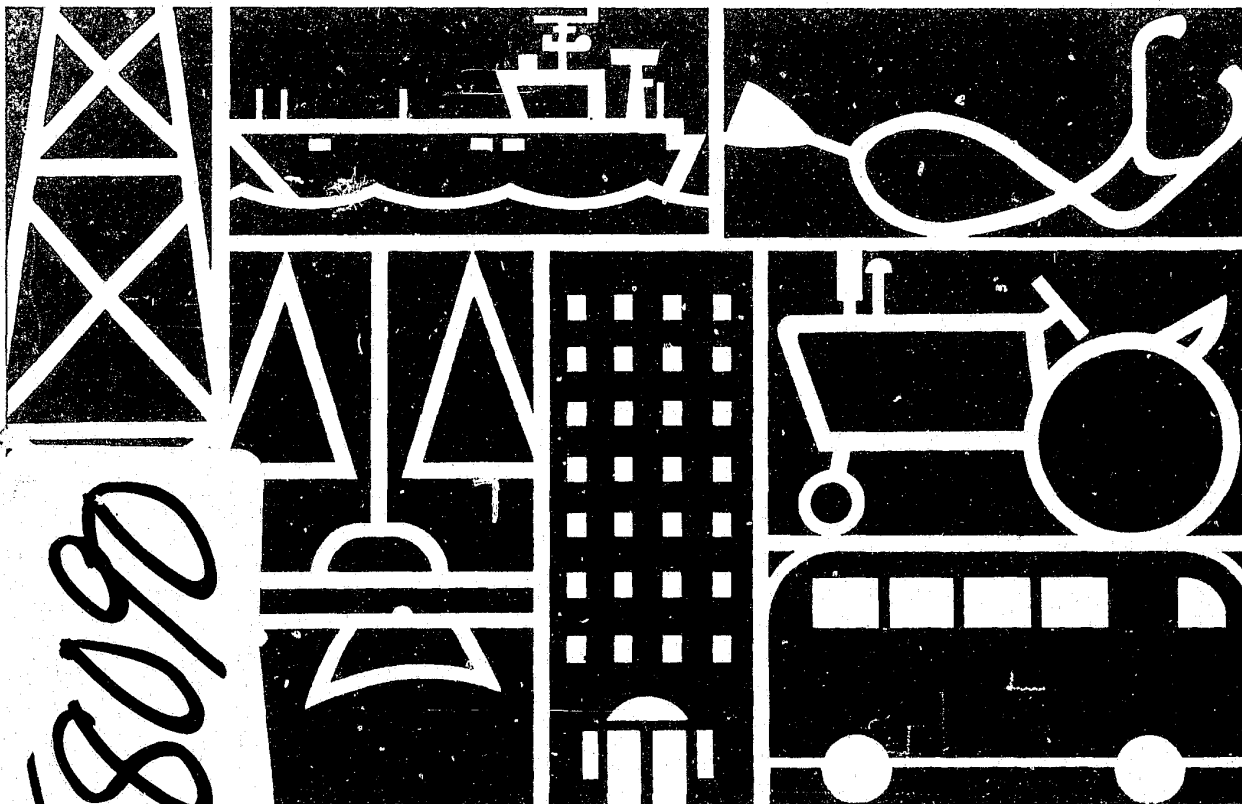
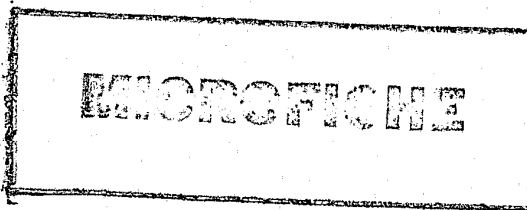


Budget Issue  
Paper for  
Fiscal Year 1980

# The Law Enforcement Assistance Administration: Options for Reauthorization

May  
1979



THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION:

OPTIONS FOR REAUTHORIZATION

The Congress of the United States

Congressional Budget Office

NCJRS

MAY 25 1979

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ACQUISITIONS

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PREFACE

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This report, which was prepared at the request of the Senate Subcommittee on Criminal Justice of the Judiciary Committee and the Subcommittee on Crime of the House Judiciary Committee, is intended to provide the Congress with a basis for considering proposals for reauthorization of the Law Enforcement Assistance Administration. The current authority expires on September 30, 1979. The paper complements earlier analysis of LEAA by the Congressional Budget Office and focuses on two related issues: the need for a major federal role in law enforcement assistance, and the form it should take.

The paper was prepared by Earl A. Armbrust, Donald G. Deloney, and R. Mark Musell of the General Government Management staff of CBO's Office of Intergovernmental Relations, under the general supervision of Stanley L. Greigg. The authors gratefully acknowledge the special assistance provided by David M. Delquadro, John E. Jacobson, and Sherri B. Kaplan. Francis Pierce edited the paper, and Norma Leake typed the various drafts and prepared the paper for publication.

In keeping with CBO's mandate to provide objective and nonpartisan analysis, this report offers no recommendations.

Alice M. Rivlin  
Director

May 1979

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CONTENTS

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	<u>Page</u>
PREFACE .....	iii
SUMMARY .....	xiii
CHAPTER I. INTRODUCTION .....	1
CHAPTER II. CRIME IN THE UNITED STATES .....	3
Types of Crime .....	4
Crime Trends .....	4
Outlook .....	7
CHAPTER III. STATE AND LOCAL CRIMINAL JUSTICE .....	13
Criminal Justice Conditions--	
.    An Overview .....	13
Resources .....	19
Institutional Setting .....	23
CHAPTER IV. ALTERNATIVE APPROACHES .....	27
Option I. Restructure the Current Program as Proposed by the Administration .....	30
Option II. Restructure the Current Program by Concentrating Assistance in a Few Program Areas .....	33
Option III. Limit the Federal Role to Research, Statistics, and Technical Assistance .....	35
APPENDIX. Impact on States of Alternative Formulas for Allocating LEAA Formula Funds .....	39

---

TABLES

---

	<u>Page</u>
Table 1. Crime and the Young Adult Population .....	9
Table 2. Support to State and Local Governments for Criminal Justice .....	21
Table 3. Percentage Distribution of 1976 Expenditures for Criminal Justice Between State and Local Governments .....	24
Table 4. Budgetary Impact of Alternative Approaches to Law Enforcement Assistance .....	28

---

APPENDIX TABLES

---

	<u>Page</u>
Table A-1. Impact of Alternative Formulas for Allocating 1979 LEAA Funds Among the States .....	41

---

FIGURES

---

	<u>Page</u>
Figure 1. Breakdown of Arrests in the United States by Type of Offense .....	5
Figure 2. Changes in Crime Rates Based on the Uniform Crime Report and the National Crime Survey Since 1973 .....	6
Figure 3. Percent Changes in Index Crimes Since 1968 .....	8
Figure 4. Percent Changes in Rates for Violent and Serious Property Crimes Since 1968 .....	8
Figure 5. Actual and Estimated Crime Rates .....	11
Figure 6. Breakdown of Total State and Local Expenditures .....	20
Figure 7. Breakdown of State and Local Expenditures for Criminal Justice .....	20
Figure 8. Dispersion of Criminal Justice Functions and Agencies Among State and Local Governments .....	25

---

APPENDIX FIGURES

---

	<u>Page</u>
Figure A-1. Impact of the Administration's Formula, with Limits on the Allocations to the States .....	42
Figure A-2. Impact of the Administration's Formula, without Limits on the Allocations to the States .....	43
Figure A-3. Impact of a Hypothetical Formula on Allocations to the States .....	44

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## SUMMARY

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The present authorization for the Law Enforcement Assistance Administration (LEAA) will expire in September 1979. By that time the federal government will have appropriated about \$7 billion to assist state and local governments in reducing crime and strengthening their respective criminal justice programs. The heart of the LEAA program is financial assistance. Other aspects include technical assistance, research, and information.

The nationwide impact of LEAA is difficult to assess. Observers generally agree that LEAA has not had a discernible impact on crime levels, but that it is unreasonable to expect such an impact. In the area of improving criminal justice--the main focus of the LEAA program--much has been accomplished although much remains to be done. LEAA's research and evaluation programs have been criticized in the past, and steps are now being taken to improve their quality and usefulness. 1/

The LEAA program has undergone a number of changes over the years in response to criticism. Additional changes that would restructure the current program are proposed in the Administration's reauthorization plan, submitted to the Congress as S. 241 and H.R. 2061. Other proposals advocate more fundamental change. This paper focuses on two related issues: the need for a major federal role in law enforcement assistance, and the form it should take.

### CRIME IN THE UNITED STATES

Criminal justice is an essential state and local government function that is affected by the nature and extent of criminal

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1/ An earlier CBO paper provides an overview of program results in three major areas--reducing crime, improving criminal justice, and advancing knowledge through research and evaluation. Congressional Budget Office, Federal Law Enforcement Assistance: Alternative Approaches, April 1978. In particular, see Chapter III, "Program Results," pp. 17-24.



activity. Many of the problems faced by state and local criminal justice agencies--particularly in the areas of the courts and corrections--are directly related to the recent dramatic increase in the number of offenders. In the decade 1968-1977 the number of serious crimes reported in the United States rose from 6.7 million to 10.9 million, an increase of over 60 percent. If criminal activity should continue to increase, the burden on state and local criminal justice agencies would become greater, and the need for federal assistance more critical. On the other hand, if crime rates should drop significantly in the coming years, state and local governments would have an opportunity to devote more attention and resources to qualitative improvements in criminal justice.

One approach to projecting future crime rates assumes that the level of crime is statistically associated with age and unemployment. Under the assumptions of an aging population and a lower unemployment rate, this projection results in a significant decline in the crime rate over the next 10 years. Federal assistance may, of course, be desirable for other reasons, such as the development of innovative approaches to improving criminal justice. Furthermore, because of the complexity of factors contributing to crime, some analysts believe that crime is as likely to increase in the future as it is to decline. If the crime rate should increase significantly during the next 10 years, the burden on state and local agencies would become greater and the need for assistance more critical.

#### STATE AND LOCAL CRIMINAL JUSTICE

Responsibility for protecting life and property rests mainly with state and local governments and is carried out primarily through their respective police, courts, corrections, and related programs. These governmental functions or components are often considered to operate together as a "criminal justice system."

LEAA has supported a large number of diverse projects to improve criminal justice at the state and local levels. The following types of activities have been supported by, or benefited from, LEAA financial assistance:

- o Coordinated planning and budgeting for criminal justice, particularly at the state level;
- o Improved training and educational opportunities for criminal justice personnel;
- o Minority recruitment and equal employment opportunity;
- o Better police services, especially in the areas of radio communication, patrol techniques, community relations, and cooperative arrangements among different jurisdictions;
- o Implementation of automated criminal records and other data systems to support police, prosecutors, and court operations;
- o Reforms of criminal codes in nearly all states and unification of court systems in more than half;
- o Upgrading court and prosecutor functions, including reduction of backlogs and processing time and provision of counsel to indigent offenders;
- o More humane and rational corrections, probation, and community-based programs that deal with offenders near their own localities;
- o Special programs in areas such as fighting organized crime, prosecution of career criminals, crime prevention, drug abuse, and diversion of offenders to job training or other programs; and
- o Research and statistical programs on crime and criminal justice activities.

#### Resources and Federal Support

With the advent of General Revenue Sharing (GRS) in 1972, federal funds and other external sources of criminal justice support have steadily increased--from 3.1 percent of state and

local criminal justice expenditures in 1971 to 12.4 percent in 1976. Most of the assistance since 1972 is believed to have come either from LEAA grants or from utilization of GRS funds. Although generalizations are hazardous, data for 52 local jurisdictions suggest that adequate resources are available to satisfy their perceived requirements for criminal justice.

LEAA funds are not intended to underwrite state and local criminal justice expenditures but rather to provide "seed money" for new and innovative programs. The degree to which block grants from LEAA stimulate new and innovative programs depends on the criteria applied. Based on criteria adopted by LEAA, less than 3 percent of 1978 block grants were considered to support innovative programs.

### Institutional Setting

Improvement in criminal justice programs is impeded by the complex and highly fragmented nature of American local government. Responsibility and authority for criminal justice at the state and local levels are widely dispersed among relatively autonomous officials, as well as among different jurisdictions and levels of government. Because of this dispersion of authority, some observers believe that it is unrealistic to expect dramatic improvement in criminal justice programs. Inertia and tradition, lack of research, and disagreement over policy and program objectives also appear to be significant factors impeding change.

