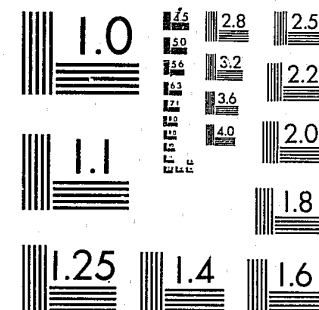


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"FUNDING RESOURCES AND THE PRETRIAL FIELD - 1979"

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**MONEY '78 / UPDATE '79**

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## UPDATE '79

### INTRODUCTION

Last year the Pretrial Services Resource Center published Money '78 in an attempt to compile information on funding resources available to the pretrial field. The bulletin was widely disseminated and served as the basis for discussions among practitioners informally and formally through workshops and training seminars. Money '78 provides basic information on the various agency mechanisms and strategies on how to obtain monies. This brief insert has been added to provide up-to-date information on available funding resources. UPDATE '79 includes a review of federal, state, and local agencies' current funding initiatives and summarizes any new sources of funds that have been identified over the past year. A careful attempt has been made to avoid duplicating information contained in Money '78. For instance, a source identified in Money '78 may not be repeated in the UPDATE because the mechanisms or the funding potential remains relatively unchanged. Users are urged to refer to both publications for a more comprehensive overview of the resources available to the pretrial field.

Since the publishing of Money '78, there have been some developments which will influence the distribution of dollars to service-oriented programs. Government will be responding to the public demand for fiscal conservatism in all areas of expenditures. A number of funding agencies in criminal justice as well as in other fields have redesigned their priorities, and this will to some extent, affect the funding of pretrial programs. Other funding sources have lost some financial capability through legislative changes. Thus, these agencies will not be able to sustain many of the programs which were funded in the previous year.

The message communicated through discussions with government officials (and reiterated in Money '78) is that those seeking funds for continuation of existing programs or for new programs must be aware of the funding agencies' specific priorities. Additionally, practitioners should be creative in designing programs.

### SOURCES

To make this UPDATE as useful as possible, the format for this publication is consistent with that in Money '78. To reiterate:

- Funding mechanisms are divided into four classifications: federal, state and local; private and specialized.
- Charts are provided to indicate different program needs funded by the various agencies.
- Specific information about the funding mechanics of the agency is provided in boxed/reduced sections and the Appendices of Money '78. Some readers may want to review the allocation processes of the various agencies before examining the rest of the material.

## FEDERAL

Two agencies which have contributed significantly to the pretrial field are the Law Enforcement Assistance Administration and the Department of Labor. Both agencies will, in all probability, be unable to provide the level of financial support to pretrial programs that they have in the past (see Money '78 for details on the funding mechanics of the agencies).

### Law Enforcement Assistance Administration (LEAA) 1/

Most of the funds available to pretrial and pretrial related activities under LEAA's discretionary grant program originate from the Office of Criminal Justice Planning (OCJP) within LEAA and is subsequently channeled to several divisions within OCJP for allocation (refer to Money '78 for discussion of LEAA's discretionary grant program and block grants. The focus of this discussion is limited to the discretionary grant programs). Those divisions which have a demonstrated record of supporting pretrial activities include: the Adjudication Division, and the Rehabilitation Division. In addition, other major departments of LEAA have funded pretrial initiatives, e.g., Office of Development, Testing and Dissemination, National Institute of Law Enforcement and Criminal Justice (NILECJ) and Office of Juvenile Justice and Delinquency Prevention.

LEAA has experienced a steady decline in the amount of appropriations from Congress. The budget for FY '79 (\$646.5 million) is slightly lower than the \$647.2 million for FY '78. It is expected that LEAA will suffer at least a 15-20 percent further budget cut next year. While most of these cuts are anticipated to affect the Office of Juvenile Justice and Delinquency Prevention (OJJDP), LEAA's budget will be reduced in other areas as well. For instance, Part B planning, the Law Enforcement Education Program, Part C block grants and community anticrime programs are some of the areas that can expect budget cuts. These cuts will certainly mean a level of spending less than projected in previous years. Similarly, LEAA has been criticized for its procedures in funding program initiatives. In most cases, demonstration programs are left without financial support after the initial grant period. This has led to a rapid turnover in programs without having the necessary time to demonstrate the effectiveness or value of a "new" initiative/program. Thus state and local governments are made responsible for the continuation and evaluation of programs initially supported with discretionary monies. Authorities at LEAA suggest that beginning this year LEAA will make a concerted effort to continue most projects currently funded under the discretionary grant program.

