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Federal Aid to Criminal Justice

Rhetoric, Results, Lessons

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John K. Hudzik

National Criminal Justice Association

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Preface

R. Thomas Parker

For me, the "War on Crime" of the late 1960's began in the waning months of 1968 with the award of a $75 grant to a suburban Michigan community for the purchase of a megaphone—a piece of equipment believed essential by that community's leadership to its "riot control" efforts. Today, those of us who have gone the distance with the Law Enforcement Assistance Administration's program of federal assistance to the crime control efforts of the states and their local units of government might eye that purchase critically, an army of sophisticated, analytic, planning and evaluative tools at the ready. But on that first work day in 1968, there were no criminal justice planners, researchers, evaluators, statisticians . . . no plans, or sense of comprehensiveness or system to steer that huge federal initiative. There were just cops, prosecutors, judges, and jailers faced with an angry and frightened public and a new cache of resources to spend on bringing crime under control in this nation, whatever that meant or might require.

Much changed within the field of criminal justice from 1968 to 1983, on that social scientists and criminal justice practitioners alike will agree. The extent and nature of the contribution of the LEAA program to progress made within that field is a subject of this volume and one on which there is less accord.

Importantly, however, as I have reviewed this volume and thought back on the many people involved in the LEAA program at all levels of government, it has become clear to me that the LEAA experience was characterized throughout by an intensity of purpose, and a level of energy and enthusiasm which fostered experimentation and, by trial and error, moved this nation forward in its efforts to constructively confront and manage its crime problem. Not the least of the contributions of the LEAA program was the evolution of a perception of system, of the practical significance of the interrelationships of the various functions of the criminal justice process, and the institutionalization of that perception as a fundamental principle underlying the efforts of criminal justice professionals to bring about improvements in the administration of justice.

The LEAA program has been analyzed, scrutinized and criticized by people within and outside the criminal justice system. It is clear,

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however, that the overwhelming majority of that which has been written about the program has been written from the national perspective. For some time, many of us who have shared some portion of the responsibility for the LEAA program at the state and local levels have felt the need to examine that program from a state and local perspective . . . to consider the special perspective of those individuals who were involved in the day to day process of program development and implementation . . . who bore witness to the impact of the LEAA program in their individual systems . . . who would assess the before and after, so to speak.

Many people, hearing of this project, have inquired whether it is the purpose of this volume to make an argument for future federal state and local assistance initiatives. In your reading of this volume you will find that our overriding intent is to present a fair and balanced accounting of the state and local perspective on the legacy of the LEAA program . . . a perspective that is long overdue. And in gathering the information that provides the basis for our analysis, we have received outstanding cooperation from all persons contacted. It is my sincere hope that this volume will not only be read by those who participated in the LEAA experience, but by federal, state and local policy makers and students of government who will necessarily be a party to the ongoing sensitive debates concerning the role of the various levels of government in the efforts of this nation to control its crime problem.

Finally, I would like to extend my sincere appreciation first to Dr. John Hudzik, the author of this volume, who dedicated a considerable portion of his life over the past year to this project and who exhibited diligence and sensitivity in his interactions with the numerous individuals who contributed to its completion. To Dr. Nolan E. Jones, I extend my gratitude for his efforts in coordinating this project. And last, but certainly not least, to Mr. Robert F. Diegelman, who was acting director of the Office of Justice Assistance, Research and Statistics at the inception of this project, I extend my profoundest thanks for his understanding of the necessity of this volume.

Acknowledgments

Many people have contributed substantially to this project. First and foremost are the many current and former SPA directors and members of SPA staffs who made time available to complete questionnaires and to participate in face-to-face interviews. Were it not for the fact that they were promised anonymity, they would be publicly named and thanked here for their efforts. Many staff at the NCJA are also to be thanked for providing the project timely logistical support and able advice in many matters. Particular recognition is due Dr. Nolan Jones; he not only coordinated NCJA support of the project through tireless effort and by offering valuable advice, but he also oversaw the invited-position-paper portion of the project. Mr. Paul Lawrence and Ms. Gwen Holden of the NCJA also provided frequent and helpful assistance as did Mr. Andy Mitchell.

Colleagues at Michigan State University's School of Criminal Justice offered much help and insight during the research and writing phases of the project. Very special note is due John McNamara, Professor in the School, for his detailed and particularly insightful comments on drafts of the manuscript. His grasp of LEAA history and his in-depth understanding of the period contributed greatly to this project. Mr. Rodney Witt, PhD candidate in the School of Criminal Justice and former director of a criminal justice regional planning unit, provided expert staff support for the entire project. Mr. Witt's knowledge about and feel for the nuances of the LEAA program helped in the shaping of the project, in designing data collection instruments, and in analyzing findings. He was usually the first to review and critique drafts of the written material and his comments proved most helpful. Katherine McCracken of the Social Science Research Bureau at Michigan State University provided her characteristically top-notch assistance in editing Chapters 1 through 5. As usual, her suggestions have markedly improved the final manuscript.

Reviewers of the manuscript are also due recognition for the time they spent in reading the draft manuscript and for the insightful and helpful suggestions they made for revisions. The reviewers included Mr. Mike Lavin, Dr. Jack D. Foster, and Professor Lloyd Ohlin. Their efforts are greatly appreciated as are the efforts of those who agreed to write the position papers that comprise Part Two. Finally, recognition is due Mr. Thomas J. Madden not only for his contribution of

Chapter 2, but also for his helpful and informed perspective about the LEAA program.

R. Thomas Parker, Executive Vice President of the National Criminal Justice Association, conceived of this project, and his encouragement and support have been crucial to its completion. His efforts and professional support are a credit to himself and to the NCJA.

Finally, however, those of us who wrote for this volume are ultimately responsible for what we have said, although all of us have profited greatly from the comments of friends, colleagues, and reviewers.

JKH
East Lansing, Michigan
November 30, 1983

Introduction

The Law Enforcement Assistance Administration produced marked changes and improvement in criminal justice, and many of the changes form the basis for future innovation and development. Although LEAA did not achieve all that its proponents hoped, there clearly is an LEAA legacy worth examination. Part of the legacy resides in what has been learned from mistakes. Part may be found in understanding what worked. And part resides in what remains after the effort.

Few if any of LEAA's legislative authors saw the program as an experiment. Yet clearly, many of its key legislative and program features (its objectives, funding provisions, and approach to intergovernmental crime-fighting relationships) were new and, thus, untested. In this sense, the program was experimental and no experiment is without substantial trial and error. So, too, efforts to improve any complex system such as criminal justice will be full of blind alleys and characterized by painfully slow progress; the twelve-year, federally led LEAA effort had its share of both. Yet even the casual observer, looking back from the vantage point of the early 1980s, must see a criminal justice system substantially improved over that of the late sixties. The criminal justice landscape is different, and is different because of LEAA.

Perhaps most importantly, however, and as a result of LEAA, attitudes and beliefs about crime and knowledge and skills to deal with it effectively have evolved significantly and provide the foundation for additional and substantial innovation—not only the attitudes and beliefs of system professionals but those of the general public as well. As the lead editorial of the New York Times on April 21, 1982 put it, "Whatever it did not do, LEAA advanced public understanding of criminal justice out of kindergarten and through some primary grades . . . [and LEAA's] successes demonstrate that Washington can in fact do much to help local law enforcement." With regard to the change that LEAA sought to prompt, it can be argued that the toughest part of change, that of initial experimentation and searching, has been passed through. The LEAA effort played a key role in this rite of passage, and this is not an insubstantial accomplishment.

Specific advances in criminal justice prompted by the LEAA initiative include the development of criminal justice system personnel through education and training programs; increased use of technology

in many forms to improve efficiency and effectiveness; the advancement of planning, coordination, and cooperation among system components; growth in the use of both research and information systems to improve the development, monitoring, and evaluation of agency programs and activities; and the inculcation of more sophisticated understandings of crime and means for dealing with it. Also notable are the testing and implementation of many program innovations—for example, Career Criminal, PROMIS, ICAP, STING, and TASC—programs targeted toward more effective systemic management of agency response to crime.

There have been numerous prior assessments of LEAA. Most of these, however, have had a national focus—that is, determining what happened at the national level and using nationally oriented criteria for measuring success and for evaluating what was accomplished. The analysis that follows differs from most previous assessments because added attention is directed toward the state and local levels, determining what happened at these levels and using criteria germane to their needs and goals to determine what was accomplished and what of value remains. This seems appropriate if for no other reason than that LEAA was intended primarily as a means of funding innovation and development at the state and local levels.

A Context for Assessment

Many of the goals set early on for LEAA were clearly unrealistic, having been dictated in part by the original legislation and by the political rhetoric of the age: to wit, a "war on crime." No system of crime-fighting agencies can be expected to eradicate crime when the causes of crime are outside its control in the broader social, cultural, and demographic environments. The critics of LEAA nonetheless held the effort accountable in terms of such goals. Failure was guaranteed because of rather strict assumptions about what could be accomplished within a relatively short time frame, especially as the changes required in systems and organizations to achieve the goal would of necessity have to be substantial. What seems principally to have been ignored is that complex systems and organizations of necessity change slowly, and that one of the most time-consuming aspects of such change is alterations in beliefs and attitudes and the development of knowledge and skills required to implement change, particularly so when goals and expectations are set high.

LEAA should be understood and assessed from within the context

of similar federal programs of the age, all of which were a part of the "great society" approach to public policy and social change. As the last major piece of great-society legislation, LEAA's objective as seen by Congress was to "make war on crime." Like Pearl Harbor, the riots of the sixties mobilized public opinion and political sentiment to take action. And like the mobilization for World War II, LEAA's objective was not merely containment but rather effective control and even amelioration. The politicization of the war on crime had its special effects as well. During the 1964 presidential campaign, Barry Goldwater effectively focused public attention on the crime problem. President Johnson's response was to develop federal programs of assistance to state and local criminal justice agencies (law enforcement primarily). The Nixon Administration endowed LEAA with both power and money to win the war against crime through technology. No one is likely to have seriously believed that the effort would eradicate crime, but the generally accepted goal was significantly to reduce its occurrence and effect. And clearly the objective for many was to return the nation to times past when, as it was assumed somewhat inaccurately, crime had been far more exceptional than commonplace in every day life.

The means chosen to pursue this goal was federally led innovation through discretionary grants and block grants to the states, with strings attached to ensure that the "right" things were done. The block-grant concept was consistent with the view of the age that the revenue-generation capability of the federal government to fund innovation, improvement, and change far outstripped that of any other level of government. And in an age of affluence, money was often assumed to be the solution to problems (e.g., with enough funding, a man could be put on the moon and safely returned; with enough money to fund research, cancer could be controlled in our lifetime; with enough money, manpower, and materiel, the war could be won in Vietnam).

Because the capability of the states and localities to provide equally and effectively for all of its citizens varied widely, federally led innovation was also taken to mean federal leadership. Thus, strings were attached to the awarding of block grants to ensure that certain minimal conditions were uniformly met and in such a way that substantial innovation and improvement would be possible. To no one's great surprise this led to substantial conflict between the national and state governments over program priorities and methods. The situation was further exacerbated by conflict between the cities and the states,

with the former complaining vociferously that federal funds should be targeted directly to the cities where crime most seriously manifested itself. In an effort to balance these interests, LEAA, in the early days, was ruled by a troika to ensure an appropriate balance among these political interests. Yet, the troika arrangement did more to guarantee misdirection and confusion than it did to guarantee an effective policy and program balance.

Many other difficulties were encountered as policy was put into action. Quite probably the greatest difficulty was the inability to achieve and to demonstrate measurable reductions in crime rates. Indeed, reported crime grew alarmingly during much of the LEAA period and directly challenged not only the prime political goal of LEAA but the underlying concept that money solves problems. Few considered whether these increases in reported crime rates were at least partially attributable to more accurate reporting procedures engendered through LEAA efforts.

It was also incorrect to assume that "nationalization," prompted by New Deal policies and by the realities of meeting the challenges of World War II, had effectively minimized states rights, making the acceptance of federal strings and controls by states and localities something easily accomplished. The complexities and constraints inherent in setting national standards and national priorities and offering these to the states and localities for acceptance were rarely fully appreciated. Tremendous variations among states and from one locality to another in priorities, in preferences in policy and programs, and in the kinds of community problems faced could not be easily or quickly reduced. And, as many will effectively argue, the lifeblood of American federalism is that local and regional variations are not only a fact of life but are necessary.