The LEAA grant program has been a driving force in establishing processes for coordination. Although comprehensive criminal justice planning is now "coming of age," only some states have made noticeable progress in integrating such efforts into their governing processes. A National Academy of Public Administration study of nine states found that criminal justice planning was accepted and supported by other criminal justice agencies. In most cases, however, a strong link to the state legislature and an ongoing relationship with the state budget office were lacking.

### ALTERNATIVE APPROACHES

The paper presents three possible options for future federal law enforcement assistance. Options I and II would continue

federal assistance but restructure the current program. Option III, proposing the most fundamental change, would phase out regular financial assistance for state and local criminal justice programs.

If federal assistance is to be continued, as proposed in Options I and II, several major issues need to be addressed: (1) the level of funding; (2) the distribution of funds among the states; and (3) local versus federal discretion in the use of funds.

Level of Funding. In the past, annual funding for LEAA has varied widely. Authorizations peaked at \$1,750 million in fiscal 1973 and, in 1979, were down to \$800 million. In fiscal year 1979, some \$648 million was appropriated for LEAA. Under the three options, annual appropriations in 1980 could range from \$415 million to \$840 million. Similarly, estimates of cumulative outlays over the first five years range from \$1.8 billion (Option III) to \$4.0 billion (Option I, high funding).

Geographic Allocation of Funds. Current LEAA formula grants are allocated among the states on the basis of population. Some observers believe that other criteria would provide a more meaningful basis for distributing funds for criminal justice programs. In allocating assistance among the states, Option I would consider the level of criminal activity within each state and each state's fiscal efforts. Under this proposal the amount received by any state could be neither less than 100 percent nor greater than 110 percent of the amount received on the basis of population.

If the allocation method proposed in Option I had been in effect in fiscal year 1979, the assistance for 6 states would have increased by 10 percent. Eight states would have received allocation increases ranging from 4.6 percent to 9.3 percent. If the Administration's proposal were modified to allocate funds solely on the basis of criminal justice need and effort (no limits on the amount a state could receive), the impact on state allocations would be much more significant. The 1979 allocations would have been reduced for 35 states, with decreases exceeding 20 percent in 7 states. Of the states that would have received increased allocations, 5 would have realized gains in excess of 20 percent.

The relative size of a state's youth population and number of unemployed are two of many other factors that could be considered in developing a new method for allocating LEAA funds. If these two factors were used in a hypothetical formula in allocating 1979 funds, assistance would have increased in more than half the states. For the 21 states that would have received increased allocations, the gains range as high as 19.4 percent. The hypothetical formula would have decreased the 1979 allocation for more than half the states; 3 states would have incurred losses in excess of 20 percent.

Local Versus Federal Discretion. Another issue is whether there should be greater local control of LEAA funds and more federal leadership. A stronger federal role could be achieved by requiring funds to be used for particular program categories or by allowing LEAA to fund projects directly at its discretion. The current LEAA program has numerous requirements and categories concerning the use of funds. Opponents believe such categorization works against comprehensive planning and coordination and weakens the ability of state and local officials to set their own priorities. Option I would eliminate corrections as a separate LEAA funding requirement, but would continue to specify many categories of fund use. The large number of broad purposes permitted under Option I would, however, give jurisdictions wide latitude to determine their own priorities. Federal leadership would be provided under Option II by concentrating federal assistance in a few major program areas. Although financial assistance would be phased out under Option III, federal leadership would continue to be provided through a research and statistics program, technical assistance, and demonstration projects.

#### Option I. Restructure the Current Program as Proposed by the Administration

Option I, the Administration's reauthorization proposal introduced as S. 241 and H.R. 2061, would continue federal assistance to state and local criminal justice agencies but restructure the current program. It reflects a belief that the LEAA program has generally been useful, or that it can be if certain changes are made. The major thrust of the Administration's proposal is to reorganize LEAA (including the research and statistics program) and to streamline program administration.

Funding under Option I could range from the \$536 million included in the President's budget estimates for fiscal year 1980 to the \$840 million anticipated in the proposed authorizing

legislation. The higher amount would require a substantial increase above the \$648 million currently appropriated, and is proposed in the belief that success has been limited in the past because LEAA appropriations have been well below the amounts authorized. The lower level of LEAA funding (\$536 million) is supported by a desire to restrain federal spending and a belief that state and local jurisdictions could not accommodate larger amounts. Some observers oppose Option I on the grounds that it does not address the basic issue of whether there is need for federal law enforcement assistance.

#### Option II. Restructure the Current Program by Concentrating Assistance in a Few Program Areas

Option II, patterned after H.R. 2108, introduced by Representative John Conyers, Jr., of Michigan, is intended to meet criticism that federal assistance under the current program is spread too thinly over all aspects of the criminal justice program. Like Option I, Option II would restructure the current program; however, it would concentrate the use of funds into five priority areas: community anticrime programs, alternatives to traditional imprisonment, juvenile delinquency prevention programs, prevention and control of white-collar crime, and criminal justice planning and coordination. The federal research and statistics program would also be redesigned in a manner similar to the proposals in Option I. Under Option II, annual appropriations would be below the level for fiscal year 1979--\$580 million as compared with \$648 million.

#### Option III. Limit the Federal Role to Research, Statistics, and Technical Assistance

Option III would phase out LEAA over the next three years but continue a research, statistics, and technical assistance program similar to that proposed in Options I and II. These activities would be coupled with demonstration projects to be directly funded by the federal government.

This option is premised on the belief that the responsibility for improving criminal justice and controlling crime should rest entirely with state and local agencies, but that the federal government is the most appropriate level at which to advance knowledge of criminal justice. Proponents of Option III believe that, after 10 years and more than \$7 billion, the federal gov-

ernment and the states have had ample opportunity to experiment with new and innovative approaches to controlling crime and improving justice. LEAA financial assistance would eventually be limited to research and demonstration projects. Further arguments for a limited federal role include the following:

- o The level of crime, and the associated burden on criminal justice agencies, is largely independent of the amount and form of assistance by the federal government.
- o The crime rate may drop significantly during the next 10 years, if the relationship between crime and projected demographic and economic changes proves accurate.
- o State and local governments appear to have adequate resources to satisfy their perceived needs.
- o Criminal justice improvements at the state and local level are limited by highly fragmented organizational responsibilities, complex relationships among various agencies and jurisdictions, and traditions.

Opponents of Option III believe that phasing out federal assistance for criminal justice would be unwarranted. They point out that, even if crime should decrease in coming years, it would still be a serious national problem. Adoption of Option III, in their view, would be a major setback to progress that has been made in strengthening the ability of state and local governments to handle criminal justice.

The research, statistics, and technical assistance activities under Option III would require \$115 million per year--about the same level proposed by the Administration for these activities in fiscal year 1980. Additional appropriations would be provided to phase out the remaining program--\$300 million in 1980, \$150 million in 1981, and \$75 million in 1983. Altogether, funding under Option III is estimated at \$415 million in 1980--an amount well below the \$648 million appropriated for fiscal year 1979.

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## CHAPTER I. INTRODUCTION

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The present authorization for the Law Enforcement Assistance Administration (LEAA) will expire on September 30, 1979. By that time the federal government will have spent an estimated \$7 billion through LEAA to assist state and local governments in controlling crime and strengthening their respective criminal justice programs--namely, police, courts, and corrections. The heart of the LEAA program is financial assistance. Other aspects of LEAA include technical assistance, which costs about \$12 million per year, and research and information. The program is administered through an intergovernmental system that consists of LEAA at the federal level, state and regional planning agencies, and other units of state and local government. Altogether it employs 3,750 persons--about 650 federal employees and 3,100 state and local personnel who are primarily funded by federal planning grants.

It is difficult to assess the nationwide impact of LEAA. An earlier CBO paper provided an overview of program results in three major areas--those of reducing crime, improving criminal justice, and advancing knowledge through research and evaluation. With respect to the first, observers agree that LEAA has not had a discernible impact in the area of crime reduction, but that there is little reason to expect it should. In the area of improving criminal justice--the main focus of the LEAA program--much has been accomplished and much remains to be done. LEAA's research and evaluation programs have been subject to criticism in the past, and steps are now being taken to improve their quality and usefulness. 1/

Since its establishment in 1968, the LEAA program has undergone a number of changes in response to criticism. Further changes are proposed in the Administration's reauthorization

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1/ Congressional Budget Office, Federal Law Enforcement Assistance: Alternative Approaches, April 1978. In particular, see Chapter III, "Program Results," pp. 17-24.



plan, introduced as S. 241 and H.R. 2061. More fundamental change has also been advocated. This paper assesses some of the proposals, focusing on two related issues: the need for a major federal role and the form it should take.

Chapters II and III provide a basis for assessing the federal role. Chapter II offers an overview of crime in the United States. It analyzes crime trends since the mid-1960s and discusses the outlook for the decade ahead. Chapter III describes criminal justice at the state and local levels. It covers the working of the criminal justice system, the financial resources devoted to it, and the complex institutional setting.

Chapter IV presents three options for reauthorizing LEAA. The first two options would continue federal assistance but restructure the current program. The third option proposes more fundamental change. It would phase out regular financial assistance and limit the federal role mainly to research, statistics, and technical assistance.

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## CHAPTER II. CRIME IN THE UNITED STATES

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Criminal justice is an essential state and local governmental function that is affected by the nature and extent of criminal activity. Many of the current deficiencies in state and local criminal justice programs--particularly in the court and corrections areas--are directly related to the recent dramatic increase in the number of offenders. In the decade 1968-1977 the number of serious crimes reported in the United States rose from 6.7 million to 10.9 million, an increase of over 60 percent. If criminal activity should continue to increase, the burden on state and local criminal justice agencies would become greater, and the need for federal assistance more critical. On the other hand, if crime rates should drop significantly in the coming years, state and local governments would have an opportunity to devote more attention and resources to qualitative improvements in criminal justice. Assumptions about future crime rates are bound to affect one's feelings about the future of LEAA.

While there is a general consensus that increases in crime are associated with complex social, economic, and demographic forces, 1/ there is little agreement about the specific relationships among these factors and their implications for the future levels of criminal activity. Thus there are differences of opinion about the changes that will occur in the level of crime during the next decade. One approach to projecting future crime rates assumes that the level of crime is statistically associated with age and unemployment. Under the assumptions of an aging population and a lower unemployment rate, this projection results in a significant decline in the crime rate over the next 10 years. Another approach relies on trend analysis to project future crime rates on the basis of past behavior. Under such projections, the crime rate increases rather than decreases in the years ahead. This chapter provides an overview of crime in the United States, and an outlook for the decade ahead.

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1/ For a summary of research findings on causes of crime, see Eleanor Chelmsky, High Impact Anti-Crime Program, Mitre Corporation, Vol. II (January 1976), pp. 93-96.

## TYPES OF CRIME

Crime in the United States covers a wide variety of activities ranging from disorderly conduct to murder. In 1977 about 4.3 percent of arrests by state and local authorities were for violent crimes (homicide, rape, robbery, and aggravated assault), and 17.7 percent for serious property crimes (burglary, theft, and auto theft). Other arrest categories include: improper use or sale of alcohol (29.3 percent); disorderly conduct or vagrancy (7.4 percent); narcotic and drug law violation (6.3 percent); simple assault (4.4 percent); and juvenile or teenage-type offenses including curfew violations, running away, and vandalism (5.2 percent). Figure 1 presents a distribution of 1977 arrests by type of offense.

## CRIME TRENDS

The two primary sources of statistics on crime in the United States are the Uniform Crime Reports (UCR) prepared by the FBI, and the National Crime Surveys conducted by the U.S. Bureau of the Census for LEAA. The surveys for LEAA were not initiated until 1972, and thus cannot be used for analysis of long-term trends. Since 1975, however, the UCR and National Crime Surveys both indicate that crime rates have leveled off (see Figure 2).