1/ Legislation to reorganize LEAA pending in the Congress will undoubtedly have an impact on the level of funding from LEAA. Two proposals are being discussed. The Kennedy/Administration's proposal would establish within the Justice Department an Office of Justice Assistance, Research, and Statistics, which would have three divisions: The National Institute--responsible for research; Bureau of Statistics, which would combine statistical units presently in LEAA with similar units throughout the Justice Department; and LEAA--which would be responsible for grant awards only. The House Judiciary Subcommittee on Crime (Chairman John Conyers) has also introduced legislation to reorganize LEAA. That legislation would focus funds on certain eligible categories and favor the following categories: juvenile justice, citizen involvement programs, white-collar crime, and criminal justice alternatives. Detailed analysis of the proposals for reorganization can be found in Criminal Justice Newsletter, Volume 9, No. 15, July 17, 1978. Also refer to the Pretrial Reporter, Volume 2, No. 4, August 1978, and Volume 3, No. 1, March 1979. It is difficult to know at this time how the suggested changes in organizational structure will affect the funding level for pretrial services programs.

LEAA has adopted a new concept in funding called the Incentive Fund Program. The goal of the Incentive Fund Program is to promote and market those criminal justice innovations that are deemed successful by LEAA. This project further attempts to encourage state and local governments to replicate and adopt these programs in their own criminal justice systems. For example, after LEAA has expended monies for the development, demonstration and evaluation of a specific program and that program has been replicated in a number of jurisdictions with relative success, LEAA will transfer that knowledge to local and state governments. This will give the local and state governments a greater management role in implementing and coordinating new projects. The Incentive Fund Program is included in the Administration's proposed Justice System Improvement Act currently before the Congress.

LEAA will support those state and local governments that wish to participate in the Incentive Program by providing large scale grants over an extended period of time and significant technical assistance. States and local governments will be given greater flexibility in determining state and local sources of matching funds. For example, a 50 percent share of the grant funds must come from state or local sources. This may include a minimum 10 percent "hard" cash match, with the remaining 40 percent to come from a variety of sources. Under this program, LEAA will be allowing states to reprogram unspent funds as match rather than having this money revert to LEAA as previously required. State and local governments wishing to participate must make provisions for the statewide implementation of initiatives supported by LEAA. Program implementation may occur on a gradual phase-in basis or be accomplished immediately. An example of a program initiative funded under the Incentive Fund Program is the Treatment Alternatives to Street Crime Program (TASC). Other LEAA programs participating in the Incentive Fund include: a) managing criminal investigations; b) career criminal prosecution; c) juror utilization and management; d) health care in correctional institutions; e) community rape responses; and f) management information systems. Further information on the Incentive Program may be obtained from the Office of Planning and Management, LEAA, 633 Indiana Avenue, Washington, DC 20531.

Funding priorities for LEAA in 1979 include support for the following:

- The Adjudication Division - Court Delay Reduction Program; the Jail Overcrowding and Pretrial Detainee Program.

Of particular significance to those interested in starting pretrial programs is the Jail Overcrowding program. This program in attempting to reduce jail overcrowding in selected jurisdictions, will emphasize the development of increased alternatives to arrest and incarceration in appropriate cases (e.g., pretrial release or diversion programs). Jurisdictions which have sizable pretrial populations detained in jails are eligible for these monies (see Chart in Appendix for details regarding eligibility and deadline for application, etc.).

- The Rehabilitation Division - Treatment Alternatives to Street Crime; Restitution.

As noted earlier, TASC is participating in the Incentive Fund Program. State and local governments interested in obtaining funds under this program should contact Rehabilitation Division, LEAA (See chart for telephone number and address). Some continuation and new grants will be awarded to those interested in creating community based intervention programs for substance abusing offenders. These monies will be administered by the TASC Program.

- The Office of Juvenile Justice and Delinquency Prevention (OJJDP).