There was also a rather pronounced imprecision in the legislation itself about crime and how to deal with it. Comprehensive planning was touted as one means of dealing with crime, but operationally no one really knew what this included. Coordination among components of the system was also advanced as necessary, but the impediments to getting historically and constitutionally independent agencies to cooperate were often underestimated. And the introduction of technology and sophisticated hardware, although offering concrete indicators of an LEAA effort, were found to be by themselves insufficient devices for improving system performance. Perhaps most importantly, the legislation and political commentary surrounding its passage gave the

impression that matters would improve rapidly if only comprehensive planning, coordination, and hardware were sufficiently funded. This was most unfortunate because the complexity of the crime problem was thereby minimized and substantially false expectations were created about how easily the crime problem could be dealt with.

In sum, the context for assessing the LEAA effort and for identifying its legacy is much broader than any simple-minded notion of mounting a war on crime through the use of federal funds to bring new technology into the criminal justice system. The far more appropriate context for assessment is to examine LEAA's role as the primary change-agent in a very complex system—that role arising out of numerous assumptions inherent in great-society programming and confronting the realities of crime as well as the realities of American federalism and diversity. The pertinent questions for assessment are what of value happened and what of value remains.

Contents

The material that follows is presented in two parts. The first part, divided into five chapters, is an assessment of the LEAA effort in general and more specifically of the LEAA program at the state level. *Chapter 1* sets the stage for the assessment by examining the social, cultural and political contexts for the "war on crime." It briefly examines the history of federal involvement in state and local crime-fighting efforts, and looks in some detail at the events and forces between 1960 and 1968 that were particularly important to the shaping of the 1968 Crime Control and Safe Streets Act. *Chapter 2* focuses attention on the enabling legislation and its subsequent amendments and on the resulting kaleidoscope of LEAA administrative arrangements and policies that evolved between 1968 and 1980.

Chapter 3 examines the LEAA program in the states between 1968 and 1980. Of particular concern are the formal and informal administrative structures and procedures adopted by the states and by their state planning agencies (SPAs). We also examine in this chapter how federal legislative goals and objectives came to be defined and redefined at the state level, what the programmatic and funding priorities were and evolved toward, and what the major strengths and weaknesses were of the LEAA program in the states.

In all there are four phases of development in the states to account for. The first covers the period from 1968 to about 1973 and may be seen as developmental. The second, running from 1974 to about 1977,

includes further development and maturation. The third (1977-1980) encompasses moderate reconfiguration, heightened challenge, decline, and demise of a federally led initiative. The fourth, beginning in 1980 and running into the near future, covers the period of LEAA phase out and the return to a criminal justice system that is without substantial federal-grant support. Chapter 3 concerns the first three phases. *Chapter 4* examines the phase-out period (1980 to 1982) and presents data collected in 1983 concerning the survival of LEAA-initiated institutions and programs at the state level and reaches some conclusions about the present situation and that in the near future.

Chapter 5 ends the first part of the report with a general assessment of what can be learned from the LEAA experience, providing a summary view of what seemed to work, what didn't, and why. But ultimately, the most important questions addressed in this chapter are the following: (1) What difference, if any, did LEAA make? (2) What of value remains? (3) What can be learned from the LEAA experience? Answering these questions is, finally, the objective of the entire assessment, but in chapter 5 the objective is to summarize the most salient points.

Part two of this volume is a compilation of papers that focus attention on the LEAA legacy within specific criminal justice components: law enforcement, corrections, the courts, prosecution, and at city/county levels of government. The National Criminal Justice Association invited five experts each to prepare a paper on one of these components. They were asked to address what the contributions of LEAA had been to their respective fields, what legacy remained, and what lessons could be learned. The resulting papers comprise part two of the report.

Chapter 1
THE ORIGINS OF LEAA

There is a lengthy history of criminal justice system reform beginning in the Progressive Era and running to the present.[1] Part of that reform movement has included a long-term and inexorable drift toward what has been referred to as the "nationalization of crime."[2] The creation of LEAA gave recognition to the fact that crime is not just a local problem, but one far more complex and multi-jurisdictional in scope than heretofore admitted. With the creation of LEAA, a more substantial and sophisticated federal, state, and local partnership to fight crime was envisioned.

The political environment that shaped the birth of LEAA provides a context for interpreting what LEAA became, for understanding what worked, and for understanding what didn't, and why. Part of the environmental context resided in the public's fear of crime and part certainly resided in subsequent political responses that were meant to garner political support as well as genuinely to respond to public concerns about crime. Importantly, however, the legislation also grew out of public fear over the riots and other mass disturbances of the mid- and late sixties. The crime bill of 1968 was a reaction to these crises and was passed in a crisis environment. As a result, many of its programmatic features were untested and not very well thought-out measures that not only promised too much but adopted rather simplistic notions about the causes of the crisis and how it could be ameliorated.

But it would be a mistake to assume, as some have assumed, that the crime bill and LEAA were created from scratch without some prior experience with federal assistance to state and local units of government in dealing with crime. There is a substantial record of federal involvement beginning in the early twentieth century and building to comparatively substantial proportions before 1968. Much of what came to be incorporated in the Crime-Control Act of 1968 was philosophically consistent with this experience and the lessons learned from it. Some of it, however, was not.

The Environment for Criminal Justice Innovation

Herbert Packer believes that two prescriptive models of the criminal justice process have guided criminal justice reform movements over the last several decades. The models have substantially different policy implications for criminal justice reform in general and for nationalizing society's response to crime more particularly.[3] The *crime-control model* emphasizes efficient and effective performance of the criminal justice system through detection, apprehension, conviction, and incapacitation of offenders—done swiftly, efficiently, and with certainty. Alternatively, the *due-process model* is oriented toward protecting the rights of the individual, especially the powerless, and toward getting at the root causes of crime (poverty, discrimination, inadequate education and lack of opportunity). Although the two models need not be set in opposition to one another, the attachment of the crime-control model to conservative political ideologies and the due-process model to liberal political ideologies resulted in just that. The public debates and comments of those political leaders who helped shape the Safe Streets Act reflect that Packer's two models were set in substantial opposition to one another.

Presidential politics also obviously helped to shape the 1968 Safe Streets Act. In both the 1964 and 1968 presidential campaigns the major-party candidates displayed wide differences over the practical meaning of federalism (national and state relations and respective powers). And as an extension of this general debate, conservative Republicans were greatly concerned with the possible federal encroachment of state police powers, while liberal Democrats championed the qualities of federal "leadership" in the fight against crime. The public debate and legislative aftermath pitted liberal against conservative, rural against urban interests, states rightists against "federalists," segregationists against integrationists, and the establishment against the hippie. But most importantly, a heightened public fear of crime, supported in part by rising crime rates and by large-scale public disorders is probably chiefly responsible for what to this day has been the most massive and concerted federal effort to control crime.

The Fear of Crime and Civil Disorder

From roughly the close of World War II to 1960 crime rates increased comparatively slowly and some rates for violent crimes actually decreased. Indeed, in the 1950s Sociologist Daniel Bell argued that

the United States was then probably safer from crime than the nation had been twenty-five, fifty, or a hundred years earlier.[4] Beginning in 1963, however, rates of reported crime dramatically increased. From 1960 to 1974 there was an increase of over 200 percent in total reported crime; and violent crime rates, adjusted for population changes, grew even more dramatically (over 300 percent in some cases).[5] The reasons for these apparent increases continue to be debated, but several factors seem clearly to have been involved: (1) disproportionate growth in the crime-prone fifteen- to twenty-four-year-old population bracket; (2) increased drug usage; (3) the growth of affluence, rising expectations, and materialism creating new opportunities for crimes related to possessions, goods, and services; and (4) the greater reporting of crime by the public.

To put matters in perspective, a distinction must be drawn between changes in *actual* crime levels and changes in levels of crime reported. Statistics about rates of reported crime, coming mainly from the Uniform Crime Reports (UCR), are subject to substantial error and interpretive manipulation and were particularly so before 1970.[6] And not all crime is reported. On the basis of victimization surveys, for example, there have been estimates that less than half of all crime is reported.[7] Even more revealing for our purposes, victimization survey data for the period 1973 through 1978 indicate a relatively stable rate of crime; UCR data for the same period indicate substantial increases, perhaps reflecting not so much a growth in overall crime levels as a growth in the proportion of crime reported.[8] Nonetheless, it is clear that *reported* violent crime increased steadily after the late fifties and contributed greatly to a heightened public fear of crime. And with actual crime levels probably double that reported, it is little wonder that Barry Goldwater was able to turn crime into a major issue during the 1964 presidential campaign. Both the facts of crime and the politics of the 1964 election succeeded in engendering a widespread public fear of crime that pushed aside any technical consideration about the accuracy of crime statistics and reported crime trends.

But it was not "traditional crime" that created the greatest fear. Civil disorders evolving out of reactions to discrimination as well as out of broad-based challenges to the established order contributed greatly to the public hysteria over crime in the mid-sixties. In 1967 alone over 150 American cities reported riots and disorders. Nonviolent civil disobedience, urban race riots, political and antiwar demonstrations all were manifestations (in the public view) of the crime problem

and became major public symbols of decay in the quality of life and of the subservience of the world's most powerful country to crime. Unfortunately, when it came to action, distinctions between traditional forms of criminal behavior and those arising out of basic social unrest and disruption were blurred; great confusion resulted in subsequent action programs meant to address this complex crime and social disorder phenomenon. The point lost in the furor was later clarified by Nicholas Katzenbach in 1969:

> There is no real connection between the rise in street crime and other forms of civil disorder. If there had been no "Negro revolution," no civil-rights movement, no riots, no war in Vietnam, no political furor about four-letter words, and no change in the law or its interpretations by the Supreme Court, we would still have a serious and growing crime problem.[9]

The fear of crime, especially violent crime, is not the product of hobgoblins and ghosts; the bases of fear are real. The United States is today the most violent of the world's developed industrial democracies (it has a homicide rate, for example, almost double that of any of these other industrialized nations).[10] Further, all types of crime considered, figures indicate that nearly a third of all American households were subject to some kind of criminal behavior in 1980. Of course, the fear of crime is nothing new in the nation's history. Beginning in the twenties there arose substantial fear over organized crime. In 1947 J. Edgar Hoover called attention to the alarming rate of delinquency increase, and many authors have noted that the 40s and 50s reflect a national anxiety about juvenile crime. During the 1950's the National Institute of Mental Health set up a center for delinquency and crime studies, and was, during this period, a major source of research and demonstration-project funds for inquiry into the causes of crime.[11]

There had been riots before the mid-sixties, most notably in 1943 in Detroit, Los Angeles, and New York. And the depression itself spawned several public events with "crime-fearing" and public-disorder implications: militant unionization efforts and the stimulation of socialism and communism. The marijuana scare of the mid-thirties, the communist scare of the fifties, and the increasing prevalence of drug usage during the fifties and early sixties were all part of the national awareness before the mid-sixties.

What made the public fear of crime particularly strong by the mid-sixties, however, was that all of these threats to "law and order" seemed

to hit the nation particularly hard at once. The dimensions of the public's fear were clearly registered in a 1966 nationwide survey conducted by the National Opinion Research Center that found that citizens listed race relations and crime as the nation's most serious domestic problems.[12] And in January of 1968 Congressmen returning from the holiday break reported to Associated Press poll takers that their constituents were more concerned about crime than other public issues. Thus, crime became not only a national issue but a greatly political one as well, and a national solution in the guise of substantial federal assistance to states and localities gained ready acceptance.

A Federal Role in Crime Control

A comparatively massive and concerted federal role in crime control was without precedent in 1965. However, since the New Deal a general constitutional theory permitting such a role had evolved, and from the earliest days of the nation there had been numerous instances of direct national involvement in problems of crime and crime control. Of course the weight of constitutional interpretation and anti-crime practice has placed the greater burden of responsibility at the local level. And since the birth of the nation, public distrust and fear of a national police force has not subsided. But as a nation we have yet to develop a practical consensus about the degree to which police powers should be reserved to the states. Whenever there is discussion about enhancing the federal role, concerns are also voiced about encroachment on states rights. Indeed, the 1965 Law Enforcement Assistance Act took such concerns expressly into account and attempted to head off any accusation of federal encroachment.

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the organization, administration or personnel of any State or local police force or other law enforcement agency.[13]

The traditional constitutional interpretation giving states "sovereignty" over anti-crime activity is that of *dual federalism*."[14] As was stated most clearly perhaps in a 1936 Supreme Court opinion,[15] the federal government under dual federalism has powers only insofar as they are expressly delegated to it in the Constitution. Other powers not reserved to the people or expressly given alone to the federal government reside at the state level—among these powers, in partic-

ular, the police power. Yet, the doctrine of dual federalism is not without challenge among legal scholars and as a result of practice.