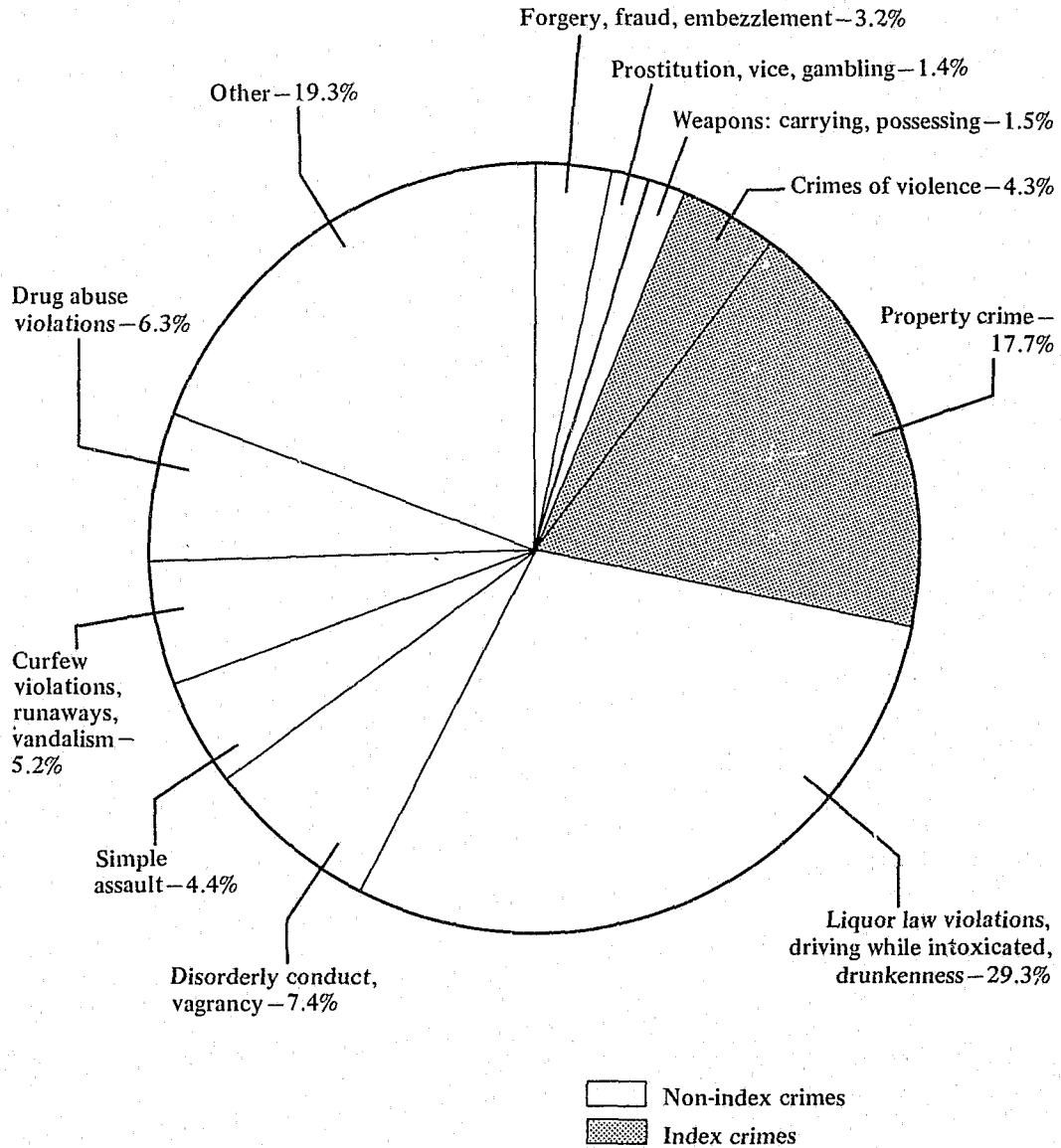
The FBI's Uniform Crime Reports are, despite certain limitations, the most readily available and continuous source of information on criminal activity in the United States. <sup>2/</sup> The reports provide data on seven serious offenses, referred to as index crimes, that are considered by the FBI to provide an

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<sup>2/</sup> The Uniform Crime Reports, initiated in 1930, are based on data reported to the FBI on a voluntary basis by local law enforcement agencies. As of 1977 about 15,000 agencies, serving 98 percent of the U.S. population, participated in the UCR program. UCR data reflect only crime reported to the police. The existence of large amounts of unreported crime, as well as variations in the extent of reporting and coverage, affect the reliability of FBI figures. For further discussion see David Seidman and Michael Couzens, "Getting the Crime Rate Down: Political Pressure and Crime Reporting," Law and Society Review, Spring 1974.

Figure 1.

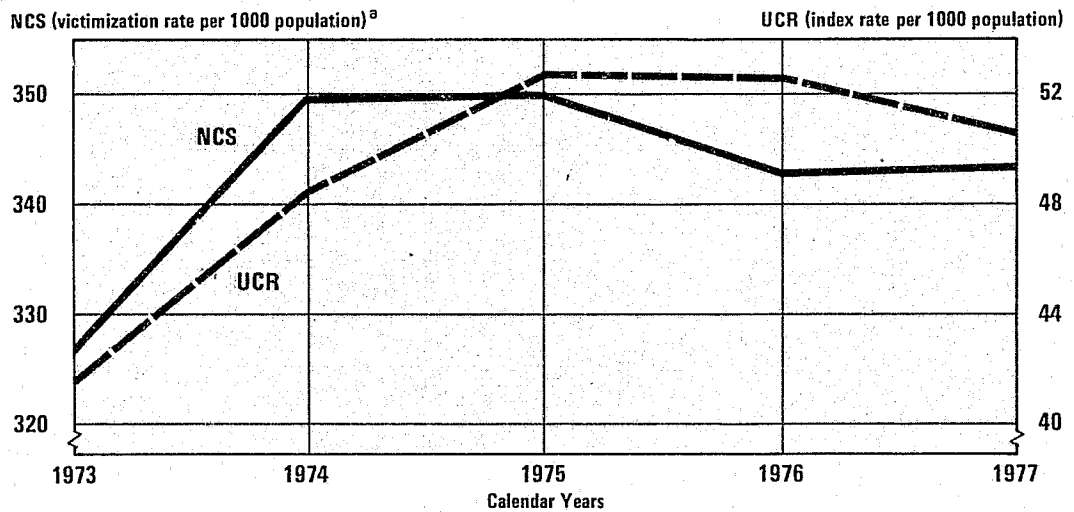
### Breakdown of Arrests in the United States by Type of Offense, 1977



SOURCE: U.S. Department of Justice, Federal Bureau of Investigation.

Figure 2.

### Changes in Crime Rates Based on the Uniform Crime Report (UCR) and the National Crime Survey (NCS) Since 1973



<sup>a</sup> The annual victimization surveys are based on continuous representative samples of households and businesses. The victimization data were weighted and aggregated by CBO to facilitate analysis of trends. For further discussion of National Crime Survey data see James Gurofalo and Michael J. Hindelang, *An Introduction to the National Crime Survey* (LEAA, 1977).

indicator of crime trends in the United States. Index offenses are divided into two groups--crimes of violence (homicide, rape, robbery, and aggravated assault) and serious property crimes (burglary, theft-larceny, and auto theft). The reports give the number of index offenses and the rates per 100,000 population--both of which increased dramatically through 1975 (see Figure 3). Between 1968 and 1975, rates for violent and property crimes increased 61.4 and 56.3 percent respectively. Since then, the rates have leveled off, although, from a historical perspective, they remain at relatively high levels (see Figure 4).

#### OUTLOOK

Crime in the United States has been characterized as "a young person's vocation." 3/ Youths between the ages of 11 and 24 commit a disproportionate share of offenses. Although arrest data may give a somewhat misleading picture, the statistics are nonetheless indicative: In 1977, the 11-through-24 age group represented 26 percent of the population but accounted for 71 percent of arrests for index offenses. In the period 1968-1977 the arrest rate for this group averaged 2.4 times that for persons aged 25 and over (see Table 1). 4/ This suggests that the dramatic increase in crime from 1968 to 1975 was influenced by the increase in the youth population during those years. 5/

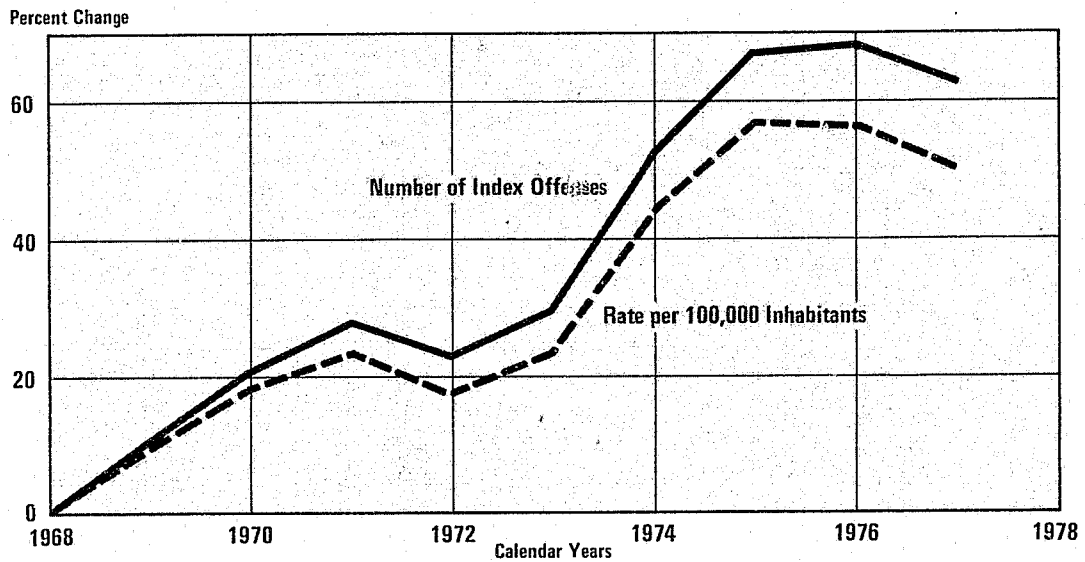
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3/ Timothy D. Schellardt, interview of James Q. Wilson, James A. Fox, and Marvin Wolfgang, "Maturing Population Will Bring a Decline in Crime, Experts Say," The Wall Street Journal, October 3, 1977, p. 1.

4/ It is possible that juveniles are more easily apprehended than adults. Therefore, arrest data may give an exaggerated picture of the youth crime problem.

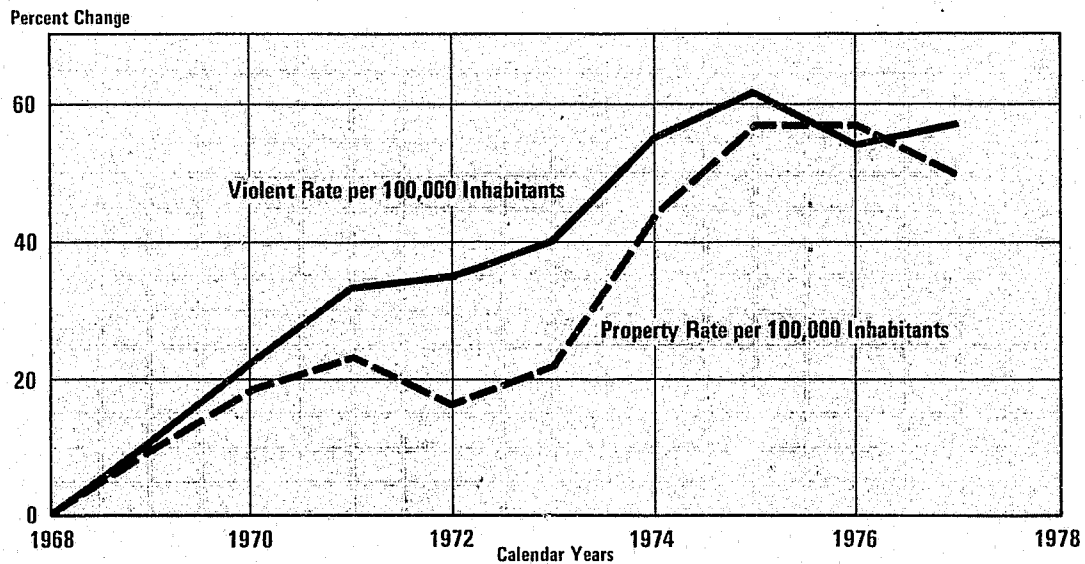
5/ Undoubtedly, better and more complete reporting accounts for some of the increases since 1968.

Figure 3.  
 Percent Changes in Index Crimes Since 1968



SOURCE: U.S. Department of Justice, Federal Bureau of Investigation.

Figure 4.  
 Percent Changes in Rates for Violent and Serious Property Crimes Since 1968



SOURCE: U.S. Department of Justice, Federal Bureau of Investigation.