OJJDP is concerned with all LEAA programs dealing with juvenile crime and delinquency. OJJDP has funded major initiatives in the areas of juvenile diversion, deinstitutionalization of status offenders, school crime and alternatives to incarceration. Evaluations are currently underway for some of these efforts. Current expenditures for 1979 for OJJDP include monies in the following areas: treatment of the serious offender, restitution, youth advocacy, alternatives to education. Actual dollar amounts of funds to be spent in these areas and new program initiatives can be obtained from the Special Emphasis Office, OJJDP, LEAA.

Although some deadlines have passed for these program initiatives, it is important to note that these are priority areas for LEAA. Interested individuals are encouraged to consult with appropriate LEAA officials to verify the level of funding anticipated for these and new initiatives for the coming year. The experience of the Pretrial Detainee Project indicates that pretrial efforts in those jurisdictions which have Pretrial Detainee monies have benefited either through expansion of components of existing programs or development of new pretrial programs.

#### Department of Labor (DOL)

Initial support from the Department of Labor for pretrial intervention programs was through its demonstration grants. DOL no longer provides funds directly through its demonstration programs. Much of the financial support now available from DOL is through the Comprehensive Employment and Training Act (CETA). CETA has been instrumental in providing monies for staff positions in pretrial agencies.

Increasing dissatisfaction with public service jobs and the spending limits imposed by the current administration have created a revised funding level for CETA. The CETA program as reauthorized by the 95th Congress will operate in FY '79 with a more clear cut target population--the economically disadvantaged. The essence of this new policy highlights CETA's intention to increase the efficiency of dollars to be spent in finding employment for the poor. The new CETA guidelines contain restrictions on those participating in the program by

specifically requiring time constraints on the length of employment and total amount of wages to be paid to an employee. This measure supposedly will decrease the number of individuals who are employed for successive years of employment under CETA.

It is important to be aware of the changes made in the CETA legislation when preparing program proposals and approaching prime sponsors for funding. 2/

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| Title I:   | <u>Administration Provisions.</u> This section now contains the general provisions of the Act and directs the Secretary of Labor to provide management services to prime sponsors.   |
| Title II:  | <u>Comprehensive Employment and Training Services.</u> This section combines the previous Title I (Comprehensive Manpower Services) and Title II (Public Employment Programs) into a single title targeted at the economically disadvantaged populations. Participants in the training and services programs must be economically disadvantaged and either unemployed, underemployed, or enrolled in school. Participants in public service employment must be economically disadvantaged and either unemployed, underemployed, or enrolled in school. |
| Title III: | <u>Special Federal Responsibilities.</u> Included in this section are provisions for those special programs for persons who have a particular disadvantage in the labor market, e.g., ex-offenders, handicapped, women, migrant and seasonal workers, etc.   |
| Title IV:  | <u>Youth Programs.</u> This is a new addition to the Act (replaces previous Title IV - Public Service Employment) which contains the youth employment programs.  |
| Title VI:  | <u>Countercyclical Public Service Employment Programs.</u> This section is specifically designed for those jurisdictions which have high unemployment rates. For areas with unemployment rates in excess of 4 percent, CETA will provide monies for the funding of jobs sufficient to employ those individuals not served by other manpower programs.  |
| Title VII: | <u>Private Sector Opportunities for the Economically Disadvantaged.</u> This section provides that demonstration programs be established to test the effectiveness of various approaches to involve the business community in the employment and training activities of the economically disadvantaged. This money is allocated to prime sponsors to establish advisory councils. Composition of the councils is to include members of the business community.   |

2/ For full discussion of CETA legislation, see ETA Interchange, Volume IV, No. 11, November 1978 (U. S. Department of Labor, Employment and Training Administration, Washington, DC), pages 1,4-5.



## STATE AND LOCAL

In addition to the state planning agencies and subsidy programs listed in Money '78, only one new resource has been identified that may be able to influence the allocation of monies to pretrial programs--the Judicial Planning Commissions. It should be noted that the current fiscal conservatism reflected in legislation like Proposition 13 may have an effect on the allocation of funds by local and state governments. It is quite difficult to determine what the ramifications of this trend will be in the various states. The LEAA has commissioned the Rand Corporation to conduct a study to assess the specific impact that Proposition 13 has had on the criminal justice system in California. The final report is expected in mid 1980.

Discussion with officials within state planning agencies indicates that the fiscal conservatism at the federal level will filter down to the state and local levels. Those programs aimed at solving criminal justice problems but located outside of the criminal justice system may fare worse than projects which are already a permanent part of the system. Similarly, pretrial programs may suffer more than traditional programs when budget cuts are necessary. The emphasis, at least at the state level, is on improvement of internal operations rather than on overall system improvements (e.g., improving court processing of cases, development of better management systems). The key then for pretrial agencies is to demonstrate to funding officials that pretrial programs are efficient and cost effective.

