has become the Commonwealth's Attorneys' Services and Training Council, a state funded agency which provides professional training and technical assistance for local prosecutors.

#### The Nature of Criminal Justice Planning in Virginia

State-level planning of all functional types is brought together by the Department of Planning and Budget, where there is a small professional planning staff. However, by law and by actual practice, the SPA (DJCP) acts as the focal point for criminal justice planning in the state of Virginia. There are really two types of criminal justice planning which occur in Virginia, although both are rather closely coordinated and both come together in the SPA. The first and oldest is that associated with the LEAA grant program. This follows the traditional process instituted by LEAA of a state-wide annual plan to which grant proposals are supposed to conform, with plan approval and grant recommendations being finalized by the State Council on Criminal Justice. The SPA serves as the staff arm for the Council, conducting the necessary planning exercises, data collection, analysis, etc. In addition, the SPA does the necessary monitoring of both the substance of the grants and their financial management. As the LEAA program progressed, the SPA developed a series of relationships with criminal justice agencies in the executive branch and with key elements in the judiciary and legislative branches. This provided access to the annual budget process and to data from the other systems which could be useful, not only in planning for the LEAA program, but in developing a broader perspective of the condition and needs of the criminal justice system in Virginia as a whole. This approach was undertaken with some energy by the Director of the SPA so that by the time a Secretary of Public Safety was established in July 1976, the SPA was in a position to step into the principal staff planning and evaluation role for the new secretary. This included a process, the fundamentals of which had been developed in the LEAA grant program, but which were now being applied in a broader and even more sophisticated fashion to the

many aspects of the criminal justice system in the state. It follows closely the general format for a program planning and budgeting system whereby key issues are identified at the program, agency, and system levels. These issues are identified, interrelated, and coordinated with supporting data and analyses. The resulting issue papers are then used for making fundamental decisions about policy and program direction, priorities, and related matters. As the budget process begins, this system of priorities and program decisions is then meshed with the budget decision process in what amounts to a second and perhaps even more detailed iteration with emphasis on the financial side. In the case at hand, the proposed issues from all criminal justice components are reviewed by the DJCP and passed up to the Secretary for his information or decision. Those of the courts and Attorney General are passed up for his information and, perhaps, discussion on a mutual basis with those groups; those from his own area of responsibility are passed on to him for consideration and action. The product of this then goes to the Department of Planning and Budget which may reshape them before putting them into a recommended package in conjunction with the other elements of state government for gubernatorial decision. The Governor will always make his decision on the DPB recommendations in conjunction with his cabinet, thereby reinvolving the key secretaries in the final decision process. The gubernatorial decision then permits the establishment of relative priorities which constitute the basic policy guidance on which the budget preparation follows. This particular process was pioneered by the SPA in conjunction with the LEAA program and then "colonized" to all areas of criminal justice interest. Since the SPA had several years of experience with this type of program planning and budgeting, the Department of Planning and Budget has been using the SPA as a technical assistance resource in implementing the system throughout Virginia government.

As noted earlier, sub-state criminal justice planning is integrated into this process to the extent that those local or regional interests have an important impact (or vice versa) upon state-wide criminal justice concerns. Criminal justice planning in Virginia has the enviable position of being several steps ahead in a state-wide process currently being developed and used for fundamental program decision and budget action across the executive branch.

#### The Institutionalization of Criminal Justice Planning

Criminal justice planning certainly has not reached its ultimate in Virginia; however, it is well institutionalized in the sense it is well established as a regular, ongoing part of state government. The SPA is looked upon as a valuable asset and resource not only within its own secretariat under the Secretary of Public Safety and within the executive branch but by the key leadership in the General Assembly and by the judicial branch as well. It has made its progress one step at a time, building upon both its own action and those of the legislature, the Governor, and the judiciary as they move forward toward a more consolidated, coordinated system. Clearly, the LEAA funds and system, though at times cumbersome, provided a stimulus and general rationale for the progress which has been made. Considerable credit must be given, not only to the leadership of the SPA which has been firm, constant, and continuing, but also to the substantial continuity and even-handed leadership provided by the Council on Criminal Justice which saw little turnover of its membership during the first eight or nine years. The Council matured considerably during that period of time in terms of how it conceived of criminal justice planning

and the role that state government might most effectively take in developing a systematic approach to criminal justice.

Considerable work remains to be done at the regional and local level. To a large extent this will remain the initiative of local and regional people as they mature in their understanding of the system and are better able to define their needs and facilitate mutual cooperation. The pilot project to integrate criminal justice planning locally with the budget decision process, incorporating all resources, is an example of what might yet be done.

The linkages are strong between the SPA and its sister components, the legislature and the judicial branch. Criminal justice leadership is well represented by the Secretary of Public Safety who acts as the Governor's central focal point for criminal justice matters, including his legislative package to the General Assembly. Here, the SPA acts as the principal staff arm to the Secretary and he, in turn, to the Governor. There are close cordial staff relationships between the SPA and the Department of Planning and Budget, the principal staff arm of the Governor within the Secretariat of Administration and Finance for general state management.

It should be noted in closing that there are several circumstances which have considerably assisted the firm institutionalization of criminal justice planning at the state level in Virginia. One has been the consolidation of the state court system which occurred in 1973. A second has been the gradual consolidation through reorganization and state funding of key functions, such as corrections and law enforcement. This occurred over a period of several decades. The third, and perhaps most important, was the establishment of a cabinet system in 1972, followed four years later by the establishment of the position of Secretary of Public Safety and the inclusion of virtually all the key executive branch criminal justice agencies under that Secretary. As in most cases in state government, the key factor probably was the leadership of the Criminal Justice Council and the leadership of the SPA--both were continuous over a long period of time, both exercised extraordinary political vision and wisdom in their relationships with other organizations and officials, and both showed willingness to work toward the positive achievement of realistic goals--incrementally, step-by-step, encouraging, stimulating, and enticing others to join in a cooperative venture.

#### Persons Interviewed--Virginia

Richard N. Harris, Director, Division of Justice and Crime  
Prevention  
Carl N. Cimino, Deputy Director, Division of Justice and Crime  
Prevention  
Martin B. Mait, Assistant Director for Planning Administration,  
Division of Justice and Crime Prevention  
Douglas Dix, Assistant Director for Finance, Division of Justice  
and Crime Prevention  
Fred Anderson, Computer Systems Analyst, Division of Justice and  
Crime Prevention  
Gail Herzenberg, Courts Coordinator, Division of Justice and  
Crime Prevention



Joseph Marshall, Executive Assistant, Division of Justice and  
Crime Prevention  
Frank Samsone, Evaluation Coordinator, Division of Justice and  
Crime Prevention  
William Sewell, Youth and Adult Corrections Coordinator, Division  
of Justice and Crime Prevention  
Joseph Tucker, Police System Coordinator, Division of Justice and  
Crime Prevention  
H. Selwyn Smith, Secretary of Public Safety  
William Weddington, Assistant Director for Program Development and  
Evaluation, Department of Corrections  
Gary Conrad, Department of Planning and Budget  
Raymond P. Veditz, Senior Legislative Fiscal Analyst, Appropria-  
tions Committee, House of Delegates  
Robert Baldwin, Executive Secretary, Supreme Court  
Mrs. Caroline Horton, Director, Commonwealth's Attorneys' Services  
and Training Council  
Overton P. Pollard, Executive Director, Public Defender Commission  
John Jones, Executive Director, Virginia State Sheriffs Association  
Richard A. Farrier, Member, Council on Criminal Justice (Mayor of  
Staunton, Virginia) 23 members  
Julion Hirst, City Manager, Norfolk, Virginia, former member,  
Council on Criminal Justice  
Thomas Buskirk, Criminal Justice Planner, Central Shenandoah Plan-  
ning District Commission

Sample Authorizing Legislation for a State Planning Agency

(Michigan, Minnesota, North Dakota, Virginia)

Public Act 541 of 1978

State of Michigan  
79th Legislature  
Regular Session of 1978

Introduced by Reps. Mary C. Brown, Padden, Burkhalter, Conroy, Hollister,  
Joseph F. Young, Monsma, Jondahl, Geerlings, Mowat, Welborn, Roy Smith,  
Binsfeld and Buth

ENROLLED HOUSE BILL NO. 6664

AN ACT to create the state commission on criminal justice and the office of criminal justice; to prescribe the respective powers and duties; and to authorize the appropriation of funds.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) "Application" means a formal request for the funding of an adult or juvenile justice project by a state or local entity or a combination of state and local entity, prepared pursuant to state or federal law.

(b) "Commission" means the state commission on criminal justice created in section 2.

(c) "Director" means the director of the office of criminal justice.

(d) "Office" means the office of criminal justice created in section 3.

(e) "Plan" means a comprehensive adult or juvenile justice plan developed under federal or state law requirements.

Sec. 2. (1) The commission on criminal justice is created within the department of management and budget for a period of four years after the effective date of this act. The commission shall consist of 37 members, 21 of whom shall be appointed by the governor with the advice and consent of the senate and shall represent collectively the public at large. The public members of the commission shall include representatives of the law enforcement and criminal justice agencies of the state including representatives from agencies related to the prevention and control of juvenile delinquency, units of local government, public agencies maintaining programs to reduce and control crime, the judiciary, and professional and community organizations. Not more than 11 of the appointed members shall be from the same political party. Sixteen members shall consist of the following persons or a designee of the person:

(a) The director of the office of criminal justice.

(b) The director of the department of state police.

(c) The director of the department of corrections.

(d) The director of mental health.

(e) The executive director of the department of civil rights.

(f) The director of public health.

(g) The director of the office of children and youth services in the department of social services.

(h) The director of social services.

(i) The superintendent of public instruction.

(j) The chief justice of the state supreme court.

(k) The attorney general of the state.

(l) The president of the state bar of Michigan.

(m) Four members of the legislature, two of whom shall be from each house. One member shall be appointed by the speaker of the house, one by the house minority leader, one by the senate majority leader, and one by the senate minority leader.

(2) A member of the commission who is a public official or the designee of a public official shall cease to be a member of the commission if the person ceases to be a member, officer, or employee of the representative agency.

(3) The appointed members of the commission shall be appointed for terms of 4 years, except that of the members first appointed, 6 members shall serve for 1 year, 5 members shall serve for 2 years, 5 members shall serve for 3 years, and 5 members shall serve for 4 years, as designated by the governor. A vacancy caused by expiration of a term shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the balance of the unexpired term of the member to be succeeded in the same manner as the original appointment. The governor may remove a member for cause which shall be explained in writing to the commission.

(4) The governor shall designate a chairperson of the commission. A member of the commission appointed by virtue of his or her public office or a person designated by the public officer shall not serve as chairperson of the commission. The commission shall designate a member as vice-chairperson.

(5) The commission shall meet at least once every 3 months at the call of the chairperson and the business of the commission shall be conducted at a public meeting held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. A quorum shall consist of 19 members. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws. A member of the commission shall not receive per diem for attendance at a meeting but shall receive expenses as shall be established annually by the legislature.

(6) The commission shall establish goals, priorities, and standards for the reduction of crime and delinquency and the improvement of the administration of justice in the state; conduct studies, propose legislation, adopt resolutions and policy statements, consult with the judicial planning commission, and review and approve a plan for adult criminal justice and a plan for juvenile justice.

(7) The commission, within 3 months of the expiration of the state's fiscal year, shall report to the governor and the legislature on the progress being made in the implementation of the commission's policies and priorities, especially those requiring action by the office of criminal justice.

Sec. 3. (1) The office of criminal justice is created within the department of management and budget. Office budget development, procurement, and related management functions shall be performed by the department of management and budget. The director of the office shall be an unclassified employee appointed by the governor. The director shall be the official authorized to enter into a contractual agreement with a federal agency and state, local, and private parties pursuant to the omnibus crime control and safe streets act of 1968, 42 U.S.C. 3701 to 3796c, and the juvenile delinquency prevention act, 42 U.S.C. 3801 to 3891, and related federal laws.

(2) The office shall do all of the following:

(a) Prepare plans or applications, as required by federal or state law, based on an analysis of the state's adult and juvenile justice needs and problems in conformity with state and federal requirements.

(b) Encourage and assist state, local, and regional agencies in the development of plans or applications.

(c) Cooperate with and provide technical assistance to state agencies, local units of government, or private agencies relating to adult and juvenile justice.

(d) Apply for, contract for, receive, and expend an appropriation or grant from the state, a political subdivision of the state, the federal government, or any other source of public or private funds. The funds acquired by the office shall be expended as set forth in the appropriation or grant received.

(e) Request an audit by a federal, state, or local agency authorized to conduct a program or fiscal audit of the office or a contractor or subgrantee of the office.

(f) Enter into a contract with regional, local, and private agency officials for the performance of duties required by grants awarded under federal or state law.

(g) Promulgate emergency rules within 180 days and any other rules necessary for the administration of this act within 1 year after the effective date of this act, pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(h) Pursuant to the policies and plans of the commission, develop, propose, and implement policies, plans, applications, and programs for improving the coordination, administration, and effectiveness of the adult and juvenile justice systems in the state.

(i) Pursuant to the policies and plans of the commission, draft and recommend to the governor and the legislature the legislation considered necessary to reduce crime and delinquency or improve the administration of justice.

(j) Request and receive from an agency of the state, a political subdivision of the state, or a public authority the assistance, information, and data to enable the office to properly carry out its functions, duties, and powers.

(k) Consult with the judicial planning committee and pursuant to the omnibus crime control and safe streets act of 1968, 42 U.S.C. 3701 to 3796c, incorporate the plan of the judicial planning committee into the state comprehensive plan.

Sec. 4. A criminal justice plan developed pursuant to this act shall be sent to the legislature for review 45 days before the plan's submission to a funding agency. A member of the legislature through the office of the speaker of the house and the majority leader of the senate may submit informal written comments on the plan within the 45-day period.

Sec. 5. The governor shall appoint, with the advice and consent of the senate, an advisory committee on juvenile justice consisting of 33 members representing state agencies and the public at large. The members of the committee shall be appointed for terms of 4 years, except that of the members first appointed, 9 members shall serve for 1 year, 8 members shall serve for 2 years, 8 members shall serve for 3 years, and 8 members shall serve for 4 years, as designated by the governor. The governor shall designate a chairperson of the committee. Not more than 17 members shall be from the same political party. A vacancy on the committee shall be filled in the same manner as the original appointment. The committee shall advise the commission on matters relative to the juvenile justice system in this state. The business of the advisory committee shall be conducted at a public meeting held in compliance with Act No. 267 of the Public Acts of 1976, as amended. Public notice of the time, place, and date of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. A writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

Sec. 6. This act shall expire on January 1, 1983.

Sec. 7. This act shall not take effect until December 31, 1978.

This act is ordered to take immediate effect.

T. Thomas Thatcher  
Clerk of the House of Representatives.

Billie S. Farnum

Secretary of the Senate.

Approved 12/22/78

Governor.

Taken from Chapter 299A. Department of Public Safety,  
Minnesota Laws, 1977

299A.03 Crime control planning board.

Subdivision 1. Policy. The legislature declares that efforts to control crime in this state must begin with comprehensive and coordinated planning at the state and local levels. This planning must recognize the individual problems faced by jurisdictions in the state, but it must also recognize the necessity for direct and continuing cooperation among state and local law enforcement agencies, the judicial system and the federal government. Only through the creation of a representative statutory board empowered with broad planning, administrative and funding authority can this effort at improved crime control be successfully initiated.

