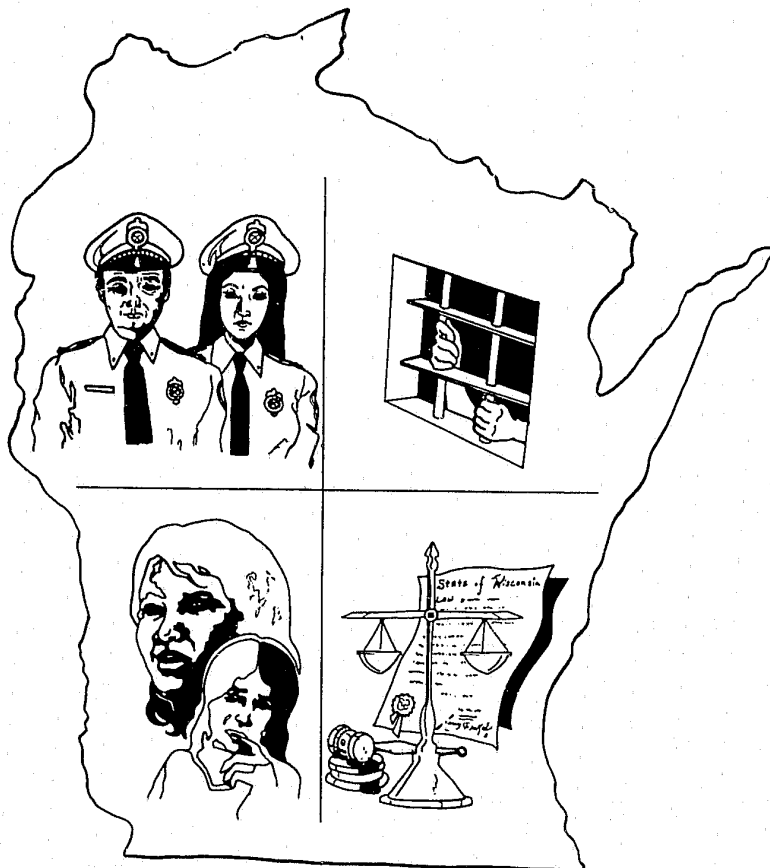




State of Wisconsin \ OFFICE OF THE GOVERNOR

WISCONSIN COUNCIL ON CRIMINAL JUSTICE



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PROGRAM EVALUATION REPORT



State of Wisconsin \ OFFICE OF THE GOVERNOR

WISCONSIN COUNCIL ON CRIMINAL JUSTICE

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The 'Safe Streets Act' and the
Wisconsin Council on Criminal Justice:
Intent, Implementation and Impact
1969 - 1978

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ACQUISITIONS

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I. Introduction

Crime has consistently been one of this country's most perplexing problems and concerns.¹ Crime is a hazard; it poses a threat to everyone, whether black or white, rich or poor. Equally important, the legislative steps taken to eliminate it could also do serious damage to each and everyone's civil rights. For the problem is not only in recognizing the causes of crime or even in finding some viable solution; the problem lies in eliminating or reducing crime and, at the same time, retaining the civil rights and privileges of all citizens. The Omnibus Crime Control and Safe Streets Act of 1968 (PL 90-351) was legislation that opened a Pandora's box of questions that deal with this very real problem of rights vs. crime reduction.²

With this in mind, the purpose of this paper is three-fold. First, it will attempt to examine and determine the motivation and intent behind the passing of the Safe Streets Act. In translating policy from legislative bodies into programs for implementation, it is important, in determining their social impact, to discern what the legislators sought as opposed to what actually transpired.

The second aim of this paper is to examine the Wisconsin Council on Criminal Justice (WCCJ) as a natural outgrowth of the Safe Streets Act. The major focus here will be to study the evolution of the Council in terms of its priorities and directions. The data will show that early in its history, the WCCJ, along with the majority of other State Planning agencies, laid heavy emphasis on a police response to criminal justice problems.

¹ "Predatory crime does not merely victimize individuals, it impedes and, in the extreme case, even prevents the formation and maintenance of community. By disrupting the delicate nexus of ties, formal and informal, by which we are linked with our neighbors, crime atomizes society and makes of its members mere individual calculators estimating their own advantage, especially their own chances for survival amidst their fellows." James Q. Wilson, Thinking About Crime, Vintage Books, New York, 1977, p. 23.

² This was especially true about the "no knock" and wiretapping provision of the bill. These provisions were an attempt to overturn Supreme Court decisions that certain members of Congress felt were too liberal. Title III of the bill created a statutory shelter for the right to privacy and authorized law enforcement agencies to conduct electronic surveillance under judicial supervision.

The importance of examining any governmental body entrusted with implementing policies into programs cannot be overstated. Indeed,

bureaucratic expertise exercises influence over the development of public policy through two chief channels - the capacity of bureaucrats to give advice on policy decisions and the authority they are usually granted to exercise discretion in carrying out these decisions...Once bureaucrats have been granted the right to exercise discretion in the execution of policy, as is common practice in all political systems, their power is direct. The actual content of policy may in some instances become entirely a matter for bureaucratic determination.³

Finally, the third area to be examined is where the Council stands today in relation to LEAA and the state criminal justice system. Special attention will also be given to the contribution and impact the Council has had on Wisconsin's criminal justice system between 1969 and 1978.

³. Francis E. Rourke, "The Skills of Bureaucracy." The Politics of the Federal Bureaucracy, Alan A. Altshulen, Norman C. Thomas, authors. Harper and Row, New York, 1977, p. 66.

