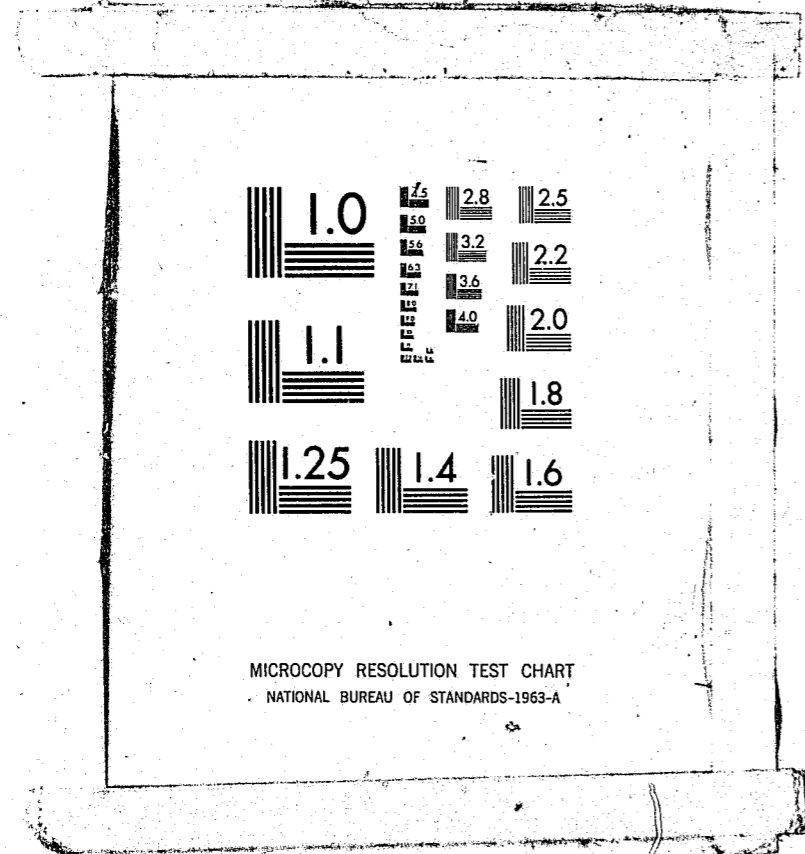


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Department of Justice

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STATEMENT OF


RUDOLPH W. GIULIANI
ASSOCIATE ATTORNEY GENERAL

BEFORE THE
SUBCOMMITTEE ON CRIME
HOUSE COMMITTEE ON THE JUDICIARY

CONCERNING
THE APPROPRIATE ROLE OF THE FEDERAL GOVERNMENT IN
FUNDING STATE AND LOCAL LAW ENFORCEMENT EFFORTS

MAY 5, 1981

U.S. Department of Justice
National Institute of Justice

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Mr. Chairman and members of the Committee, I appreciate the opportunity to address you today. I have been asked to comment on the views of the Department of Justice and the Administration on the appropriate role for Federal funding of State and local criminal justice programs and the manner in which the delivery of Federal law enforcement resources to States and localities in emergency situations can be improved.

The question of the appropriate role of Federal funding for, and involvement in, State and local law enforcement efforts cannot be approached in a vacuum, but rather must be approached from a historical perspective. The Omnibus Crime Control Safe Streets Act of 1968 (the Act), as you know, created the Law Enforcement Assistance Administration (LEAA). Since 1968, that Act has been amended at least five times in efforts to improve Federal programs of assistance for State and local criminal justice systems. As a result, today, LEAA is just one of five independent sister agencies involved in that program. During the course of the past 12 years, these agencies have expended over \$7.5 billion to provide support for State and local criminal justice systems.

Before considering another sweeping amendment to the Act, the program's 12-year history must be reviewed. The lessons provided by that review, both positive and negative, must be

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applied in developing an effective approach to the question of Federal assistance for State and local efforts in this area.

As part of its overall review of the Federal government's role in combatting violent crime, the Attorney General's Task Force on Violent Crime will be conducting a review of LEAA and related activities. The Attorney General formed this Task Force, whose members have extensive practical experience in all phases of the criminal justice system, to consider and recommend to the Department of Justice ways in which the Federal government can appropriately exercise leadership and provide assistance to State and local law enforcement agencies. The work of the Task Force will be done expeditiously so that the Department of Justice and Congress can act with speed to implement measures designed to more effectively use Federal resources in assisting States and localities to identify and deal with the most pressing criminal problems plaguing the nation.