The alternative interpretation, espoused by the constitutional scholar Edward Corwin, is that of *cooperative federalism*.[16] Under it the national and state governments are in a partnership to resolve problems, including especially the resolution of those problems that threaten the public tranquility. Which level of government does what seems to be a matter of effectiveness (what combination of national and state effort best resolves the problem) rather than a matter of constitutional interpretation alone (questions about exclusive or reserved powers). Certainly, the New Deal era and its steady movement toward a larger federal role in nearly all domestic matters did much to bolster support-in-practice for cooperative and concurrent federalism, and it is probably no accident that Corwin first proposed the idea in 1937 after four years of New Deal legislation. Nonetheless, and most importantly for our purposes, Corwin notes that the best example of cooperative and concurrent federalism prior to the New Deal concerns the shared responsibility between national and state governments in the control of crime and disorder.[17]

From the eighteenth century on, events have forced an increasing federal role in anti-crime activity. Shay's rebellion in 1786-1787 and the Pennsylvania Whiskey Rebellion forced a federal response and strengthened the federal role in providing for domestic tranquility when state and local authorities were unable or unwilling to do so. President Hoover, concerned with rising crime rates associated with Prohibition, appointed the Wickersham Commission in 1929. The Commission produced a comprehensive report about criminal justice in the United States, and one of its volumes, "Lawlessness in Law Enforcement," called into question many of the practices of local law enforcement agencies, giving strong support to those critical of the behavior of local police. In the thirties bank robbery and kidnapping were made federal crimes. The U.S. Children's Bureau since its inception in 1912 has worked closely with those involved in dealing with juvenile delinquency at the local level. The Bureau and the National Probation and Parole Association published the Standard Juvenile Court Act in 1925. In 1927 the Bureau began publishing juvenile court statistics. In 1930 The Federal Bureau of Investigation was given the responsibility of collecting and reporting national crime statistics through the Uniform Crime Reports. By the late thirties, J. Edgar Hoover, director of the FBI since 1924, had established the FBI as a highly professional law

enforcement agency and had also established himself as the nation's "top cop."

Thus, by the end of the thirties, and regardless of constitutional debates among legal scholars, the doctrine of cooperative federalism appeared, with respect to anti-crime activity, to have significantly evolved. To be clear, however, the federal crime-fighting role evolving to this point did not include federal financial assistance to state and local governments. Rather, the evolving role seemed twofold. The first was "example" setting and the development of new ideas and technologies applicable to crime fighting. The second, consistent with federal powers to regulate interstate commerce,[18] recognized the necessity of federal law-enforcement activity where crime crossed state boundaries, and where states acting individually were incapable of effective prevention or enforcement. As the pattern and nature of crime expanded increasingly to cross political boundaries, the federal law-enforcement role expanded (e.g., the federal role in efforts against organized crime).

But an increasing federal role in nearly every other area of domestic policy (exclusive of crime until the mid-sixties) included federal grants-in-aid to states and localities. This began with New Deal legislation and grew to the point that by 1967 there were 379 intergovernmental grant programs, including by this time the Office of Law Enforcement Assistance (OLEA).[19] With these grants, however, came increasing federal control and, hence, reaction from states rightists. By the 1964 presidential elections, the challenge to states' rights had become a significant political issue, in part because of federal grant strings but also because of the effect of Supreme Court decisions (antidiscrimination and due-process cases particularly).

Through several landmark Supreme Court decisions, the Bill of Rights was made to apply directly to the conduct of the criminal justice system at the state and local levels, with the effect that decisions about what was permissible and impermissible behavior on the part of local criminal justice authorities was "nationalized." For example, evidence obtained through unreasonable search was disallowed,[20] the right to an attorney during investigation and interrogation was guaranteed,[21] individuals had to be warned that they have the right to silence and the right to an attorney,[22] and juveniles had to be granted the same due process rights as adults.[23] Many viewed these decisions (and others[24]) as directly hamstringing the efforts of local law enforcement officials to apprehend offenders and to secure convictions. By

the mid-sixties the due process revolution had begun to produce its own counterrevolution among states' rightists and conservatives who saw the states' police powers significantly eroded by the actions of the national court and more broadly by the general movement toward nationalization in all domestic policy areas, crime control included.

Thus, when LEAA and the federal effort directed against crime were introduced and debated, a mixture of opinions, viewpoints, and sentiments regarding states' rights and federal leadership were presented. On the one hand, the growth in federal grants, leadership, and anti-crime activities seemed to set the stage for a federal assistance effort. On the other hand, the doctrine of dual federalism and the primacy of local control of the police was still very much alive. To no one's great surprise the 1968 Safe Streets Act was a compromise of these various viewpoints.

Liberal Versus Conservative Viewpoints on Crime

It is always dangerous to characterize liberal and conservative viewpoints as monolithic and mutually exclusive ideologically supported positions. There are substantial differences in ideology and policy preferences among those referred to as "liberal" or as "conservative." Some conservatives, for example, emphasize authority and government's role in maintaining order, hierarchy, and discipline. Other conservatives emphasize laissez-faire policies and seek to minimize governmental interference in the lives of individuals. These differences are hard to reconcile under a single label, and caution is therefore to be advised.[25]

Conservatives and liberals do generally differ substantially when it comes to defining what a crime is, what the causes of crime are, and what is to be done about it. The deepening crisis of law, order, and justice confronting the nation in the mid-sixties evoked both politically liberal and politically conservative responses, and the responses were in very large measure set in opposition to one another. From the liberal point of view, crime was a product of poor education, poor housing, economic inequality, discrimination, and the lack of opportunity. From the conservative point of view, crime was a product of moral decay in society, disrespect for the law and for authority, a breakdown in the family unit, and the mollycoddling of offenders. Both of these positions reflect the eighteenth-century origins of modern conservatism and liberalism. On the liberal side greater attention is devoted to humankind's higher characteristics and basic decency; on the conservative side, there is a tendency for greater attention to be paid to the darker side and the need to control antisocial behavior. The conservative is much more ready to accept the existence of natural elites in society; the liberal is much more predisposed toward viewing these "natural elites" as power-wielding minorities who guide society for the benefit of the elite. For the liberal, crime is defined by the powerful elite according to their own self-interest, the law is differentially enforced against the rich and the poor, and the rights of the accused are different for the rich and for the poor. For the conservative, crime is simply breaking the law, disrupting social order, and threatening legitimate authority. From these two positions evolved many essential aspects of the debate about crime and the subsequent legislation to deal with crime.

By the mid-sixties the conservative and liberal orientations had fastened themselves onto several related areas of policy dispute that were subsequently bound closely to the legislative consideration of crime. The due-process revolution guided by the Supreme Court was applauded by liberal thinkers who saw in it the protection of basic human rights; conservative thinkers roundly condemned it for its supposed overindulgence of the criminal at the expense of society and its rights. Evidence to the contrary notwithstanding,[26] many conservatives felt that guaranteeing due-process rights to the accused made it more difficult for society to apprehend and to convict criminal perpetrators, and led to a loss of social control.

The civil rights movement also split liberal and conservative, although not cleanly. The goal of the civil rights movement to redress discrimination and to broaden opportunities for all was more attractive to liberals; but some of the tactics employed by the civil rights movement, including violent and nonviolent civil disobedience, were viewed as particularly threatening by conservatives (especially Southern conservatives) who saw in these tactics not only a threat to the order of society but to the status quo. For the liberal, the lack of civil rights was a cause of crime; for the conservative, civil disobedience in any form was a part of the crime problem, contributing to further social decay and disorder.

The federal role in both the due process revolution and the civil rights movement fueled resentment among states' rightists against the ever-widening sphere of federal-government control and "manipulation" of state and local prerogatives. The issue of states' rights was of course a prominent one from the beginning of the New Deal; yet,

many conservatives had come to accept the necessity of several "liberal" New Deal programs such as social security and grants-in-aid to the states, and many begrudgingly acceded to federal strings attached to these programs. However, a peculiar feature of American political conservatism is its preference, when it comes to matters of domestic affairs, for local and state control and disdain of a strong, highly centralized national government. The New Deal liberalism of Franklin D. Roosevelt was more nearly attuned to the concept of cooperative federalism and to an expanded and strong federal role in domestic affairs. Already threatened by a pervasive growth in federal powers, conservatives by the mid-sixties were at the breaking point because of the due process and civil rights movements; crime was a problem and needed to be dealt with but not at the expense of further erosion of states' rights and state and local control of the criminal justice process.

In 1958, under a grant from the National Institute of Mental Health, a program entitled Mobilization for Youth began planning a client-oriented approach to youth needs. In 1961, the President's Committee on Juvenile Delinquency and the Office of Juvenile Delinquency continued this by focusing programs more directly toward the *needs* of juvenile clients. Many observers believe that these efforts are examples of what was then a new kind of liberal approach to solving social problems—including the problem of crime. From an anti-crime perspective the new "liberal" approach was consistent with Packer's due-process model and from a broader social-programming perspective it was a precursor to the great-society programming of the Johnson era.

Republicans and Southern Democrats were the conservative opponents of liberal Democrats, especially those liberal Democrats from the industrial Northeast. By the 1964 presidential elections conservative and liberal partisan lines were clearly drawn, with Barry Goldwater championing the former and Lyndon Johnson the latter. Goldwater emphasized states' rights, retreat from federal encroachment, clamping down on social disruption arising from civil disorder and the civil rights movement, reversing the moral decay of society, and reversing the negative consequences of the due-process revolution on the criminal justice system's capability of fighting crime. Lyndon Johnson championed the great society and its attendant implications for increased federal funding across the whole range of social programming; crime in Johnson's view was caused by unequal opportunity, poverty, lack of education, and by a decline in the quality of life in

the urban core. Goldwater's remedies included reversal of Supreme Court due-process decisions, stiffer punishment for offenders, and a resurgence of moral leadership. Johnson's remedies resided in the Great Society and its longer-term "cures."

Crime-Fighting Events: 1965-1967

Johnson was no doubt reluctant to involve the federal government in a massive crime-control effort. In part the reluctance grew out of a fear that any massive federal role would be misinterpreted as invasion of states' rights and local control over the administration of justice.[27] Further, crime control taken to include the adoption of stronger (perhaps more repressive) means of dealing with crime and civil disorders would seem at odds with the objectives of the antipoverty and great-society programs. Senator Goldwater also avoided prescriptions that included an expanded federal role, largely because he seemed to have felt that the long-term solution to the crime problem lay with re-establishing a proper moral climate (something hardly to be undertaken by the federal government) and because of his opposition to further federal encroachment on states' rights.[28]

Nonetheless, Johnson won the election and was faced with the necessity of dealing with a thorny political issue created by his opponent. If nothing was done and crime continued to emerge as a national issue, it might form a backlash among middle-class whites, focusing their attention on "reactionary" solutions such as repressive crime-control legislation at the expense of the "liberal" solutions proposed by the great society.[29]

President Johnson offered a solution in March 1965 in a presidential message on crime entitled, "Crime, Its Prevalence, and Measures of Prevention." The proposed solution was consistent with a limited federal role and gave the appearance of doing something about crime by calling for two distinct actions. The first was to create a National Crime Commission, and the second was to establish a grant-in-aid program for law enforcement. The Commission was to "deepen our understanding of the causes of crime and how our society should respond to the challenge of our present levels of crime." Inherent in the idea of establishing a commission was an unwillingness readily to accept the conservative view that crime was caused simply by moral decay and that its amelioration resided in more rigorous crime-control activities by government. Establishing the Commission also gave con-

scious recognition to the fact that little was known about the nature of crime, how and how well criminal justice agencies performed, and what the range of solution options were.[30]

The objective of the grants-in-aid progam was limited to funding innovative programs in law enforcement agencies. The intent was not to foster a massive infusion of federal funds into state and local law enforcement efforts: a modest, by today's standards, $10 million dollars a year was requested for the grant program. And to make this limited objective quite clear, Attorney General Nicholas Katzenbach, testifying before the Senate Judiciary Committee in 1965 set the stage for what would become a major criticism and reason for termination of the LEAA program some fifteen years hence. Katzenbach's statement was also a harbinger of the kind of federal role increasingly judged of merit by a nation moving into the decade of the eighties.

> A massive federal *subsidy* (emphasis added) program is, in my judgment, undesirable. It would alter and undermine the traditional division of responsibility for law enforcement among federal, state and local jurisdictions. The Federal Government can, however, provide selective support for model programs, programs to show what is possible.[31]

Both the Commission and the grant program were approved without substantial negative reaction. Although conservatives may have looked on the commission idea as a delaying tactic, no one seems to have seriously argued against the idea of thoroughly examining the issue of crime. And as the grant program was to have limited objectives and would transport badly needed funds to the state and local levels, few objected about this either.