TABLE 1. CRIME AND THE YOUNG ADULT POPULATION (AGES 11-24),  
1968-1977

	Number of Young Adults (in millions)	Percent of Total Population	Percent of Arrests for Index Offenses	Ratio of Arrest Rates of Persons 11-24 to Those of Persons 25 and over
1968	49.3	24.7	73.0	2.1
1969	50.8	25.2	73.7	2.2
1970	52.3	25.7	73.5	2.3
1971	54.0	26.2	73.7	1.8
1972	54.6	26.2	72.9	2.3
1973	55.3	26.3	73.1	2.5
1974	55.9	26.4	74.3	2.8
1975	56.4	26.5	73.3	2.7
1976	56.7	26.4	71.9	2.8
1977	56.6	26.1	71.4	2.8

As noted in an earlier CBO report on LEAA, several research studies have concluded that there is also a close relationship between crime and unemployment. <sup>6/</sup> This relationship is sug-

<sup>6/</sup> Congressional Budget Office, Federal Law Enforcement Assistance, April 1978, p. 13. Note 10 references the following studies: Harvey M. Brenner, Estimating the Social Costs of National Economic Policy, Study for the Joint Economic Committee of the Congress, October 26, 1976, pp. 42-45 and 72-77; Richard H. Brown, "Economic Development as an Anti-Poverty Strategy," Urban Affairs Quarterly, vol. 9 (December 1973), pp. 165-210; Congressional Budget Office, Federal Prison Construction: Alternative Approaches, January 1977, p. 9; and William H. Robinson, Prison Population and Costs, Congressional Research Service, April 24, 1974, pp. 19-20. A study by the Georgia Commission on Corrections/Rehabilitation indicates that monthly increases in prison population slightly preceded increases in official unemployment figures; see George H. Cox, Unemployment and Prison Population Trends in Georgia, March 5, 1975.



gested not only by the correlation between unemployment and crime rates but also by the fact that prisoners who obtain steady employment after their release are less likely to return to crime than those who do not. In a recent year, 42.8 percent of those with no job had their parole revoked or received a new sentence as compared with 14.1 percent of those who had had a job for more than four years. 7/

Estimates of the future level of criminal activity may be made on the basis of the historical relationship between the size of the youth population and the national unemployment rate. Figure 5 compares actual crime rates with rates estimated on the basis of combined data on youth population and total unemployment. These two variables were found to statistically explain 97 percent of the variation in the crime rate during the period 1960-1977. 8/

Both the youth population and total unemployment are expected to decline during the next decade. The U.S. Bureau of the Census has estimated that the 11-24 age group will decline from a peak of 56.7 million persons in 1976 to 47.5 million in 1990. The Congressional Budget Office has adopted a set of economic assumptions for its five-year budget projections under which unemployment will peak in 1980 at about 6.8 percent and then decline through 1984 when it will be approximately 5.5 percent. 9/ These projected decreases suggest that, if histor-

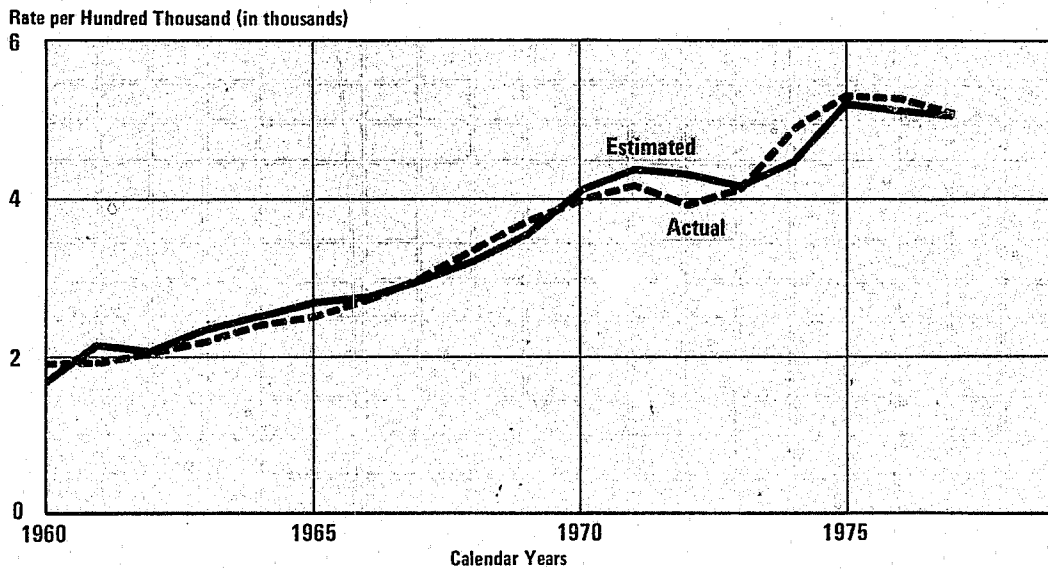
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7/ U.S. Bureau of Prisons, "Success and Failure of Federal Offenders Released in 1970," staff study, 1974.

8/ Through a regression analysis by the Congressional Budget Office, the number of persons aged 11-24 and the total unemployment rate were correlated with the rate of crime reported in the U.S. Crime Index (murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft). The coefficient of determination (after correction for autocorrelation in the error term) was 0.973 and the Durbin-Watson statistic was 1.490.

9/ Unemployment rates through 1984 are those used by CBO in its report, Five-Year Budget Projections and Alternative Budgetary Strategies for Fiscal Years 1980-1984, January 1979.

Figure 5.  
**Actual and Estimated Crime Rates**



SOURCE: Actual rates for 1969 to 1975 from U.S. Department of Justice, Federal Bureau of Investigation. Estimated rates from analysis of changes in youth population and unemployment rates (see text).

ical relationships continue, the crime rate will also decline. Statistical analysis indicates the decline will average about 3 percent per year through 1990, in which year the crime rate will be 40 percent below the 1975 peak of 5,282 crimes per 100,000 population and 9 percent below the 1968 rate. <sup>10/</sup>

Projections based solely on broad demographic and economic variables may be criticized as not being valid for that particular segment of the population in which the highest rates of criminal behavior occur--the young, the unskilled, and the poorly educated. Some analysts believe that such projections are likely to be too optimistic because they do not consider other factors

<sup>10/</sup> These estimates assume that unemployment will stabilize at 5.5 percent and that historical relationships among the size of the youth population, the rate of unemployment, and the crime rate will continue.

such as: (a) the increasing seriousness of youth crimes; (b) the increasing proportion of the youth population engaging in criminal activity; and (c) changes in youth mores, social values, and family life. Another unknown is the proportion of career or habitual offenders that may remain in the population in spite of the maturing of the youth population. These estimates also assume that unemployment will decline, but there is some uncertainty in developing assumptions about future rates of unemployment. In view of these uncertainties, LEAA believes it would be just as plausible to project future crime rates on the basis of past experience--that is, by extrapolating trends based on data from 1960 to 1975. This would lead to a conclusion that the crime rate in 1990 may be 57 percent greater than the 1975 rate. However, such estimates assume that the future will reflect the past and will be unaffected by changes in the youth population or national unemployment rates.

The CBO statistical analysis is not intended to isolate the causes of crime, but rather to provide a reasonable method for estimating changes during the next 10 years. If the crime rate decreases as suggested by projected changes in unemployment and the size of the youth population, the demands placed on criminal justice agencies should also decrease. Put another way, the reduction in crime and the increase in the potential for improving criminal justice would be largely independent of the level or form of assistance from the federal government. Federal assistance might, of course, continue for other reasons--such as encouraging innovative approaches to improving the efficiency, effectiveness, and fairness of criminal justice systems. If, on the other hand, the crime rate were to increase significantly during the next 10 years, the burden on state and local agencies would become greater and the need for assistance more critical.

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## CHAPTER III. STATE AND LOCAL CRIMINAL JUSTICE

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Responsibility for protecting life and property rests mainly with state and local governments. Their respective police, courts, corrections, and related programs are often assumed to operate together as a "criminal justice system." While state and local governments have made some improvements, much remains to be done. The difficulties do not appear to lie in a lack of resources at the state and local levels. Rather, the various criminal justice systems are beset with institutional problems that impede change.

The principal focus of federal assistance to criminal justice has been to support improvements and innovations directed at changing the traditional way in which problems are approached and managed. LEAA has made some progress in strengthening coordination among various components of the criminal justice system. In addition, it has also had some success in encouraging innovation--although less than 3 percent of formula expenditures in 1978 supported innovative programs.

### CRIMINAL JUSTICE CONDITIONS--AN OVERVIEW

LEAA has supported a large number of diverse projects to improve criminal justice at the state and local levels. The following types of activities have been supported by, or benefited from, LEAA financial assistance: 1/

- o Coordinated planning and budgeting for criminal justice, particularly at the state level;
- o Improved training and educational opportunities for criminal justice personnel;

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1/ Detailed information on LEAA accomplishments is contained in LEAA's Program Results Inventory, June 1977.

- o Minority recruitment and equal employment opportunity;
- o Improved police services, especially in the areas of radio communication, patrol techniques, community relations, and cooperative arrangements among different jurisdictions;
- o Development of automated criminal records and other data systems to support police, prosecutors, and court operations;
- o Reforms of criminal codes in nearly all states and unification of court systems in the majority of states;
- o Upgrading of court and prosecutor functions, including reduction of backlogs and processing time, and provision of counsel to indigent offenders;
- o A more humane and rational approach to corrections and probation, including community-based programs that deal with offenders near their own localities;
- o Special programs in areas such as fighting organized crime, crime prevention, drug abuse, and diversion of offenders to job training or other special programs; and
- o Research and statistical programs on crime and criminal justice system activities.

While these efforts have improved criminal justice over the past 10 years, it is difficult to make a nationwide assessment for lack of useful information.

The President's Commission on Law Enforcement and the Administration of Justice, a major force behind the creation of LEAA, issued a report in 1967 listing more than 200 ways to

improve the criminal justice system. 2/ In 1973, the National Advisory Commission on Criminal Justice Standards and Goals issued a six-volume report with over 500 standards and recommendations. This report indicated that, six years after the creation of LEAA, many of the conditions identified by the 1967 study still existed. Today, it is neither true that nothing has changed since 1973 nor that criminal justice is currently free of major deficiencies. LEAA believes that the criminal justice system is in many respects still inefficient, inequitable, and ineffective. Thus, federal aid focuses on strengthening state and local ability to cope with these problems. The following sections provide an overview of criminal justice conditions at the state and local level. 3/

### Community Support

Strong community support is necessary for effective operation of the criminal justice system. An alert, concerned, and cooperative citizenry can help prevent crime and provide support for community programs for offenders, ex-offenders, and persons likely to come into contact with the law. Several recent studies indicate the importance of citizen cooperation in the fight against crime.

- o A 1977 study of 1,664 select felony cases (reported by the Oakland City Police Department from July to September of 1974) indicates that, when a suspect was named, the case was turned over to the prosecutor or otherwise

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2/ President's Commission on Law Enforcement and the Administration of Justice, The Challenge of Crime in a Free Society, February 1967.

3/ Unless otherwise stated, the information on state and local criminal justice systems is taken from Daniel L. Skoler, Organizing the Non-System, Lexington Books, 1977. This work summarizes other studies in the criminal justice area and is not based on field research.

cleared 89 percent of the time. This compares with a clearance rate of only 14 percent when no suspect was named. 4/

- o Another study of 172 cases in five cities (Berkeley, Los Angeles, Long Beach, Miami, and Washington, D.C.) reveals that direct citizen involvement was responsible for 44 percent of the cases cleared in 1972. Citizen identification or holding at the scene accounted for at least 50 percent of the cases cleared for homicide, robbery, theft, felony morals, and aggravated assault. 5/

In many communities, unfortunately, criminal justice agencies, especially the police, do not have the advantage of strong public support. Police in very large cities often find themselves operating in a hostile environment, isolated from the community. Lacking public cooperation, they have become increasingly dependent on information from paid informants and persons under arrest.

#### Police

The effectiveness of law enforcement agencies in preventing and solving crime has been widely debated. Their effectiveness is called into question by the surprisingly low percentage of crimes they actually clear. Nationwide, police arrested a suspect in only 45.8 percent of violent crimes and 18.3 percent of serious property offenses reported to law enforcement agencies in 1977. 6/

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4/ Bernard Greenberg and others, Felony Investigation Decision Model, The National Institute of Law Enforcement and Criminal Justice, February 1977.

5/ Data calculated by CBO from Peter W. Greenwood and Joan Petersilia, The Criminal Investigation Process, The Rand Corporation, October 1975, Tables 6-3 and 6-4, pp. 68 and 70.

6/ U.S. Department of Justice, Federal Bureau of Investigation, Crime in the United States, 1977, Table 20, p. 162.

Among the improvements often called for in law enforcement is better personnel, with an emphasis on: active recruiting, especially of minorities, women, and the college educated; more in-service training; and better utilization of available manpower resources. Most of the nation's law enforcement agencies continue to rely on the high school diploma as the educational standard for new recruits. 7/ Other reform proposals call for improved management, planning, organization, and coordination of police operations.