Subdivision 2. Creation; membership. There is created the crime control planning board in the executive branch of state government. The board shall be composed of the chairperson appointed by the governor and the following 18 members:

- (a) The chief justice of the Minnesota supreme court or, if he elects not to serve, a designee;
- (b) The attorney general or a member of his staff designated by him;
- (c) The commissioner of public safety or a member of his staff designated by him;
- (d) The commissioner of corrections or a member of his staff designated by him;
- (e) A district, county or municipal court trial judge;
- (f) The state court administrator; and
- (g) Twelve citizens of the state appointed by the governor.

The trial judge and the designee for the chief justice, if the chief justice elects not to serve, shall be appointed by the governor. In making these two appointments, the governor shall consider a list of at least three nominees for each position submitted to the governor by the chief justice within 30 days after the effective date of this section or the occurrence of a vacancy. The remaining members appointed by the governor shall include persons employed by agencies or political subdivisions engaged in activities relating to law enforcement or criminal justice, persons representing agencies engaged in providing youth services and preventing juvenile delinquency and persons who would not qualify for appointment under any of the preceding categories but who are interested in activities within the jurisdiction of the board.

Subdivision 3. Membership terms; removal; compensation. The members specified in subdivision 2, clauses (a) to (f) shall serve for their current term of employment with the state or election, as appropriate. The remaining members, except for the initial members, shall serve for terms of four years in a manner as provided in section 15.0575, subdivision 2. Members appointed by the governor, except for the trial court judge and the designee for the chief justice, if the chief justice elects not to serve, must receive the advice and

consent of the senate. Except for the chairperson, the compensation, removal and filling of vacancies of members appointed pursuant to clause (g), shall be as provided in section 15.0575. The terms of the initial members appointed pursuant to clause (g) shall be no more than four years and shall be determined by the governor so as to be consistent with the schedule of terms for subsequent members as provided in section 15.0575, subdivision 2.

Subdivision 4. Advisory task forces. The crime control planning board may establish advisory task forces pursuant to section 15.059 to assist it in the performance of its duties; provided that if the federal crime control acts require a task force to have more than 15 members, that task force shall be exempt from the 15 member limitation contained in section 15.059.

Subdivision 5. Chairperson; staff. The chairperson of the crime control planning board shall serve at the pleasure of the governor and shall receive a salary as provided by law. The chairperson shall be experienced in the administration of programs related to law enforcement or criminal justice. The chairperson shall serve as executive director of the board, shall preside at board meetings, shall organize the work of the board and shall appoint all employees subject to the approval of the board. The commissioner of the state department of administration shall provide the crime control planning board with reasonable office space and administrative services requested by the board, and the board shall reimburse the commissioner of finance for the cost thereof.

Subdivision 6. Planning functions. The crime control planning board shall serve as the state planning agency to administer the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Crime Control Act of 1973, Public Law 93-83, by the Crime Control Act of 1976, Public Law 94-503 and by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as amended, all of which acts are herein collectively referred to as "federal crime control acts." The board shall develop and revise as necessary a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the state. The comprehensive plan shall be deemed to include all individual plans submitted by the board as a prerequisite to the receipt of federal money and all other plans prepared by or under the direction of the board. These individual component plans shall be prepared so as to interrelate with each other and to provide for a unified and coherent statewide comprehensive plan. The plan shall include improvements in law enforcement and criminal justice systems which are designed to encourage interjurisdictional and interdisciplinary actions by affected governmental units. The plan and any revisions shall not be adopted as rules pursuant to chapter 15, but the board shall hold public hearings in respect to proposals for the plan and shall seek opinions of interested persons from outside the board as provided in section 15.0412, subdivision 6. To the extent that the plan or a component thereof is prepared in anticipation of the receipt of federal money, the plan or applicable component thereof shall be consistent with requirements of the federal crime control acts and shall accommodate where reasonable the form and content of regional plans for the improvement of law enforcement and criminal justice.

Subdivision 7. Legislative review of plans. Prior to the final adoption of the statewide comprehensive plan or a component plan by the crime control planning board, the draft of the plan shall be submitted to the appropriate standing committee of the legislature for review and comment. The board may



not adopt a plan without considering any legislative comments or recommendations received thereon within 45 days of submission of the draft plan to the legislature. Any legislative comments and recommendations which are not incorporated in the plan and which are received within 45 days of submission shall be forwarded with the plan to the appropriate federal agencies. The crime control planning board shall advise the legislature in writing of its intended response to the legislative comments and recommendations.

Subdivision 8. Distribution of grants; appropriation. The crime control planning board shall distribute money given to it for distribution for law enforcement or criminal justice purposes. All moneys received by the state from the federal government or any other sources for distribution by the crime control planning board are appropriated to the board. The board shall distribute money to state, regional and local agencies consistent with procedures, criteria and priorities which are promulgated by rule. To the extent that moneys to be distributed are federal moneys, the procedures, criteria and priorities shall be consistent with federal crime control acts and guidelines in respect to distribution of federal money. Before distributing money to a regional or local agency, the crime control planning board shall have determined that the activities to be funded will not be contrary to the statewide comprehensive plan. Individual activities may be funded by the board, or it may elect to distribute money in a block grant to an agency for use in more than one approved activity. The board shall not fund an activity until it has approved a procedure for evaluation of the recipient agency's use of the money.

Subdivision 9. Additional powers and duties. The crime control planning board, in cooperation with regional crime control advisory councils established pursuant to subdivisions 12 to 14 and any other regional or local crime control planning units, shall:

- (a) Assist state, regional and local agencies in the development of activities or proposed activities designed to improve law enforcement and the administration of justice;
- (b) Assist recipient agencies in the implementation of activities funded by the board;
- (c) Serve as liaison between agencies of all levels of government involved in law enforcement and criminal justice activities;
- (d) provide for the performance of fiscal audits, evaluations and monitoring of recipient agencies in respect to activities funded pursuant to subdivision 8;
- (e) Encourage and assist governmental agencies and courts in law enforcement and criminal justice planning activities;
- (f) Study and recommend to the governor, the legislature and appropriate federal agencies methods for (1) controlling juvenile criminal activities, (2) improving juvenile rehabilitation efforts, and (3) establishing suitable juvenile detention facilities;
- (g) Study and recommend to the governor, the legislature, the state crime victims reparations board and appropriate federal agencies methods for compensating victims of crime in this state;
- (h) Study and recommend to the governor and the legislature methods for improving the criminal justice system including methods to improve cross-jurisdictional enforcement;

(i) Solicit recommendations from appropriate standing committees of the legislature on methods to improve law enforcement and the administration of criminal justice in this state;

(j) Distribute to law enforcement and criminal justice agencies information on proposed, existing and completed activities funded or otherwise supported by the crime control planning board;

(k) Periodically analyze and distribute statistical data which indicates the current status and trends of criminal justice activities; and

(l) Perform other functions directly related to the study and improvement of criminal justice activities including those permitted or required by federal crime control acts to the extent that those functions are not otherwise inconsistent with this section; provided that this section shall not be construed to authorize the crime control planning board to undertake direct law enforcement activities or to engage in law enforcement or criminal justice activities which are specifically assigned or delegated to other state or local agencies.

Subdivision 10. Gifts; grants. The crime control planning board may apply for, accept and expend gifts and grants from the federal government and from other public and private sources in order to assist the board in carrying out the duties as provided in subdivisions 6 to 10.

Subdivision 11. Report. Prior to December 15 of each year the board shall prepare and submit to the governor and the appropriate standing committees of the legislature a report summarizing its activities for the year ending the preceding September 30. The report shall include at least the following information:

(a) A summary of crime control planning board activities including the listing of and justification for all rules promulgated by the board during the year;

(b) A description of all grant applications and plans submitted by the crime control planning board to federal agencies and other sources;

(c) A listing by categories of all grant applications received by the crime control planning board from state, local and regional agencies together with the disposition of the applications;

(d) A description of all activities funded by the crime control planning board together with the board's rationale for funding each activity;

(e) Audit summaries for completed activities funded by the crime control planning board together with the board's evaluation of the activity and its estimation of future effects resulting from the funded activities;

(f) The number and locations of public hearings held by the crime control planning board, a statement of methods used to announce the hearings, and the number of citizens attending each hearing;

(g) A statement of receipts and disbursements of the crime control planning board funds;

(h) The names, addresses and occupations of the crime control planning board members, and their dates of appointment and reappointment to the board;

(i) Recommendations to the crime control planning board from the appropriate standing committees of the legislature on matters relating to law enforcement and criminal justice, and the responses of the board thereto;

(j) Recommendations from the crime control planning board to the governor, the legislature and appropriate federal agencies on desirable changes

in law or appropriations which will significantly improve law enforcement and criminal justice administration;

(k) Priorities which the crime control planning board employed in funding activities for the year following the year covered in the report; and

(l) Any other information which the board believes will be useful in reviewing board activities.

Subdivision 12. Crime control planning regions. For the purposes of coordinating local law enforcement and criminal justice activities and planning, the governor shall divide the state into crime control planning regions. Each region shall encompass one or more of the economic development regions authorized to be established by section 462.385, provided that one region shall encompass the territory defined by Laws 1967, Chapter 896.

Subdivision 13. Regional advisory councils. There shall be in each criminal justice planning region a regional crime control advisory council of no more than 25 members appointed by regional development commissions, except that the metropolitan council shall be the regional crime control advisory council in the territory defined by Laws 1967, Chapter 896. Any regional crime control advisory council shall function as a committee of the regional development commission or contract with the regional development commission as a consultant. The members shall serve for two year terms. Each county shall be represented on the council by at least one member. Composition of each regional crime control advisory council shall be in conformity with the federal crime control acts. The staff of each regional crime control advisory council, shall be appointed in the manner prescribed by the regional development commission or the metropolitan council. The regional crime control advisory council shall organize itself and elect a chairperson. Nothing in this section shall be construed to prohibit the establishment of local crime control planning units where required or permitted by federal crime control acts and when not in violation of other law.

Subdivision 14. Planning funds. The crime control planning board shall make available planning funds to regional development commissions, the metropolitan council and eligible local units of government or combinations thereof for the purpose of assisting the crime control planning board in the development of its annual statewide comprehensive plan. The board shall take into consideration in the distribution of the planning funds such combinations of regions as may have been established for criminal justice planning purposes. Each regional development commission or the metropolitan council shall adopt after public hearing a regional criminal justice plan which shall comply with board guidelines. A regional plan may not be in conflict with the statewide plan. The board shall provide for procedures to insure that:

(a) A plan submitted by a regional development commission or the metropolitan council to the crime control planning board shall be approved or disapproved in whole or in part no later than 90 days after receipt by the board;

(b) Any part of a plan not so disapproved within 90 days of submission shall be deemed approved;

(c) The reasons for disapproval of the plan or any part of it shall contain a detailed explanation of the reasons for which the plan or part was disapproved, and an explanation of what supporting material is necessary for the board to reconsider the plan; and

(d) Disapproval of any plan or part of it shall not preclude the resubmission of the plan or part to the board at a later date.

Taken from Chapter 12-61 North Dakota Century Code

Combined Law Enforcement Council

Section		Section	
12-61-01	Creation of council-- Election of members.	12-61-06	Rulemaking power--Appeal.
12-61-02	Meetings--Compensation.	12-61-07	Municipal judges--Training --Repealed.
12-61-03	Powers and duties.	12-61-08	County justices--Training --Repealed.
12-61-04	Qualified officers to be certified.	12-61-09	Prosecuting attorneys-- Training.
12-61-05	Jail standards--May con- tract for jail facilities.	12-61-10	Sheriffs--Training.
		12-61-11	Police officers--Training.

12-61-01. Creation of council--Election of members.--The North Dakota combined law enforcement council shall consist of the attorney general, who shall be chairman; the superintendent of the bureau of criminal investigation; the superintendent of the highway patrol; the state parole officer; the warden of the penitentiary; a state's attorney; a sheriff; a chief of police; a district judge; a juvenile supervisor; the superintendent of the state industrial school; a representative of the league of cities; a representative of the county commissioners' association; and a representative of each house of the state legislative assembly. Selection of other than ex officio members may be made by their respective associations. The legislative representative shall be chosen by the presiding officer of each chamber. Said members shall serve a term of two years, commencing July first of each odd-numbered year, provided they continue to hold the same office as when appointed to the council. The attorney general shall fill any vacancies.

12-61-02. Meetings--Compensation.--Meetings shall be held at the call of the chairman or upon request of any three members of the council. Council members shall receive mileage and travel expenses, the same as state employees. Members of the council who are not full-time public employees shall receive twenty-five dollars per meeting.

12-61-03. Powers and duties.--The powers and duties of the council shall be:

1. To hire a director and such personnel as may be necessary.
2. To cooperate with and assist all federal, state, and local law enforcement agencies and officials.
3. To make legislative recommendations on matters affecting law enforcement.
4. To accept gifts or grants or contract with persons or organizations, including the federal government, on such terms as may be beneficial to the state.
5. To make recommendations for the operation of the bureau of criminal investigation.
6. To conduct law enforcement training programs and prescribe rules of operation for same.

7. To recommend selection standards for the hiring of police officers.
8. To prescribe minimum standards of training prior to carrying a sidearm.
9. To recommend suitable uniforms and equipment for police officers, having due regard for the size of the department and duties of the officers.
10. To establish and coordinate the development of a uniform records management system for North Dakota law enforcement agencies.

12-61-04. Qualified officers to be certified.--The council shall issue certificates to each officer that meets requirements established by the council. Such certificates may be different grades, depending upon the qualifications of the officers. Such certificates may be revoked after a hearing on the matter.

12-61-05. Jail standards--May contract for jail facilities.--The council shall recommend rules for the operation and maintenance of county and municipal jails and for the care and treatment of inmates therein. Such rules will be posted in at least one conspicuous place in the jail whereby they may be read by inmates. A person appointed by the council may inspect each jail at least once each year to determine if such rules have been complied with. Counties and cities may enter into contracts with other governmental agencies for jail facilities.

12-61-06. Rulemaking power--Appeal.--All rules and regulations adopted by the council, and appeals therefrom, shall be in accordance with chapter 28-32.

12-61-07. Municipal judges--Training.--Repealed by S. L. 1975, ch. 272, sec. 5.

12-61-08. County justices--Training.--Repealed by S. L. 1975, ch. 272, sec. 5.

12-61-09. Prosecuting attorneys--Training.--Every newly elected or appointed prosecuting attorney shall attend a course of training conducted by the law enforcement council. The curriculum, location, and dates of such sessions shall be determined by the law enforcement council in cooperation with the state's attorneys' association. Such course shall be open to all prosecutors.

12-61-10. Sheriffs--Training.--Every newly elected or appointed sheriff shall attend a course of training on civil and criminal duties conducted by the law enforcement council. The curriculum, location, and dates of such sessions shall be determined by the law enforcement council in cooperation with the sheriffs' association. Such course shall be open to all sheriffs and deputies.