II. Genesis: The Safe Streets Act

Prior to the passage of the Omnibus Crime Control and Safe Streets Act, the motivating force behind former President Lyndon B. Johnson's attempt at getting some constructive crime legislation on the books was the widespread nature of crime. During the sixties and into the seventies the ubiquitous nature of crime could not be overlooked. Consider the crime statistics that confronted the President and Congress as they began the 89th Congress:

Over 3.8 million serious crimes reported during 1967, a 16 percent rise over 1966; risk of becoming a victim of serious crime increased 15 percent in 1967 with almost two victims per each 100 inhabitants; firearms used to commit over 7,600 murders, 52,000 aggravated assaults, and 73,000 robberies; since 1964, use of a firearm up 47 percent; in aggravated assault up 76 percent; armed robbery up 58 percent during the same period; daytime burglaries of residences rose 187 percent from 1960-1967; property worth \$1.4 billion stolen as a result of 202,050 robberies, 1,605,700 burglaries, 3,078,700 larcenies, 654,940 auto thefts; arrest of juveniles for serious crimes increased 59 percent from 1960-1967, while number of young persons in the age group, 10-17 increased 22 percent; arrests for Narcotic Drug Violations rose 167 percent; 1960-1967 narcotics arrests up 60 percent, influenced primarily by marijuana arrests; police solution of serious crimes declined 8 percent in 1967; seventy-six law enforcement officers murdered by felons in 1967, firearms used as murder weapons in 96 percent of police killings since 1960; seventy-two percent of prisoners released in early 1963 after earning "good behavior" were rearrested.⁴

⁴ FBI, Crime in the Nation, Uniform Crime Report, U.S. Government Printing Office, Washington, D.C., 1968, p. 5. Present attitudes remain somewhat the same. "In spite of the lack of an increased fear, however, it is nonetheless alarming to know that one out of two of those residing in large cities fear walking alone at night - and that this extent of fear in urban areas goes back at least to 1965." Law Enforcement Assistance Administration, Public Opinion Regarding Crime, U.S. Department of Justice, Washington, D.C., 1975, p. 8.

The fear of crime seemed to be escalating into a fortress mentality that altered the way people saw themselves and the way people lived their lives.⁵ Against this backdrop of increasing crime and the escalated fear of crime, Congress and the President pondered the problem of how to combat it. The fear of crime more than the fact of crime guaranteed that some kind of action would be taken.

The methods President Johnson chose to combat crime came largely through the recommendations of the Crime Commission he had established in July of 1965.⁶ The Commission's report was the work of 19 commissioners, 63 staff members, 175 consultants, and advisors. And although the Commission made more than 200 specific recommendations, one of the main conclusions drawn by the Commission was that crime was essentially a local problem.⁷

Paralleling this conclusion, the Commission recommended that all local, state and federal agencies be considered when formulating a comprehensive program or programs designed to combat crime. It was imperative that all parties be involved with the local solving of local crime, according to the Commission. However, prominent individuals expressed fears over federal intrusion into local matters. Then-Chief Justice Earl Warren expressed misgivings about the growth of "federalism" and the loss of state and local responsibility in law enforcement.⁸

The President's proposals were introduced by Representative Emanuel Celler (Dem.) of New York. As Chairman of the House of Representatives' Committee on the Judiciary, Celler had the responsibility of directing the debates and hearings on the bill. He introduced the bill (HR 5037) to the Committee on February 8, 1967. At the time of the hearings,

⁵ Robert Adler, "Living With Crime," Newsweek, Vol. LXXX, No. 25, December 18, 1972, p. 31.

⁶ U.S. President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, U.S. Government Printing Office, Washington, D.C. 1968.

⁷ "As an advisory institution, the committee (or in this case a commission) has a great deal of utility...committees have become as indispensable for deliberative purposes in the administrative process as they have long been in Legislative decision making." Rourke, op cit., p. 67.

⁸ U.S. Congress, Senate, Senate Reports, No. 188, Vol. 1, 90th Congress, 1st session, U.S. Government Printing Office, Washington, D.C., 1967, p. 39.

the subcommittee had 31 bills related to crime control, although several were duplicated. This copiousness of crime control legislation led some in the news media to feel that other pressing problems in the country would just have to wait. One paper pointed out that, "a war on crime is more popular in Congress than a war on poverty."⁹

Indeed, Congressman William M. McCulloch of Ohio, the ranking Republican on the Judiciary Committee, set the mood of the hearings when he stated quite bluntly, "Our government is the system of checks and balances, and many of us fail to remember that fact always. If the courts have been overzealous in protecting the criminal, the Congress must design legislation which gives law enforcement and detection new means of protecting society."¹⁰ This antipathy toward the courts and anyone else who "coddled criminals" carried through the hearings and finally formed a head by altering a key provision in the bill.

Title I of the bill authorized the establishment of a three-member Law Enforcement Assistance Administration within the Department of Justice under the general authority of the Attorney General, to administer and guide areas in local law enforcement.

Title III of the bill consisted of planning grants up to 80 percent and action grants of up to 60 percent for the combating of crime. This part of the bill concerned itself with money allocations and the authorization of grants of research, education, training and demonstration projects. The coordination and training would come from the Federal Bureau of Investigation at their national training center in Quantico, Virginia. This training would come only at the request of any state or local government which wanted such training for its law enforcement personnel.

The real stumbling block to the bill was in Title II. As originally introduced, the bill directed that before any applicant would be considered for a planning grant, it must show a population of not less than 50,000 people.

⁹ "President Outlines Crime Control," New York Times, January 19, 1968, p. 25.

¹⁰ U.S. Congress, House Hearings Before Subcommittee No. 5 of the Committee of the Judiciary, 90th Congress, 1st session, March 1967, p. 297.

The funds would be sent directly from the federal government to those local, state and independent law enforcement agencies that met this and other minimal standards.

The committee, however, struck out this provision and substituted a block-grant approach. As a result, when the bill would finally leave the full committee it carried no command to the Attorney General, under whose auspices the funds were to be distributed, that he consider an applicant with regard to its population. The funds, as now proposed, would be sent to the states in block-grant form, who in return would distribute them to local law enforcement agencies.¹¹

This block-grant approach was anathema to President Johnson's intentions. President Johnson felt that the population figure was important in that it would keep control of the distribution of funds with the federal government and not, under the grant approach, with the states. The capriciousness of the states was what Johnson feared the most. If politics was involved at the state level, many local communities that needed funds would suffer.

Attorney General Ramsey Clark spoke on behalf of the federal government. His testimony before the hearings consumed a great deal of its attention. When Attorney General Clark was specifically asked about the block-grant approach and state intrusion into local law enforcement, he stated the government's position quite lucidly:

Mr. Clark: "I don't really think that that would be desirable. I think it would impair the potential effectiveness of the Act. When you look at State government and look at their involvement in local law enforcement, you will see that it is almost nil. New York State does not contribute to the \$380 million annual budget for criminal justice of New York City. They don't have the potential."¹²

Attorney General Clark also went on to explain why the government wanted 50,000 as a base figure for fund allocation. Said Clark, "First, by limiting it to 50,000 you are still

¹¹ U.S. Congress, House, Law Enforcement Assistance Act of 1967, Report No. 488, supplemental to HR 5037, 90th Congress, 1st session, 1967, p. 12.