Curiously, the criminal justice system itself did not lobby heavily for the legislation, nor did it seem either to reject or to fasten on to the "solutions" proposed in Johnson's crime message. Gerald Caplan has commented on this curious lack of effort, offering a possible explanation for it:

> Unlike the beneficiaries of other federal money programs, the prospective grantees had not been instrumental in the passage of the Law Enforcement Assistance Act . . . . In all likelihood, the coolness of criminal justice officials stemmed less from ideological misgivings than from a basic desire to be left alone . . . . Police chiefs were calling for more men on the streets, and, . . . the chiefs opined that the crime trend could be reversed by the police; few chiefs claimed otherwise, but restrictive Supreme Court decisions were deemed the roadblock, not a lack of resources for research and experimentation . . . . Of the numerous resolutions passed at the annual conventions of the International Association of Chiefs of Police and other national police organizations, none called for financial aid, and few police departments sought grants from public agencies or private foundations.[32]

In Caplan's view, Johnson's proposals were confronted by an atmosphere of apathy and suspicion in the criminal justice community. In Washington, however, the proposals seemed to give everyone (conservative and liberal alike) the opportunity to appear responsive to the crime problem. But the critical issues of states rights versus federal encroachment, of the due-process revolution, of civil disorder, and of crime in the street were not resolved by President Johnson's 1965 legislative proposals. Those issues would be focused upon more directly in the debate over the Safe Streets and Omnibus Crime Control Bill of 1967-1968.

If the creation of the President's Commission met with little fanfare, its report delivered in 1967 produced volleys of reaction, both positive and negative. It was by all accounts a liberal report focusing attention not on issues such as moral decay, reversing due-process guarantees, or strengthening the order maintenance and enforcement functions per se of criminal justice agencies. It was not the get-tough set of proposals championed by Goldwater during the 1964 campaign and by other conservatives later. Rather, it spoke at some length about the underlying causes of crime:

> The Commission finds, first, that America must translate its well-founded alarm about crime into social action that will prevent crime. It has no doubt whatever that the most significant action that can be taken against crime is action designed to eliminate slums and ghettos, to improve education, to provide jobs, to make sure that every American is given the opportunities and the freedoms that will enable him to assume his responsibilities.[33]

The 202 recommendations issued by the Commission were almost without exception very general in nature and did not propose specific actions to be taken in the short run that would begin to have an immediate effect on the crime problem. To the Commission's credit,

the findings and recommendations were based on the most comprehensive review ever undertaken of the nature and causes of crime, of the performance and capability of the criminal justice system, and of the problems confronted by that system. Criticism was levelled not so much against the Commission's findings and conclusions as against its failure to offer concrete suggestions for meaningfully affecting crime in the *near* term.[34] This too would be addressed if not resolved in the debates surrounding passage of the Safe Streets Act in 1968.

Safe Streets: The Panoply of Conflicting Views

By 1967 reports of crime continued to paint an increasingly gloomy picture. Civil disorders of massive proportions engulfed several American cities during the summers of 1965, 1966, and 1967. Public ire and concern required a federal response greater than that made under provisions of the 1965 Law Enforcement Assistance Act. In response, President Johnson sent Congress a legislative message on crime (his third) that included a proposed bill entitled, "The Safe Streets and Crime Control Act of 1967." The President's message was delivered on February 6, 1967, and thirteen days later the President's Commission issued its long awaited report. The timing of the two events was not accidental, and the title of the President's bill was calculated to elicit maximum positive political response.

The Safe Streets Bill recognized the primacy of state and local police powers; all of its provisions were aimed at *assisting* the states in performing their functions rather than at taking over those functions or unduly interfering in the performance of them. Specific provisions included proposals of assistance to modernize equipment, to reorganize law enforcement agencies, to recruit and train law enforcement officers, to modernize the court system, to develop more effective rehabilitation techniques, and to set up effective crime-prevention programs. Even though several portions of the bill offered assistance to corrections and the courts, there was an apparently widespread assumption held in Congress as well as by the public that the assistance was primarily, if not exclusively, aimed toward law enforcement. Both the President's proposed legislation and the subsequent report of his Commission gave forthright recognition to the concept of a criminal justice system—an interrelated and interdependent group of "crime-fighting" agencies.

Yet, during debate and passage of the legislation there was little to indicate that this concept received marked recognition or treatment.

The President's Safe Streets proposals were closely fashioned after the approach undertaken in the 1965 Law Enforcement Assistance Act. The grants would fund innovation and improvement in a variety of categories. Grant administration would be federally controlled under the Attorney General. There was much more money involved in the 1967 proposals, but the intent of grants-in-aid, as in the 1965 legislation, would be to make direct "categorical" grants. Cities with a population of fifty thousand or more (following the course laid out by other great-society funding ventures) would be eligible for action funds, but funding levels proposed were far smaller than those proposed for other great-society program efforts such as OEO.[35] This may have been a conscious effort to shield the crime proposals from the type of criticism then being levelled by Congress against OEO—namely, that OEO had gone in too fast with too much and had produced massive waste because the infrastructure was not available to manage the funds effectively.[36]

Although the President's funding and program proposals were limited to innovation and improvement that were likely to have a significant effect on the crime problem only in the long run, the public and Congress were for quicker fixes. Part of this disparity can be traced to President Johnson himself: in 1965 he charged his Crime Commission to find the ways not only to reduce crime but to "banish" it.[37] Later attempts by the President to retreat from this excessive goal were too late—the public was fixed on the notion of quickly minimizing if not eliminating crime. The President's Commission in its final report did not help in setting expectations straight: at one point it asserted, "America can control crime."[38] The Commission noted that it would not be achieved quickly or easily, but few heard that. Among other factors involved, the nation was moving through a period of unbridled faith in the power of money and especially in the power of federal expenditures to solve problems.

Chapter 2 will treat the legislative debates and final features of the Safe Streets Act in greater detail. However, there are aspects to that debate and to the changes subsequently made to the President's proposal that reflect the several competing social and political forces discussed above. Clearly, the state's prerogatives in exercising the police power were hotly at issue. So, too, the get-tough preferences of conservatives, largely ignored in President Johnson's legislative proposals,

were vociferously presented to counterbalance Johnson's rather "liberal" assumptions about crime. The due-process revolution came under scathing attack, as did the apparent inability of the system to control racial and other civil disorders.

Senate conservatives under the forceful leadership of Senator John McClellan (D-Ark.) led the fight to reverse Supreme Court due-process decisions (the Mallory, Escobedo, and Miranda decisions). Title II was added to the crime bill. Title II, although not directly reversing the Supreme Court decisions, had the effect of criticizing them and writing into law several key powers for the police that at least contradicted the intent of the Court's decisions. Other get-tough provisions included a successful attempt by Senate and House conservatives to add a dedicated $35 million to the grant program to be used strictly for riot control and for fighting organized crime. Conservative Southern Democrats were successful (temporarily) in having the requirements of Title VI of the 1964 Civil Rights Act made inapplicable to funds distributed under the crime bill. (Title VI empowered the federal government to terminate funding to state and local agencies who practiced discrimination.) Another conservative change permitted easier use of wiretapping.

All of these get-tough provisions of the crime bill reflected increasing success on the part of conservatives to convince the public of the necessity of harsher measures in dealing with the crime problem. And in many respects these measures were intended to provide a conservative response to the 202 recommendations of the President's Commission, none of which, by common agreement, would have an immediate effect on crime. Measures such as targeting more money toward controlling civil disorder and organized crime and taking the handcuffs off the police were proposed by conservatives as solutions with immediate effect.

These were substantial modifications of Presidential intent, but no set of modifications made in Congress had greater effect on the nature of federal assistance to states and localities than those made to the nature of the grant program and to its administration. One crucial change involved substituting block grants to the states for categorical grants to the cities. The general use of categorical grants in the great-society approach to programming had produced substantial state and especially local distress over seemingly endless miles of red tape and federal arrogance and interference with local prerogatives.[39] Echoing

these concerns and wishing them not to be repeated in any federal anticrime effort, Republican and Democratic conservatives led the fight for block grants. The block grants would be made directly to the states and would then be disbursed to the localities under plans developed by the states. Although counter arguments were made that this would increase the amount of red tape involved because of the pass-through at the state level, that there were now no state agencies capable of handling such a responsibility, and that the cities were the major centers of the crime problem,[40] the arguments were to no avail. The Governors' Conference went on record supporting the block-grant concept, and the cities were without sufficient support to prevent the change. The resulting Congressional majority supporting the block-grant change presented an interesting mix of ideological contradictions.

> The congressional arguments about the block grant presented an interesting irony. Conservatives favored grants to states as opposed to cities because cities were presumably politically liberal, Democratic, heavily populated with minorities. But at the same time, conservatives were advocating more money for hardware for police, and police are typically local and city—not state—agencies. Liberals, in contrast, who favored direct grants to the cities, also stressed improvements of the courts and corrections, which are mostly state agencies.[41]

Thus, the movement toward block grants was prompted by more than sentiment over states' rights and freedom from federal regulation. The cities were Democratically controlled, black, and centers of support for "liberal" positions. States' rights, partisan politics, and race relations combined to produce a majority in favor of direct grants to the states. And as further protection against unwarranted forays by federal bureaucrats into the affairs of the states, important changes were made by this same coalition in the locus of federal administration. President Johnson had proposed that the program be under the auspices of the Attorney General. But the Attorney General in 1967 was Ramsey Clark, whose reputation as a supporter of liberal views and programs was exceedingly well deserved. To conservative states' rightists it was threatening enough that federal administration of the program would carry the weight and authority of the Attorney General's Office;[42] but it was more than could be tolerated to have that plus a "blazing liberal" at the helm, especially when that issue was state

control of police powers.[43] To sidestep both the immediate as well as the longer-term problem of strong federal leadership, Congress created an LEAA administration independent of the Attorney General's Office, and it also placed administrative leadership in a "troika." No more than two members could be from any single political party. Further, the troika was intended to be particularly sensitive to state and local needs and priorities.

So what was intended by President Johnson to be a relatively straightforward program of federal financial assistance and leadership to localities in waging the war against crime underwent massive change at the hands of Congress. Besides the get-tough provisions added by Congress, the structural, administrative, and financial changes imposed by a conservative Congress on the legislation would drastically alter the nature of federal anti-crime assistance for the next fifteen years and set precedents far beyond that into the future. The OLEA concept of directed assistance seemed to be left far behind; in its place was an unprecedented infusion of federal anti-crime funds to states and localities with unprecedented restrictions on permissible federal strings.

> LEAA was embroiled in controversy throughout its history. The conservative mood of the Congress in 1967-1968 shaped the agency's structure. In an effort to prevent the accumulation of power in a Washington bureaucracy, Senators McClellan and Hruska imposed a decentralized structure upon the agency. Eighty-five percent of the "action" grant funds were to be distributed to the individual states in the form of "block grants.". . . Under the block-grant system, LEAA virtually abdicated responsibility for establishing priorities or monitoring the use of funds. The SPAs (State Planning Agencies) were controlled by state and local criminal-justice officials. . . .[44]

Regardless of the changes made in Congress to add get-tough provisions into the legislation and to decentralize the administrative and grant structure, the Safe Streets Act did incorporate two key recommendations of the President's Commission. In its 1967 Report the President's Commission recommended that state and local governments establish "formal machinery for planning" in criminal justice. The process of establishing state planning units had begun under OLEA. In March of 1966 President Johnson in his second crime

message urged that each of the fifty governors establish state crime planning commissions to maintain contact with the work of the President's Crime Commission. By the middle of 1968, 37 states had done so with the assistance of OLEA funds, and a few more had done so without federal assistance.

The Commission also noted that federal financial assistance to meet state and local criminal justice needs had to be far greater than that provided under OLEA. The 1968 Safe Streets Act mandated the creation of State Planning Agencies, and it increased by over tenfold the amount of federal assistance going to the states and localities. Thus, regardless of conservative victories to ensure that states' rights would be honored, the Act clearly expanded the role of the federal government in the anticrime effort, continuing an inexorable process begun many decades earlier.

On April 4, 1968, Martin Luther King was assassinated and riots engulfed over 100 American cities; 39 people died, over 20,000 were arrested and property damage exceeded $30 million. On June 5, 1968, Robert Kennedy was assassinated. On June 19, 1968, the Omnibus Crime Control and Safe Streets Act was signed into law by President Johnson. LEAA, and a new kind of federal partnership with the states in controlling crime, was off and running. However, a key provision attached to passage of the Act was that $39 million earmarked for riot control was to be spent by August 1, 1968 (giving the newly created Law Enforcement Assistance Administration less than six weeks to organize from scratch and to spend nearly $40 million). The riots following King's assassination had touched Washington, D.C., itself. Congressmen had seen "Washington burning."