12-61-11. Police officers--Training.--Every newly appointed police officer shall attend a course of training conducted by the law enforcement council. The curriculum, location, and dates of such sessions shall be determined by the law enforcement council in cooperation with the police chiefs' association. Such course shall be open to all police officers.

Taken from Chapter 7.3 of the Code of Virginia,  
1978 Cumulative Supplement

Division of Justice and Crime Prevention  
and Council on Criminal Justice

- |            |  |            |  |
|------------|--|------------|--|
| Sec.       |  | Sec.       |  |
| 2.1-64.23. | Division created; appointment of Director, appointment and composition of Council; terms of members; expenses; chairman, vice-chairman and executive director of Council; responsibility for implementation and administration of federal programs, etc. | 2.1-64.24. | Powers and duties of Division and Council.                   |
|            |  | 2.1-64.25. | Powers and duties of Director, other personnel.              |
|            |  | 2.1-64-26. | Plans and data from planning districts, counties and cities. |
|            |  | 2.1-64-27. | [Repealed.]  |

Sec. 2.1-64.23. Division created; appointment of Director; appointment and composition of Council; terms of members; expenses; chairman, vice-chairman and executive director of Council; responsibility for implementation and administration of federal programs, etc.--There is hereby created the Division of Justice and Crime Prevention, which shall be under the supervision and direction of the Council on Criminal Justice, and shall be referred to hereafter as the Division. The Governor shall appoint a Director of the Division, who shall hold his position at the pleasure of the Governor and shall be paid such compensation as the Governor may fix.

The Governor shall appoint a Council on Criminal Justice, hereafter and heretofore referred to as the Council, consisting of twenty-two members, ten of whom shall be the Chief Justice of the Supreme Court of Virginia or a representative of the Chief Justice designated by him, the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Superintendent of Public Instruction, the Director of the Department of Corrections, the Director of the Department of Intergovernmental Affairs, the Chairman of the Probation and Parole Board, the Attorney General of Virginia or a representative from the office of the Attorney General, the Superintendent of the Rehabilitative School Authority, and the State Coordinator of the State Office on Volunteerism. In those instances when either the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Superintendent of Public Instruction, the Director of the Department of Corrections, the Director of the Division of State Planning and Community Affairs, the Chairman of the Probation and Parole Board, the Superintendent of the Rehabilitative School Authority, or the State Coordinator of the State Office on Volunteerism will be unavoidably absent from a Council meeting, he may appoint a member of his staff to represent him at the meeting of the Council. While attending the meeting of the Council such duly appointed representative shall have the privileges and responsibilities of the Council member he represents. The Council shall adopt such bylaws as

it deems necessary governing the attendance of its members at meetings of the Council and the appointment of representatives hereinbefore provided. The remaining twelve members shall be appointed as follows:

Initially four members shall be appointed for two-year terms, four members for three-year terms, and four members for four-year terms; and as such initial terms expire, and thereafter, all remaining twelve members shall be appointed for four-year terms. None of these twelve members shall be appointed to serve more than two full four-year terms. These twelve members shall be selected from among residents of this State who are representative of the broad categories of the State and local criminal justice system, State and local law enforcement, State and local government, including but not limited to, police officials, sheriffs, Commonwealth's attorneys, defense counsels, the judiciary correctional and rehabilitative activities, juvenile delinquency prevention and control activities, and local and State elected and appointed administrative and legislative officials. Representatives may also be derived from the fields of education, science and technology, community relations, business and industry, law, religion, and the news media. Vacancies on the Council shall be filled for the unexpired term. Members of the Council shall receive no salaries but shall be paid their necessary traveling and other expenses incurred in the discharge of their duties. The Governor shall appoint the chairman of the Council and the Council shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Council. The Director shall serve as Executive Director of the Council but not as an ex officio member of the Council.

The Council on Criminal Justice and the Division of Justice and Crime Prevention are hereby designated as the supervisory board and the State planning and coordinating agency, respectively, responsible for the implementation and administration of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended, as well as other federal programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control throughout the State, and shall continue the activities of and succeed the State Law-Enforcement Planning Council and the State Law-Enforcement Administration. (1970, c. 759; 1974, cc. 44, 45, 471; 1975, c. 525; 1976, c. 741; 1977, c. 343.)

Sec. 2.1-64.24. Powers and duties of Division and Council.--The Division, under the direction of the Council, shall have the following powers and duties:

(a) To develop a comprehensive statewide long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the State and to periodically update said plan.

(b) To encourage, stimulate, organize, develop, and conduct programs and activities throughout the State designed to strengthen and improve law enforcement and the administration of criminal justice in the Commonwealth.

(c) To define, develop, correlate, implement, and administer programs and projects for the State and for units of general local government, or combinations thereof, in the State, designed to strengthen and improve law enforcement and the administration of criminal justice throughout the State.

(d) To establish priorities for strengthening and improving law enforcement and the administration of criminal justice throughout the State.

(e) To coordinate the activities and programs of all State departments, agencies, boards, and institutions, and of the units of general local government, or combinations thereof, in the State, including counties, cities, towns, and planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice at every level.

(f) To cooperate with and advise and assist all State agencies, departments, boards and institutions, and units of general local government, or combinations thereof, in the State, including counties, cities, towns, and planning district commissions, in planning, developing, and conducting programs, projects, and activities for strengthening and improving law enforcement and the administration of criminal justice throughout the State, including allocating and subgranting funds for these purposes.

(g) To determine the benefits which may accrue to the State and its units of general local government, or combinations thereof, under the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments thereto, and to take full advantage of this federal act and all federal acts and programs designed to strengthen and improve law enforcement, the administration of criminal justice and delinquency prevention and control throughout the State.

(h) To do all things necessary on behalf of the Commonwealth of Virginia and its units of general local government, or combinations thereof, to secure the full benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments thereto, and under other federal acts and programs designed to strengthen and improve law enforcement, the administration of criminal justice and delinquency prevention and control throughout the State, and in so doing to cooperate with federal and State agencies, departments, and institutions, private and public agencies, interstate organizations, and individuals to effectuate the purposes of those acts, and any amendments thereto, and the purposes of this chapter.

(i) To receive, administer, and expend all funds and other assistance available to the Division for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments thereto.

(j) To apply for and accept grants from the United States government and agencies and instrumentalities thereof and from any other source in carrying out the purposes of this chapter. To these ends, the Division shall have the power to comply with conditions and execute such agreements as may be necessary.

(k) To accept gifts, bequests, and any other thing to be used for carrying out the purposes of this chapter.

(l) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government, or combinations thereof, in the State, other states, and agencies and departments of the Commonwealth.

(m) To adopt and administer reasonable rules and regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the State and to units of general local government within the State, or combinations thereof, and for carrying out the purposes of this chapter and the powers and duties of the Division.

(n) To perform such other acts as may be necessary or convenient for the effective performance of its duties.



The Council on Criminal Justice shall determine policy and supervise the Division in the performance of its powers and duties and shall advise the Division specifically through the review and evaluation of programs and activities for strengthening and improving law enforcement and the administration of criminal justice of the State and of units of general local government within the State, or combinations thereof. (1970, c. 759; 1974, c. 471; 1975, c. 525.)

Sec. 2.1-64.25. Powers and duties of Director; other personnel.--The Director shall, under the direction and control of the Council, exercise all powers and perform all duties imposed on him by law, and he shall perform such other duties as the Council shall require of him.

In addition, the Director shall be charged with executive and administrative responsibility to (a) carry out the specific duties imposed on the Division under section 2.1-64.24 and (b) maintain appropriate liaison with federal, State and local agencies and units of government, or combinations thereof, so that all programs and activities for strengthening and improving law enforcement and the administration of criminal justice may function effectively from national to local levels.

The Director is authorized to employ such personnel and to contract for such consulting services as may be required to carry out the purposes of this chapter. Personnel employed by the Director shall be subject to the provisions of chapter 10 (section 2.1-110 et seq.) of Title 2.1 of the Code of Virginia. (1970, c. 759; 1974, c. 471; 1975, c. 525.)

Sec. 2.1-64.26. Plans and data from planning districts, counties and cities.--Each planning district commission within the State and counties and cities not participating in a formally organized planning district commission within the State shall prepare and submit to the Council, through the Division of Justice and Crime Prevention, plans and data for strengthening and improving law enforcement and the administration of criminal justice within the planning district or county or city, as the case may be, which shall be subject to the approval of the Council on Criminal Justice for purposes of determining the eligibility of such planning district commission, county or city, to participate in funds and grants available under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, or such State or other federal funds as may be made available for like purposes. Such plans and data shall be prepared in accordance with rules and regulations adopted and administered by the Division of Justice and Crime Prevention and shall be updated periodically, as required by that Division. (1970, c. 759; 1974, c. 471; 1975, c. 525.)

Extracts from  
New Mexico Department of Criminal Justice  
Implementation Plan for Reorganization  
April 1978

The material following is from pages 1-3, 12-15, and 35-51 of the above plan, prepared by the New Mexico SPA. It describes the new organization and responsibilities of the SPA, as well as some of the context in which it functions and some considerations bearing upon the New Mexico reorganization.

Responding to the need for a comprehensive approach to the problems faced by the state's criminal justice system, the Legislature enacted House Bill 15 (laws of 1977, Chapter 257) and created the Department of Criminal Justice. The purpose, according to the Act, "is to create a single, unified department to administer all laws and exercise all functions formerly administered by the corrections department, the police academy and the state police and to insure a comprehensive criminal justice system in New Mexico." In establishing this Department, the legislature recognized the need to overcome the deficiencies in existing crime control efforts and to establish more effective comprehensive programs that would improve the criminal justice system.

There are multiple components to the criminal justice system that exist at the three levels of government and function in different jurisdictions. The Department of Criminal Justice encompassed only those agencies under the direct responsibility of the Executive. However, proponents of the Department recognized the interrelationships among the various components of the system. For example, better police performance that results in a greater number of arrests leads to a larger number of prosecutions, court trials, and ultimately, more inmates at the state's institutions. Thus, a unified criminal justice system cannot exist without the necessary intergovernmental cooperation of constitutionally established and separate criminal justice agencies and local units of government.

In approaching the reorganization of the Executive agencies responsible for different functions of the criminal justice system, there were several underlying assumptions. First, in order for the Department of Criminal Justice to function effectively, it must recognize that it operates in a multi-jurisdictional arena. The consolidation of the four agencies would not achieve the purpose set forth in the Act unless this merger provides better services to the entire criminal justice community.

Second, although the different agencies have separate and distinct missions, their activities contribute to the attainment of a common goal--reducing crime and improving the criminal justice system. Each component of the Department, whether law enforcement or corrections, the two ends of the spectrum, must be aware of its impact on the other. More important, in allocating the scarce state resources, priorities can be established based on greater need and impact.

Third, there are areas of common concern that affect all professional administrators of the criminal justice system. These include better information

and training of personnel that contribute to the more effective operation of each individual agency.

Fourth, planning, which is presently supported in part by federal funds, will continue in order to meet the legislative mandate of coordinating long and short term planning of the Department. Although LEAA funds are available for this purpose, the thrust will be toward planning for the state as a whole and its resources, rather than for limited and diminishing federal funds.

House Bill 15 established four divisions and six bureaus: the Administrative Services Division; the State Police Division; the Corrections Division and its three bureaus, Juvenile Institutions, Adult Institutions, and Field Services; and the Criminal Justice Support Division with its three bureaus, Training and Education, Standards and Inspection, and Technical Services. The Secretary of Criminal Justice, appointed under the authority granted by House Bill 4 (laws of 1977, Chapter 248), in consultation with the directors of the agencies involved, created additional bureaus necessary for the efficient operations of the Department. Within the Administrative Services Division four bureaus were established: Planning and Evaluation, Financial Management, Personnel Management, and Management Services. The State Police will function with three bureaus: the Uniformed Bureau, the Criminal Investigations Bureau, and the Special Programs Bureau. The Parole Board, Governor's Organized Crime Prevention Commission, and the Public Defender are administratively attached to the Department.

The implementation effort for the Department was guided by several criteria set forth by the Secretary of Criminal Justice. First, the goals and operations of the Department must reflect a coordinated, unified approach to those criminal justice functions under its jurisdiction. In addition, it must provide every opportunity for communication and coordination with other components of the criminal justice system. Second, within the parameters of legislative intent and executive mandates, the Department must establish an organizational structure which assists in achieving its goals effectively. Third, the employees of the Department must be aided in responsibly performing their duties by the organizational structure under which they operate. Fourth, the organizational structure must be able to adapt to changing circumstances. And, fifth, any staff and support functions established must be able to provide for maximum ease of communication and interaction among divisions, bureaus, and/or sections as a formal organizational structure will allow.

This document will attempt to explain the process that has been followed in planning the implementation of the Department. This is an extensive narrative description of the two new divisions of Administrative Services and Criminal Justice Support created by House Bill 15 (laws of 1977, Chapter 257) since they do not presently exist, and will require the most change for all individuals and employees concerned. Every attempt has been made to explain the thinking and reasoning that went into decisions affecting employees of these divisions. For the reader's information, task force reports as well as subcommittee reports have been attached as appendixes to each of the new bureaus. Although not all of the recommendations from these groups were accepted, each issue was thoroughly considered and as many options as possible were presented prior to making a decision. All the members of these groups deserve a special thanks for their time, effort, and dedication.

The State Police Division and the Corrections Division will continue their functions as prescribed by the statute. The State Police is the most affected by the changes since many of their administrative support personnel are being transferred to the Administrative Services Division. However, it is their opinion this will not hamper their operations and that many benefits can be derived from this reorganization.

#### Office of the Secretary

According to the statute, the Secretary is responsible to the Governor for the operations of the Department. He is the general supervisory and appointing authority over all departmental employees, subject to applicable personnel laws, rules and regulations. He may delegate authority to his subordinates, and may organize the Department into those organizational units, subject to statutory mandates, that he feels will enable the Department to function most efficiently. He must prepare an annual budget for the Department, provide for classes of instruction and practical training for his employees, and conduct research and studies that will improve the operations of the Department and the provision of services to the citizens of New Mexico. The Secretary shall appoint each division director, with the Governor's consent, and they shall serve at the pleasure of the Secretary. In addition, at the request of the heads of the administratively attached agencies, he must provide cooperation to minimize and eliminate duplication of services and jurisdictional conflicts; coordinate activities and resolve problems of mutual concern, and agree on the manner and extent to which the Department will provide budgeting, record keeping, and related clerical assistance to these agencies.

The Office of the Secretary will consist of his personal staff and the Office of Civil Rights Compliance. In addition to his executive secretary, a request has been submitted for two administrative assistants to aid the Secretary in carrying out his responsibilities. This is particularly important because of the complexity of the issues involved, the necessary involvement of other government jurisdictions in any attempt to improve the criminal justice system, and the need to integrate the activities of the Department's divisions which may function at separate ends of the criminal justice spectrum. They will assist the Secretary in coordinating and conducting Department meetings as well as preparing legislation affecting the Department.

The Office of Civil Rights Compliance will function as part of the Secretary's office and will be a central unit with responsibility for adoption and enforcement of equal opportunity and affirmative action programs throughout the Department. This will include close coordination with the Bureau of Personnel Management to insure that affirmative action is integrated into the Department's personnel policies and procedures. Training will be provided to supervisors and staff to insure that the necessity and importance of this program is thoroughly understood.