¹² U.S. Congress, House, op cit., p. 65.

reaching 80 percent of the population. You are reaching about 75 percent of the law enforcement personnel. Secondly, to plan and grant for very small law enforcement agencies can be most difficult. Another observation that is relevant here is that it costs a lot more to provide police protection in big cities than it does in little towns. We feel that many of these local law enforcement jurisdictions really need to look at the potential of consolidated law enforcement."¹³

But those who favored the block-grant approach cited the President's commission's suggestions as evidence enough that states must carry the weight. The commission did recognize that "much of the planning for action against crime will have to be done at the State level."¹⁴ The opponents of the block-grant approach failed, however, to note that the Commission report did recommend that this state planning machinery should be used as a conduit for the federal funds to be distributed to local government.

Ramsey Clark, on another occasion, pointed out the need for full participation at all levels, especially at the local level.

Participatory democracy is a real force reflecting the need of the individual to have some voice in matters that affect him most. It is not a passing fad. Nor is the desire for community control of essential public services such as schools, police, health facilities, welfare, pollution control, and garbage collection. There is no other way for him to make a difference in his destiny, no other way for him to make a difference in actions that concern him directly and significantly.¹⁵

The committee chose, after reviewing this issue of block-grants, to focus on other aspects of the bill. The first problem to some on the committee was whether or not HR 5037 was necessary at all. Mr. Celler cited the "Law Enforcement Assistance Act of 1965" asking, with this piece of legislation already on the books, if Congress wasn't being a bit redundant by passing more of the same legislation.

¹³ Ibid., p. 35.

¹⁴ President's Commission, Crime in a Free Society, op cit., p. 280.

¹⁵ Ramsey Clark, Crime in America, Simon and Schuster, New York, 1970, p. 125.

Mr. Celler: I recall that on September 22, 1965 we passed the Public Law 89-197 entitled the "Law Enforcement Assistance Act." That act authorized \$15 million for 1968 and for 1969 and 1970, such sums as Congress saw fit. Is there any duplication between this act and the one we are considering HR 5037?

Mr. Clark: The "Law Enforcement Act" was not designed as a general support program for criminal justice agencies at State and local levels. Its primary purpose was experimentation, demonstration and the establishment of pilot projects.¹⁶

Despite the opposition, the amendment calling for block-grants was passed. HR 5037 became known as the "Law Enforcement Assistance Act of 1967." This title was given to make it more descriptive of the relationship of the federal government to state and local government in the grant program authorized for law enforcement improvements. Again, the major change in the bill was the addition of the block-grant approach and deletion of the direct government approach to local and state law enforcement agencies.

From the House Judiciary Committee the bill went to the full House. The full House quickly took up the issue of block-grants. Like the Committee hearings, the block-grant amendment in the House was the only major stumbling block. Congressman William T. Cahill (Dem.) of New Jersey introduced the Cahill Amendment which was the amendment favoring block-grants to the States. He addressed the House on this issue, saying that there was no threat of the States having too much power. He justified the amendment by pointing out, rather nebulously, that all power still resided in Washington. Said Congressman Cahill, "Let me point out to anyone who has any concerns about any State not participating properly. The final decision as to whether a State shall or shall not qualify is left to the Attorney General."¹⁷

Representative Emanuel Celler, who opposed the block-grant approach, stated that the states were not in a position to handle law enforcement.

¹⁶ U.S. Congress, House, op cit., p. 30.

¹⁷ Congressional Record, 90th Congress, 1st session, August 8, 1967, p. 21853.

Mr. Celler: The cost of law enforcement is borne by local taxation, not by the state. Law enforcement is purely a local matter and not a State matter. For more than 100 years the States have not shown any real interest or responsibility for law enforcement. I have received any number of letters from mayors of cities, from the Council of Mayors, and from the Council of Sheriffs, all saying that they do not want State interference.¹⁸

Despite Celler's misgivings about the Cahill Amendment, it passed by a 256-147 vote margin. When the vote was taken on the whole bill, it passed with relative ease, 378-13. Even with the House passage of the bill, many felt that the bill didn't go far enough in combating crime. Indeed, the mood, not only in the House, but also in the Senate, was one of more crime control. New York Times columnist James Reston was a harbinger: "Nothing managed to move the Congress to shouts of approval except the President's promise to deal with lawlessness in the cities, and to do so with all the modern disposals, which probably means not only more riot control machinery, but more electronic bugging as well."¹⁹ The Senate would do little to offset this belief.

The Omnibus Crime Control and Safe Streets Act had its formal beginnings in the Senate, when Senator John L. McClellan, Democrat of Arkansas, introduced the bill to the Subcommittee on Criminal Laws and Procedures. McClellan, who prided himself on being the Senate's fiercest crime fighter, had little interest in the bill. To McClellan the bill did not go far enough in fighting crime. Indeed, with the exception of then-Attorney General Ramsey Clark, all of the witnesses who appeared before the subcommittee were eager for some tough anti-crime legislation.

As one of only a few individuals opposed to changing the content of the Safe Streets Act (S 917) that appeared before the subcommittee, it was natural that Attorney General Clark and Senator McClellan would not see eye to eye. The exchange of opinion that follows illustrates the wide gulf that existed between these two men's philosophies as to what lies behind crime.

¹⁸ Ibid., p. 21819.

¹⁹ James Reston, "Why, Then, This Restlessness?," New York Times, January 19, 1968, Vol. CXVII, No. 40, 172, p. 46.

Senator McClellan:

What factors, in your judgment have caused the lawlessness that has become a serious factor of national significance?

Attorney General Clark:

I think the causes are as many and as varied as all the dynamics of society. There are the ancient ones that have always caused people to go wrong, human weakness and ignorance. I think Plato said that poverty was the mother of crime. I think we know today from statistics that there is more truth in that than logic itself might indicate.

Senator McClellan:

Attorney General, how do you explain the fact that you have less ignorance and less poverty in this country today than ever before and yet crime continues to increase?