### Adjudication

Courts. Effective and efficient operation of the nation's courts continue to be inhibited by the huge caseload with which the courts must deal. State and local judicial systems also suffer from fragmented court structure, inadequate management, and shortages of qualified personnel. According to the Council of State Governments, in only about half the states are appellate or trial court judges required to have legal experience.

Trial and pre-trial delays are often cited as matters requiring immediate attention, especially at the local level. The Speedy Trial Act of 1974 established 125 days as the standard for disposition of cases in federal district courts. A study of state and local criminal cases filed in 1976 in 19 judicial districts indicates that about 25 percent of the cases took more than 180 days to process. 8/ Even in selected programs intended to give priority attention to career criminals, the median time from arrest to disposition was 105 days. 9/

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7/ According to data provided by the Law Enforcement Assistance Administration at the request of the Congressional Budget Office.

8/ Thomas Church, Jr., and others, Justice Delayed, The National Center for State Courts, 1978. The time for court disposition for each jurisdiction was weighted by CBO to reflect the number of cases filed.

9/ Law Enforcement Assistance Administration, budget materials for fiscal year 1980.



Prosecution and Public Defender Services. A lack of coordination and professionalization continue to characterize the prosecutorial function. These problems are particularly critical in part-time offices, which represent about 60 percent of the nation's prosecutors. According to the National Legal Aid and Defenders Association, many public defender offices are unable to meet the 1972 Supreme Court mandate that legal council be provided indigent defendants. In addition, public defender services often suffer from excessive caseloads, understaffing, a lack of trained personnel, and inadequate support services. 10/

Additional Concerns. Other areas that are currently the subject of debate and controversy include bail and pre-trial release policies, sentencing, and code reform. Special concern is expressed over the prevalence of plea bargaining practices--that is, the reduction of charges in return for a guilty plea from the defendant. The extent of plea bargaining has not been documented, although 1975 data from California indicate that the practice may be sizable. Of 135,800 initial felony arrests taken to court in the state, 94 percent of all convictions resulted from pleas and 6 percent from court verdicts. 11/ While the extent of plea bargaining in these cases is unknown, it undoubtedly was a factor.

### Corrections

There are approximately 400,000 inmates in state prisons and local jails. In addition, 1.1 million adults are under state and local probation and parole supervision; nearly 90 percent have been placed under the supervision of a probation agency by a judicial officer. 12/ Agencies with responsibility for these

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10/ Materials released by National Legal Aid and Defenders Association, October 20, 1978.

11/ California Department of Justice, Bureau of Criminal Statistics, "Offender Based Transaction Statistics in Fifty-six Counties," 1975.

12/ Estimates of prison and jail population supplied by the Law Enforcement Assistance Administration.

persons continue to suffer from a lack of trained manpower and community support. Even though progress has been made in improving correctional conditions, many institutions continue to be characterized by overcrowding, inadequate vocational and educational programs, lack of privacy, unrest and disorder, staff-inmate tension, and racial discrimination. Conditions in local jails have been found to be especially deplorable; progress in bringing local jails up to standards is considered to be unsatisfactory, and some reformers have advocated turning many of them over to the states.

Efforts at reforming the corrections system emphasize diversion of first offenders to community programs, the establishment of halfway houses and other alternatives to conventional confinement, and making better preparation for the transition to community life after imprisonment. In addition, many traditional aspects of corrections are being questioned--the confinement of persons who are not considered a danger to the community, continued use of large high-security institutions, the efficacy of rehabilitation and parole, and the role of punishment as an objective of corrections.

## RESOURCES

In 1976, state and local governments spent \$17 billion on criminal justice. Such expenditures represent about 7 percent of all general purpose funds spent nationwide by state and local governments. About half of the \$17 billion was spent for police activities and most of the remainder was divided between courts and corrections (see Figures 6 and 7).

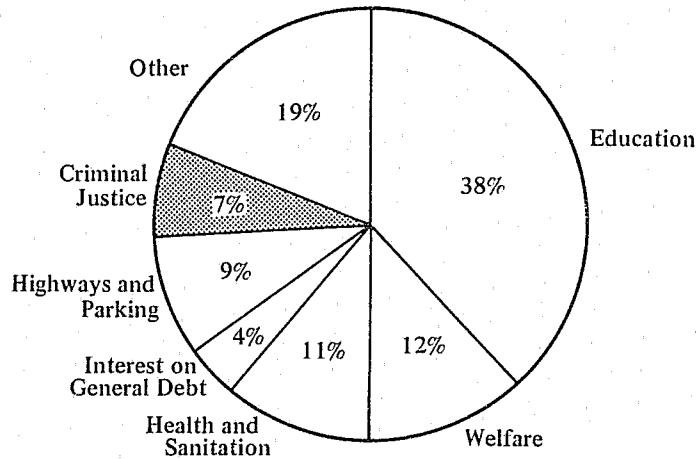
### Federal Support

Total federal resources available to state and local governments are much greater today than when LEAA was established in 1968--grant-in-aid outlays having increased from \$13 billion in fiscal year 1968 to \$53 billion in fiscal year 1978. The amount for 1978 includes \$20 billion for education, training, employment, and social services; \$6.8 billion for General Revenue Sharing; and \$0.6 billion for LEAA. 13/

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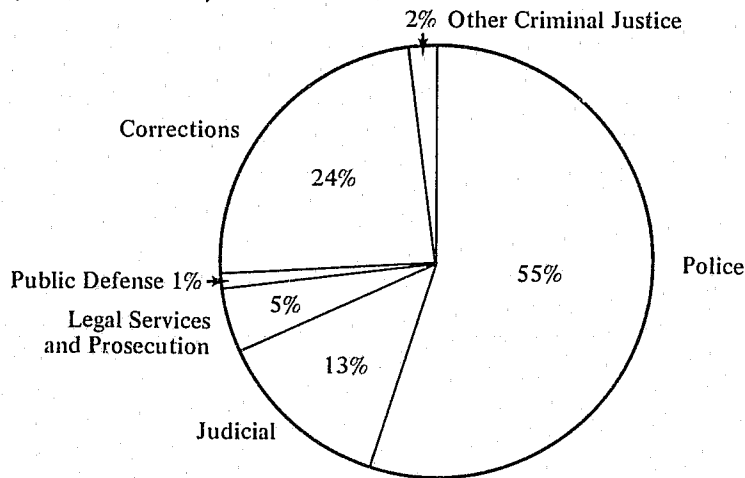
13/ Estimates exclude payments to individuals but include assistance to some public nongovernmental organizations such as the Public Broadcasting Corporation and the National Foundation on the Arts and Humanities.

Figure 6.  
 Breakdown of Total State and Local Expenditures,  
 1975-1976 (\$255.6 billion)



SOURCE: U.S. Bureau of the Census. Data include special districts for schools and other functions.

Figure 7.  
 Breakdown of State and Local Expenditures for Criminal Justice,  
 1976 (\$17.2 billion)



SOURCE: U.S. Department of Justice, Law Enforcement Assistance Administration.

With the advent of General Revenue Sharing (GRS) in 1972, federal funds and other external sources of criminal justice support have steadily increased--from 3.1 percent of state and local criminal justice expenditures in 1971 to 12.4 percent in 1976 (see Table 2). The amounts from specific sources of external support cannot be identified. Most of the assistance since 1972, however, is believed to have come either from LEAA grants or from utilization of GRS funds. Other sources of federal support for criminal justice and related programs include the Comprehensive Employment and Training Act, Economic Development Assistance, HUD Fair Housing Assistance, the Equal Employment Opportunity Commission, and the National Institute of Corrections. Support from LEAA increased from an estimated \$196 million in 1971 to \$789 million in 1976 and then declined to \$559 million in 1978. <sup>14/</sup> LEAA financial support has declined as a proportion of all sources of outside financing. It is estimated that in 1971 LEAA accounted for virtually all sources of external support as compared with an estimated 37 percent in 1976.

TABLE 2. SUPPORT TO STATE AND LOCAL GOVERNMENTS FOR CRIMINAL JUSTICE: BILLIONS OF DOLLARS

	Total Criminal Justice Expenditures	Percent From Outside Sources
1971	9.3	3.1
1972	10.2	4.6
1973	11.4	6.6
1974	13.0	8.3
1975	15.1	9.7
1976	17.2	12.4

SOURCE: Law Enforcement Assistance Administration, and U.S. Bureau of the Census.

<sup>14/</sup> Estimates were provided by the Law Enforcement Assistance Administration at the request of CBO and include payments to private nonprofit institutions.

Although generalizations are hazardous, state and local governments appear to have adequate resources to satisfy their perceived priority for criminal justice. A study of 52 local jurisdictions indicates that only 2.5 percent of 1974 GRS funds were used to increase spending for criminal justice. The remaining 97.5 percent were used for noncriminal justice programs or for stabilization of tax rates, or were applied to budget surpluses or deficits. <sup>15/</sup> This behavior suggests that, in light of all priorities, these jurisdictions as a group did not require significant increases in criminal justice funds.

#### Current Significance of LEAA Funds

LEAA funds are not intended to underwrite state and local criminal justice expenditures but rather to provide "seed money" for new and innovative programs. The degree to which LEAA block grants have stimulated the development and implementation of innovative programs depends on the criteria applied to "innovative." In reporting to the Congress on innovative projects, LEAA uses a stringent definition--that the project be new to the criminal justice system to the best of the recipients' knowledge, and that it demonstrate promise in reducing crime or improving justice. Under these criteria only about 2.4 percent of 1978 block grant expenditures were considered to be in support of innovative programs. Of new allocations made in 1978, only 1.4 percent were considered innovative. <sup>16/</sup>

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<sup>15/</sup> Estimates calculated by CBO from data contained in a study by Richard P. Nathan, Where Have All the Dollars Gone? Law Enforcement Assistance Administration, December 1976, Table 14, pp. 40-42. It is impossible to know if the priorities for using GRS funds would be different in the absence of financial assistance from LEAA or to the extent that LEAA also becomes a substitute for local funds.

<sup>16/</sup> Estimates calculated by CBO based on data contained in a LEAA report to the Congress required under section 519 of the Crime Control Act of 1976, advance submission, fiscal year 1978, pp. 102 and 106. See Congressional Budget Office, Federal Law Enforcement Assistance, April 1978, p. 20, for a discussion of studies of LEAA project innovation that have been undertaken by the Advisory Commission on Intergovernmental Relations and the Mitre Corporation.

What would be the impact on particular criminal justice programs if all LEAA financial assistance were terminated? At present, individual projects cannot be supported by LEAA for more than three years. Of 3,086 projects ending in 1978 that were eligible or intended to be assumed by state and local governments, 84 percent were continued. <sup>17/</sup> This suggests that many ongoing efforts would not be abandoned if federal assistance were phased out. What is less clear is the extent to which new innovative efforts would be initiated. Experience with GRS funds suggests that such activities would decline. Some innovative projects would, however, undoubtedly be undertaken even in the absence of federal aid. The extent to which fund substitution exists in LEAA is unknown; it is an area in which some analysts believe field research would be useful.

#### INSTITUTIONAL SETTING

Responsibility and authority for criminal justice at the state and local levels are widely dispersed among relatively autonomous officials. In practice, criminal justice activities necessitate complex interrelationships within a highly fragmented organizational setting that includes:

- o A multiplicity of independent jurisdictions, often within a single metropolitan area;
- o Different levels of government--city, county, special district, and state;
- o Functional elements--in addition to police, courts, and corrections--such as prosecutors, and parole and probation officials; and the
- o Constitutionally separate powers of the three branches of government.

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<sup>17/</sup> Law Enforcement Assistance Administration, report to the Congress required under section 519 of the Crime Control Act of 1976, advance submission, fiscal year 1978, p. 125.

Figure 8 provides an illustration of the fragmented setting of criminal justice at state and local levels.