Beyond monitoring the Department's responsibility, this section will be responsible for insuring compliance with statutory LEAA requirements for civil rights compliance. Initially consideration was given to placing this unit under the Administrative Services Division director because of the unique requirements placed on the state by the Crime Control Act of 1976. Under the Act, anybody receiving LEAA funds must have an affirmative action plan and

may not discriminate against any person as provided for by the provisions of Title VI and VII of the Civil Rights Act of 1964. If a recipient of LEAA funds is not in compliance, the Act sets forth very specific procedures that must be followed to insure compliance or termination of funds. These apply not only to the Department as a possible recipient of these funds, but to other state and local agencies who may receive LEAA funds.

As a result of further review by the subcommittee on civil rights compliance, the recommendation was made to the Secretary that this unit be placed directly in his office in order to insure top level management support of its activities. Besides formal procedures and sanctions, this unit should be able to act as an informal mediator by spotting problems early and intervening before they require formal action. Thus, the unit should be able to act formally or informally on behalf of the Secretary.

The subcommittee, composed of existing EEO officers from the agencies affected, also recommended that resources and personnel be centralized and physically located in the Secretary's office. Individual staff members would be assigned to the divisions and they would be responsible for providing assistance on all matters involving civil rights and affirmative action. Therefore, centralization and pooling of resources was considered the most effective way to insure efficient and uniform operations of the unit for the Department as a whole.

Civil rights compliance has been, and continues to be a matter of some controversy. There is a clear legal mandate for its existence and future Secretaries of Criminal Justice will be responsible for its implementation. However, the level of authority and support that this unit receives will ultimately depend on the Secretary's concern and commitment to the concept of equal opportunity for all.

#### Administratively Attached Agencies

Under the Act, the Parole Board, the Governor's Organized Crime Prevention Commission, and the Public Defender Department are administratively attached to the Department. These agencies retain their autonomy and policy making authority, but the Secretary is charged with minimizing duplication, coordinating activities and resolving problems of mutual concern, and reaching an agreement with each agency on the extent to which the Department will provide budgeting, record keeping, and related clerical assistance.

In a meeting with the three agencies, the following agreements have been made:

1. Each agency will submit an annual plan to the Secretary. The time frame will be established by the Secretary to insure that it coincides with the timetables of the Department's planning cycle. Staff assistance will be available as necessary.

2. Each agency will submit to the Secretary data and reports that are requested by the Secretary.

3. The Secretary will be given the opportunity to comment and discuss policy directives established by the administratively attached agency, particularly on how they may affect the operations of the Criminal Justice Department.

4. Civil rights and affirmative action programs for equal employment opportunity will be handled by the Secretary.

5. Administrative support services for the Organized Crime Prevention Commission and the Parole Board will be handled to the extent that existing resources and personnel in the Administrative Services Division will permit. Specific agreements will be further discussed as the division begins to operate and workloads can be more accurately measured.

#### Administrative Services Division

The Administrative Services Division was divided into four bureaus: Planning and Evaluation, Financial Management, Personnel Management, and Management Services. Its primary function is to provide the Secretary with recommendations on the goals, objectives, policies, programs, plans, budgets, and schedules to best achieve departmental goals. The division will function in a staff capacity to the Secretary and will function in support of other divisions by providing assistance and advice in matters dealing with personnel management, financial management, budgeting, planning, evaluation, and general administration.

Several statements must be made about this division prior to discussion of its individual bureaus. Perhaps the most basic is the relationship of staff services to line divisions, and the impact consolidation of administrative services will have on those divisions which have been self contained entities in the past. Some of the greatest concerns voiced by the agencies were how would administrative services be provided to their new divisions? What would be the responsibility of each division in preparing a plan, submitting a budget, or preparing a voucher? More importantly, who would perform these duties if, in fact, personnel were transferred to the Administrative Services Division?

Given the legislative intent and executive mandate to consolidate and reduce duplication in administrative services, a considerable amount of time was spent in outlining planning, budgeting, financial management, personnel management, and management services processes that would define, in operational terms, the relationships between these bureaus and other divisions. Three principles guided this effort. First, consolidation must not hinder the operations of the line divisions. Second, management support services must continue with a minimum amount of disruption. Third, planning, budgeting, and financial management are critical to the operations of the Department and provisions must be made to insure:

a. that the Secretary, the Governor, and the Legislature had adequate, up to date and reliable information on the status of programs and funds of the Department;

b. that the division heads must have timely and useful information on the financial status of their programs, as well as analyses of the performance

of their programs during the year and their impact on the long range goals of the Department in order to make necessary adjustments and changes for more effective and efficient performance; and

c. that the planning process provide the basis for a sound budgeting process that considers past performance, present operations, and future goals in allocating the resources available to the Department.

Therefore, centralization of administrative services must consider the service nature of its functions and the importance of providing assistance and information to the other divisions who are responsible for the day to day operations of direct services in the Department, such as police patrol and rehabilitation programs.

The proposed structure for the division is the result of specifying how these processes will function, and an attempt to allocate manpower and personnel in such a way as to be able to properly perform its duties.

As with any change, existing agencies will undoubtedly feel the impact of removing administrative support personnel from their immediate supervision. This is particularly true of the State Police which had the most extensive administrative support structure of the four agencies involved. In reviewing the possible consequences of this action, it is the opinion of the State Police that such a move will have a minimal effect on the operations and program functions of the division. However, the Department recognizes the possible need for an administrative assistant at the division director level, especially in those divisions that provide direct law enforcement and correctional services.

As has been emphasized, the division will provide support services to the other divisions and will assist them in the area of personnel, budget, planning, etc. In order for this relationship to be effective, the division director must be able to provide input to the Administrative Services Division. Unquestionably, how budget, personnel, and fiscal matters are handled will have a direct impact on the operation of any program. The division director must have the ability to bridge the needs of his own program and the administrative support necessary to carry it out. As the divisions become operational, each director must have the flexibility to determine what will best address this need and submit to the Secretary the proper justification for an administrative assistant.

In the pages that follow, each of the four bureaus of the division will be generally described and their functions and responsibilities outlined.

The Bureau of Planning and Evaluation is primarily responsible for the development and coordination of long and short term planning of the Department and preparation of an annual comprehensive plan. In addition, it will provide technical assistance to other divisions and other criminal justice agencies of the state and local governments. It will coordinate the collection of criminal justice data with the Technical Services Bureau of the Criminal Justice Support Division, and do statistical analysis evaluations and reports on the crime picture and system's performance. Although these functions are also required by the Crime Control Act of 1976, emphasis will be placed on responding to the needs of the state and the legislature.

The subcommittee on Planning and Evaluation recommended that all planning capabilities within the Department be centralized in this bureau. Although centralization of functions will allow for a greater degree of coordination of departmental goals and more effective allocation of resources, there was explicit recognition of the need to provide direct planning support to each of the divisions. The recommendation will be made to the bureau chief that a staff member from this bureau be assigned to providing planning support to each of the divisions. They will be responsible for having a thorough knowledge of the operations of the division, for providing planning options to decision makers, and for coordinating planning resources within the bureau for the planning needs of the division.

In order for planning to have an impact, recommendations that are a result of the process outlined must be adopted as departmental goals and implemented through the budgeting process. Therefore, the relationship of planning to budget is made explicit in the planning flow chart. Each division will perform an analysis of its past performance, make projections of expected workloads, define problems and needs that can be anticipated, develop alternatives to meet its needs, and select the preferred program alternative as an action plan. The selection of that alternative should consider cost implications, and the cost figures for the programs in the division's plan should form the basis for the division's budget request.

It is important to note that this bureau will continue to administer the LEAA program in the state. Provisions have been made in the planning process for the development of the comprehensive plan for LEAA funds. Much of the information used by the Department to develop its plan will be incorporated into the statewide comprehensive plan. Input from local units of government, other criminal justice jurisdictions, and other departments will be integrated for a more complete analysis of crime and system performance throughout the state. House Bill 15 provides for the creation of the Criminal Justice Coordinating Council which will recommend goals and standards, review the comprehensive plan, and submit its recommendations to the Governor and the Secretary. The award of LEAA funds is the responsibility of the Secretary, and recommendations to the Secretary will be made in accordance with the comprehensive plan and its goals and priorities.

Although LEAA has come under severe criticism, the express purpose of the Crime Control Act has always been "to assist states and local governments in strengthening and improving law enforcement and criminal justice at every level by Federal assistance." (emphasis added) The creation of the Department of Criminal Justice not only embraces the need to strengthen and improve criminal justice in the state, but provides for a more effective structure for the administration of federal assistance.

As of this writing, the future of LEAA is uncertain and speculation would be a fruitless endeavor. Needless to say, the loss of any funds available for planning would seriously hamper the operation of this bureau. The state has, over the years, assumed an increasing portion of the operations of the Governor's Council on Criminal Justice Planning. In response, the Council has expanded its activities to meet the planning needs of the state and has been actively involved in matters affecting its criminal justice system. It has shifted the agency's focus from a grant administration agency to one that has tried to provide information and assistance to executive and legislative



decision makers in the state. Should LEAA funds cease, some state funds are available to carry out some of the functions assigned to the bureau; however, these would be severely curtailed.

Although there is no statutory mandate for the establishment of regional criminal justice planning units, they presently exist and are funded with LEAA funds. The Crime Control Act, in an effort to encourage the establishment of a comprehensive criminal justice planning effort at the local level, requires that 40 percent of planning funds made available to the state be passed through to local units of government for this purpose. In New Mexico, regional planning units have been established and presently fulfill this function. With the exception of the Metropolitan Coordinating Council in Albuquerque, all the regions are 100 percent federally funded. As was mentioned in the beginning, in order to achieve the goals set forth for this Department cooperation and coordination will have to cross intergovernmental lines. However, because the source of funding for local planning is strictly LEAA, the continuation of the regions will depend on the future of LEAA funding unless local units of government can provide financial assistance to their regional offices.

The Bureau of Financial Management will be responsible for the control of the Department's resources, liabilities, revenues and expenditures, budget preparation, audit, and procurement. Initially, emphasis will be placed on developing an integrated system of record keeping in order to assure unified control of the Department's finances, including comparisons of actual expenditures to amounts budgeted so that financial position of all the Department's functions and activities are known on a current and continuing basis. Financial management information will be provided on a regular basis to division directors and the Secretary for planning and administrative purposes.

The preparation of the Department's budget is one of the critical functions of this bureau. As previously mentioned, every attempt has been made to integrate budget preparation with an overall planning process that will establish departmental goals and priorities and translate them into appropriation requests. Once an appropriation is made, the budget section will be responsible for preparing the operating budget, as well as coordinating any budget adjustment requests with the planning section to insure that they are consistent with departmental priorities. As with the Planning and Evaluation Bureau, staff from the budget section will be available to help each division prepare its budget request.

The Bureau of Personnel Management is responsible for the development, establishment, and enforcement of personnel administration policies and standards within the Department. It will be responsible for doing job analysis and evaluations, assisting managers and supervisors with staffing needs including recruitment, administering salary and wage policies, providing for staff training and development, and maintaining all official departmental employee records. In addition, the subcommittee on personnel management recommended that affirmative action efforts be integrated with the Department's personnel policies and procedures. They felt that the chief of this bureau should share the responsibility with the head of the Civil Rights Compliance Unit in designing and implementing an internal reporting system that continually monitors progress toward affirmative action goals.

When discussing the need of the Financial Management and Personnel Management Bureaus, consideration was given to the special needs of the correctional institutions which are located around the state. In centralizing personnel and fiscal support services, care had to be exercised in order to insure that the institutions could continue to operate efficiently and meet their day to day needs. Thus, the task force recommended that employees who performed fiscal and personnel functions at the institutions remain there.

There are several reasons for this recommendation. First, personnel performing these functions sometimes have other duties that are program in nature. Second, it would create unnecessary delays if every routine personnel action or fiscal voucher had to be sent to Santa Fe for processing. Third, the institutions run programs such as farming operations and prison industries that require easily accessible administrative support. It was concluded that the individual, somewhat self-contained nature of the institutions justified leaving administrative positions where they are presently located.

Notwithstanding this recommendation, there is also the recognition that there is a need for a strong centralized fiscal and personnel management system. Although these employees will continue to be responsible for day to day administrative support operations at the institutions, policies, procedures, forms reporting requirements, and methods will be prescribed by the bureaus in the Administrative Services Division.

The Bureau of Management Services is responsible for the ordering, distribution, and inventory control of the Department's supplies. It will be responsible for the maintenance of all buildings and grounds of the Department, unless otherwise provided. It will also have a Mail and Distribution Section and a Word Processing Center. This bureau is particularly important because it will provide many of the support management services which can help or hinder the efficient operation of the Department. Not only must it develop and implement appropriate procedures and techniques to insure that services are adequate, but it must institute effective systems and controls that are amenable to the changing needs of the Department. It can be generally stated that many of the responsibilities of this bureau are often found to be audit exceptions in agency audit programs. Therefore in establishing this bureau, reviewing the processes it must follow, and recommending procedures to be established, the subcommittee on Management Services considered not only the particular needs of each section, but also how to establish adequate controls and relationships that insure proper financial management.

As of this writing, the Department's relocation plans have not been finalized. Although the State Police Complex will house at least the State Police Division and the Criminal Justice Support Division, plans are not yet definite for the Secretary's office or the Administrative Services Division. This posed some unique problems in planning for this bureau since many of its functions are directly related to the location of each of the divisions. Nevertheless, there is a recommendation that a central supply unit be located at the State Police with appropriate distribution procedures. In addition, the Department will centralize its paper reproduction capabilities at the Complex with a possible savings in dollars as well as manpower. Once the location of all the divisions is known, an appropriate determination will be made for the relocation or disposal of existing duplicating equipment.

Thus, the establishment of this bureau carefully considered the importance of each of its functions for the day to day operations of the Department, sought ways to insure that services would not be interrupted during the transition, and developed recommendations for procedures that will consider sound financial management controls, identifiable cost allocations within the Department, and strict internal controls. In addition, it is expected that this bureau will provide assistance to the entire Department in analyzing management systems and making recommendations for improvements on an on-going basis.

The Division of Administrative Services will play a key role in the implementation of the Department of Criminal Justice. It will be responsible for all administrative, fiscal, personnel, and management support functions previously performed by the individual agencies, and will in turn function in a staff capacity to the Secretary and in support of the other three divisions. In addition, it will be responsible for the short and long range planning of the Department, as well as administering the LEAA program in the state. How effectively it functions in support of other divisions will be responsible, in large part, for the success or failure of the reorganization efforts.

#### Administrative Services Division

The Administrative Services Division is a unit of the newly created Criminal Justice Department.

The Division will provide the Secretary with recommendations on the goals, objectives, policies, programs, plans, budgets, and schedules to best achieve departmental goals. The Division will function in support of other divisions by providing assistance and advice in matters dealing with personnel management, finance, budgeting, planning, evaluation, and general administration.

Four bureaus were created within the division: Planning and Evaluation, Financial Management, Personnel Management, and Management Services. Each bureau will establish and enforce policies that lay within their respective functional areas, and provide support functions for the Department.

#### Director's Office

The director will be directly responsible to the Department Secretary for the overall organization, administration, direction and coordination of the division's staff and operations.