That passage of the Bill would include marching orders for doing something immediately about the riots revealed a great deal about Congressional crime-fighting priorities. For many the priority was simple enough: the most pressing crime-fighting need would be met by quickly moving the money to defend against the urban riot. Yet, this effectively ignored Katzenbach's point that street crime and civil disorder had no real connection. The mandate to move an express amount of money by a certain date probably reflected the popular belief that federal money (on its own) solved problems. Thus, the more quickly money was moved, the better. As will be seen, "moving the money" occupied much of LEAA's time and that of its critics, perhaps as some would argue, becoming an end in itself.

Notes—Chapter 1

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5. Walker, op. cit., p. 128.

6. Wesley G. Skogan, "Measurement Problems in Official and Survey Crime Rates," *Journal of Criminal Justice* 3, no. 1 (Spring 1975), p. 21.

7. See, for example, *Criminal Victimization in the United States 1979*, Bureau of Justice Statistics, U.S. Department of Justice, p. 15.

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9. Nicholas deB. Katzenbach, in Richard Harris, *The Fear of Crime* (New York: Frederick A. Praeger, 1969), p. 7.

10. See, for example, *Statistics Canada,* Canadian Centre for Justice Statistics, January, 1982.

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15. U. S. v. Butler, 296 U.S. 1 (1936).

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17. Ibid., p. 612.

18. The Constitution of the United States of America, Section 8.3.

19. Advisory Commission on Intergovernmental Relations, *Categorical Grants: Their Role and Design* (Publication No. A-52, 1978), p. 25.

20. Mapp v. Ohio, 367 U.S. 643 (1961).

21. Escobedo v. Illinois, 364 U.S. 478 (1964).

22. Miranda v. Arizona, 384 U.S. 436 (1966).

23. In re Gault, 387 U.S. 9 (1967).

24. Terry v. Ohio, 394 U.S. 1 (1968); Gideon v. Wainwright, 372 U.S. 335 (1963).

25. See, for example, Kenneth M. Dolbeare and Patricia Dolbeare, *American Ideologies* (Chicago, Markham Publishing Company, 1971).

26. Richard Harris, *The Fear of Crime*, (New York, Frederick A. Praeger, 1968), p. 10. Also see Walker, op. cit., p. 231.

27. Lyndon Johnson, *The Choices We Face* (New York: Bantam Books, 1969), p. 125.

28. See Caplan, op. cit., p. 586.

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31. Hearings on S. 1792 and S. 1825 before a Subcommittee of the Senate Committee on the Judiciary, 89th Congress, 1st session (1965), p. 7.

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33. The President's Commission on Law Enforcement and Administration of Justice Report, op. cit., p. 15.

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36. Thomas E. Cronin, Tania Z. Cronin, and Michael E. Milakovich, *U.S. v. Crime in the Streets* (Bloomington: Indiana University Press, 1981), p. 32.

37. Public Papers of the Presidents of the United States, Lyndon B. Johnson, 1965 (1966) pp. 982-83.

38. The President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (New York, Avon Books, 1968), p. 621.

39. Cronin, Cronin, and Milakovich, op. cit., pp. 50-53.

40. Law Enforcement Assistance Administration, Office of General Counsel, "Index to the Legislative History of the Omnibus Crime Control and Safe Streets Act of 1968," January 23, 1973, p. 117.

41. Cronin et al., op. cit., p. 51.

42. LEAA, Office of General Counsel, op. cit., p. 240.

43. Ibid., p. 238.

44. Walker, op. cit., p. 237.

26. Richard Harris, *The Fear of Crime*, (New York, Frederick A. Praeger, 1968), p. 10. Also see Walker, op. cit., p. 231.

27. Lyndon Johnson, *The Choices We Face* (New York: Bantam Books, 1969), p. 125.

28. See Caplan, op. cit., p. 586.

29. Walter B. Miller, "Ideology and Criminal Justice Policy: Some Current Issues," *Journal of Criminal Law* and *Criminology* 64, no. 2 (June, 1973), p. 141.

30. Caplan, op. cit., p. 590.

31. Hearings on S. 1792 and S. 1825 before a Subcommittee of the Senate Committee on the Judiciary, 89th Congress, 1st session (1965), p. 7.

32. Caplan, op. cit., pp. 593-594.

33. The President's Commission on Law Enforcement and Administration of Justice Report, op. cit., p. 15.

34. See, for example, James Q. Wilson, "A Reader's Guide to the Crime Commission Reports," *The Public Interest*, Fall, 1967, p. 65. Also see, Henry Ruth, "To Dust Shall Ye Return?", *Notre Dame Lawyer* 43 (1968), p. 811.

35. *The Budget in Brief*, Executive Office of the President, Bureau of the Budget, U.S. Government Printing Office. See these for the years 1965-1969.

36. Thomas E. Cronin, Tania Z. Cronin, and Michael E. Milakovich, *U.S. v. Crime in the Streets* (Bloomington: Indiana University Press, 1981), p. 32.

37. Public Papers of the Presidents of the United States, Lyndon B. Johnson, 1965 (1966) pp. 982-83.

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41. Cronin et al., op. cit., p. 51.

42. LEAA, Office of General Counsel, op. cit., p. 240.

43. Ibid., p. 238.

44. Walker, op. cit., p. 237.

Chapter 2

LAWS AND REGULATIONS GOVERNING THE LEAA PROGRAM

Thomas J. Madden

In the 1960s, Congress began to use the constitutional spending power to exert substantial policy controls over state and local functions and to create a host of new grant programs. In 1962, there were only 160 federal grant programs authorized by the Congress.[1] By January of 1967, when Congress prepared to take up the debate on the Safe Streets Act, the number of intergovernmental grant programs had grown to 379 with some 109 new grant programs being enacted in 1965 alone.[2] Federal assistance in dollar terms more than doubled between 1963 and 1967, rising from 7.7 percent to 11 percent of all federal budget outlays and from 1.5 percent to 2.2 percent of the gross national product.[3]

By 1967, it was also clear that the new programs and laws controlling the expenditure of the new grants[4] had substantially altered the relationships between state, local, and federal government relationships without establishing an essential rationale for assigning intergovernmental functions other than that of pragmatic politics.[5]

The Safe Streets Act followed the pattern leading to the creation of many of these new programs. The rise in crime in 1963 and 1964 was the subject of debate in the 1964 elections and it was addressed by President Johnson in a crime message in 1965 calling for a national response to the crime problem.[6] This message was followed by Congressional enactment of a small criminal justice assistance program and the appointment of the President's Commission on Law Enforcement and the Administration of Justice.[7] The Commission documented the need for a major federal response to state and local crime problems, and Congress responded with the Omnibus Crime Control and Safe Streets Act.

When Congress took up the debate on President Johnson's proposal in 1967 to create a major new criminal justice assistance program, it quickly became clear that there were two issues of overriding concern to the conservative members who were in a position to control the

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debate. The first was a concern that by vesting the Attorney General with the authority to provide grants to states, the Congress would also be giving the Attorney General the power to control state and local law enforcement agencies and would thereby be nationalizing state and local law enforcement functions. The second and related concern was that the Johnson proposal bypassed state government and allowed the Attorney General to deal directly with cities in making grants. In the view of then House Minority Leader Gerald R. Ford, a "direct" federalism approach would enable the Attorney General to "arbitrarily" decide which local law enforcement agencies would receive funds and what these agencies could do with the funds.[8]

The Senate Judiciary Committee was the initial focus of much of the concern over the creation of the national police force. The minority report of the committee, for example, in commenting on the discretionary authority given to the Attorney General to make grants stated:

> [W]e don't want the Attorney General, the so-called "Mr. Big" of Federal law enforcement to become the director of State and local law enforcement as well. It is true that the Attorney General is the chief law enforcement officer of the Federal government. But he is not chief law enforcement officer of States and cities. We believe America does not want him to serve in that capacity. . . . We don't want this bill to become the vehicle for the imposition of Federal guidelines, controls, and domination.[9]

The House of Representatives, which acted first on the Johnson proposal, had accepted the view that the states should have control over expenditures by local government.[10] This view was rejected by the Senate Judiciary Committee[11] and the Senate floor became the forum for the key debate on this issue. The contest was between the supporters of direct federalism—large city mayors and their Congressional supporters—and the supporters of state control through so-called block grants—governors from the Midwest and the Western states and Republican senators and southern Democratic senators.

Amendments to convert the Senate Committee bill from a direct local aid program to a state block grant program were introduced by Senate Minority Leader Everett M. Dirksen. Senator Dirksen contended that gubernatorial supervision over state planning was necessary to avoid duplication or conflict between local and state crime reduction plans and programs. In the debate he stated that:

> We are never going to do a job in this field until we have a captain at the top, in the form of the Governor, and those he appoints, to coordinate the matter for a State because crime may be committed in a spot, but before it gets through its ramifications, it may spread over a very considerable area.[12]

The view stated by Senator Dirksen had roots not only in the Senator's traditional concern for state interests but also in the 1967 report of the President's Commission on Law Enforcement and the Administration of Justice, which recommended that:

> In every State and every city, an agency, or one or more officials, should be specifically responsible for planning improvements in crime prevention and control and encouraging their implementation.[13]

The recommendation of the President's Crime Commission reflected a concern for system-wide planning. This meant at the very least *ad hoc* coordination among police, courts, and corrections agencies so that policies implemented in one part of the system would not have an adverse effect on other components.

The Dirksen amendments required each state to create a state criminal justice planning agency (SPA) and to develop an annual comprehensive plan. These amendments were intended, in part, to address the concerns of the President's Crime Commission. The amendments were also intended to assure that there was a coordinated intergovernmental approach to crime control in each state.

The block grant was also seen by its supporters as a way of minimizing substantive federal control over state and local law enforcement. In the Senate Judiciary Committee report on the Safe Streets Act, the supporters of block grants stated that the purpose of the block grant was "to insure that federal assistance to state and local law enforcement does not bring with it federal domination and control nor provide the machinery or potential for the establishment of a federal police force."[14]

The United States Court of Appeals for the Fourth Circuit in 1971 had an opportunity to comment on this latter concern of the block grant proponents. In a law suit challenging the lack of controls exerted over block grant expenditures, the court stated:

> "The dominant concern of Congress apparently was to guard against any tendency towards federalization of local police and

law enforcement agencies. Such a result, it was felt, would be less efficient than allowing local law enforcement officials to coordinate their state's overall efforts to meet unique local problems and conditions. Even more important than Congress's search for efficiency and expertise was its fear that over-broad federal control of state law enforcement would result in the creation of an Orwellian 'federal police force.'"[15]

The Senate passed the bill containing the Dirksen amendments by a 72 to 4 roll-call vote and final action on the legislation came on June 6, when the House accepted without change the Senate version.[16] On June 19, 1968, President Johnson signed into law the Omnibus Crime Control and Safe Streets Act of 1968.[17]

A key assumption underlying the Safe Streets program was that, like many of the hundreds of new grant programs created by the Johnson Administration, "money makes a difference,"—that is, the more funds that are available, the greater the possibility of reducing crime.[18]

While the federal government had been extending nonfinancial criminal justice assistance to state and local governments at the operational level for several years prior to the enactment of the Safe Streets Act, the Act was the first major effort to provide financial assistance for state and local criminal justice efforts.[19] The Safe Streets Act had three basic purposes:

- the stimulation of efforts to improve the effectiveness of state and local criminal justice agencies;
- the coordination of the activities of state and local criminal justice systems;
- the upgrading of the capabilities of state and local criminal justice agencies to deal with crime.[20]

The Safe Streets Act also gave the federal government new powers to enforce control over the sale and possession of handguns.[21] It made possession of firearms by convicted felons a federal crime.[22] It also made unauthorized wiretapping a federal crime.[23]

Title I of the Safe Streets Act which established the LEAA program, had the following major provisions:

Administration. A Law Enforcement Assistance Administration (LEAA) was established within the Department of Justice. In doing so, Congress severely limited the authority of the Attorney

General over LEAA by establishing LEAA within the Department of Justice under the "general authority of the Attorney General." In essence, this meant that LEAA was to be free of the day-to-day supervision of the Attorney General to operate as an independent agency. LEAA was subject to the Attorney General's control only when the Attorney General established policies of general applicability to the entire Justice Department. The Attorney General did have final authority to recommend to the President and the Office of Management and Budget the amount of funds that should be appropriated each year for the LEAA programs.

The LEAA was put under the direction of a "troika"—an administrator and two associate administrators, appointed by the President, and confirmed by the Senate. The "troika" had authority jointly to carry out, the functions, powers and duties of the LEAA.