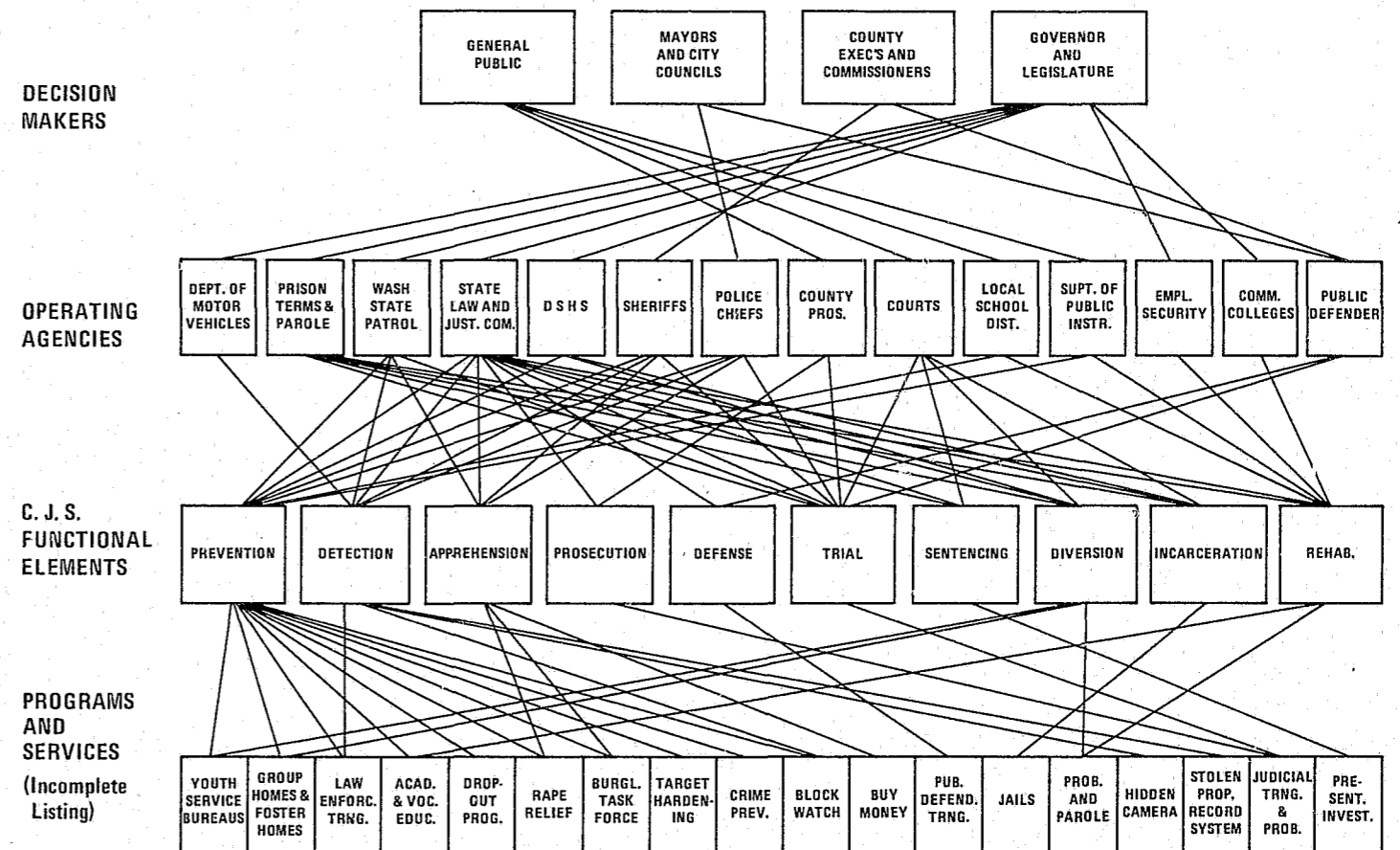
The fragmentation of criminal justice is exacerbated by the distribution of responsibilities among different jurisdictions and levels of government. For example, police are largely the responsibility of towns and city governments; prosecutors are generally maintained by county governments; and correctional institutions for long-term confinement are mainly the province of the states. Among court systems, there is great diversity in responsibility, organizational structure, and funding patterns. Table 3 illustrates the differences in responsibilities between state and local units of government on the basis of relative expenditures in 1976.

TABLE 3. PERCENTAGE DISTRIBUTION OF 1976 EXPENDITURES FOR CRIMINAL JUSTICE BETWEEN STATE AND LOCAL GOVERNMENTS

Criminal Justice Responsibility	State Government	Local Government <u>a/</u>	Total
Police	18.0	82.0	100
Courts	26.5	73.5	100
Legal	<u>28.2</u>	<u>71.8</u>	<u>100</u>
Adjudication	27.1	72.9	100
Corrections	59.9	40.1	100
Other	<u>37.1</u>	<u>62.9</u>	<u>100</u>
Total	30.2	69.8	100

a/ Includes counties.

Figure 8. Dispersion of Criminal Justice Functions and Agencies Among State and Local Governments



SOURCE: The Council of State Governments, *The Future of Criminal Justice Planning* (November 1977), p. 20.

Some observers believe that fragmentation is so deeply ingrained that it is unrealistic to expect dramatic improvement in criminal justice programs. Inertia and tradition, lack of research, and disagreement over policy and program objectives also appear to be significant factors impeding change. In light of these conditions, it is not surprising that strong ties have yet to be developed among the components of the criminal justice system. 18/

Comprehensive planning, police development, and budgeting offer one approach to overcoming institutional obstacles. In this respect the LEAA grant program has been a driving force in establishing processes for coordination. Although comprehensive criminal justice planning is only now "coming of age," some states have made noticeable progress in integrating such efforts into their governing processes. The National Academy of Public Administration (NAPA) studied criminal justice planning in nine states (California, Colorado, Connecticut, Michigan, Minnesota, New Mexico, North Carolina, North Dakota, and Virginia). The NAPA study found that criminal justice planning was accepted and supported by other criminal justice agencies. However, planning in only two states (Virginia and North Dakota) had very strong linkage to the state legislatures, and most planning agencies had little relationship with their state budget offices (Virginia and Michigan excepted). 19/

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18/ For discussion of the intergovernmental aspects of criminal justice and the LEAA program see National Association of Criminal Justice Planners, Conference Proceedings, September 1978, Comments of Carl Stenberg, pp. 1-8, and Rick Carlson, pp. 9-21.

19/ National Academy of Public Administration, Criminal Justice Planning in the Governing Process: A Review of Nine States, February 1979, pp. 45-51.



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## CHAPTER IV. ALTERNATIVE APPROACHES

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The future course of federal law enforcement assistance could lie in any of several directions. Each of the following three options illustrates a possible approach, for which many variations could be considered:

- Option I: Restructure the current program as proposed by the Administration;
- Option II: Restructure the current program by concentrating assistance in a few program areas;
- Option III: Limit the federal role to research, statistics, and technical assistance.

Options I and II would both continue federal assistance but restructure the current program. Option III, proposing the most fundamental change, would phase out regular financial assistance for state and local criminal justice programs. In fiscal year 1979, some \$648 million was appropriated for LEAA. Under the three options, annual appropriations in 1980 could range from \$415 million to \$840 million (see Table 4). Similarly, cumulative outlay estimates over the first five years could range from \$1.8 billion (Option III) to \$4.0 billion (Option I, high funding). 1/

At one time or another, nearly every aspect of LEAA has been the subject of criticism and controversy. Thus, it is not surprising that the reauthorization proposals currently being considered would not continue LEAA in its present form. If federal grants are to be continued, several major issues need to be addressed concerning the design of the program--namely:

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1/ Estimates for all options include funds for the Public Safety Officers' Benefit Program but exclude costs for the National Institute of Corrections, which is not currently part of LEAA.

TABLE 4. BUDGETARY IMPACT OF ALTERNATIVE APPROACHES TO LAW ENFORCEMENT ASSISTANCE, FOR SELECTED FISCAL YEARS: IN MILLIONS OF DOLLARS

	Annual Budget Authority			Cumulative Five-Year Impact (1980-1984) a/ Budget Authority Outlays b/	
	1980	1981	1982		
Cost if continued at 1979 level c/	648	650	651	3,257	3,345
Option I: Restructure the current program as proposed by the Administration					
Low range	536	536	536	2,680	2,890
High range	840	840	840	4,200	4,050
Option II: Restructure the current program by concentrating funds in a few program areas	580	580	580	2,900	3,060
Option III: Limit the federal role to research, statistics, and technical assistance	415	365	190	1,200	1,840

a/ Estimates of cumulative budgetary impact for Options I and II assume the program would continue at the 1982 level in 1983 and 1984. Estimates for Option III assume that assistance to state and local governments would be phased out in 1983 and that the remaining program would continue at \$115 million per year.

b/ Outlay estimates for each option include \$841.5 million for expenditures from appropriations prior to 1980.

c/ The estimates do not reflect the impact of inflation on federal financial assistance.

(1) its level of funding; (2) the distribution of funds among the states; and (3) local versus federal discretion in the use of the funds. These three issues are briefly outlined below and further discussed in connection with each option.

Level of Funding. In the past, annual funding for LEAA has varied widely. Authorizations peaked at \$1,750 million in fiscal 1973, and were down to \$800 million for fiscal year 1979. More important, annual appropriations have been consistently below the authorized amounts--averaging 69 percent of total authorizations through 1979. Both critics and advocates agree that federal financial aid is not intended to subsidize state and local expenditures but rather to provide a stimulus for innovative programs. Within this concept, a range of funding levels is being considered.

Geographic Allocation of Funds. Current LEAA formula grants are allocated among the states on the basis of population. The states are then required to pass on a certain percentage to local jurisdictions. Some observers believe that criteria other than population would provide a more meaningful basis for distributing funds for criminal justice programs. The number of crimes, criminal justice expenditures, or youth population are but a few of the possible criteria that could be considered.

Local Versus Federal Discretion. Another issue is whether there should be greater local control of LEAA funds and more federal leadership. A stronger federal role could be achieved by requiring funds to be used for particular program categories or by allowing LEAA to fund projects directly at its discretion. The current LEAA program has numerous requirements and categories concerning the use of funds, giving emphasis to activities such as: corrections; juvenile justice; urban and community crime prevention; planning for the judiciary; and special programs for high crime areas, drug enforcement, and protection of the elderly. Opponents of this approach believe such categorization works against comprehensive planning and coordination and weakens the ability of state and local officials to set their own priorities. <sup>2/</sup> Advocates of increased federal leadership believe that

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<sup>2/</sup> National Association of Criminal Justice Planners, Conference Proceedings, September 1978, comments from Carl Stenberg, pp. 1-8; and National Conference of State Criminal Justice Planning Administrators, Halting the Invasion of Categorization in the Crime Control Act Program, June 1977, pp. 6-10.

LEAA funds are likely to be more effective if concentrated in a few major categories rather than spread among all aspects of the criminal justice system.

A related issue is whether the states should continue to play a strong role in determining the particular use of federal funds, or whether grants should be made directly to local jurisdictions (large cities and counties). Proponents of the current system argue that the states are in the best position to coordinate federal aid. Critics of the current state role believe that direct federal funding to large cities and counties would make assistance more timely and responsive to local requirements.

OPTION I. RESTRUCTURE THE CURRENT PROGRAM AS PROPOSED BY THE ADMINISTRATION

Option I, the Administration's reauthorization proposal introduced as S. 241 and H.R. 2061, would continue federal assistance to state and local criminal justice agencies but restructure the current program. Choice of this option would be based on a belief that the LEAA program has generally been worthwhile in stimulating improvements in criminal justice or that it has the potential to be so if certain changes are made. The major thrust of the Administration's proposal is to reorganize LEAA (including the research and statistics program) and to streamline program administration. Proponents of this approach point out that criminal justice is an essential state and local government function that should be improved regardless of the causes of crime or future levels of criminal activity.

There could be a wide range of LEAA funding under Option I. For illustrative purposes, two levels are considered--\$536 million as included in the President's budget estimate for fiscal year 1980, and \$840 million as anticipated in the proposed authorizing legislation. Advocates of the higher funding level believe that LEAA's success has been limited in the past because appropriations have been well below the amounts authorized. They also point out that since the peak year of 1975, appropriation cutbacks and the impact of inflation have reduced the real level of current funding by 47 percent. Advocates of increased LEAA funding also believe that it is as important for the federal government to assist criminal justice as it is to assist other state and local functions such as education, transportation, and housing. Those who favor the lower level of \$536 million stress

a need to restrain federal spending and believe that, in the past, many jurisdictions have been unable to accommodate substantially higher levels of funding.

Under Option I, about two-thirds of LEAA funds would continue to be distributed to state and local governments on a formula basis. A different method would be used, however, for allocating formula funds among the states, giving consideration to the level of criminal activity within each state and to each state's fiscal effort. The new method of allocation would include an alternative four-part formula combining the population criterion currently used with three other factors--the number of index crimes, criminal justice expenditures, and population weighted by tax effort. 3/ The amount received by any state could be neither less than 100 percent nor greater than 110 percent of the the amount received on the basis of population. 4/ State allocations would be divided among jurisdictions within each state on the basis of their relative criminal justice expenditures. Based on these sub-allocations, most cities and counties with populations over 100,000 and 250,000 respectively would be eligible to receive funds directly from the federal government and thus would have discretion over the use of funds. 5/ The smaller jurisdictions would apply to a State Criminal Justice Council for their share of funds.