The director is responsible for:

- providing the Secretary with recommendations on the goals, objectives, policies, programs, plans, budgets and schedules to best achieve departmental goals.
- providing assistance and advice to other divisions in matters dealing with personnel management, finance, budgeting, planning, evaluation, and general administration.

- developing comprehensive, unified and orderly procedures to insure that all local plans and all relevant state and local projects are in accord with the state comprehensive plan.

- providing technical assistance advice and guidance to other divisions, departments, local governments and non-governmental entities.

- providing statistical and interpretive analysis to criminal justice agencies in the state.

- providing support management services to the centralized offices of the Department.

#### Bureau of Planning and Evaluation

The Bureau of Planning and Evaluation will perform the following functions:

1. Develop and implement a planning process for the Department that will provide decision makers with alternatives for action. This process will include:

- a. an analysis of the past performance of the Department's programs, including any program evaluations that may be available.

- b. recommendations to the Secretary for long range goals that take into consideration statutory mandates and previously set goals.

- c. provide assistance to the other divisions in the preparation and submittal of division plans and program budgets for inclusion in the Department's plan. This process will include an analysis of past performance, projections on expected workloads, clients, etc., definition of problems and needs, alternatives to meet these needs, and selection of the preferred program alternative.

- d. establishment of departmental goals and priorities.

- e. implementation of the Department's plan through budget requests, technical assistance, or federal funds.

- f. development and implementation of an annual state comprehensive plan for LEAA funds to include input from local units of governments, other criminal justice jurisdictions and separate departments based on goals and priorities established by the Criminal Justice Coordinating Council.

2. Perform monitoring and grants management functions in support of the implementation of the state's comprehensive plan.

3. Provide technical assistance to other divisions of the Department, other criminal justice agencies or local governments and non-profit organizations with responsibilities in the criminal justice system. This can include conferences, lectures, seminars, workshops, publications, training, or on site assistance on specific problems or program operations. In addition, a resource

inventory will be maintained outlining resources available for technical assistance.

4. Through the Statistical Analysis and Evaluation Section,

a. furnish statistical and interpretive analysis to criminal justice agencies in order to better understand the criminal justice system, how it works, what its problems are, and how it can be improved. This includes data on how each component of the system deals with the offender and the victim, its resources and the manpower available to it.

b. establish and implement an evaluation program that will provide the Department with information about the effectiveness and impact of its programs.

c. coordinate the development of criminal justice information systems necessary for planning, evaluation, research, and management decision making with the Technical Services Bureau of the Department to insure their orderly development.

The bureau chief is under the supervision of the director of Administrative Services and will be responsible for implementing the functions assigned to the bureau. He will direct the Department's planning process, program development, statistical analysis, evaluation, monitoring, grants management, and technical assistance.

#### Bureau of Financial Management

The Bureau of Financial Management will provide control of the Department's resources, liabilities, revenues, and expenditures.

The bureau will develop an integrated system of record keeping in order to assure unified control of the Department's finances. It will furnish effective comparisons of actual operations with amounts budgeted and establish devices of pre-audit and internal check, to assure the accuracy and legality of state and federal transactions. It will continually recommend and develop methods for improved financial planning and other fiscal policies that will establish program and departmental accountability.

The bureau will be responsible for the preparation of the Department's budget and its coordination with the Bureau of Planning and Evaluation to insure that appropriation requests and allocation of funds reflect the Department's priorities.

Timely and useful financial information will be provided to division directors to assist them in managing and directing the division's financial activities. In addition, pertinent and intelligible summaries of the Department's financial operations will be furnished to the Secretary.

The bureau chief is directly responsible to the director of Administrative Services for reviewing, analyzing, and evaluating the full range of financial management functions.

The bureau staff will analyze the Department's fiscal and budget functions and programs, its policies, accounting procedures, program effectiveness, and will consult with division directors on existing and proposed state and federal legislation that have fiscal impact.

The appropriate bureau personnel will coordinate with the Department's Technical Service Bureau and the Department of Automated Data Processing on the possible automation of the Department's accounting and fiscal processes.

#### Bureau of Personnel Management

The Bureau of Personnel Management will provide comprehensive personnel management information in order to interpret and implement the directives and regulations from the State Personnel Office in the Department. The bureau will propose internal policies and procedures required within the Department for an effective personnel management system.

The bureau chief is directly responsible to the director of Administrative Services and will be responsible for the development of policy and written instructions that will relate to position classification, qualification requirements, performance standards, promotional requirements, recruitment and selection. The bureau chief will establish a mechanism to assist division heads and bureau chiefs in developing facts about new or changed positions. In addition, the bureau chief will coordinate with the head of the Civil Rights Compliance Unit to integrate affirmative action and equal employment opportunity with sound personnel management policies and procedures.

The bureau will contribute to the analysis of departmental problems ascertaining and organizing staffing needs, processing appointments, promotions, and other actions, checking for adherence to law and regulation.

The bureau will function in the areas of advising supervisors on disciplinary suspensions and removals, maintaining statistical records on employee population, turnover, and movement.

#### Bureau of Management Services

The Bureau of Management Services will be responsible for the requisition and distribution of all Department supplies including the maintenance of a perpetual inventory control. The bureau will centralize duplication services for division and bureaus located in Santa Fe, such as the headquarters of the State Police Division and the Training and Education Bureau. It will be responsible for mail and distribution and will develop a procedure for the central receipt of all correspondence, inter-departmental routing, inter-agency routing, a logging system on incoming/outgoing correspondence.

The bureau will also be responsible for a word processing center that will offer centralized typing function for the division.

The maintenance of buildings and grounds will fall under the bureau and it will be responsible for all phases of property management for the Department, unless otherwise provided by DFA.

The bureau chief is directly responsible to the director of the Administrative Services Division for carrying out the policies, plans and procedures for the bureau. The incumbent will supervise and coordinate the Supply, Mail and Distribution, Word Processing, and Buildings and Grounds Maintenance sections.

Sample Authorizing Legislation for a Department or Secretariat

(North Carolina, Virginia)



General Assembly of North Carolina

Session 1977  
Ratified Bill  
Chapter II  
Senate Bill 62

AN ACT TO ESTABLISH THE GOVERNOR'S CRIME COMMISSION BY AMENDING AND RE-WRITING G.S. 143B-337 AND RENAMING, RESTRUCTURING AND REDEFINING THE PURPOSES OF THE GOVERNOR'S LAW AND ORDER COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-337 is rewritten to read as follows:

"Part 23.

Governor's Crime Commission.

"Sec. 143B-337. Governor's Crime Commission: creation, composition, terms, meetings, etc.--(a) There is hereby created the Governor's Crime Commission of the Department of Crime Control and Public Safety. The commission shall consist of 29 voting members and six nonvoting members. The composition of the commission shall be as follows:

(1) The voting members shall be:

- a. the Governor, the Chief Justice of the Supreme Court of North Carolina (or his alternate), the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Human Resources, and the Secretary of the Department of Correction;
- b. a judge of superior court, a judge of district court specializing in juvenile matters, a chief district court judge, and a district attorney;
- c. a defense attorney, three sheriffs (one of whom shall be from a 'high crime area'), three police executives (one of whom shall be from a 'high crime area'), four citizens (two with knowledge of juvenile delinquency and the public school system, one representative of a 'private juvenile delinquency program,' and one in the discretion of the Governor), three county commissioners or county officials, and three mayors or municipal officials;
- d. one member of the North Carolina House of Representatives and one member of the North Carolina State Senate.

- (2) The nonvoting members shall be the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, the Director of the Division of Youth Services of the Department of Human Resources, the Administrator for Juvenile Services of the Administrative Office of the Courts, the Director of the Division of Prisons and the Director of the Division of Adult Probation and Paroles.

(b) The membership of the commission shall be selected as follows:

- (1) The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Human Resources, the Secretary of the Department of Correction, the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, the Director of the Division of Prisons, the Director of the Division of Adult Probation and Paroles, the Director of the Division of Youth Services and the Administrator for Juvenile Services of the Administrative Office of the Courts. Should the Chief Justice of the Supreme Court choose not to serve, his alternate shall be selected by the Governor from a list submitted by the Chief Justice which list must contain no less than three nominees from the membership of the Supreme Court.
- (2) The following members shall be appointed by the Governor: the district attorney, the defense attorney, the three sheriffs, the three police executives, the four citizens, the three county commissioners or county officials, the three mayors or municipal officials.
- (3) The following members shall be appointed by the Governor from a list submitted by the Chief Justice of the Supreme Court, which list shall contain no less than three nominees for each position and which list must be submitted within 30 days after the occurrence of any vacancy in the judicial membership: the Judge of Superior Court, the judge of district court specializing in juvenile matters, and the Chief District Court Judge.
- (4) The member of the House of Representatives shall be appointed by the Speaker of the House of Representatives and the member of the Senate shall be appointed by the Lieutenant Governor. These members shall perform the advisory review of the state plan for the General Assembly as permitted by Section 206 of the Crime Control Act of 1976 (PL 94-503).
- (5) The Governor may serve as chairman, designating a vice-chairman to serve at his pleasure, or he may designate a chairman and vice-chairman, both of whom shall serve at his pleasure.

(c) The initial members of the commission shall be those appointed pursuant to subsection (b) above, which appointments shall be made by March 1, 1977. The terms of the present members of the Governor's Commission on Law

and Order shall expire on February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other than those serving by virtue of their office, to serve staggered terms; seven shall be appointed for one-year terms, seven for two-year terms, and seven for three-year terms. At the end of their respective terms of office their successors shall be appointed for terms of three years and until their successors are appointed and qualified. The commission members from the House and Senate shall serve two-year terms effective March 1, of each odd-numbered year; and they shall not be disqualified from commission membership because of failure to seek or attain reelection to the General Assembly, but resignation or removal from office as a member of the General Assembly shall constitute resignation or removal from the commission. Any other commission member no longer serving in the office from which he qualified for appointment shall be disqualified from membership on the commission. Any appointment to fill a vacancy on the commission created by the resignation, dismissal, death, disability, or disqualification of a member shall be for the balance of the unexpired term.

(d) The Governor shall have the power to remove any member from the commission for misfeasance, malfeasance or nonfeasance.

(e) The commission shall meet quarterly and at other times at the call of the chairman or upon written request of at least eight of the members. A majority of the voting members shall constitute a quorum for the transaction of business."

Section 2. G.S. 143B-338 is hereby rewritten to read as follows:

"Sec. 143B-338. Governor's Crime Commission: powers and duties.--(a) The Governor's Crime Commission shall have the following powers and duties:

- (a) (1) To serve, along with its adjunct committees, as the chief advisory board to the Governor and to the Secretary of the Department of Crime Control and Public Safety on matters pertaining to the criminal justice system.
- (2) To develop a comprehensive statewide plan for the improvement of criminal justice throughout the State which is consistent with and serves to foster the following established goals of the criminal justice system:
  - a. to reduce crime,
  - b. to protect individual rights,
  - c. to achieve justice,
  - d. to increase efficiency in the criminal justice system,
  - e. to promote public safety,
  - f. to provide for the administration of a fair and humane system which offers reasonable opportunities for adjudicated offenders to develop progressively responsible behavior, and
  - g. to increase professional skills of criminal justice officers.
- (3) To assist and participate with the State and local law enforcement agencies in improving law enforcement and the administration of criminal justice;

- (4) To make studies and recommendations for the improvement of law enforcement and the administration of criminal justice;
- (5) To encourage public support and respect for the criminal justice system in North Carolina;
- (6) To seek ways to continue to make North Carolina a safe and secure State for its citizens;
- (7) To accept gifts, bequests, devises, grants, matching funds, and other considerations from private or governmental sources for use in promoting its work;
- (8) To set objectives and priorities for the improvement of law enforcement and criminal justice throughout the State;
- (9) To make grants for use in pursuing its objectives, under such conditions as are deemed to be necessary;
- (10) To serve as a coordinating committee and forum for discussion of recommendations from its adjunct committees formed pursuant to G.S. 143B-339; and
- (11) To serve as the primary channel through which local law enforcement departments and citizens can lend their advice, and state their needs, to the Department of Crime Control and Public Safety.

(b) The commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for criminal justice purposes which may be made available for the State by the federal government. The Governor's Crime Commission shall be the single State agency responsible for establishing policy, planning and carrying out the State's duties with respect to all grants to the State by the Law Enforcement Assistance Administration of the United States Department of Justice. In respect to such grants, the commission shall have authority to review, approve and maintain general oversight of the state plan and its implementation, including subgrants and allocations to local units of government.

All decisions and grants heretofore made by the Governor's Law and Order Commission shall remain in full force and effect unless and until repealed or superseded by action of the Governor's Crime Commission established herein. The present Governor's Crime Commission on Law and Order is terminated on February 28, 1977, and its powers, duties, and responsibilities vest in the Governor's Crime Commission effective March 1, 1977. All directives of the Governor's Crime Commission shall be administered by the Director, Crime Control Division of the Department of Crime Control and Public Safety."

Section 3. G.S. 143B-339 is hereby rewritten to read as follows:

"Sec. 143B-339. Adjunct Committees of the Governor's Crime Commission: creation, purpose, powers and duties.--(a) There are hereby created by way of

extension and not limitation, the following adjunct committees of the Governor's Crime Commission: the Crime Prevention and Public Information Committee, the Judicial Planning Committee, the Juvenile Justice Planning Committee, the Law Enforcement Planning Committee, the Corrections Planning Committee, and the Juvenile Code Revision Committee.

(b) The composition of the adjunct committees shall be as designated by the Governor by executive order, except for the Judicial Planning Committee, the composition of which shall be designated by the Supreme Court. The Governor's appointees shall serve two-year terms beginning March 1, of each odd-numbered year, and members of the Judicial Planning Committee shall serve at the pleasure of the Supreme Court.

(c) The adjunct committees created herein shall report directly to the Governor's Crime Commission and shall have the following powers and duties:

- (1) The Crime Prevention and Public Information Committee shall advise the Governor's Crime Commission on the most appropriate and effective methods to foster public awareness of the role of individual citizens, businesses, and community organizations in the prevention and reporting of crime and to foster public awareness of the ability and responsibility of individuals to have an impact on the crime problem; it shall also advise the Governor's Crime Commission on the most appropriate and effective methods of preventing crime, on mobilizing the citizenry through 'Community Watch' and other related programs to prevent crime, and on educating the public about the nature of particular crimes and the most effective methods of preventing them.
- (2) The Law Enforcement Planning Committee shall advise the Governor's Crime Commission on all matters which are referred to it relevant to law enforcement, including detention; shall participate in the development of the law enforcement component of the State's comprehensive plan; shall consider and recommend priorities for the improvement of law enforcement services; and shall offer technical assistance to State and local agencies in the planning and implementation of programs contemplated by the comprehensive plan for the improvement of law enforcement services.
- (3) The Judicial Planning Committee (which shall be appointed by the Supreme Court) shall establish court improvement priorities, define court improvement programs and projects, and develop an annual judicial plan in accordance with the Crime Control Act of 1976 (PL 94-503); shall advise the Governor's Crime Commission on all matters which are referred to it relevant to the courts; shall consider and recommend priorities for the improvement of judicial services; and shall offer technical assistance to State agencies in the planning and implementation of programs contemplated by the comprehensive plan for the improvement of judicial services.