Attorney General Clark:

Well, I would not prescribe more ignorance and poverty as the cure. I think, or I say, there are many causes and that these are one among them. That to the extent that there is more crime, there are more causes that could be added to them. But ignorance and poverty themselves are relative things. And the poverty of rural Texas or North Carolina or Arkansas, might be quite a different phenomena than the poverty of a ghetto or a central city where thousands of people live within a single city block. And our organization has contributed to crime. The greater number of people that we have, all of these things contribute to cause crime. I think crime measures the character of a people.

Senator McClellan:

I do not think that the recurring increases in crime can be attributed primarily to ignorance and poverty.²⁰

²⁰ U.S. Congress, Senate, Hearings Before the Subcommittee on Criminal Laws and Procedures, 90th Congress, 1st session, 1967 p. 357.

Why the prevailing hard line toward crime and its control? It could be answered in one word: Riots! The ghetto riots of 1964, 1965, 1966, 1967 and 1968 represent crime in its most aggravated form. In the 1965 riot in the Watts section of Los Angeles alone, 34 persons were killed, 930 injured, and 3,332 arrested. An estimated \$40 million in property was destroyed, and some 600 buildings were damaged. In Newark, New Jersey, riots killed two policemen and 23 civilians; 725 persons were injured. There were 250 cases of arson, as well as numerous instances of looting and vandalism. An estimated \$10,251,000 in loss of property resulted, and approximately 1,462 persons were arrested. Riots, regardless of their underlying cause, are war--to which the special army troops sent into these and other riot spots can testify. It was the rioting that prompted some fence sitters to come over to the side of the hard liners.

The debate in the Senate began almost nine months after the hearings were concluded. Senate attendance was small, and calls for a quorum were frequent. When the final vote came, the bill passed with ease, 74 to 4. The bill would still have to go back to the House for ratification. There, it was quickly acted upon. Only fifteen hours after the assassination of Robert F. Kennedy and one month after the slaying of Martin Luther King, the House voted, 367 to 17, to pass the Senate version of the bill.²¹

What really motivated Congress to act as it did? The mood of the country, in the wake of riots and the tragic assassinations of Kennedy and King was not one of caution and restraint in dealing with crime. The intent was clear: tough legislation to deal with a difficult problem. The House and the Senate wanted a police response to the manifold problems of the criminal justice system. How did the States respond? The Wisconsin Council on Criminal Justice offers an example.

²¹ Congressional Record, 90th Congress, 2nd session, May 21, 1968, p. 14134.

III. WCCJ: The Evolution of a State Planning Agency

The Wisconsin Council on Criminal Justice (WCCJ) is Wisconsin's State Planning Agency. The Council had its formal beginnings in a body formed in 1966, called the Governor's Commission on Law Enforcement and Crime. The Commission was initiated by then-Governor Warren P. Knowles (Rep.) and was made up of 38 persons, including both citizens and representatives of the criminal justice system. Following passage of the Safe Streets Act in 1968, the Commission was reorganized, by Executive Order, into the Wisconsin Council on Criminal Justice.²² It is also important to note that the original Council would not be a separate agency but would find itself housed within the Department of Justice under the auspices of the Attorney General. Realistically, where the organization was placed would have a bearing on the direction it would take. Both the Governor and the Attorney General were Republicans.

Early in the agency's history, programs were primarily geared toward police problems. In general, the country's recent history of riots did little to persuade certain people within the criminal justice system to feel otherwise. Indeed, Milwaukee had experienced a riot and was also experiencing various types of civil rights and open housing demonstrations. The fact that the climate was one of viewing criminal justice problems as largely police problems cannot be overstated. In its first Action Plan the Council stressed that control of riots, and especially the delivery of police-oriented equipment, would be of paramount concern: "In addition to proper training, good and timely control of civil disturbances is contingent upon proper equipment, especially communications. It is an item of high priority."²³

Indeed, in the first year of funding criminal justice programs the Council would commit \$130,798, or 25%, of allocated funds to communications.²⁴ Its entire commitment to the police area would be 56% for fiscal year 1969 and 52% for fiscal year 1970.²⁵

²² Executive Order, dated February 21, 1969.

²³ Wisconsin Council on Criminal Justice, State Comprehensive Plan, May 1969, Madison, Wisconsin, p. 28.

²⁴ Wisconsin Council on Criminal Justice, State Criminal Justice Improvement Plan 1970, Madison, Wisconsin, April 1970, p. 215.

²⁵ Total dollar amount allocated to the Council in 1969 was \$4,500,000.

Wisconsin Council on Criminal Justice
Funding of Criminal Justice Programs: Fiscal Year 1970

Program	Approximate Allocation, 1970 ²⁶	%
Police	\$3,829,000	52%
Courts	\$1,026,000	14%
Corrections	\$1,450,000	20%
Crime Prevention	\$1,004,000	14%
Total	\$7,309,000	100%

Such an emphasis on police programs was the norm and not the exception. Not only the Council, but the entire LEAA program, placed considerable emphasis on funding various police equipment grants. As indicated below, the early history of the LEAA program placed heavy emphasis on "hardware."²⁷

Total Expenditures for "Hardware"²⁸

	FY 1969	FY 1970	FY 1971	FY 1972	FY 1973
Total for Hardware	\$ 4,828,127	\$ 29,529,791	\$ 34,860,175	\$ 20,902,073	\$ 90,120,166
Total Part C Funds ²⁹	\$17,148,904	\$129,998,000	\$238,654,000	\$196,611,000	\$582,411,904
Hardware as a % of Part C	28.2%	22.7%	14.6%	10.6%	15.5%

A closer examination of early criminal justice improvement plans reveals that even in areas other than law enforcement, the intent was to promote police responses to society's ills. For example, in 1970 \$150,000 was allocated to secure state office buildings, while \$50,000 was allocated

²⁶ Action Plan 1970, op cit., p. 455.

²⁷ "Hardware" is defined as communications equipment, helicopters, fixed wing aircraft, police uniforms, motor vehicles for police, firearms, ammunition and electronic and mechanical surveillance devices.

²⁸ National Conference of State Criminal Justice Planning Administrators, State of the States on Crime and Justice: An Analysis of the Safe Streets Act, June 1973, p. 34.