If Option I had been in effect in 1979, six states (Alaska, Arizona, California, Hawaii, Nevada, and New York) would have received allocations 10 percent greater than the amounts available from the existing population formula. This is the maximum

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3/ A flat amount of \$300,000 would be available to each state in addition to funds received under the formula allocations.

4/ Under the Administration's proposal no state would receive less in 1980 than it did in 1979. In subsequent years, no state would receive less than the amount that would be available on the basis of population.

5/ For those jurisdictions receiving direct funds from LEAA, there must be prior consultation with their State Criminal Justice Councils.

increase in allocation possible under the Administration's reauthorization proposal. Eight states (Colorado, Delaware, Florida, Maryland, Massachusetts, Michigan, New Jersey, and Oregon) would have received allocation increases ranging from 4.6 percent to 9.3 percent. The allocations for the remaining states would either not have changed or would have increased by less than 3 percent. Appendix A indicates the impact of alternative allocation formulas on individual states.

If funds were to be allocated solely on the basis of criminal justice need and effort, the four-part formula would be used without limits--that is, there would be no minimum or maximum to the amount a state could receive. Under this approach there would be a much more significant impact. In 1979 the allocations for 35 states would have been reduced, with losses exceeding 20 percent in 7 states (Alabama, Arkansas, Kentucky, Mississippi, New Hampshire, North Dakota, and West Virginia). Of the 15 states that would have received allocation increases if the formula had been applied with no limits, 5 states (Alaska, Arizona, California, Nevada, and New York) would have realized gains in excess of 20 percent. (See Appendix A.)

Many other criteria could be used in developing a new method for allocating LEAA funds among the states. For illustrative purposes, the relative size of a state's youth population and number of unemployed are used in a hypothetical formula. If applied to LEAA, the hypothetical formula would decrease the 1979 allocation for more than half the states: Iowa, Nebraska, and Wyoming would incur losses in excess of 20 percent. For the 21 states that would receive increased allocations, the gains would range from less than 3 percent to 19.4 percent (see Appendix A).

Option I would eliminate corrections as a separate LEAA funding category but would continue to specify many categories of fund use. <sup>6/</sup> Areas of current interest given special emphasis include: community and neighborhood programs, efforts to combat white-collar crime, control of organized crime, assistance to victims and witnesses, and priority attention to career criminals. The large number of broad purposes permitted would give jurisdictions wide latitude to determine their own priorities.

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<sup>6/</sup> The Administration's proposal continues the maintenance of effort requirement for juvenile justice programs (19.15 percent of total LEAA appropriations) and provides specified amounts for state and local administration.

A final feature of the Administration's proposal would reorganize the research and statistics program into two separate offices that would have greater independence. The directors would be appointed by the President, overall policies and priorities would be set by advisory boards, and grants would not require prior approval by the Justice Department.

Some observers believe the states should be given greater discretion in the use of funds than that provided either under current law or under Option I. This could be accomplished by increasing the proportion of funds distributed on a formula rather than a discretionary basis. Direct funding to certain cities and counties is also criticized as undermining state efforts to coordinate criminal justice activities and leading to increased paperwork and administrative delay. Some critics oppose Option I on more fundamental grounds--that improving LEAA administration would not address the basic issue of the federal role for law enforcement assistance. 7/

OPTION II. RESTRUCTURE THE CURRENT PROGRAM BY CONCENTRATING ASSISTANCE IN A FEW PROGRAM AREAS

Option II is intended to meet the criticism that federal assistance under the current program is spread too thinly over all aspects of the criminal justice program. Patterned after H.R. 2108 introduced by Representative John Conyers, Jr., of Michigan, it would restructure the current program and concentrate about 70 percent of total appropriations (both formula and discretionary funds) into five priority areas. 8/

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7/ Matthew G. Yeager, testimony before the House Appropriations Subcommittee on the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies, April 9, 1979, pp. 41-53.

8/ For estimating purposes the \$300 million for formula grants is divided evenly among the five specified categories. Fifty million dollars in discretionary funds are added to both the community anticrime and juvenile delinquency categories. These estimates represent fiscal year 1982 funding provisions as proposed in H.R. 2108.

- o Community anticrime efforts--involving neighborhoods and citizen groups--would account for an estimated 19 percent of total appropriations as compared with 1 percent budgeted for fiscal year 1979;
- o Alternatives to traditional imprisonment would receive an estimated 10 percent of total appropriations--about the same percent currently allocated to corrections;
- o Juvenile delinquency prevention programs would represent an estimated 19 percent of total appropriations as compared with 31 percent in the 1979 budget;
- o Prevention and control of white-collar crime would receive an estimated 10 percent of appropriations; and
- o Criminal justice planning and coordination at the state and local levels would account for about 10 percent of total appropriations (at the state level, planning agencies would be replaced with coordinating councils; at the neighborhood level, requirements for citizen participation would be introduced).

Under Option II, funding for community anticrime programs would increase substantially--from \$7 million in fiscal year 1979 to an estimated \$110 million in 1980 (\$50 million for the Office of Community Anti-Crime and \$60 million in formula grants). Strong community support and participation, particularly at the neighborhood level, are considered fundamental to improving police, courts, corrections, and other aspects of criminal justice. Community and neighborhood programs, however, often involve broad-aim and free-form types of activities that have intangible results. Some critics believe such programs, based on experience in other areas, have been ineffective and encountered many administrative problems.

Formula grants under Option II would continue to be allocated to the states on the basis of population, with direct funding to certain jurisdictions similar to that provided in Option I. The federal research and statistics program would also



be redesigned along the lines of Option I. In addition, the civil rights compliance provisions would be strengthened. Option II would require annual appropriations of about \$580 million and cumulative five-year outlays of \$3.1 billion.

OPTION III. LIMIT THE FEDERAL ROLE TO RESEARCH, STATISTICS, AND TECHNICAL ASSISTANCE

Option III would phase out LEAA over the next three years but continue a research, statistics, and technical assistance program similar to that included in Options I and II. These activities would be coupled with demonstration projects to be directly funded by the federal government--similar to a National Priority Grant program in Option I. 9/

This option is premised on the belief that the responsibility for improving criminal justice and controlling crime should rest entirely with state and local agencies, but that the federal government is the most appropriate level at which to advance knowledge of criminal justice. A centralized federal effort can, for example, collect nationwide data on a consistent basis, assess alternative approaches that have been tried in various jurisdictions, and--together with technical assistance--disseminate criminal justice research and information.

Proponents of Option III would argue that, after 10 years and more than \$7 billion, the federal government and the states have had ample opportunity to experiment with new and innovative approaches. LEAA financial assistance would eventually be limited to research and demonstration projects. This assumes that most of the potential for funding innovative programs has already been tapped. Remaining benefits could best be realized by rigorous selectivity in choosing projects and by strong federal leadership. Further arguments for a limited federal role include the following:

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9/ Option III is essentially limited to Parts B, C, and E of the Administration's reauthorization proposal contained in S. 241 and H.R. 2061 as introduced.

- o The level of crime, with its associated burden on criminal justice agencies, is largely independent of the amount and form of assistance by the federal government.
- o Projected demographic and economic changes suggest that the crime rate will drop significantly during the next 10 years.
- o State and local governments appear to have adequate resources to satisfy their perceived priorities for criminal justice.
- o Criminal justice improvements at state and local levels are limited by highly fragmented organizational responsibilities, complex relationships among various agencies and jurisdictions, and traditions.

Option III would phase out most financial assistance by the end of fiscal year 1982, thereby giving the states time to make funding arrangements for those projects formerly financed by LEAA--either from their own revenues or from other sources of federal aid, including General Revenue Sharing.

Opponents of Option III do not believe that crime will drop in the future, as estimated on the basis of demographic and economic projections. Even if the rate should drop in the years ahead, they point out that it will still be a serious problem and continue to place demands on public agencies. Criminal justice programs are essential state and local governmental functions that affect a large number of citizens. From this perspective, opponents of Option III argue that phasing out the federal role would be a major setback to progress that has been made in strengthening the ability of state and local governments to deal with criminal justice.

The research, statistics, and technical assistance activities under Option III would require \$115 million per year--about the same level proposed by the Administration for these

activities in fiscal year 1980. 10/ In addition, appropriations to phase out the remaining program would be \$300 million in 1980, \$150 million in 1981, and \$75 million in 1983. Altogether, funding under Option III is estimated at \$415 million in 1980 and \$115 million in 1983 and subsequent years. Five-year cumulative outlays (1980-1984) would be about \$1.8 billion.

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10/ The estimate of \$115 million includes \$50 million for research and statistics, \$50 million for national priority grants and technical assistance, and \$15 million for the public safety officers' benefit program.

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APPENDIX. IMPACT ON STATES OF ALTERNATIVE FORMULAS FOR  
ALLOCATING LEAA FORMULA FUNDS

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This appendix indicates the state-by-state impact of three alternative methods for allocating LEAA formula funds:

Administration Formula With Limits. This formula considers four equally weighted factors: population, number of index offenses, criminal justice expenditures, and tax effort. Under the proposed legislation, the amount received by any state could be neither less than 100 percent nor greater than 110 percent of the amount that would be received on the current basis of population alone. 1/

Administration Formula Without Limits. Alternatively, the four-part administration formula could be applied without limiting the minimum or maximum amount that a state could receive. Under this approach there would be a much more significant impact on allocations to the states.

Hypothetical Formula. This formula considers two equally weighted factors: youth population (persons aged 14 to 20) and the number of unemployed.

The impacts of the three alternative allocation formulas were calculated for the Congressional Budget Office by Data Resources Incorporated. For comparative purposes, an attempt was made employing the same data that would have been used if

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1/ Under the Administration's proposal, no state would receive less in 1980 than it did in 1979. In subsequent years, no state would receive less than the amount that would be available on the basis of population. The proposal would also provide each state \$300,000 in addition to the amount available under the allocation formula. This flat amount is not taken into account in analyzing the impact of the Administration's formula, either with or without limits.

the alternative formulas had been in effect for the 1979 allocations. 2/ The analysis does not assume any change in the total level of funding for formula grants. Table A-1 lists the respective state-by-state impacts that would have resulted if any of the three formulas had been used in fiscal year 1979. 3/ The percent increases or decreases represent changes from the allocations under the existing population-based formula. The state-by-state impacts are also shown on maps of the United States in Figures A-1, A-2, and A-3.

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2/ The impact analysis uses 1976 data except for unemployment which, in the hypothetical formula, is based on the average number of unemployed persons for the 12-month period from July 1976 through June 1977.

3/ The analysis of alternative formulas is limited to the allocation of funds among the 50 states and the District of Columbia; it does not include U.S. territories and possessions.

TABLE A-1. IMPACT OF ALTERNATIVE FORMULAS FOR ALLOCATING 1979 LEAA FUNDS AMONG THE STATES: PERCENT CHANGE FROM CURRENT POPULATION FORMULA

	Administration Formula with Limits (S.241 and H.R. 2061)	Administration Formula Without Limits	Hypothetical Formula (Youth and Population Total Unemploy- ment
Alabama	0.0	-23.7	-7.8
Alaska	10.0	54.3	19.4
Arizona	10.0	24.4	6.0
Arkansas	0.0	-28.1	-8.9
California	10.0	27.0	9.5
Colorado	7.9	7.9	-2.5
Connecticut	0.0	-6.1	12.8
Delaware	5.6	5.6	15.8
Dist. of Col.	10.0	82.3	19.2
Florida	8.0	8.0	-2.2
Georgia	0.0	-11.4	1.3
Hawaii	10.0	13.8	17.5
Idaho	0.0	-13.9	3.3
Illinois	0.6	0.6	-7.6
Indiana	0.0	-16.8	-10.0
Iowa	0.0	-14.7	-22.5
Kansas	0.0	-9.7	-18.4
Kentucky	0.0	-23.1	-15.1
Louisiana	0.0	-6.4	-2.7
Maine	0.0	-13.9	12.4
Maryland	8.1	8.1	-2.2
Massachusetts	9.3	9.3	7.6
Michigan	5.7	5.7	13.0
Minnesota	0.0	-6.7	-1.8
Mississippi	0.0	-26.5	-6.4
Missouri	0.0	-11.6	-9.4
Montana	0.0	-8.1	5.7
Nebraska	0.0	-16.5	-22.0
Nevada	10.0	32.2	14.4
New Hampshire	0.0	-20.8	-18.9
New Jersey	4.6	4.6	17.1
New Mexico	0.0	-1.3	13.2
New York	10.0	30.2	11.0
North Carolina	0.0	-17.1	-5.4
North Dakota	0.0	-24.5	-3.9
Ohio	0.0	-9.7	0.4
Oklahoma	0.0	-18.0	-15.2
Oregon	5.3	5.3	13.1
Pennsylvania	0.0	-13.6	-1.0
Rhode Island	0.0	-4.3	2.9
South Carolina	0.0	-14.7	-3.9
South Dakota	0.0	-18.5	-12.2
Tennessee	0.0	-17.1	-12.9
Texas	0.0	-10.7	-10.9
Utah	0.0	-10.4	-4.5
Vermont	0.0	-12.3	9.9
Virginia	0.0	-12.4	-5.5
Washington	0.0	-2.3	6.7
West Virginia	0.0	-28.4	-15.3
Wisconsin	0.0	-8.6	-8.0
Wyoming	0.0	-8.4	-20.1

Figure A-1.