- (4) The Corrections Planning Committee shall advise the Governor's Crime Commission on all matters which are referred to it relevant to corrections; shall participate in the development of the adult corrections component of the State's comprehensive plan; shall consider and recommend priorities for the improvement of correction services; and shall offer technical assistance to State agencies in the planning and implementation of programs contemplated by the comprehensive plan for the improvement of corrections.
- (5) The Juvenile Justice Planning Committee shall advise the Governor's Crime Commission on all matters which are referred to it relevant to juvenile justice; shall participate in the development of the juvenile justice component of the State's comprehensive plan; shall consider and recommend priorities for the improvement of juvenile justice services; and shall offer technical assistance to State and local agencies in the planning and implementation of programs contemplated by the comprehensive plan for the improvement of juvenile justice.
- (6) The Juvenile Code Revision Committee shall study problems relating to young people who come within the juvenile jurisdiction of the district court as defined by Article 23 of Chapter 7A of the General Statutes and develop a legislative plan which will best serve the needs of young people and protect the interests of the State; shall study the existing laws, services, agencies and commissions and recommend whether they should be continued, amended, abolished or merged; and shall take steps to insure that all agencies, organizations, and private citizens in the State of North Carolina have an opportunity to lend advice and suggestions to the development of a revised juvenile code. If practical, the committee shall submit a preliminary report to the General Assembly prior to its adjournment in 1977. It shall make a full and complete report to the General Assembly by March 1, 1978. This adjunct committee shall terminate on February 28, 1979.

(d) The Governor shall have the power to remove any member of any adjunct committee from the committee for misfeasance, malfeasance or nonfeasance. Each committee shall meet at the call of the chairman or upon written request of one-third of its membership. A majority of a committee shall constitute a quorum for the transaction of business.

(e) The actions and recommendations of each adjunct committee shall be subject to the final approval of the Governor's Crime Commission."

Section 4. Chapter 143B of the General Statutes is amended by adding a new Section 340 as follows:

"Sec. 143B-340. Crime Control Division of the Department of Crime Control and Public Safety.--(a) There is hereby established, within the Department of Crime Control and Public Safety, the Crime Control Division, which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations.

(b) The Crime Control Division shall provide clerical and professional services required by the Governor's Crime Commission and shall administer the State Law Enforcement Assistance Program and such additional related programs as may be established by or assigned to the commission. It shall serve as the single State planning agency for purposes of Crime Control Act of 1976 (PL 94-503). Administrative responsibilities shall include, but are not limited to, the following:

- (1) compiling data, establishing needs and setting priorities for funding and policy recommendations for the commission;
- (2) preparing and revising statewide plans for adoption by the commission which are designed to improve the administration of criminal justice and to reduce crime in North Carolina;
- (3) advising State and local interests of opportunities for securing federal assistance for crime reduction and for improving criminal justice administration and planning within the State of North Carolina;
- (4) stimulating and seeking financial support from federal, State, and local government and private sources for programs and projects which implement adopted criminal justice administration improvement and crime reduction plans;
- (5) assisting State agencies and units of general local government and combinations thereof in the preparation and processing of applications for financial aid to support improved criminal justice administration, planning and crime reduction;
- (6) encouraging and assisting coordination at the federal, State, and local government levels in the preparation and implementation of criminal justice administration improvements and crime reduction plans;
- (7) applying for, receiving, disbursing, and auditing the use of funds received for the program from any public and private agencies and instrumentalities for criminal justice administration, planning, and crime reduction purposes;
- (8) entering into, monitoring, and evaluating the results of contracts and agreements necessary or incidental to the discharge of its assigned responsibilities;
- (9) providing technical assistance to State and local law enforcement agencies in developing programs for improvement of the law enforcement and criminal justice system; and
- (10) taking such other actions as may be deemed necessary or appropriate to carry out its assigned duties and responsibilities.

(c) The Crime Control Division shall also provide professional and clerical staff services to the adjunct committees of the Governor's Crime Commission established in G.S. 143B-339."

Section 5. This act shall become effective on March 1, 1977. Prior to the creation of the Department of Crime Control and Public Safety, the Governor's Crime Commission shall be a part of the Department of Natural and Economic Resources; and the professional and clerical responsibilities vested by this act in the Division of Crime Control of the Department of Crime Control and Public Safety shall continue to be vested in the Law and Order Section of the Department of Natural and Economic Resources. Until such time as the Department of Crime Control and Public Safety is created, all references in this act to the Department of Crime Control and Public Safety shall be deemed to refer to the Department of Natural Economic Resources.

Section 6. All other laws and parts of laws in conflict with this act are repealed.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

In the General Assembly read three times and ratified, this the 15th day of February, 1977."

/s/ JAMES C. GREEN, SR.

James C. Green, Sr.

President of the Senate

/s/ CARL J. STEWART, JR.

Carl J. Stewart, Jr.

Speaker of the House of Representatives



Taken from Chapter 5.3 Secretary of Public Safety,  
Code of Virginia, Cumulative Supplement

Chapter 5.3.

Secretary of Public Safety

Sec.	Sec.
2.1-51.16. Position established; appointment; term; oath.	2.1-51.18. Agencies for which responsible.
2.1-51.17. Subject to supervision by Governor; powers and duties.	2.1-51.18:1. Responsibility for Capitol Police
	2.1-51.18:2. Powers, duties and function of Capitol Police.

Sec. 2.1-51.16. Position established; appointment; term; oath.--The position of Secretary of Public Safety is hereby created. He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until his successor shall be appointed and qualified. Before entering upon the discharge of his duties, he shall take an oath that he will faithfully execute the duties of the office. (1976, c. 782.)

Sec. 2.1-51.17. Subject to supervision by Governor; powers and duties.--The Secretary of Public Safety shall be subject to direction and supervision by the Governor. The agencies assigned to the Secretary shall exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor. Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers assigned to his office and to direct the formulation of a comprehensive program budget for his office encompassing the programs and activities of the agencies assigned to such office. All reports to the Governor from the head of any agency assigned to the Secretary of Public Safety shall be made through such Secretary. (1976, c. 782.)

Sec. 2.1-51.18. Agencies for which responsible.--The Secretary of Public Safety shall be responsible to the Governor for the following agencies: Alcoholic Beverage Control Commission, Department of Corrections, Rehabilitative School Authority, Criminal Justice Services Commission, Division of Justice and Crime Prevention, Department of State Police, Division of Motor Vehicles, Office of Emergency Services, Virginia State Fire Services Commission, Office of Fire Services Training, the Department of Military Affairs and the Commonwealth's Attorneys' Services and Training Council. The Governor may, by executive order, assign any other State executive agency to the Secretary of Public Safety, or reassign any agency listed above to another secretary. (1976, c. 732; 1978, cc. 455, 606, 607, 820.)

Sec. 2.1-51.18:1. Responsibility for Capitol Police.--The Capitol Police shall be responsible to the Secretary of Public Safety. (1977, c. 672.)

Sec. 2.1-51.18:2. Powers, duties and functions of Capitol Police.--The Capitol Police may exercise within the limits of the Capitol Square and, when assigned with the approval of the Governor, on any other property owned or controlled by the State or any agency, department, institution or commission thereof, all the powers, duties and functions which are exercised by the police of the city, or the police or sheriff of the county within which said property is located. Members of the Capitol Police, when assigned with the approval of the Governor, to accompany the Governor, members of the first family, the Lieutenant Governor, the Attorney General, or members of the General Assembly, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be. (Code 1950, section 2-75; 1958, c. 199; 1966, c. 677; 1970, c. 202; 1972, c. 122; 1977, c. 672.)

A More Detailed Example of the  
Planning Process in California, Taken from Pages 1-6 and 9-24 of the  
California's Legislative Anti-Crime Initiatives  
Based on Intergovernmental Planning

I. Introduction

Over three years ago California's state administration examined the operations of various state agencies, one of which was the Office of Criminal Justice Planning, responsible for administering the LEAA program in California. The results of that review pointed out:

1. Burdensome compliance-oriented formal planning based on very detailed written guidelines.
2. Excessive administrative overhead costs generated by the rather complex "paper producing" planning guidelines; and
3. Limited involvement of local elected officials in the decision-making process, and "end running" of county and city budget processes; and
4. Limited success in building LEAA-funded programs into the on-going operation of local and state government agencies after federal funding ceased.

In an attempt to salvage and redirect the program in California, the state's administration and newly appointed supervisory board, the California Council on Criminal Justice (CCCJ), set out to deal with the issues at hand.

In recognition of the fact that the LEAA program was intended to serve as a vehicle for developing and testing anti-crime approaches which, if they demonstrated to be successful, would be incorporated into justice agency operations, it was agreed that redirection efforts should emphasize:

1. Building a "permanence" into the LEAA program by encouraging the active involvement and participation of elected local and state government officials in the decision-making process to:
  - a. Assure coordination of LEAA monies with other fund sources such as the annual budget process; and
  - b. Increase the possibility of translating successful program techniques into substantive legislation.
2. The encouragement of intergovernmental cooperation and coordination among criminal justice and government agencies in the program planning process.

The following sections of this document describe the activities undertaken by the CCCJ to redirect the program in California.

## II. Redirecting the LEAA Program in California

### A. Background

In 1976, under the leadership of a new state administration and the CCCJ, OCJP received a fundamental redirection in its criminal justice planning efforts. The State Plan for 1977 carried forward the first major thrusts of this new direction. One major outcome of the 1977 planning process was the expression of concern by numerous CCCJ members that the crime control program in California needed more direction and focus to avoid a "shotgun approach" since the amount of federal funds available were rather limited when compared with the long list of crime-related problems. The recurring question raised by CCCJ was "What impact has been and can be accomplished with such a small amount of money?"

In November 1976, the CCCJ initiated a policy development process involving local government, planning regions and other interested organizations. This process concluded in January 1977 with the adoption of Guiding Principles and Policies dealing with the administration of the Crime Control Program in California.

While a number of the policies deal with the state's planning process, of particular importance is Policy No. 202, "Development of Programs Under the State Policy Plan," since it sets out an orderly process for focusing LEAA action money on rather specific programs. A more detailed discussion of how this policy and others related to the planning process have been implemented is contained in this section of the report.

The CCCJ 1978 planning effort focused on two major activities:

- Development of priority programs; and
- Identification and development of Goals and Objectives which support the priority programs.

### B. Program Development

As already indicated, the CCCJ adopted several Guiding Principles and Policies dealing with the preparation of the State's 1978 State Plan. The policy statement most related to the identification of priority problems and programs is:

#### No. 202--Development of Programs Under the State Policy Plan

CCCJ will establish specific policy guidelines for the preparation of the State Policy Plan. CCCJ will approve the State Policy Plan on the basis of program-level emphasis and adherence to the policy guidelines. The OCJP Director will certify to the CCCJ that projects funded under the plan meet CCCJ guidelines.

Differences between local planning boards and the OCJP Director on matters relating to CCCJ guidelines will be resolved by the CCCJ in accordance with an appeals procedure. CCCJ will not routinely review local plans except as these are aggregated into

the State Policy Plan, nor will CCCJ routinely review local projects. However, at the request of any member of the CCCJ, any local plan or project may be subject to Council review in accordance with its rules.

The policy guidelines for the preparation of the State Plan as set forth in this policy will include the requirement that each local board and the state agency planning group will allocate uncommitted LEAA action money under its control as follows:

1. Not less than half of the money to three or less programs selected from a list of specific programs predetermined and narrowly defined by CCCJ;
2. Not less than half of the balance of the money to the single most pressing criminal or juvenile justice problem in the planning body's jurisdiction, selected on the basis of its analysis of crime statistics and system deficiencies; and
3. The balance of funds to any other programs directed toward crime and delinquency control or prevention.

To begin implementation of this policy, the CCCJ at its March 18, 1977, meeting adopted a two-phased process to identify criminal justice problems in the state and develop specific programs to deal with these problems.

The remainder of this section describes this process in more detail and explains the outcomes.

The process adopted by the CCCJ for developing programs was carried out in two parts:

(1) Problem Identification, and

(2) Program Development

It should be noted that both of these efforts involved the Council's three program committees, the Judicial Planning Committee (JPC), Juvenile Justice Delinquency Prevention (JJDP) Advisory Group, Part E (Corrections) Planning Committee, Local and Regional Planning Units, State Agency Planning Committee, and other interested organizations such as the California District Attorneys' Association, California Public Defenders' Association and California Peace Officers' Association.

Since the CCCJ's three program committees played a major role in this process, it should be pointed out that each contains a mix of public, law enforcement, courts and corrections members as well as local and state elected officials.

# 1. Problem Identification

To identify the state's most pressing crime and criminal justice system problems, the Council and its three committees considered:

- Problems and needs identified by the 21 Planning Regions in their 1977 Plans.
- Problems and needs identified by the State Agency Planning Committee composed of state-level criminal justice leaders.
- Crime trends and statistics.
- Problems recommended by the Judicial Planning Committee, Juvenile Justice Advisory Committee and Part E (Corrections) Committee.

When prioritizing problem statements, the Council and its three committees used the following criteria:

- What is the magnitude of the problem?
- Does this problem affect more than one segment of the criminal justice system?
- Would the problem foreseeably be alleviated by the expenditure of any reasonable amount of money?
- How broad a group of agencies, local boards and advisory groups identified this as a problem?
- Does this problem fall within a special emphasis category specified in the federal legislation?
- To what extent is the community level concerned with this problem?
- If funds are directed at this problem, would state or local support continue after federal subvention?
- Could the response to this problem involve volunteer efforts during or after the period of federal funding support?
- To what extent is this problem directly related to the prevention or control of crime and delinquency?
- Would solutions of this problem improve the operations of the criminal justice system?
- Are potential solutions to the problem severely restricted by statutory or court decision authority?
- Is the problem related to the direct delivery of criminal justice services? If so, is the group to be dealt with of adequate size or merit attention?

- What impact has been had by previous efforts to solve this problem?
- Has responsibility for dealing with this problem already been assigned to a particular agency or level of government?
- Does the problem deal with the implementation of recently enacted state legislation, i.e., SB 42, AB 3121, and others?

The problem development effort resulted in the CCCJ adopting a list of 19 problems:

- High incident of juvenile crime and delinquency.
- The impact of recent major changes of state law involving both adult and juvenile systems.
- Structure, training and management needs of the courts.
- Inadequate attention to witnesses and victims, particularly the elderly, criminally exploited and abused children and sexually abused women.
- Diversion programs and sentencing alternatives are inadequate.
- Need for improved management throughout the justice system and for improved training for system personnel and other agency staff in direct contact with the formal system.
- Unacceptably high rates of robbery and other theft crimes against persons.
- Citizen involvement in crime resistance is insufficient.
- Need for research, evaluation and statistical analysis.
- Burglary in California is intolerably high, especially residential burglary.
- Re-entry programs for ex-offenders are inadequate.
- Insufficient personnel in the criminal justice system, especially in the courts.
- Fraud and other offenses against consumers.
- Correctional programs for all agencies are inadequate.
- Classification and prosecution of arrested persons, especially repeated offenders, is inadequate and untimely.
- Lack of coordination among criminal justice agencies in dealing with organized criminal activities, and lack of coordination in

utilization of criminal justice services and facilities, particularly in law enforcement.