²⁹ In 1972 LEAA funding was broken down into the following areas: Part B funds, Administration and Planning; Part C funds, Block Grants and Action Grants; Part E funds, Block Grant, Corrections.

to improve the services of the Supreme Court and continued judicial education.³⁰

This is not to suggest that all the money invested in local and statewide police programs was wasted largess. It was largely through the funding efforts of WCCJ that the state established: 1) the Law Enforcement Standards Board (LESB), which supervises mandatory police recruit training, in-service and specialized training; 2) Crime Lab Services, a sophisticated regional crime lab and a mobile crime lab response unit; and 3) Wisconsin Crime Information Bureau (CIB), which provides accurate and sophisticated crime and law enforcement data, as well as an up-to-date inter-agency teletype communication system.

However, beginning in 1971, emphasis began to shift away from the police orientation to other types of criminal justice projects. Much, if not all, of the impetus to change the direction of the agency came as the result of action taken by newly-elected Governor Patrick J. Lucey. Lucey moved the Council from the Department of Justice to the Executive Office,³¹ a not-so-earth-shaking move when one recalls that Lucey was a Democrat, and the Attorney General, Robert Warren, was a Republican. In addition, the governing body of the Council was enlarged to approximately forty members, and a new Executive Director was appointed.

Early in Lucey's first term, an effort was made by him to study and suggest improvements in various areas of Wisconsin's criminal justice system. In April 1971 the Governor appointed the Citizens' Study Committee on Judicial Organization. Its task was to undertake a comprehensive study of the state's court system and related services. In May 1971 the Citizens' Committee on Offender Rehabilitation was appointed by the Governor. The state planning agency (WCCJ) provided staff for the Committee, and Division of Corrections personnel served as resource persons. The final report contained a number of controversial recommendations, not the least of which was the recommendation to close all major state adult and juvenile correctional institutions by 1975.³²

³⁰ 1970 Improvement Plan, op cit., p. 213 & 319.

³¹ Executive Order, dated January 20, 1971.

³² Wisconsin Council on Criminal Justice, Final Report to the Governor of the Citizens' Study Committee on Offender Rehabilitation, Madison, Wisconsin, July 1972. The Governor never officially endorsed the offender rehabilitation report.

Of all the task force study groups established to examine and set priorities within the criminal justice system, this report was the most controversial. And while it signaled, along with the other task force reports, a change of direction for WCCJ, it also "contributed a feeling of alienation toward the SPA by some areas of the criminal justice system which exists to this day."³³

Outstate police chiefs were upset over the now real probability that their needs and concerns would not be as pressing as they were in the past. The Council was putting emphasis on different programs. As with any change in the substantive direction of an agency, reform caused problems. One of the primary sources of conflict was the regional council's impact.

The major area of concern by both the regional planning councils³⁴ and local units of government was the belief that they were allowed insufficient input into the preparation of the SPA's Annual Plan. In response to that criticism the WCCJ established the Committee on Regional Planning.

One of the major findings of that Committee was that communications between regional staff and WCCJ staff are ad hoc. There are no formal lines of communication between state and regional staffs.³⁵ In addition, the committee also noted that the regional planning councils did not take full advantage of WCCJ resources because WCCJ has not adequately communicated the availability of these resources.³⁶

The importance of communication between the federal, state and local levels of government cannot be overstated. The necessity for clear communication is even more accentuated when an agency attempts to change policy and program directions.

³³ William Walter, Case Study of the Wisconsin SPA--Done for the National Conference of State Criminal Justice Planning Administrators, September 1976 (unpublished), p. 3.

³⁴ The annual criminal justice improvement plan was developed through regional input, beginning with the then-ten regional councils. The councils were geographically located around the state to allow for maximum representation.

³⁵ Committee on Regional Planning, Strengthening the Regional and State Criminal Justice Planning Process, WCCJ, July 1973, p. 2.

³⁶ Ibid., p. 3.

Effective implementation requires that implementors know what they are supposed to do. As messages pass through any communications network, distortions are likely to occur--producing contradictory directives, ambiguities, inconsistencies in instructions, and incompatible requirements. Even when directives and requirements are clear, problems may arise or implementors fail to comprehend fully what is expected of them.³⁷

The importance of communication is even more accentuated when considering the grant application process. Grant applications from state level agencies are submitted directly to the Council. Local units of government submit applications to the regional planning units for review and recommendation. Upon approval at the regional level, the grants are forwarded to the central staff where another review and a recommendation on each application is sent to the Executive Committee of WCCJ. The Executive Committee, made up of seven members, decides on funding approval or denial. Any breakdown in the communication process could aid in disrupting the process of getting local grants funded in an expeditious manner.

Of even greater concern when considering the programmatic direction of WCCJ, is the personnel make-up of the regions. Results of an Advisory Commission on Intergovernmental Relations (ACIR) survey of regional and local officials indicate that no single interest group is over-represented on regional boards. However, over 40 percent of the surveyed officials indicated that police and elected county officials did exercise the most influence over board decisions.³⁸

As a result of this influence on the part of police representation, there was somewhat of a delay in changing from police to non-police categories. However, 1973 may have been a watershed in changing directions both at the federal and state level. As indicated below, emphasis on the federal level toward police categories was reduced substantially.

³⁷ Carl E. Van Horn, Donald S. Van Meter, "The Implementation of Intergovernmental Policy," from Charles O. Jones, Robert D. Thomas, Public Policy Making in a Federal System, Sage Publications, Inc., Beverly Hills, California. 1976, p. 47.

³⁸ Advisory Commission on Intergovernmental Relations, Making the Safe Streets Act Work: An Intergovernmental Challenge, 1970, pp. 22-23.

Special Urban Crime Control Program³⁹

Percentage of Impact Funds and Projects Awarded in the
Six Basic Functional Categories
Total Monies Awarded: \$54,365,315

	% FY 1972	% FY 1973
Police	40%	22%
Juvenile	21%	37%
Courts	8%	13%
Rehabilitation	10%	12%
Drugs	7%	5%
Community	6%	11%

On the state level, the WCCJ then proposed to make police programs just one among many programs and not the most pressing:

The leading, long-range priorities of the Wisconsin Council on Criminal Justice are the improvement of corrections, the improvement of courts, prosecution and legal defense, the delivery of police services, the development of effective modes of correcting the abuse of alcohol and other drugs, the planning and development of youth services delivery systems, and the coordination of the criminal justice system through education, training and conferences.⁴⁰

It is also of importance to note that the 1973 Action Plan was the first plan that deleted reference to and funding for the prevention and control of riots and civil disturbances.