Impact of the Administration's Formula, with Limits on the Allocations to the States (S. 241 and H.R. 2061), 1979

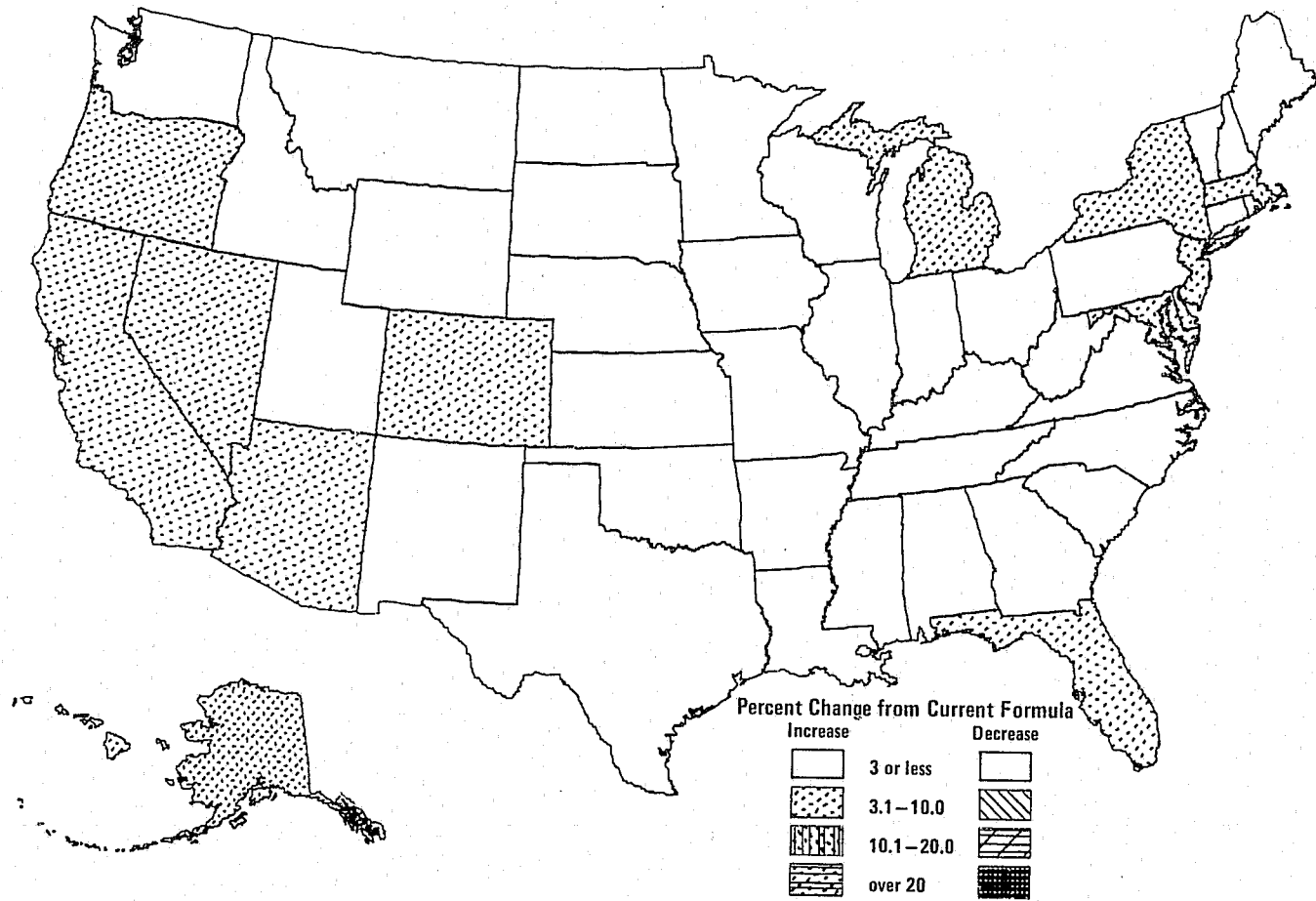


Figure A-2.

Impact of the Administration's Formula, without Limits on the Allocations to the States, 1979

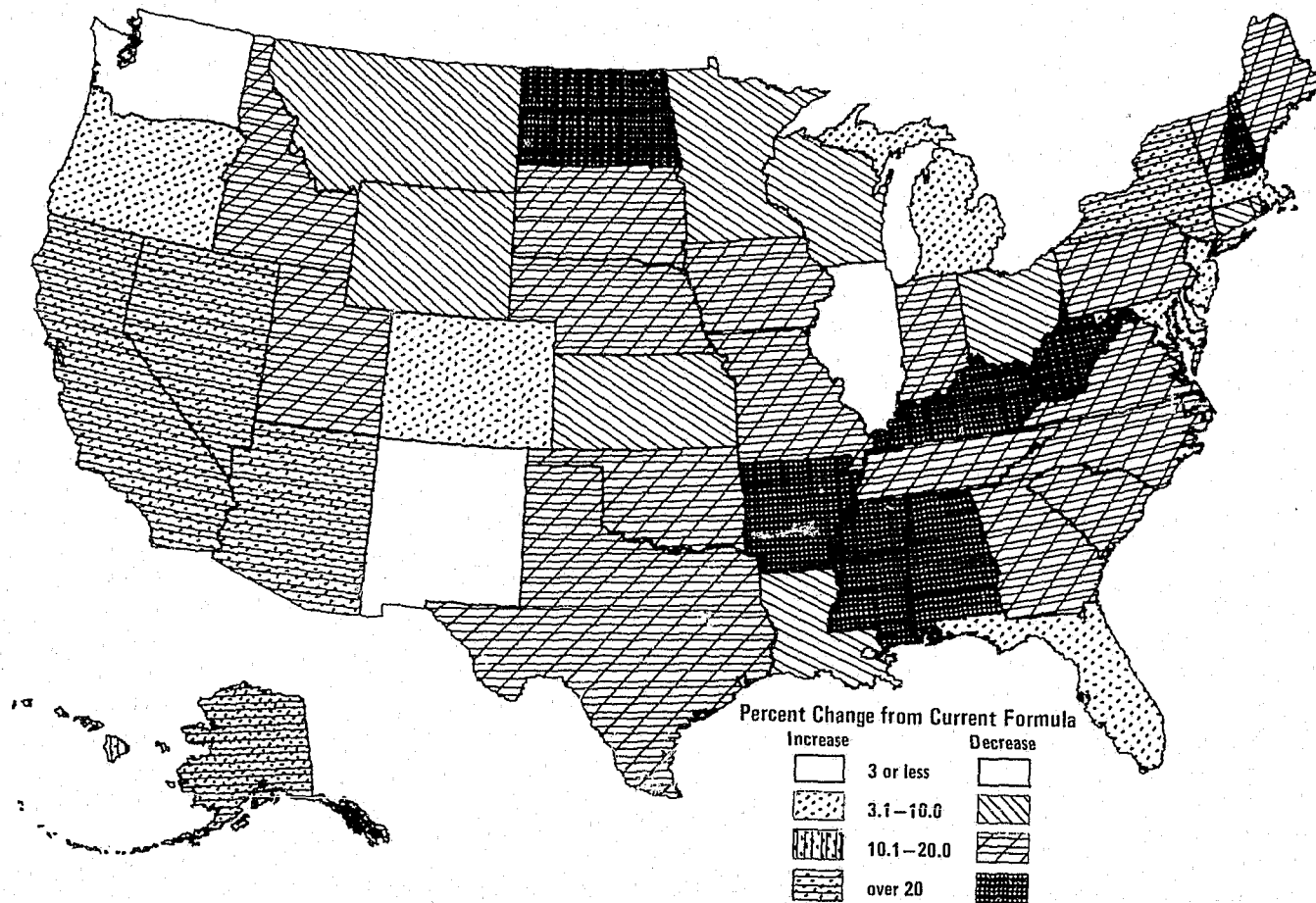
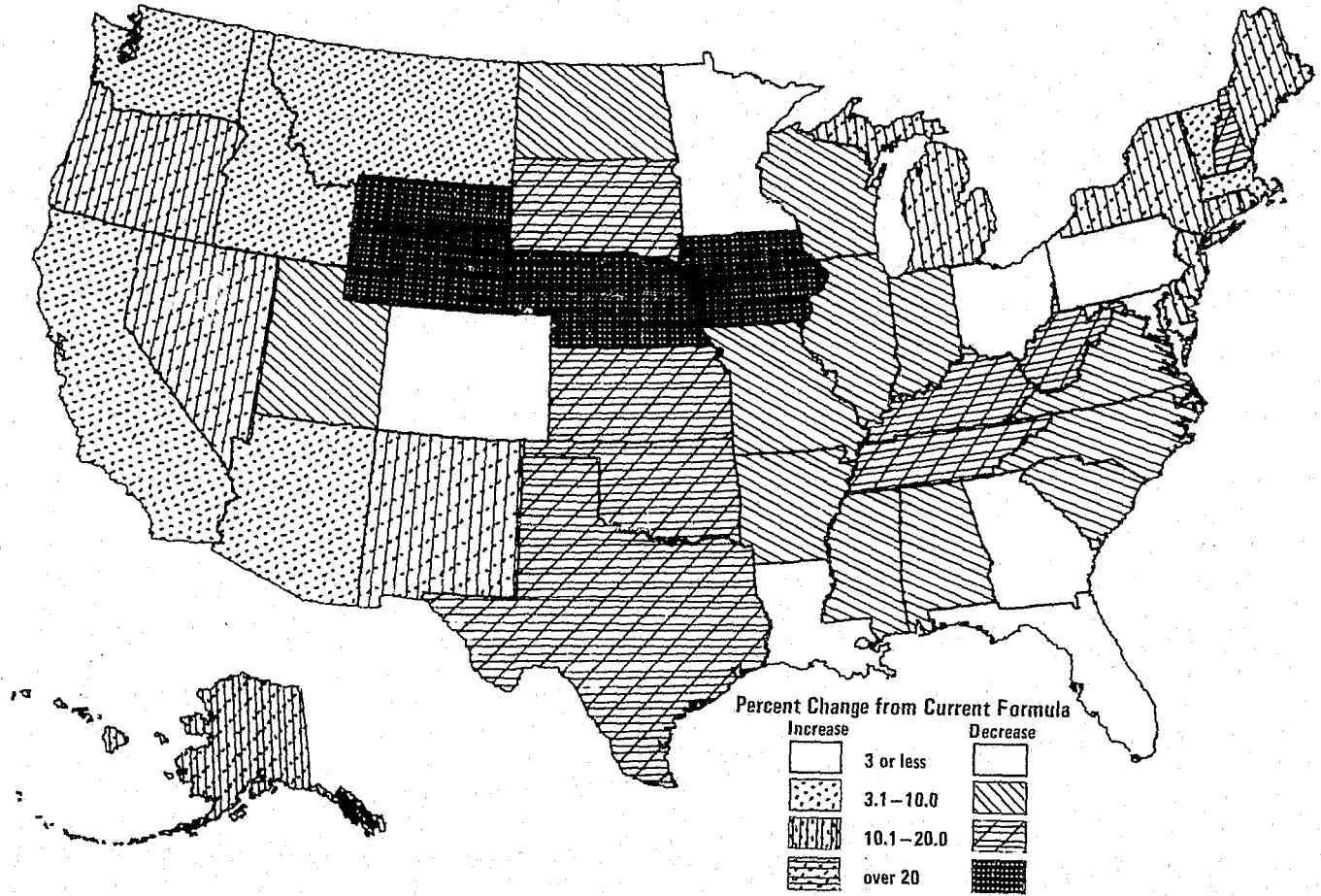




Figure A-3.  
Impact of a Hypothetical Formula on Allocations to the States (Youth Population  
and Total Unemployment), 1979



**END**