- Activities of terrorists including crime involving prison-based gangs.
- Correctional programs and facilities for mentally disordered offenders are inadequate.
- Equipment and facilities (other than communication and information equipment) are inadequate and at times ineffectively used.

## 2. Program Development

After adoption of the 19 problem statements, OCJP as authorized by the CCCJ, distributed the statements to local and regional planning units, state criminal justice agencies and other interested organizations with a request that proposed programs dealing with one or more of the statements be submitted for committee and Council review.

Proposed programs suggested by state agencies were reviewed and refined by the State Agency Planning Committee before being integrated with local and Planning Region submissions.

Before sending the proposed programs to the three CCCJ Program Committees, the Part E Committee, JPC and JJDP Advisory Group reviewed and prioritized programs in their respective subject areas. They were also given the opportunity to examine the other programs and to modify or add additional proposed programs if appropriate.

Program rankings of these Advisory Committees were transmitted to the three Council Committees. While the committees were requested to review and rank the proposed programs in their respective areas (Direct Services, Processing within the System and System Support), they were also offered the opportunity to review programs in other areas and modify or add statements.

This process lead to the identification of 28 proposed programs. The CCCJ, at its July 29, 1977, meeting reviewed all statements, and ranked them using the criteria listed below:

- Would the program seemingly have a direct impact on at least one of the 19 identified problems?
- Does this program affect more than one segment of the criminal justice system?
- Does the program appear to be an effective use of LEAA monies?
- How broad a group of agencies, local boards and advisory groups identified this program?



- Does this program fall within a special emphasis category specified in the federal legislation? (Courts, Part E, JJDP, Elderly Victims and Organized Crime)?
- Can measurable and attainable objectives, based on available data, be established for this program?
- If funds are directed at this program, would state or local support continue after federal subvention?
- Could this program involve volunteer efforts during or after the period of federal funding support?
- To what extent is this program directly related to the prevention or control of crime and delinquency?
- Would this program improve the operations of the criminal justice system?
- Can this program be implemented in communities or agencies throughout the state, or is it relevant to only a small sector?
- Is the program related to the direct delivery of criminal justice services? If so, is the group to be dealt with of adequate size to merit attention?
- What impact has been had by previous programs of similar nature?
- Does the program deal with the implementation of recently enacted state legislation, i.e., SB 42, AB 3121, and others?

In addition to rating each of the proposed statements on a "0-10" scale, members were also requested to specify the number of programs which should appear on the final list. This process contributed to the adoption of 16 programs:

- Reduce major crime through community involvement programs.
- Reduce robbery, burglary and related crimes by reducing the opportunity to dispose of stolen property, better coordinating the detection, apprehending and trial of offenders, and implementing public prevention and community resistance programs.
- Reduction and prevention of illegal trafficking in drugs.
- Provide assistance to crime victims and witnesses through advocacy, service, restitution, preventive counseling and education projects.
- Support the efforts of state and local agencies to implement AB 3121 and SB 42 and related legislative changes.
- Support multiagency efforts to reduce crimes through coordinated apprehension, trial and disposition of repeat offenders.

- Provide for improved re-entry services for youthful and adult parolees and other ex-offenders.
- Develop improved management, organization and training in the courts.
- Improve youth development and employment opportunities for young people who are at risk of becoming delinquents.
- Increase the use of diversion and sentencing alternatives in appropriate cases.
- Expand and improve prevention and diversion services to juveniles at risk of becoming delinquents by increasing the coordination and cooperation and agency accountability of public and private agencies.
- Involve schools in diversion and prevention programs to reduce delinquent behavior.
- Develop coordinated efforts among law enforcement, health welfare, medical, educational, legal and other related agencies to reduce the incidence of child abuse.
- Improve coordination among criminal justice agencies in dealing with organized criminal activities.
- Prevent and reduce senior citizen victimization through improved sensitivity in public service delivery counseling, education, research and training.
- Provide for research, analysis and evaluation of criminal justice data that will improve the decision making within the criminal justice system.

#### C. Goals and Objectives

With the adoption of program statements, the CCCJ completed Phase 1 (Problem Identification) and Phase 2 (Program Statements) of the process to develop program areas for the 1978 State Plan. The next step of the process was to develop goals and objectives for each of the program statements. This step was in keeping with Council policy which states:

#### No. 201--Development of State Policy Plan Goals and Objectives

"CCCJ will establish a State Policy Plan for FY 1978 which sets forth specific goals and measurable objectives to be met by FY 1980. These will be based on data, goals and objectives incorporated by local planning boards in their FY 1977 plans, and on recommendations and data provided by state agencies and advisory groups. Annual action plans must be supportive of and consistent with these goals and objectives."

The 1978 Annual Action Plans submitted by the regional planning units and program statements from the regions, state criminal justice agencies, and other sources provided a base from which preliminary goals and objectives were developed.

Between September 12 and 21, the Stanford Research Institute, through an existing LEAA Technical Assistance contract, prepared the initial draft of goals and objectives and related information, primarily by extracting relevant material from regional plans and priority program materials.

In workshop sessions, OCJP and SRI staff refined, modified and expanded the draft goals and objectives. The resulting product was mailed to all RPU's, state criminal justice agencies and appropriate advisory groups on September 23, with instructions to review and critique the material. Written comments and recommendations were solicited and, where appropriate, suggestions were incorporated in the final draft goals and objectives which were adopted by the CCCJ at its October 21, 1977 meeting.

### III. Legislative Initiatives

Beginning with the 1977 Legislative Session, several legislative and budgetary initiatives have been introduced which relate to or build upon one or more of the CCCJ's 16 priority programs. In addition, one other related initiative, while not a direct result of the priority programs, is included.

#### A. Initiatives Directly Related to CCCJ Priority Programs

--California Community Crime Resistance Program

##### Priority Programs:

1. Reduce major crime through community involvement programs.
2. Reduce robbery, burglary and related crimes by reducing the opportunity to dispose of stolen property, better coordinating the detection, apprehension and trial of offenders, and implementing public prevention and community resistance programs.

##### Summary:

Legislation is being introduced which would provide for a two-year, \$2 million, California Community Crime Resistance Program. In summary, this bill authorizes OCJP, in consultation with the CCCJ, to make grants to local communities to fund crime resistance/prevention programs. This proposed program emphasizes partnership efforts between the community and law enforcement, projects that deal with crime against the elderly, and the use of volunteers. It also focuses on many of the same community needs as LEAA's Community Anti-Crime Program. It should be noted that this program is one of two Anti-Crime Actions included in the eight-point urban social and economic element of California's urban strategy.

--Prevention and Intervention Activities Aimed at the Use of Phen-  
cyclidine (PCP) or "Angel Dust" by Young Persons

Priority Program:

3. Reduction and prevention of illegal trafficking in drugs.

Summary:

The Governor's FY 1978-79 Budget contains \$3 million for a program to support additional prevention and intervention programs deal with the abuse of PCP by young persons.

--Victim and Witness Assistance Centers

Priority Program:

4. Provide assistance to crime victims and witnesses through advocacy, service restitution, preventive counseling and education projects.

Summary:

The 1977 Legislative Session produced Victim-Witness Center legislation which authorized OCJP to award grants to government and community organizations to establish multi-service Victim-Witness Centers. While the Governor decided to remove the \$1 million in state funds, he directed the CCCJ to make federal funds available for such centers.

Consistent with that direction the CCCJ has invested over \$800,000 of LEAA monies in Victim-Witness Centers meeting the requirements of State Statutes.

--Career Criminal Prosecution Program

Priority Program:

5. Support multiagency efforts to reduce crimes through coordinated apprehension, trial and disposition of repeat offenders.

Summary:

Legislation appropriating \$1.5 million to establish the first six months of a California Career Criminal Prosecution Program, modeled on the concept developed by LEAA, passed in the 1977 Legislative Session. While OCJP is releasing grants to California's 12 most populated urban counties to implement Career Criminal Prosecution Units, an allied effort using \$238,500 in federal funds set aside by CCCJ is under way to carry the career criminal prosecution component to other counties in California. This legislation also encourages the consolidation and coordination of these funds with LEAA monies that may be made available for such purposes. LEAA is making technical assistance available to California to assist with the evaluation of this program. Like the Community Crime Resistance program,

this effort is also included in the eight-point urban social and economic element of California's urban strategy.

--Career Criminal Apprehension Program

Priority Program:

6. Support multiagency efforts to reduce crimes through coordinated apprehension, trial and disposition of repeat offenders.

Summary:

California law enforcement is in strong support of proposed legislation, soon to be introduced, which if approved will make \$2 million available to OCJP to administer in a fashion and format modeled on the Career Criminal Prosecution Program. The proposed program is patterned after LEAA's Integrated Criminal Apprehension Program.

--Multi-Service Youth and Family Programs

Priority Programs:

9. Improve youth development and employment opportunities for young people who are at risk of becoming delinquents.
11. Expand and improve prevention and diversion services to juveniles at risk of becoming delinquents by increasing the coordination and cooperation and agency accountability of public and private agencies.

Summary:

The recent enactment of AB 965, Multiservice Youth and Family Programs, has created an opportunity to improve the way services are provided to children, youth and families. The emphasis of the Act is on delinquency prevention and treatment. The Act encourages county-wide and areawide multiservice systems by providing for a reduction of the administrative obstacles to funding such activities through a joint funding simplification program. This is not a new funding source but a coordination of existing sources. The Office of Criminal Justice Planning has the responsibility for implementing AB 965. The OCJP received \$62,500 in State General Funds to implement and administer this program.

Related Initiative Program

While not directly related to the CCCJ's priority programs, one other legislative initiative with heavy intergovernmental flavor is currently pending in the Legislature:

--County Justice System Subvention Program

Summary:

Under this proposed program, the Department of Youth Authority would be required to administer subventions to counties for numerous programs and services including, for example, operating local crime and delinquency prevention programs, and establishing and maintaining juvenile homes, ranches, camps, forestry camps, schools, day-care centers, and group homes for wards of the juvenile court.

Taken from North Carolina, Department of Administration  
Memorandum Dated July 5, 1978

Memorandum: July 5, 1978

To: Department Heads and Chief Fiscal Officers  
of State Departments and Institutions

From: John A. Williams, Jr.  
State Budget Officer

Subject: New Procedures to Obtain Authorization to Apply  
for Federal Funds

The acquisition of federal and other non-state funds by state agencies has been done in a fragmented way throughout state government for many years. In many important respects, the process of obtaining grant funds is different from the process of requesting state funds. Most significantly, the A-95 system is separate from the budget approval process. In most cases, the State Budget Division and many department fiscal officers are unaware of efforts to obtain grant funds until after the grant is awarded and the commitments by state agencies are already made. This fragmented system has too often led to adverse effects and a lack of accountability. A single comprehensive system is needed.

Therefore, beginning this week, all grant applications and plans for federal and other non-state funds must receive prior approval by the Governor through the Division of State Budget and Management before being submitted to federal, state, or private agencies. The attached instructions describe the procedures to follow in requesting authorization.

Budget Administrators and Analysts from this Office and Mike Karpinski, the Federal Grants Coordinator, will be available to clarify and discuss the specific effects of these new procedures on your programs. You are encouraged to contact them for assistance.

We look forward to working with you and your staff in this new and important effort.

JAWjr/jfj

Attachment

Fiscal Control and Coordination Procedures  
Applicable to Federal Grants and  
Other Non-State Funds

A. Summary

1. All applications and requests for federal and other non-state funds must be approved by the Governor through the Division of State Budget and Management prior to submission to federal or state agencies or other organizations.
2. The State Clearinghouse and the responsibility for the A-95 Project Notification and Review System is transferred to the Division of State Budget and Management.
3. A form BD 606 and a synopsis report will be used to request authorization to apply for federal funds.
4. Guidelines are established for evaluating federal grant applications and plans.
5. Each department is directed to develop internal coordination procedures and is required to furnish audit and evaluation reports.

B. General Information

There is widespread concern about the effects of federal grants upon the budgets of state agencies. Federal funds account for nearly one out of every four dollars of state expenditures. In some agencies, the proportion of federal support is even greater. Efforts to manage federal funds on a statewide level are made even more difficult because they are fragmented into 175 different project grant programs and 75 larger formula grant programs. The size, complexity, and proliferation of federal assistance are behind much of the concern and confusion.

Under the present system of fiscal controls and coordination, state agencies have a substantial amount of freedom to determine how many federal funds are spent--much more latitude than they have with state funds. It is now necessary that all departments in state government give the same careful consideration in establishing federally funded activities as they do for state-funded activities and to follow the same basic procedures.

These procedures establish the Division of State Budget and Management as the central control point over federal funds. This also specifies the procedures and guidelines which will join together the evaluation of federal grant applications and plans with existing fiscal management procedures. This will result in a uniform, comprehensive approach to managing federal funds in the executive branch.

These new procedures are flexible enough so that greatly needed federal funding will not be lost. Moreover further delays in the already lengthy and complex grant applications process should be slight.



C. Prior Approval Required

State agencies must receive prior approval from the Governor through the Division of State Budget and Management before submitting the following types of grant requests to federal, state, or private organizations:

1. Project grant applications to federal agencies and budget requests based on State Plans for formula grant programs.
2. Applications for federal funds from another state agency.
3. Applications to foundations and any other private organization.

In addition, no federal funds shall be granted by a state agency to another state agency or to local governments without prior approval from the Division of State Budget and Management.

The State Clearinghouse and the responsibility for the A-95 Project Notification and Review System is transferred to the Division of State Budget and Management. The Clearinghouse will forward State Plans and notifications of grant applications to the Division of Policy Development, the Department of Administration, and other state agencies for their review and comment. The Division of Policy Development will continue to review all requests for federal assistance requiring A-95 compliance and will forward their evaluations to the State Budget Division for final action on behalf of the Governor as Director of the Budget.

D. Use of Form BD 606

1. To request authorization to apply for federal funds or other non-state funds, a form BD 606 with a one- to two-page synopsis of the grant application or formula grant plan shall be sent to the State Clearinghouse in the Division of State Budget and Management. The form should be signed by both the department head and fiscal officer. The following time limits must be observed:
  - a. a BD 606 form and synopsis for grant requests requiring review under OMB Circular A-95, Part I must be sent at least sixty (60) days prior to the federal application deadline.
  - b. a BD 606 form and synopsis must accompany each State Plan at least thirty (30) days prior to the federal submission date.
  - c. a BD 606 form and synopsis for requests which do not require A-95 review must allow at least ten (10) working days for evaluation by the Division of State Budget.

A copy of the full grant application should always be readily available upon request.

2. The Division of State Budget and Management will evaluate grant requests in accordance with the guidelines specified below and will then either: (a) authorize the grant application as submitted, (b) authorize a revised request after consultation with the state agency applicant, or (c) deny authorization.
3. All grant requests will be returned to the departmental fiscal officer and one copy will be retained in the Division of State Budget. When the grant is awarded to the state agency, a second BD 606 shall be submitted in the customary way to establish the budget and any new positions. The grant award document from the grantor agency and the original authorization should be attached to the second BD 606.
4. Until preprinted forms are distributed, the BD 606 form should be prepared in the format specified on the attached sample form. Some of the fiscal information in part 6 can be provided by attaching a copy of standard form OMB No. 29-R0218 from the grant application.