The change in programmatic direction at the federal level came about as the result of the work of the National Advisory Commission on Criminal Justice Standards and Goals,⁴¹ whose activities were supported by LEAA. This blue-ribbon panel of state and local officials made an extensive two-year study of the nation's criminal justice system. The Commission would ultimately emphasize these four fundamental priorities to reduce crime:

³⁹ LEAA, Fifth Annual Report of the Law Enforcement Assistance Administration, United States Department of Justice, July 1973, p. 14.

⁴⁰ WCCJ, Criminal Justice Improvement Plan 1973, Madison, Wisconsin, p. 127.

⁴¹ National Advisory Commission on Criminal Justice Standards and Goals, Proceedings of the National Conference on Criminal Justice. LEAA, Department of Justice, January 1973.

1. Prevent juvenile delinquency.
2. Improve the delivery of social services.
3. Reduce delays in the criminal justice process.
4. Increase citizen participation.

Prior to the Commission's work, the National League of Cities and the U.S. Conference of Mayors expressed umbrage over the funding practices of LEAA, especially where it dealt with equipment. "The net effect...has been dissipation of millions of Safe Street dollars on small grants to provide basic training and equipment for police operations in low crime areas."⁴² The Conference of Mayors felt the emphasis should be to start pouring money into such areas as corrections, shelter care, halfway houses, courts, probation and parole in an effort to cause a greater impact on the criminal justice system--especially after an individual becomes involved with it. The previous attitude was one in which all efforts were made to see that one didn't get involved with the system. The emphasis was now on improving the "services" of the system after an individual had entered it.

At the state level WCCJ echoed these concerns. It became essential that, given the limited resources of the agency, the WCCJ carefully select areas of impact which could be effectively and efficiently accomplished. One of the outcomes over this concern was an increased emphasis on programs dealing with juvenile justice, corrections policy and courts.

A cursory examination of the 1974 WCCJ Action Plan reveals that whereas in 1969 and 1970 Police Programs would account for over 50 percent of the action funds committed, by 1974 police programs would account for 28 percent of the funds committed.⁴³ Of equal importance, the total dollar amounts committed to equipment purchases would be less than 10 percent. Indeed, by 1976 it would become WCCJ policy that not more than 10 percent of monies allocated for police purposes could be used for "hardware."⁴⁴

⁴² National League of Cities and U.S. Conference of Mayors: Street Crime and the Safe Streets Act: What is the Impact?, Washington, D.C., 1970, p. 16.

⁴³ WCCJ, Criminal Justice Improvement Plan 1974, Madison, Wisconsin, p. 449.

⁴⁴ WCCJ, Criminal Justice Improvement Plan 1976, Madison, Wisconsin.

In its third report, the National Conference of State Criminal Justice Planning Administrators reflected in part on the rationale behind the enactment of the Safe Streets Act:⁴⁵

The 'Safe Streets Program,' enacted by Congress in 1968 and administered at the federal level by the Law Enforcement Assistance Administration (LEAA), was the first major block grant program of federal assistance to State and local governments, as well as the first significant federal assistance program in the field of criminal justice. Key to the block grant experiment is the recognition that crime and the administration of justice are essentially local problems which can be best addressed at the State and local level. As a result, the majority of responsibility for implementing the program--planning, monitoring, auditing, evaluation, fund allocation, etc.--resides with the States rather than with the Federal government.

Missing in the above explanation, behind the creation of the 'Safe Streets Program,' is the overriding intent of Congress. The bill was largely a response to the riots, civil disturbances and assassinations of the turbulent sixties. Congress was ready to commit large sums of money into block grants, and those primarily into police departments. As noted earlier, Congress viewed criminal justice problems as largely police problems. In the beginning of the LEAA program, little or no attempt was made to find alternatives, either at the federal or state level, to a police response to crime.

In a fiscal effort to assist the states and local units of government in their attack on crime and its causes, the federal government committed a considerable amount of money toward the improvement of the criminal justice system:

Appropriated Funds for LEAA Block Grants⁴⁶
1969 - 1976

1969	-	\$ 63 million
1970	-	\$268 million
1971	-	\$529 million
1972	-	\$699 million
1973	-	\$856 million
1974	-	\$871 million
1975	-	\$880 million
1976	-	\$810 million

⁴⁵ National Conference of State Criminal Justice Planning Administrators, State of the States on Crime and Justice, May 1976, p. 15.

⁴⁶ LEAA, The Law Enforcement Assistance Administration A Partnership for Crime Control, U.S. Department of Justice, Washington, D.C., 1976, p. 15.

The Wisconsin Council on Criminal Justice share of federal dollars to combat crime and improve the state's criminal justice system was fairly constant between the years of 1971 and 1976:

Approximate WCCJ Block Grant Funds⁴⁷
1970 - 1976

1970 - \$ 3,790,000
1971 - \$ 7,309,000
1972 - \$ 9,915,000
1973 - \$11,521,000
1974 - \$11,505,000
1975 - \$10,200,000
1976 - \$ 9,663,000

Not only the WCCJ, but other state planning agencies in their early history committed large sums of money to police programs, particularly "hardware."

Action Grant Awards for "Hardware" Items⁴⁸
(Selected States)

State	FY 1969	% of Total Allocation	FY 1970	% of Total Allocation	FY 1971	% of Total Allocation
Alabama	\$323,289	74.5	\$1,161,707	36.6	\$ 795,063	14.1
Georgia	\$ 55,872	10.0	\$1,366,720	33.1	\$2,459,366	32.7
Michigan	\$204,528	19.4	\$ 770,666	9.9	\$1,458,712	9.9
New York	\$662,372	29.4	\$2,839,381	17.3	\$2,024,001	6.1
Wisconsin	\$130,798	25.0	\$ 888,871	23.4	\$ 899,111	11.0

⁴⁷ It is important to bear in mind when examining any expenditures in this area that estimates are that 5% of the total amounts expended in the nation for criminal justice purposes consists of federal appropriations through the LEAA program. Ironically, the program is often times evaluated on its ability to reduce crime and/or its ability to improve the entire criminal justice system. As an example, between 1971 and 1975, LEAA committed \$2,856,356 to states and local communities to upgrade and improve the criminal justice system. That figure represents 4.62% of total state and local expenditures (\$61,797,074). See U.S. General Accounting Office, Federal Crime Control Assistance: A Discussion of the Program and Possible Alternatives, U.S. Government Printing Office, Washington, D.C., January 1978.