Even before the work of the Task Force is done, however, one conclusion appears clear: just throwing more money at the problem of crime is not the answer.

The monies expended by LEAA over the past 12 years have constituted only a small fraction of State and local criminal justice expenditures. If such funds were to have a signifi-

cant impact, they had to be concentrated on priority needs and used in effective ways. Too often they were not. Federal funds were sometimes used to supplement State and local budgets for routine expenditures; they were spread thinly over a wide number and variety of activities and used for a vast range of purposes. In LEAA, the result of this scattershot funding approach was to dissipate the potential effect of the Federal dollars available. Overall LEAA failed.

If the limited Federal funds available to assist State and local criminal justice systems are going to have any discernible impact, they must be targeted narrowly at areas identified, clearly and consistently, as national priorities; their use must be linked to the results of research which evaluates both existing and new program concepts, and they must be dispensed to implement those that work.

The Task Force has been asked to consider the questions of funding and legislation. The purpose of that review will be to examine carefully the results of prior programs. The Attorney General has asked for a report on this subject by mid-August. Therefore, detailed comments on legislation in this area and concrete recommendations on appropriate changes to enhance the effectiveness of Federal assistance for State and local law enforcement efforts must await the results of the Task Force's work.

A few preliminary observations on the proposed amendments to the Omnibus Crime and Safe Streets Act, can, however, be offered. Amending the Act at this time is like putting the cart before the horse. To propose and consider amendments without benefit of the Task Force's recommendations is premature. Moreover, the amendments do not appear to be based on an exhaustive review of LEAA and related activities or on a detailed study of programs that history demonstrates will have an impact on crime.

The Federal government can have an impact on crime above and beyond funding. The Task Force's comprehensive review will include all of these alternatives. It has been asked to report in two phases. The first will be limited to recommendations of measures the Department of Justice can immediately implement to increase its impact on violent crime without increased funding or new legislation. This is a necessary discipline. For 12 years we have reacted to this problem by imposing no discipline on the giveaways of money and by failing to strictly limit Federal involvement to those areas where it can have maximum impact. The Task Force and the Department of Justice will consider ways in which the Federal effort can be coordinated closely with State and local law enforcement so that government at all levels will react as a whole to crime and not in ways which are often duplicative and wasteful.

In each community, for example, United States Attorneys, Federal Bureau of Investigation agents, Drug Enforcement Administration agents and other Federal law enforcement agents will be asked to meet with their counterparts in State and local law enforcement to agree on a practical plan for pooling their resources and respective jurisdictions to have the maximum impact on the critical crime problems in a particular area. Working through recommendations to increase effectiveness without relying on the facile answer of money will maximize present resources and provide a credible basis for any later recommendations for certain discrete areas where increased funding may be necessary.

In its second phase, the Task Force, as previously mentioned, will study and report on possible new legislation and specific programs that experience demonstrates have had a real impact on crime. Such recommendations preceded by an exhaustive review of what can be accomplished within present resources and under present statutes, and based on a detailed review of past experience will provide a responsible basis for considering areas for appropriate Federal involvement in funding State and local law enforcement.

I should also mention at this juncture that the Department of Justice has proposed a cessation of funding in fiscal 1982 for the Juvenile Justice and Delinquency Prevention Program which this

bill would continue virtually unchanged. Stanley Morris, Associate Deputy Attorney General, has testified recently before two Congressional Subcommittees about this proposal and I have brought copies of his statements for the information of the Subcommittee.

The Department of Justice and the Administration are committed to developing a role for the Federal government which will ensure that the limited funds available will be carefully targeted and effectively used for maximum impact. The Task Force efforts will provide valuable guidance in this endeavor. The Attorney General has written to Chairman Rodino and Chairman Thurmond asking them to designate staff members to act as liaison with the Department as we begin to develop policy based upon the recommendations of the Task Force. At this stage that appears to me to be the best way to proceed. We are extremely anxious to work with you on this and other difficult issues and look forward to doing so.

I would be pleased to respond to any questions you may have.

END