### Judicial Planning Commissions (JPC)

The Judicial Planning Commissions were created to serve as formal planning bodies for courts by the 1976 Amendments to the Crime Controls Acts/LEAA. That legislation mandated that each state criminal justice planning agency (SPA) make available funds to support a statewide judicial planning committee and that the JPC have principal authority in preparing the court component of a state's annual criminal justice plan. Membership on the committee includes judges, prosecutors, defense counsels, representatives of Bar Associations and lay citizens. Not every state has formed a judicial planning commission. At the time of the printing of this publication, only 35 states had such an organization. 3/

It is not anticipated that these commissions will represent a significant amount of revenue for the pretrial field. However, as these commissions shape the policy and programs of courts, including detailing needs for service programs, pretrial administrators should encourage members of the Commissions to support various pretrial service efforts. Additionally, administrators should encourage commission members to incorporate pretrial programs into the overall plan. Criminal justice planning agencies generally fund those programs and services outlined in the judicial segment of the state criminal justice plan. Further information on the specific operations of the judicial planning commission can be obtained by contacting the state court administrator or the state planning agency.

3/ The following states have established JPC's: Alabama, Arizona, Arkansas, Alaska, California, Colorado, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New York, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, Wisconsin.

Program administrators should be aware of various developments occurring in their state in the criminal justice area (e.g., court unification efforts, subsidy programs, community corrections acts, etc.). Often during the process of planning and implementation, budget allocations are reassessed; and the potential exists for pretrial administrators to indirectly influence the allocation of funds. Dialogue with respective court administrators, other pretrial programs, and personnel in the criminal justice system may yield data on various ways to obtain needed financial support or to have input in the planning process.

## SUMMARY

The funding outlook for 1979 appears sparse. Most federal agencies are maintaining current demonstration programs but appear to be supporting few, if any, new program models. This applies also to state and local governments since many of them may be operating from reduced tax bases. As stressed in Money '78, the key to continued funding is coordination and perseverance. Program administrators should strive to link services with existing community and government organizations, pool resources, and encourage the support of several different funding sources. Additionally, those seeking funds should utilize technical assistance from the national projects sponsored by LEAA (see Appendix V, Money '78), to assist and respond to specific program problems and needs.

Further, communication about the goals and needs of pretrial programs with criminal justice representatives, government officials, and others who may be supportive is essential and cannot be stressed enough. Unfortunately, the message this year is not unlike that presented last year. It is hoped that as dialogues continue between the Resource Center and practitioners, new sources of funding and new strategies will be identified.

APPENDIX

1979 LEAA DEMONSTRATION PROJECTS

<u>Program Area</u>	<u>Project Ceilings</u>	<u># Of Projects</u>	<u>Deadline Date</u>	<u>LEAA Office</u>	<u>Other</u>
Jail Overcrowding and Pretrial Detainee Program (Phase II) <u>1/</u>	\$50,000 to \$250,000	Up to 7 (Continuation of Phase I)	June 15, 1979	Adjudication Division, OCJP	Eligibility limited to jurisdictions with populations over 150,000
Treatment Alternatives to Street Crime <u>2/</u>	\$100,000 to \$450,000	Up to five new grants and ten continuation grants	March 16, 1979	Rehabilitation Division, OCJP (202) 376-3944	18 month grants, eligibility grants to jurisdictions with population of 200,000 or more
Court Delay Reduction Program <u>3/</u>	\$50,000 to \$250,000	Up to 7 jurisdictions	May 4, 1979 & June 29, 1979	Adjudication Division (202) 376-3615	18 month grants, state court systems local courts serving population of 200,000 or more and nonprofit agencies are eligible. Applicants must submit concept paper of no more than 5 to 7 pages.
Community Anti-Crime Program <u>4/</u>	limited to grants for continuation of previously funded projects				

- 1/ Guide for Discretionary Grant Program, pp. 120-7  
2/ Guide for Discretionary Grant Program, pp. 104-6  
3/ Guide for Discretionary Grant Program, pp. 43-50  
4/ Guide for Discretionary Grant Program, p. 1