⁴⁸ National Conference of State Criminal Justice Planning Administrators, 1973, op cit., p. 57.

The continued change in programmatic direction at the federal level came about primarily as a result of the National Advisory Commission on Criminal Justice Standards and Goals, established in January 1973. The Commission came to the conclusion that funds provided through the Safe Streets Program constituted the only resource available to most states for criminal justice experimentation. Spending large sums of money on equipment and traditional police responses to crime was not innovative, much less effective. Courts, corrections, community alternatives and juvenile programs were now calling for their day in the sun. Indeed, it was felt by some that if the police were to have an impact on the community in which they found themselves, it would come from the quality of services they provided.

The quality of services that police provide in resolving conflict, in dealing with the mentally ill, and in meeting the myriad of other situations they handle, may determine public attitudes which, in turn, affect the willingness of the public to come forward to serve as complainants, as witnesses, and as providers of information necessary to solve crime.⁴⁹

On the State level, WCCJ change in direction came about originally as a result of a change in the Governor's mansion. As mentioned earlier, Governor Lucey early in his administration recognized the need for a sincere and deliberate effort to analyze and review the manner in which the taxpayer's dollars were spent. A task force approach was established to study the entire criminal justice system. These study groups were The Citizens Committee on Offender Rehabilitation, The citizens Study Committee on Judicial Organization, The Task Force on Computerization and the Criminal Justice System and the Educational Policies Subcommittee. Out of these studies came recommendations which would, beginning in 1973, signal a change in the programmatic direction of WCCJ.

Equally important in ascertaining the change in direction on the part of WCCJ was staff. In part, if a program hopes to be successful, the people who administer it must to some degree believe in what they're administering. "The success or failure of many federal programs has often been attributed to the level of support enjoyed with the agency responsible for implementation...human groups find it difficult to carry out effectively acts for which they have no underlying beliefs."⁵⁰

⁴⁹ Herman Goldstein, "The Police," from the Proceedings of Wisconsin Council on Criminal Justice Planning Conference, Madison, Wisconsin, May 1974, p. 27.

⁵⁰ Carl Van Horn, Donald Van Meter, op cit., p. 55.

This was no less true at WCCJ, where a change from strictly police-oriented programs to more social service programs would be consistent with staff beliefs.⁵¹

As a result of the above-noted changes, WCCJ, like many of the State Planning Agencies, evolved from a heavily police-oriented agency to a more innovative SPA addressing all facets of the criminal justice system. Initially in its early history, WCCJ laid heavy emphasis on law enforcement and subsequently, a police response to the manifold problems of the criminal justice system. After recognizing the need for more balance and innovation, WCCJ, in addition to law enforcement, attempted to correct problems in the areas of Courts and Defense, Corrections, Alcohol and Other Drugs of Abuse, Juvenile Justice and Planning and Evaluation.

⁵¹ See Final Report, Special Committee on Criminal Justice Standards and Goals, WCCJ, Madison, January 1977. The Committee listed Victim/Witness Services, Sentencing, Jails, Speedy Trial, Court Organization and Administration as its first five priorities.

IV. Conclusion

On November 21, 1977 the Attorney General forwarded to the President a plan for changes in the LEAA program. This plan included a reorganization plan, amendments to the Omnibus Crime Control and Safe Streets Act and significant administrative changes. Under the Attorney General's plan the reorganization of LEAA would be accomplished within the President's reorganization authority. This would mean that the Congress would have 60 days to act on the final reorganization plan once it was transmitted from the President.

The report of Attorney General Griffin Bell recommended the abolition of LEAA and creation of a new agency, the National Institute of Justice. Bell's report also recommended reauthorization of the Safe Streets Act with amendments, which would result in the continuation of the LEAA program under the National Institute of Justice for three more years, beginning October 1, 1979. Other recommendations included eliminating the special "Part B"⁵² fund appropriations available for planning and administration and substituting the use of 7½% of the direct assistance ("Part C") funds for administration matched by state and local funds. It also eliminates matching funds for action programs.

On July 13, 1977, in response to uncertainties over the future of the LEAA program in general and the possibilities of reduced federal funds, Acting Governor Martin Schreiber requested that the Executive Director of WCCJ report to him on the impact of the Council and on alternatives available for the future of the WCCJ.

Executive Director Charles M. Hill, Sr., in his report⁵³ to the Governor, noted that the Council has served as a stimulus and funding source for a number of major studies to improve the criminal justice system, including:

1. Citizens' Study Committee on Judicial Organization, which served as a blueprint for most of the current court reorganization and improvement legislation.
2. Citizens' Study Committee on Offender Rehabilitation, which recommended a major overhaul of our corrections system.

⁵² Part B of the Safe Streets Act provided for the creation of the state planning agencies and the allocation of funds to the state planning agencies for criminal justice planning purposes. There are two kinds of planning grants--advance and annual.

⁵³ Charles M. Hill, Sr., Report to Governor Martin J. Schreiber on the Future of the Wisconsin Council on Criminal Justice, Madison, Wisconsin, December 30, 1977.

3. Task Force on Computerization, which served as a guide for use and control of data in our criminal justice system.
4. The WCCJ also completed a two-year study of the Wisconsin criminal justice system. The purpose of the study was to determine long-range goals and implementation standards for the improvement of the criminal justice system. The study was conducted in two phases, which resulted in the Juvenile Justice Standards and Goals Report, adopted by the Council in January 1976, and the Adult Standards and Goals Report, adopted by the Council in January 1977.
5. The Council was responsible for the initiation of a major study of charging, sentencing and release practices in Wisconsin. The study which has just been completed involved thorough data collection and analysis of sentencing patterns so that decision-makers can test the implications of alternative sentencing models (Felony Sentencing in Wisconsin, Wisconsin Center for Public Policy, 1979).

Hill also noted some of the Council's more significant achievements, including:

1. A successful effort to secure legislation requiring 240 hours of mandatory police recruit training and support of this effort with \$7 million of its funds.
2. The renovation of law enforcement communications systems throughout the state, involving an investment of almost \$2.7 million.
3. The development of county jail improvement programs which offer expanded services to inmates. By the end of FY 1977, the Council had funded 16 counties at a cost of \$2 million.
4. Funding for Criminal Justice Information Systems, which led to the establishment of a Wisconsin Crime Information Bureau, a Court Information System and development of a statewide jail information system.
5. The creation, funding and improvement of an inmate grievance system called the Inmate Complaint Review System (ICRS) and an Offender Participation Advisory Committee (OPAC) which now operate in all the state's adult correctional institutions.
6. Development and financial support for a contract release program, called the Mutual Agreement Program (MAP).