Block Grants. Block grants were authorized under Part B of the Act to cover up to 90 percent of the total cost of the operation of state planning agencies (SPAs), which were to be created or designated by the governor of each state and were to develop annual comprehensive criminal justice plans. The SPA was to have a representative character including representatives of law enforcement and units of local government. Each state was to be allocated each year a flat amount of $100,000, with the remainder of planning funds to be distributed on a population basis. Forty percent of the planning grant funds were to be made available to local jurisdictions.

Under Part C of the Act, eighty-five percent of the so-called "action grant" funds were to be allocated to the states on a population basis as block grants, with seventy-five percent of the funds to be passed through to local governments. In order to receive a block action grant, the state had to submit a comprehensive plan that met certain requirements, including special emphasis on organized crime and civil disorder programs. The federal government was authorized to pay up to seventy-five percent of the total cost for organized-crime and riot-control projects, fifty percent for construction projects, and sixty percent for other action purposes. One significant limitation, added by those concerned about federal control of state and local law enforcement

personnel, specified that not more than one-third of any action grant could be used for personnel compensation, i.e., salaries.

Discretionary Grants. Fifteen percent of the Part C action funds were set aside to be awarded at the sole discretion of the troika. The only limit on the use of these funds was that they be awarded to state and local governments for law enforcement and criminal justice programs.

Research. The Act, following another recommendation of the 1967 Crime Commission, established a National Institute of Law Enforcement and Criminal Justice within the LEAA with its own director. The National Institute was authorized to make grants for research, demonstration, and training programs.

Education. The Act created a program of direct student loans and grants to be awarded to individuals enrolled in college and graduate school level programs. The loans and grants could be forgiven if the student pursued a career in law enforcement or criminal justice.

Technical Assistance and Training. The administrator of LEAA was authorized to use funding to provide technical assistance to state and local law enforcement and criminal justice agencies. The Act also contained limited authority to carry out training programs.

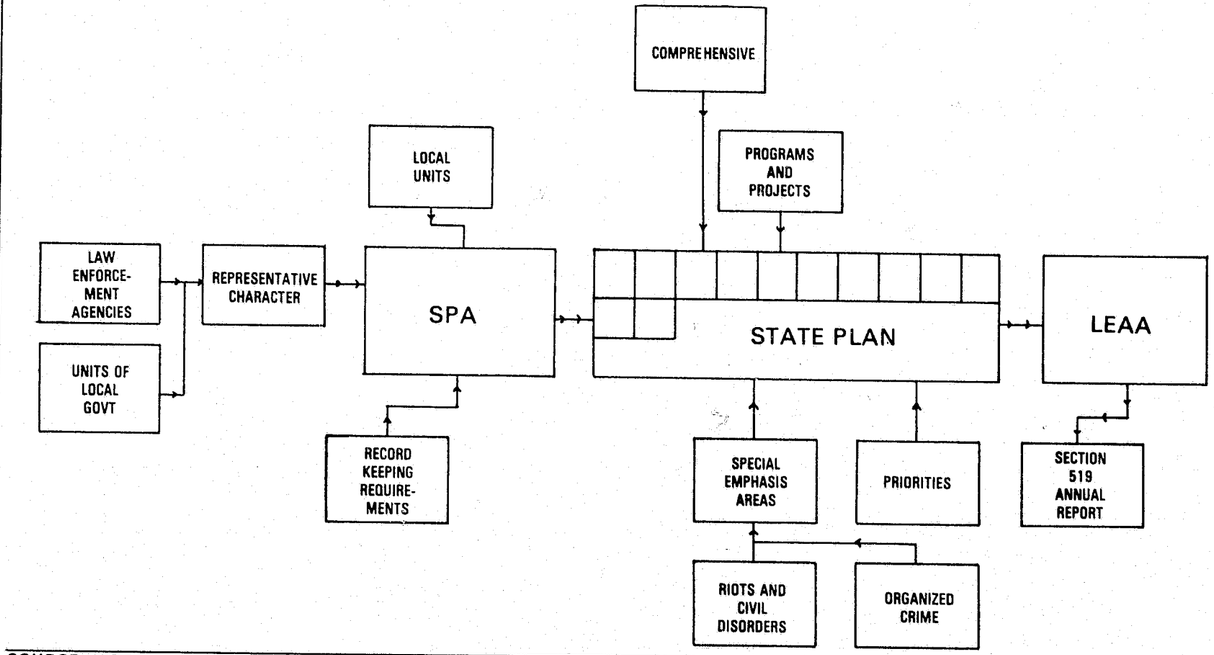
Funding. Approximately $100 million was authorized for FY 1969 and $300 million for FY 1970. The initial $100 million was divided into $25 million for planning grants, $50 million for law enforcement action grants, and $25 million for training, education, technical assistance and research.

The basic elements of the comprehensive planning process established by the statute are shown in schematic form in Figure 1.

The Omnibus Crime Control and Safe Streets Act of 1968 was a product of political compromise. As is generally the case in these situations, the resulting legislation contained provisions that, if not contradictory, were at least pursuing somewhat different goals. Although the Act was generally regarded as a block grant program it had distinct categorical features which excluded certain areas of funding and encouraged others. The mandated pass-through of planning and action funds to local governments, for example, prevented effective

FIGURE 1

Omnibus Crime Control and Safe Streets Act of 1968



SOURCE: U.S. Department of Justice, Law Enforcement Assistance Administration, *"Summary of the Statutory Development of the LEAA Block Grant Program,"* November 16, 1976 (mimeo).

Prepared by the Office of General Counsel, Law Enforcement Assistance Administration, and reprinted by the Advisory Commission on Intergovernmental Relations in "Block Grants: A Comparative Analysis."

state control of the program. On the other hand, the Act required the States to set priorities and guide programs according to a statewide comprehensive plan.

Then, there were the more emotional and explosive issues underlying the enactment of the Safe Streets Act including the fear of a national police force and the Congressional conviction that the nation's cities and states needed to be equipped to suppress civil disorders. The concern over the first issue led to sharp limits on the level of grant funding which could be used for salaries. The concern over the second issue led Congress to include a special program directing LEAA to give its first grants to state and local governments for riot control equipment.

Initial Implementation of the Act

On October 21, 1968, the first members of the troika were nominated. They took office as recess appointments of President Johnson.[24] President Richard M. Nixon withdrew these nominations and named three of his own nominees, who were not confirmed until the early spring of 1969.[25]

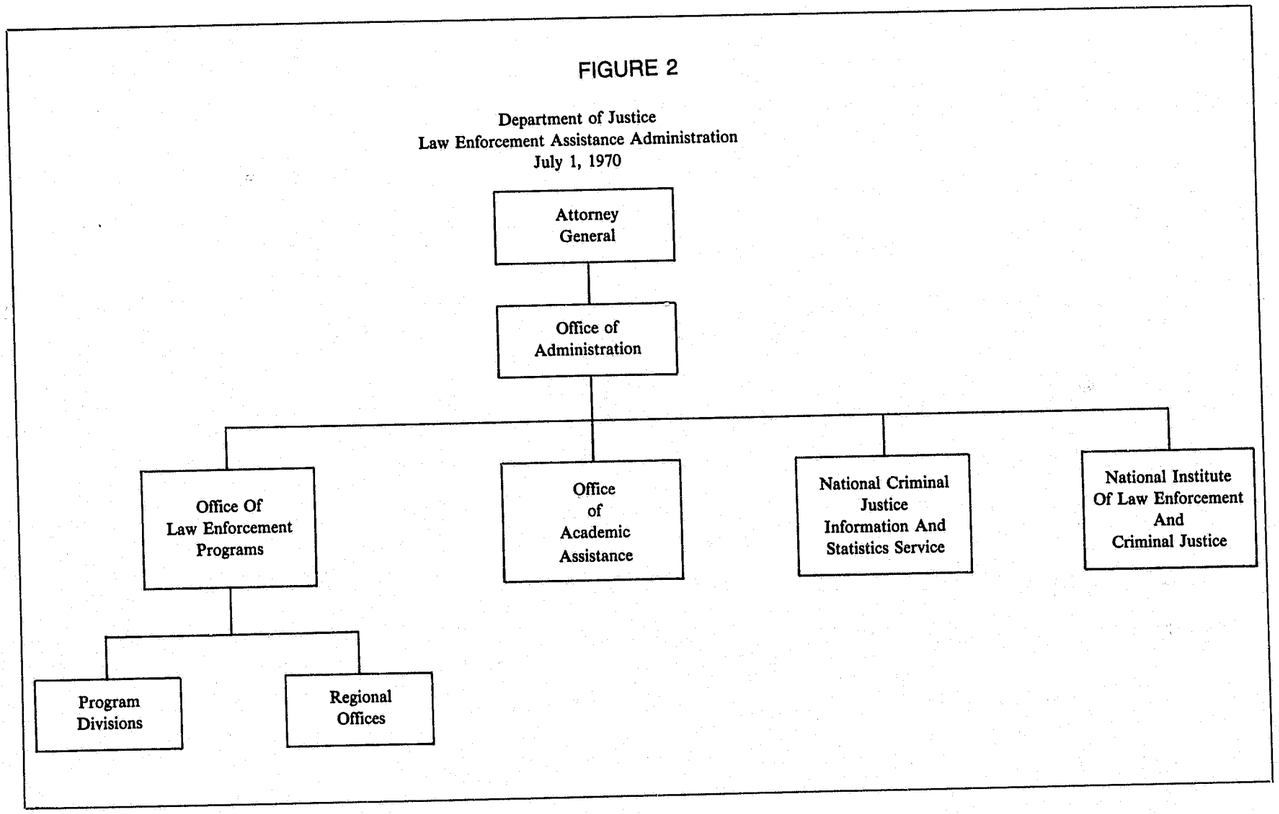
The troika structure prevented effective management and control of the agency, and resulted in extensive delays in decision-making and policy development. These problems led to the resignation of the first Nixon-appointed administrator, Charles Rogovin in little more than a year after his appointment.[26]

The lag in establishing permanent leadership and the need to obtain troika approval for agency actions naturally led to delays in developing policy and guidelines for use by the SPAs in preparing their comprehensive plans. Congress specified that funds for the first year of operation had to be expended on or before June 30, 1969, the end of the federal government's fiscal year. Time pressures and limited staff, resulting from the problems with the troika, ultimately led to a rather hurried development of guidelines, a rushed review of the state plans and midnight approvals of grant awards.[27]

Despite the problems with the troika, some progress in organizing the agency was made. By June 1970, when Rogovin resigned, an organizational structure for program development and implementation emerged. (See Figure 2.) This structure with some changes in titles of offices and in the supervisory chain of command remained essentially intact until the last years of the LEAA operation.

The Office of Law Enforcement Programs (OLEP) was the largest

FIGURE 2


Department of Justice
Law Enforcement Assistance Administration
July 1, 1970
Attorney General
Office of Administration
Office Of Law Enforcement Programs
Office of Academic Assistance
National Criminal Justice Information And Statistics Service
National Institute Of Law Enforcement And Criminal Justice
Program Divisions
Regional Offices

component of LEAA. The OLEP had responsibility for reviewing the planning-grant applications and the comprehensive plans submitted by the states. OLEP also had responsibility for the guidelines controlling the use and expenditure of planning and action grants funds. These guidelines, initially conceived as a "guide" to states, quickly assumed the force and effect of regulations. The guidelines over the years imposed significant and increasing controls on the discretion of the states to utilize their block grants as they saw fit.

Because the LEAA Act was the first major federal block-grant program, there was no precedent for federal administration of these grants. Furthermore, because the Nixon Administration eagerly embraced the hands-off approach underlying the block grant, LEAA was expected to give state and local governments as much latitude as possible in setting priorities for the use of funds.

Federal agencies had previously administered categorical grants which had strong "hands-on" federal control. The block grant concept and the Nixon Administration policy called for a much different perspective on federal control of federal grants. The only leverage LEAA had on the state and local governments was through the approval or disapproval of state comprehensive plans. However, because LEAA believed the block grant concept prevented it from directing substantive changes in the plans, LEAA judged the adequacy of state plans against the rather general administrative requirements that were specified in the 1968 Act and in the guidelines developed by OLEP.

Regional offices were established to serve as a liaison between the states and the central office of LEAA, interpreting guidelines and reviewing plans initially for completeness. The troika retained authority for review and approval of state plans. In addition, OLEP divided the plan review responsibility between the regional offices and the OLEP program divisions which were set up before the regional offices came into existence. The program divisions also had responsibility to develop programs for the expenditure of the 15 percent of the Part C action grant funds that were set aside for discretionary grants, and to provide technical assistance to states in plan development and implementation and in general criminal justice problem areas.