The synopsis sheet should be concise and limited to two pages.

#### E. Guidelines

The Division of State Budget and Management will evaluate grant applications and plans according to the guidelines specified below. Departments are expected to use these guidelines in their reviews:

1. Evaluate whether or not the project is essential and whether or not it will be effective, especially if state matching funds are required or if state funds will eventually be needed to continue the project.
2. Determine that the project to be funded represents the highest possible priority need among all eligible activities permitted by the particular federal program.
3. Determine that the priorities and funding levels for the various activities within state formula grant plans are consistent with state goals and needs.
4. Utilize federal funds in lieu of state funds to the maximum extent possible.
5. Administrative costs should be kept to a minimum allowing for maximum funding for the provision of direct services.
6. Be sure that indirect costs are claimed where allowed and used as matching funds to the greatest extent possible.
7. The Advisory Budget Commission will review those federal grant applications which will require a substantial state financial obligation to be incurred in the future or for which the required state matching funds have not been appropriated for the general purpose of the grant.

F. Internal Departmental Procedures

Each department receiving federal funds is directed to develop procedures for the internal coordination and fiscal review of all federal grant applications and formula grant plans.

G. Audits and Evaluations

A copy of all federal audits and evaluation reports applicable to grant programs should be sent to the Division of State Budget and Management.

H. Coverage and Exceptions

These regulations apply to all those federal funds and non-state funds which must be budgeted by state agencies, except for research grants in university institutions. Continuation and renewal grants are included. Grant adjustments in excess of \$25,000 are also included.

I. Effective Date

These regulations apply to grant applications and formula grant plans submitted to federal, state, or private agencies on or after July 1, 1978.

Questions can be directed to Mike Karpinski at 733-7061.

FORM BD 606  
25M-9-74

## STATE OF NORTH CAROLINA

DEPARTMENT  
OR  
INSTITUTION

CODE

FISCAL YEAR (8)

SUBJECT Request for Authorization  
to Apply for Federal Funds

1. SOURCE OF FUNDS: NAME OF FEDERAL, STATE, OR PRIVATE GRANTOR AGENCY
2. FEDERAL PROGRAM TITLE: COMPLETE, OFFICIAL PROGRAM NAME
3. CATALOG OF FEDERAL  
DOMESTIC ASSISTANCE NUMBER: 5-DIGIT NUMBER AS ASSIGNED IN CATALOG
4. APPLICATION DEADLINE
5. BRIEF PROJECT/PROGRAM TITLE AND DESCRIPTION:
6. FISCAL INFORMATION:
  - A) REQUESTED FUNDING

FEDERAL	\$	BUDGET PERIOD: _____
STATE	\$	BUDGET CODE AND SUBHEAD: _____
LOCAL	\$	
OTHER	\$	(INDICATE IF IN-KIND OR CASH)
TOTAL	\$	
  - B) INDIRECT CHARGES:
  - C) LIST POSITIONS AND SALARIES TO BE ESTABLISHED
  - D) PROVIDE BUDGET LINE-ITEM, (PERSONNEL, TRAVEL, EQUIPMENT, ETC.)
  - E) INDICATE AMOUNTS TO BE TRANSFERRED TO LOCAL AGENCIES
7. INDICATE IF THIS IS A RENEWAL OR CONTINUATION GRANT, AND INDICATE HOW LONG THE GRANT HAS BEEN IN EFFECT AND WHEN THE LAST YEAR OF FUNDING IS EXPECTED.
8. INDICATE IF STATE FUNDS MIGHT BE REQUESTED TO CONTINUE THE GRANT ACTIVITIES, AND IF SO, WHEN.
9. SIGNATURES OF DEPARTMENT HEAD, DEPARTMENT FISCAL OFFICER, AND DEPARTMENT GRANTS COORDINATOR.

## FOR BUDGET DIVISION USE ONLY

## BUDGET DIVISION AUTHORIZATION

- ☐ REQUEST APPROVED AS SUBMITTED
- ☐ REQUEST APPROVED AS REVISED
- ☐ REQUEST APPROVED PER ATTACHED REVISION
- ☐ REQUEST RETURNED WITHOUT ACTION

SIGNATURE

TITLE

DATE

MAILED BY

Synopsis Sheet

1. Briefly describe the problems in North Carolina to which this grant will be directed.
2. What will this grant accomplish? How will it be implemented? Provide statistical information for the expected accomplishments.
3. Who will be served?
4. If applicable, what was accomplished with this grant during the last fiscal year? What was last year's funding level?
5. How was requested amount of federal assistance determined? If formula grant, what allocation factors are used? What is the matching requirement, if any?
6. Could these funds be used to offset any state appropriations?
7. What other activities not included in this application or plan are eligible for funding under this federal program?
8. For formula grants, list planned activities and other recipients, if any, and the estimated funding level for each.
9. Environmental Impact Statement or Assessment - indicate if either not required, completed (attach EIS or EA forms), or the date when it will be completed.
10. Project Director, phone number, address, and location of project.

Taken from Evolution: The Development  
of Criminal Justice Coordination in Virginia,  
Commonwealth of Virginia, Division of Justice  
and Crime Prevention  
July 14, 1978

The purpose of this paper is to provide an overview of the role Virginia's state criminal justice planning agency plays in the state's efforts to better direct and coordinate its substantial involvement in criminal justice activities.

In Virginia, as in most states, attempts to bring system-wide coordination and direction to criminal justice activities must cope with the constitutionally established fragmentation of authority and responsibilities which exists within and between levels of government. For example, in Virginia, there are 117 elected local sheriffs, most of whom have both law enforcement and corrections responsibilities; there are also 120 locally elected Commonwealth's Attorneys (prosecutors). Both the sheriffs and prosecutors are constitutional officers. In addition, there are some 200 local police departments operating in cities, urban counties, and towns across the state. At the state level, there are the traditional difficulties posed by the constitutional separation between the Executive and Judicial branches.

On the other hand, Virginia is unlike many states in that the state provides a substantial portion of the financial support (two-thirds) for the local law enforcement and corrections and activities of the sheriffs and for the prosecutors. Further, state government in Virginia has been undergoing steady change during the 1970's. There is now a single state corrections agency, responsible for juvenile and adult corrections as well as probation and parole services. The state's court system has been unified and placed under the management control of the Supreme Court of Virginia and its Executive Secretary. Finally, the Executive branch has seen the introduction of a Cabinet system aimed at bringing the growing bureaucracy under better control and increasing state government accountability.

Virginia's Cabinet system was first instituted in 1972 at the recommendation of the Governor's Management Study, which sought to reduce demands on the Governor's time by limiting the number of subordinates reporting directly to him. Prior to the institution of the Cabinet, the Governor had over 100 state agency heads reporting directly to him. From its inception the Cabinet was structured along functional lines, with each Secretary given responsibility for a grouping of state agencies which operate in the same functional areas of government service. Thus, the first Cabinet consisted of a Secretary of Administration, a Secretary of Human Affairs, a Secretary of Transportation and Public Safety, a Secretary of Education and a Secretary of Commerce and Resources.

Initially, the legislation creating the Secretaries authorized each Cabinet officer to exercise such powers as the Governor might delegate to him. There was agreement that the Secretaries were not to be involved in the day-to-day operations of the agencies for which they were responsible. However,

beyond this limitation, the role and responsibilities of the Cabinet were unclear.

This led the Commission on State Governmental Management, a legislative body mandated to proposing ways to reorganize the state government, to recommend legislation more specifically delineating the authority of the Secretaries to coordinate programs, formulate policies and prepare budgets for their respective functional areas. The Commission also recommended the creation of a separate Secretary of Public Safety, who would use the SPA to assist in carrying out his/her planning, coordinating and budget preparation responsibilities. This recommendation was a specific response to what the Commission saw as a need for more focus and direction in planning and program development for public safety.

At the same time, the Commission was recommending major revisions in the way the state's biennial budget was prepared. Instead of the traditional line item budget, the Commission proposed the development and implementation of a program budget structure, with each Cabinet Secretary playing a major role in formulating the budget for his/her functional area of state government.

In early 1976, most of the Commission's proposals concerning the authority and structure of the Cabinet and the budget process were enacted by the legislature. Most significant for criminal justice was the creation of a Secretary of Public Safety. Agencies for which he is responsible include the SPA, the Department of Corrections (containing all state adult and juvenile corrections activities as well as probation and parole), the Rehabilitative School Authority (responsible for conducting all adult and juvenile education programs within state corrections facilities), the Department of State Police (which has general law enforcement duties and highway patrol responsibilities), the Criminal Justice Services commission (charged with setting and enforcing training standards for criminal justice personnel, setting and enforcing qualifications for private security personnel, and insuring the security and confidentiality of criminal justice data systems in the state), the recently created Commonwealth's Attorneys Services and Training Council (which coordinates the provision of training and technical assistance to all local prosecutors), and the Department of Alcoholic Beverage Control (which operates the state's retail liquor stores and enforces ABC laws). Two recent additions to the Secretariat are not directly related to criminal justice: the Virginia State Fire Services Commission and the Office of Fire Services Training. The Secretary has broad coordination, policy development, priority setting and budget preparation responsibilities to exercise over the agencies in his Secretariat. But, as was the case with the Cabinet generally, the Secretary is not to become involved in the daily operations of the agencies for which he is responsible.

While the creation in 1976 of a Secretary of Public Safety, the strengthening of the Cabinet, and the new program budget structure all marked major steps in the state's efforts to better direct and coordinate its criminal justice activities, these were not the first steps. For the preceding six years, the SPA had played a growing role in assisting the state decisionmakers in criminal justice, a role which had become well established by 1976 and which enabled the SPA to provide immediate expertise to the new Secretary of Public Safety when he took office.

The SPA's role was based on broad statutory responsibilities for criminal justice planning and coordination which were assigned by the legislature in 1970. Specifically, the SPA was charged with developing a state-wide comprehensive criminal justice plan, coordinating the criminal justice planning activities of all state agencies and units of general local government, and assisting all state agencies and localities in developing and implementing criminal justice programs and projects.

Beginning with the development of the state budget for the 1972-74 biennium, the SPA worked directly with the state's Division of Budget (the "lead" agency in the state's biennial budget process) to review and assess the plans and budget requests from those state agencies, boards and institutions responsible for the various state criminal justice and related functions. This review included the budgets of the state's Office of the Attorney General and the judicial system. Although initially aimed at assuring that: (1) state funds were not appropriated for activities already supported by federal grants; and (2) advising the Budget Division, and thereby the Governor, of the programmatic substance of certain budget requests, the SPA's assistance, by the time the 1974-76 budget was being prepared, expanded into a comprehensive written analysis of the plans and budget requests of the state agencies involved in criminal justice. In addition to all the state criminal justice agencies, the Office of the Attorney General, the judiciary, the Department of Health, the Department of Mental Health and Mental Retardation (for drug treatment programs) and the Department of Education were also included. This analysis was developed for use by both executive branch and legislative decisionmakers in the preparation of the budget for 1974-76.

With the preparation of plans and the budget for the 1976-78 biennium (beginning in 1974), the new Cabinet became involved for the first time. In addition to performing the same functions which had been established for the 1974-76 planning and budget development process, the SPA established working relationships with the three Secretaries who had responsibilities in the criminal justice area (Administration, Human Resources and Transportation and Public Safety) and assisted them with budget reviews and analysis aimed at assuring coordination of criminal justice activities between and among Secretarial areas. As was the case with the previous two biennial budgets, the SPA also assisted the legislative committees involved in the budget process by providing them with information developed from the analyses of the requests.

Thus, by the time of the creation of the Secretary of Public Safety and the institution of a new program budget structure for state government, the Virginia SPA already had a significant "track record" as a provider of the type of planning and analysis expertise the state needed to bring better focus to its criminal justice efforts.

Therefore, when the new Cabinet position of Secretary of Public Safety was created in mid-1976, the SPA simply became the Executive staff for the Secretary, providing him with the staff services required to carry out his duties. For the first time, responsibility for the state's major criminal justice activities rested with a single Cabinet level officer, answerable directly to the Governor. Having already developed its own planning, coordination, and budgeting capabilities as noted above, the SPA was able to provide immediate, effective staff support to the new Secretary.



Building upon its ongoing working relationship with the state's lead budget agency--renamed the Department of Planning and Budget in 1976--the SPA assisted in developing the state's new program budget structure, drawing upon its own experience in criminal justice planning, research, analysis and evaluation. As staff to the new Secretary, the SPA then capitalized on its influence on and knowledge of the program budget structure to devise an effective budget process for the Public Safety Secretariat for the 1978-80 budget. This included the development and management, in behalf of the Secretary, of a method to identify and analyze issues presented by agencies within the Secretariat for possible priority attention by the Governor in the new budget. The SPA then reviewed, for the Secretary, the actual budget submissions of the agencies under his responsibility, providing both programmatic and fiscal recommendations as necessary. Through its planning and programming relationships with the Office of the Attorney General and the judicial system, the SPA served, and continues to serve as the primary liaison between the executive branch and these agencies, not only for budget development activities such as those described above, but for more general coordination as well.

The SPA's role in the evolution of the state's budget process continues through its collaboration with the Department of Planning and Budget, insuring that effective criminal justice planning and coordination will continue to be reflected in the state's biennial budgets.

However, the SPA's role as staff to the Secretary of Public Safety extends well beyond the budgeting process into a wide range of ongoing activities and special projects. By virtue of having its own staff capabilities in the criminal justice functional areas, statistical research and analysis, evaluation, planning, program development and fiscal administration, the SPA was, and is, able to provide the Secretary with the expertise and system-wide perspective necessary for him to effectively carry out his duties.

These capabilities have been used for, among other things, the development and implementation of a law enforcement communications system which will permit, for the first time, throughout the state, direct car-to-car communications between all state and local officers and between all officers of different local departments, the initiation of the first comprehensive planning process for the state's entire correctional system, the development of more accurate methods of projecting inmate populations in state institutions and local jails, provision of direct administrative and fiscal technical assistance to agencies within the Secretariat, and, with Committees of the legislature, development of alternative proposals for providing state general fund financial aid to cities and urban counties for police services.

In order to facilitate better cooperation and coordination between state and local criminal justice activities, the SPA has begun a pilot project to assist the state's major cities and urban counties in developing ways to link their own criminal justice planning and budgeting processes with the new program structure used by the state. The result will be that local decisionmakers will be better able to take into account state-funded programs in developing their budgets; and state activities can be planned and implemented with greater recognition of local activities. This pilot project is being carried out in addition to the ongoing financial and technical assistance for planning which the SPA has always provided localities and regions in Virginia in order for them to participate in the LEAA program.

In conclusion, the creation of a Secretary of Public Safety with significant statutory responsibilities for coordination and direction of the state's criminal justice agencies combined with the existing capabilities and functions of the SPA in carrying out its statutory charge for coordination of the criminal justice system, have brought much needed focus and direction to Virginia's criminal justice activities. Certainly the relationships and processes described above will continue to evolve as state government changes. However, Virginia state government has already developed and implemented functions and activities necessary to effectively plan for and coordinate the use of all of its criminal justice resources. The state government is now working toward improving planning and coordination within units of local government and linking the state and local efforts in a way which will benefit both levels of government.

**END**