7. Early and long-time support for enactment of legislation creating a statewide public defender system. By funding county public defender offices in seven counties throughout the state, the Council demonstrated that public defender representation for indigents was sound in both concept and practice for rural and urban areas. In 1977 legislation was enacted creating a statewide public defender system for Wisconsin.
8. The funding of more than 25 shelter care facilities at a cost of more than \$1.6 million to reduce inappropriate jail detention and serve as a temporary residence for children awaiting placement or disposition by the courts.
9. The formulation and funding of a Children's Monitoring Unit in the Office of the Secretary of the Department of Health and Social Services. This Unit reviews all placements in juvenile correctional institutions to make sure they are appropriate, to reduce overcrowding and to ensure that the child's stay lasts no longer than necessary for adequate treatment.
10. Establishment of a statewide training program for prosecutors and funding for two pilot District Court Administrator projects to assist the Wisconsin Supreme Court in implementing its Judicial Administrative Districts.

Encouraged by the Executive Director's report, Governor Schreiber introduced legislation that would statutorily create the WCCJ. Assembly Bill 1220 was introduced by the Joint Committee on Finance and states that there is created in the Executive Office a Council on Criminal Justice. The Council shall serve as the state planning agency under the Safe Streets Act.

The bill, after minor debate, was subsequently passed by both the Legislature and the Senate and signed into law by Acting Governor Schreiber.

Bibliography

Alpern, David P. "Living with Crime." Newsweek, Volume LXXX, No. 25., December 18, 1972.

Altshuler, Alan A. and Norman, Thomas C. The Politics of the Federal Bureaucracy. Harper and Row: New York, 1977.

Clark, Ramsey. Crime in America. Simon and Schuster: New York, 1971.

Douglas, Jack D. Criminal Justice in America. Bobbs-Merrill Company: Indianapolis, Indiana, 1971.

Federal Bureau of Investigation. Uniform Crime Report 1968. U.S. Government Printing Office: Washington, D.C., 1969.

Hill, Charles M., Sr. Report to Governor Martin J. Schreiber on the Future of the Wisconsin Council on Criminal Justice, Wisconsin Council on Criminal Justice: Madison, Wisconsin, December 30, 1977.

Jones, Charles O. and Thomas, Robert D. Public Policy Making in a Federal System. Sage Publications: Beverly Hills, California, 1976.

LEAA. The Law Enforcement Assistance Administration: A Partnership for Crime Control. U.S. Department of Justice Printing Office: Washington, D.C., 1976.

_____. Fifth Annual Report of the Law Enforcement Assistance Administration. U.S. Department of Justice: Government Printing Office, 1973.

_____. Public Opinion Regarding Crime, Criminal Justice and Related Topics. U.S. Department of Justice Printing Office: Washington, D.C., 1976.

Levy, Leonard W. Perspectives on the Report of the President's Commission on Law Enforcement and the Administration of Justice. DeCapo Press: Indianapolis, Indiana, 1971.

National Advisory Commission on Criminal Justice Standards and Goals. Proceedings of the National Conference on Criminal Justice. Washington, D.C., January 1973.

National Conference of State Criminal Justice Planning Administrators. State of the States on Crime and Justice. Washington, D.C., May 1976.

_____. State of the States on Crime and Justice: An Analysis of State Administration of the Safe Streets Act. Frankfort, Kentucky, June 1973.

- _____. Halting the Invasion of Categorization in the Crime Control Act Program...Why the Block Grant? Washington, D.C., June 15, 1977.
- National League of Cities and U.S. Conference of Mayors. Street Crime and the Safe Streets Act: What is the Impact? Washington, D.C., February 1970.
- Reston, James. "Why, Then, This Restlessness?" New York Times, Volume CXVII, No. 40, 172, January 19, 1968.
- U.S. Congress. Congressional Record. 90th Congress, 1st session, Volume 113. U.S. Government Printing Office: Washington, D.C., 1967.
- _____. Congressional Record. 90th Congress, 2nd session, Volume 114. U.S. Government Printing Office: Washington, D.C., 1967.
- _____, House. Hearings Before Subcommittee No. 5 of the Judiciary. 90th Congress, 1st session. U.S. Government Printing Office: Washington, D.C., 1967.
- _____, House. House Report No. 488 to Accompany S917, Judiciary Committee. 90th Congress, 2nd session. U.S. Government Printing Office: Washington, D.C., 1968.
- _____, Senate. Miscellaneous Senate Documents. 90th Congress, 1st session, Volume 1-1. U.S. Government Printing Office: Washington, D.C., 1967.
- _____, Senate. Senate Committee on the Judiciary: Report No. 1097 to Accompany S917. 90th Congress, 2nd session. U.S. Government Printing Office: Washington, D.C. 1968.
- U.S. General Accounting Office. Federal Crime Control Assistance: A Discussion of the Program and Possible Alternatives. U.S. Government Printing Office: Washington, D.C., January 1978.
- U.S. President's Commission on Law Enforcement and the Administration of Justice. The Challenge of Crime in a Free Society. U.S. Government Printing Office: Washington, D.C., 1968.
- U.S. President's Commission on the Causes and Prevention of Violence. Law and Order Reconstructed. U.S. Government Printing Office: Washington, D.C., 1968.
- Wilson, James Q. Thinking About Crime. Vintage Press: New York, 1977.
- Wisconsin Council on Criminal Justice. Criminal Justice Improvement Plans 1969-1977. Madison, Wisconsin, 1969-1977.

. Final Report to the Governor of the Citizen's Study
Committee on Offender Rehabilitation. Madison, Wisconsin,
July 1972.

. Proceedings of WCCJ Planning Conference. Institute
of Governmental Affairs, University of Wisconsin-Extension.
Madison, Wisconsin, May 8-9. 1974.

. Special Committee on Criminal Justice Standards and
Goals. Madison, Wisconsin, January 1977.

. Strengthening the Regional and State Criminal Justice
Planning Process. Madison, Wisconsin, July 1973.

END