The second largest agency within LEAA was the National Institute of Law Enforcement and Criminal Justice. The Law Enforcement Education Programs (LEEP) were carried out by the Office of Academic Assistance. This office established guidelines for academic programs that met statutory requirements and administered the student

loan and grant program. A small statistical analysis and computer system development program was carried out by the National Criminal Justice Information and Statistics Analysis Service.

The Crime Control Act of 1970

During 1970, the problems created by the troika system and by other provisions of the Act became apparent.The National League of Cities and the U.S. Conference of Mayors were critical of the program because the urban areas, which had far higher crime rates than the rural areas, were not receiving an adequate share of Safe Streets funds. There were numerous charges that LEAA was funding the purchase of needless riot-control equipment. (This criticism was based almost exclusively on the one-time 1968 civil disorder program created by Congress.) Many charged that disproportionally large amounts of state block-grant funds were being allocated to police and to "hardware" purchases. Other problems included lack of standards for representation on SPA supervisory boards, and inadequate fiscal controls on expenditures.

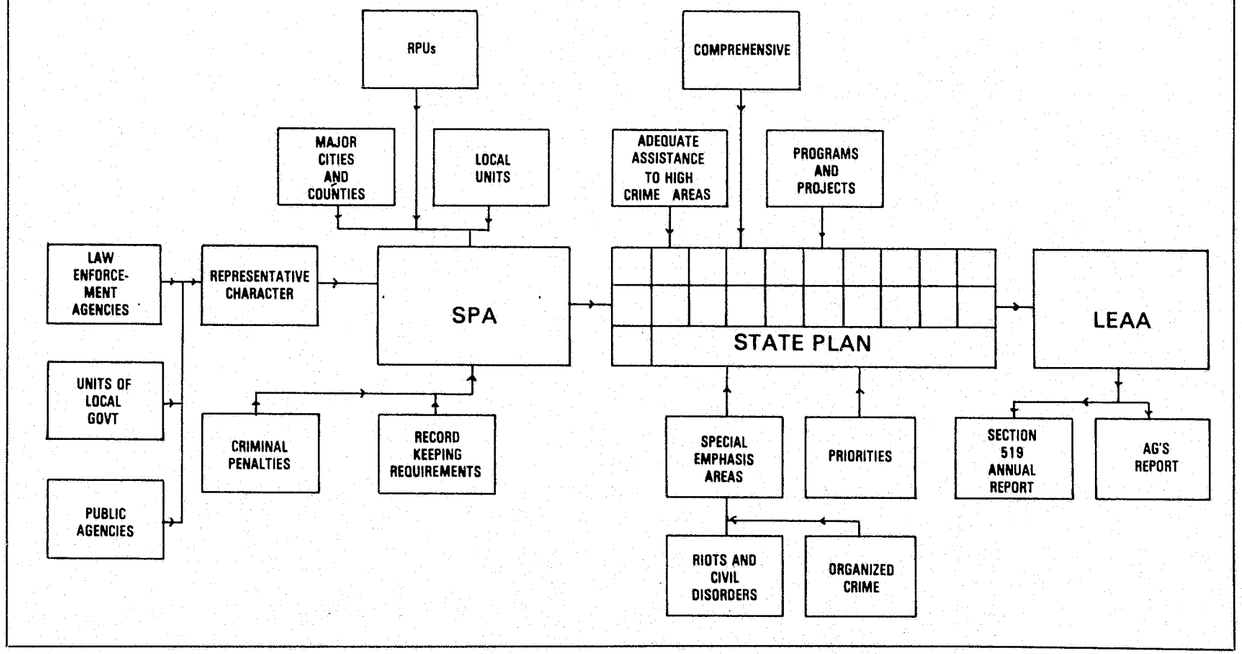
These charges, as well as suggestions made by LEAA and the states and local governments to correct other problems created by the 1968 Act, led Congress in December, 1970 to adopt several amendments to the original Safe Streets Act.[28] These amendments established a new grant program (Part E) for corrections purposes, gave the administrator of LEAA new authority and required states to assure that high-crime areas received an adequate share of funds. Congress also altered the state matching and local pass-through funding requirements. (Figure 3 sets out the major changes.)

Part E—Corrections Program: The 1970 Act, in response to charges that corrections was not being adequately funded, established a new program (Part E) for correctional programs and for the construction and renovation of correctional facilities. Part E authorized federal support for up to 75 percent of the total cost of a non-construction project. Previously it was limited to 50 percent. Fifty percent of the funds appropriated for Part E were to be made available for block grants to SPAs on a population basis. Part E funds were to be an "add-on" to the previous level of correctional funding.

The Troika: The 1968 Act was interpreted by the Attorney General to require the administrator of LEAA and the two associate administrators to agree on all actions taken by LEAA. This often paralyzed the agency. To correct this problem Congress gave the administrator

FIGURE 3

Omnibus Crime Control Act of 1970



all administrative powers, including the powers to appoint and supervise personnel. Substantive powers and duties could be exercised by the administrator with the concurrence of at least one of the associate administrators. The House report set forth the rationale for the amendments as follows:

> In this manner, LEAA retains the advantages of collective judgment, experience, and expertise without suffering administrative delays and uncertainties inherent in a system requiring unanimous tripartite decisions.[29]

The Planning Process: In response to concerns over the membership of state supervisory boards, Congress set mandatory minimum representation requirements for the advisory boards of the state planning units. The new amendments required that the boards be representative not only of law enforcement agencies but also units of general local government, public agencies maintaining programs to reduce and control crime, and the general community.

Congress also adopted an amendment requiring the states to give major cities and counties planning funds to develop comprehensive plans and to coordinate action programs at the local level. In addition, LEAA was authorized to waive this requirement upon finding that it would be inappropriate in view of the respective law enforcement responsibilities of the state and its local units of government or that it would not contribute to effective, statewide planning. Another amendment authorized action grant funding by states, for criminal justice coordinating councils in units of general local government or combinations thereof having a population of 250,000 or more. These criminal justice coordinating councils (CJCCs) were to provide improved coordination of all law enforcement activities at the local level.

Funding for High Crime Areas: In 1970, the ACIR found that while the states were attempting to respond to the needs of their local jurisdictions funds were being too widely distributed among large numbers of rural and suburban units of local government.[30] They were not being "funneled," ACIR contended, to large urban areas that had the greatest incidence of crime or contributed a large share of total state-local police outlays.[31] Congress responded by directing states to provide an "adequate" share of funding to high crime areas and leaving to LEAA to determine by guidelines what constituted an adequate share of funding.[32]

State and Local Share of Funding: State and local governments

objected to the 40 percent matching funds required by the 1968 Act. The original requirement resulted from the concerns about federal control of local law enforcement, and from the desire of Congress to encourage financial commitments by state and local governments to the criminal justice system. However, because the 40 percent matching requirement was seen as creating an unfair fiscal burden, the required match was reduced to 25 percent. Congress specified that this include a 10 percent match in the form of cash appropriations. States were required to contribute a minimum of one-fourth of this non-Federal cash match.

Congress further helped local jurisdictions by replacing the population pass through formula for action funds to allow a flexible pass-through formula for action grants. This formula required the states to pass through to local governments a portion of the action grant funds corresponding to the portion of statewide law enforcement expenditures incurred by local jurisdictions in the preceding fiscal year.

Salary Limit: As noted earlier, Congress placed the one-third personnel compensation limit on the use of block grant funds to prevent local dependence on Federal aid. However, this severely restricted the degree of local flexibility in developing anti-crime programs, most of which required additional manpower. This, in turn, contributed to high expenditures for hardware and consultants. Congress modified the limits on salary payments to exclude salaries for personnel engaged in research, demonstration, or training programs. Congress continued to require that not more than one-third of any grant be expended for the compensation of police or other law enforcement personnel engaged in routine activities.

Implementation of the Safe Streets Act: 1970-1973

In 1971 and 1972 LEAA continued to refine its guidelines. The Part C and Part E guidelines consisted of detailed discussions of and specific requirements for each section of the Congressionally mandated plans. At the same time LEAA expanded its guidelines relating to financial control. This latter development resulted from a variety of factors, including the results of the first audits done by LEAA, which established that a number of states had not set up adequate fiscal controls to assure proper expenditures of funds. The strong emphasis on financial accountability at the time undoubtedly influenced the newly-expanded regional offices and led to a strong concern in many offices for fiscal control and technical compliance with guidelines.

LEAA also underwent a reorganization. A management group established by the new administrator, Jerris Leonard, placed the state and local grant programs under a single office (see Figure 4). In this structure, one person under the level of the administrator provided uniform policies and control over decisions affecting state and local governments. This was coupled, however, with an increase in the independence of the regional offices.

During this same period there was mounting concern over the effectiveness of the LEAA funding in reducing crime. Jerris Leonard, in 1972 had set crime reduction as LEAA's goal, and people were beginning to measure LEAA against this goal despite the fact that LEAA funds were contributing only a small amount to the overall efforts of state and local governments to deal with crime.[33]

Crime was still on the rise and Congress and others were asking whether LEAA was doing its job. The comprehensive plans of the states and the overall planning process became the focus of many of the inquiries. Pressure was also increasing for conflicting changes in the program. Congressional critics, for example, questioned the effectiveness of LEAA's efforts to assure that the states were making the best uses of LEAA funds.[34] At the same time, units of local government complained that the states were taking too much time to review their plans and were focusing too much attention on developing the comprehensive plans.[35]

As the controversy over the LEAA program increased, and as state and local governments were still trying to understand the 1971 Act and the guidelines issued by LEAA to implement that Act, Congress prepared to consider further amendments to the Safe Streets Act.

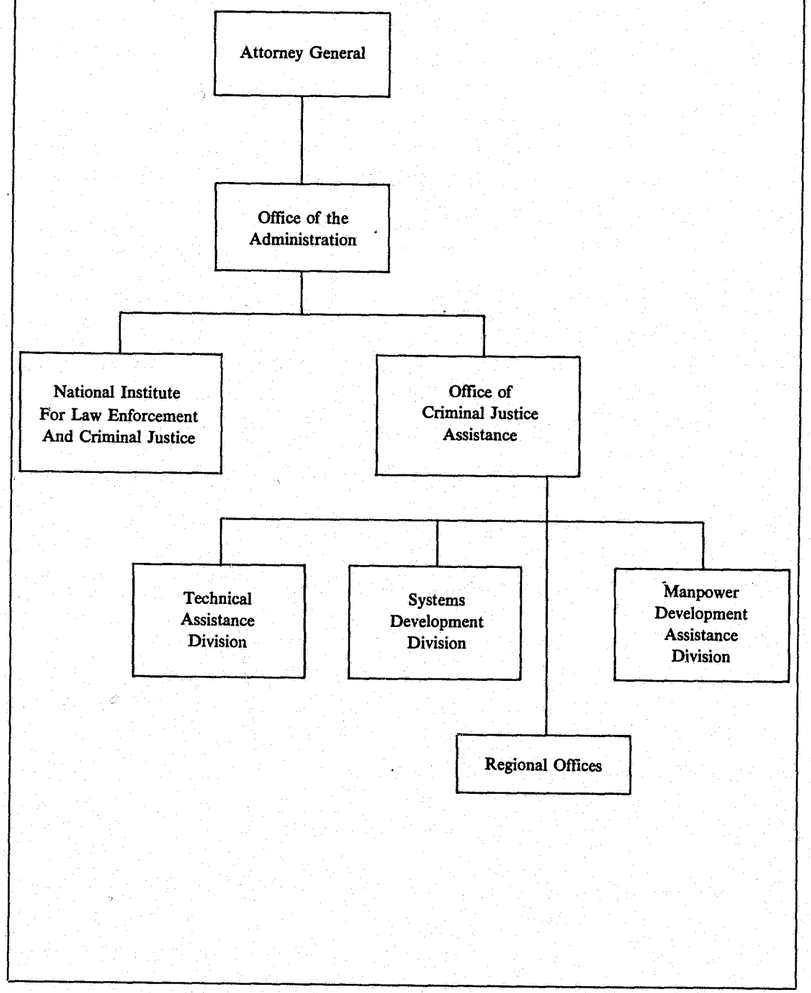
The Crime Control Act of 1973

On March 14, 1973, President Nixon sent a special crime message to Congress together with a bill to turn LEAA into a revenue-sharing program.[36] The bill was designed to give the states substantial new controls over the use of federal crime control funds. It was directly at odds with the concerns of LEAA and some of its critics over the need to assure that the funds were being spent properly.

The special revenue-sharing proposal would have consolidated LEAA action grants, corrections grants, and technical assistance and manpower development funds into a single grant program. Law enforcement funds were to be distributed by formula among the states with local governments receiving an assured 70 percent pass-through.

FIGURE 4

Department of Justice
Law Enforcement Assistance Administration
July 1, 1972



The 1973 revenue sharing proposal also eliminated matching-fund requirements. States would no longer need to establish planning agencies to draw up comprehensive plans and administer Safe Streets funds. States would only be required to have a state planning and policy development organization to administer funding. LEAA would be authorized only to comment on state plans and make such comments public. However, program evaluation and auditing requirements were retained and strengthened in this proposal.[37]

Although the Crime Control Act of 1973[38] contained certain limited concepts of the special revenue-sharing proposal, Congress also opted for greater federal intervention and control.[39]

The 1973 Act extended the LEAA program for an additional three years, and retained the requirements for establishment of state planning agencies, preparation of comprehensive plans and federal approval of plans, as well as numerous requirements that limited the scope of state and local government discretion in expending funds.

Components of the Administration's law enforcement revenue-sharing bill which were contained in the 1973 Act included provisions for discretionary grants for interstate metropolitan regional planning units, increased citizen participation requirements, increased attention on juvenile justice programs, and elimination of the troika.

A discussion of key provisions of the 1973 Act follows. (See Figure 5.)

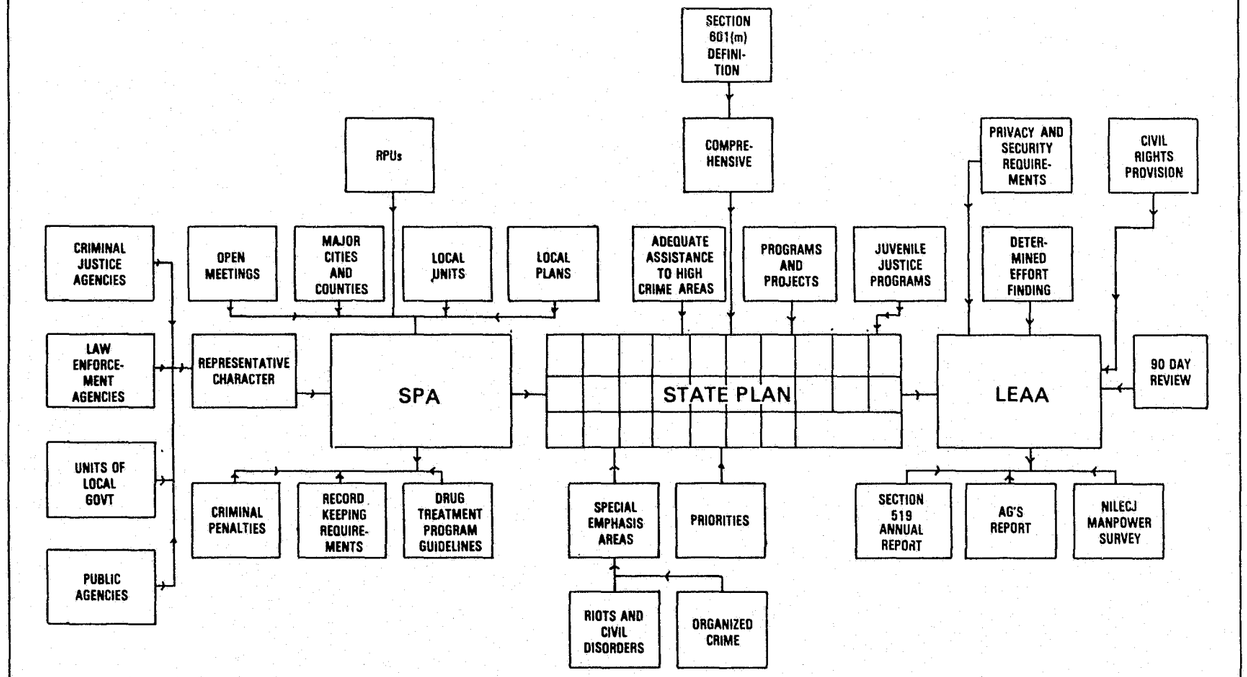
LEAA Administration: Both the Congress and the Department of Justice recognized that LEAA could not be effectively managed by a committee. The "troika" was finally eliminated and the administrator of LEAA was given full responsibility to run LEAA. In lieu of two associate administrators, the amendment provided for two deputy administrators.

Representation on Planning Agencies: The requirements for representation on the advisory boards of SPAs were changed to assure representation of citizen, professional, and community organizations. The Congress also changed the representation requirements for boards of regional planning units (RPUs). The RPUs had been set up by many states for improved local criminal justice planning and allocation of local pass-through funds. Congress mandated that a majority of the membership of the RPUs' boards be composed of locally-elected officials.

Matching Requirements: Matching requirements for discretionary Part C and Part E block grant funds were set at 10 percent, except

FIGURE 5

Crime Control Act of 1973



for construction projects, which were to continue on a 50-50 match basis. The match for non-construction projects was to be "hard" match, i.e., appropriated money. States were required to provide half the local-government matching requirements of LEAA-funded projects.

Plan Requirements: States were required to provide procedures so that political subdivisions with 250,000 or more inhabitants could submit a single annual comprehensive plan to the state and receive funds based on approval of that plan. This requirement was a clear compromise intended to allow localities to develop their own priorities for use of LEAA funds and to reduce budgetary uncertainty, and to minimize delay in the funding of local projects.

States were required to approve or disapprove local government projects within 90 days. The statements of LEAA's supporters and critics over the purpose of the 90-day approval serve to highlight one of the fundamental conflicts inherent in the LEAA program when read with the requirements for increased accountability. In explaining the purpose the proposed 90-day limitation would serve, Representative Peter Rodino, a traditional LEAA supporter, noted:

> [N]ew provisions—while assuring appropriate time for meaningful consideration—address the serious problems that have delayed the disbursement of these moneys to the States and localities in the past. LEAA is mandated to review State plans within 90 days of submission, and in turn the States are directed to insure the establishment of procedures that will expedite the flow of their funds to the units of general local government.
>
> It is in these latter regards that I believe this legislation will most greatly enhance the fight against crime. Too often in the past, the Congress has appropriated these desperately needed moneys only to have the States and localities experience frustrating delays in receiving their funds from both the Federal and State levels. In many cases, these delays have left funds undisbursed to the units of general local government over a period of 2 or more fiscal years. Diligent enforcement of the new provisions should result in a faster fund flow, more consistent with the real needs in these areas.[40]

Representative Barbara Jordan, a supporter of the basic LEAA concept, offered the following additional explanation:

> I would also like to call your attention to the time limits this

bill places on the grant-making process for both the Federal-State block grants and the State-local project grants. A major portion of the testimony presented during the Committee's hearings was directed at the deplorable delay and inefficiency in putting LEAA funds to work by a cumbersome bureaucracy. Local governments often wait 6 months to a year after submitting applications for LEAA funds to State agencies before the applications are approved and the grants made. The Committee also wanted to assure that the strengthened requirements for LEAA prior approval of State plans did not result in further delays in allocating funds to State planning agencies. Consequently, a time limit of 90 days for the approval of State plans and a limit of 60 days for the approval of grant applications to State planning agencies by local units of government have been added to the bills.[41]

Representative Robert Drinan, a traditional opponent of much of the LEAA program, stated that the proposed time limitations "should speed up the process of providing LEAA funds at the local level and reduce the uncertainties of grant applications that have deterred some law enforcement agencies from seeking LEAA funds."[42] Representative Elizabeth Holtzman, a supporter, noted that "[o]ne of the major problems under the existing legislation is that localities often have to wait as long as a year to receive funds from the State."[43]

Accountability: Congress also made LEAA more accountable for supervising the states in preparing and administering comprehensive plans by requiring that no state plan could be approved unless LEAA found that the plan demonstrated "a determined effort to improve the quality of law enforcement and criminal justice throughout the state and established statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice. . . ."[44]

Evaluation of state programs was made a function of the National Institute of Law Enforcement and Criminal Justice. States were required to submit reports on Safe Streets projects to allow the Institute to evaluate these programs.[45]

Juvenile Justice: Congress required the states to include in their annual comprehensive plans a "comprehensive program for juvenile justice." This was a specific response to the need for immediate action to require states to invest in more programs for juvenile delinquents.

Authorization and Appropriation Authority: Appropriations were authorized for FY 1974 and 1975 at $1 billion each year, and the FY 1976 appropriation was authorized at $1.25 billion.

Administration of the LEAA Program—The Problem of Red Tape—1973-1976

Virtually all of the changes mandated by the 1973 Act resulted in increased guidelines. The guidelines together with review of comprehensive plans, continued to be the principal means by which LEAA enforced the requirements of the Act. The requirements concerning the composition of supervisory boards, the approval of applications and plans within 90 days, the structure and content of the comprehensive plans, and state and local match, each resulted in additional guidelines which states had to address satisfactorily in their comprehensive plans.

The number of guidelines increased greatly, and by 1974 their length exceeded several hundred pages. The increase resulted primarily from amendments to the 1968 Act that imposed additional conditions on LEAA and state and local recipients. (Figures 1, 3, and 5 show how the statutory conditions imposed on the basic planning process changed from 1968 to 1973.) Each of the statutory amendments had an extensive legislative history and each required specific implementing guidelines. Additional guidelines resulted from criticisms directed at the agency by Congressional committees and the General Accounting Office. Following hearings in the early 1970s on abuses in the procurement of radio and telecommunication equipment, LEAA, for example, issued extensive guidelines controlling state and local procurement.[46] An elaborate review procedure was established to control procurements under LEAA grants.[47]

Executive directives, particularly Office of Management and Budget (OMB) Circulars, were yet another source of guidelines. OMB Circular A-102 issued in 1973, established policies that were a major source of new guidelines imposed on state and local governments by LEAA. This circular, which did not recognize any difference between the hundreds of narrow federal categorical grants and the handful of federal block grants, imposed a wide range of new controls on expenditures under grants, ranging from the requirement that states use a uniform application and grant forms with detailed "special conditions," to requirements controlling audit, procurement, property management and fiscal controls. There were other similar documents, and Appendix I sets out the major government-wide administrative directives controlling expenditures of federal grant funds.

Another major source of guidelines were the separate laws that imposed requirements on recipients of all federal grants. Initially,

LEAA concluded that its block grants were not governed by these laws. In 1971 the courts held otherwise and by 1973 the adverse effects of the landmark decision in *Ely v. Velde*,[48] the first case to test the application of the block-grant concept to Federal strings, were being felt by states.

Ely v. Velde arose out of a block grant that LEAA made to the State of Virginia. In making the block grant, LEAA approved the comprehensive plan prepared by the State of Virginia in accordance with the Omnibus Crime Control and Safe Streets Act. The plan indicated that Virginia intended to spend approximately $500,000 for a correctional facility. The expenditure of these funds was consistent with the Safe Streets Act. The plan did not specify where Virginia planned to build the facility.

At the time the Virginia plan was approved by LEAA, Virginia had not yet selected a final site. After the plan was approved, Virginia announced in a local newspaper that it intended to build a new penal facility in Green Springs, Virginia. Virginia did not notify LEAA of the selection of this site because it was not required by LEAA guidelines to do so.

Shortly after the announcement, a lawsuit was filed against the Administrator of LEAA and the Head of the Department of Corrections in Virginia. The lawsuit alleged that Virginia had failed to comply with the National Historic Preservation Act (NHPA) and the recently-enacted National Environmental Policy Act (NEPA) in selecting a site for the prison facility and that the Administrator of LEAA had failed to enforce NHPA and NEPA.

In their defense, LEAA and the State of Virginia contended that the LEAA program was a block-grant program and, under the LEAA law, the location for the penal facility was a state concern and not a Federal concern. LEAA contended that the State in expending LEAA funds did not have to comply with NEPA since the decision on where to build a penal facility was the state's decision and not subject to the review or disapproval of the Federal government. The district court agreed with this rationale and ruled against the plaintiffs.

The court of appeals disagreed and overruled the district court, making the following observation:

> The LEAA insists that it is not obliged to comply—indeed it may not comply—with NHPA and NEPA because it has been disabled, when approving block grants, from imposing any conditions not found in the Safe Streets Act itself. Support for this proposition is claimed in the language and the policy inherent in the Safe Streets Act.
>
> * * *
>
> Reliance in the present case is misplaced, for it is plain that the LEAA has overdrawn the 'hands off' policy of the Safe Streets Act. Properly read, neither the Act's language nor its policy prohibits or excuses compliance with NHPA and NEPA.[49]

In 1975 there were 19 different "cross-cutting" laws which governed the expenditure of federal grants which, under the rationale of the ruling in *Ely v. Velde*, neither prohibited nor excused compliance with these statutes. (Appendix II.)

In 1973, LEAA had undergone another reorganization which divided the state and local grant program among several offices within LEAA. (See Figure 6.)

The Juvenile Justice and Delinquency Prevention Act of 1974

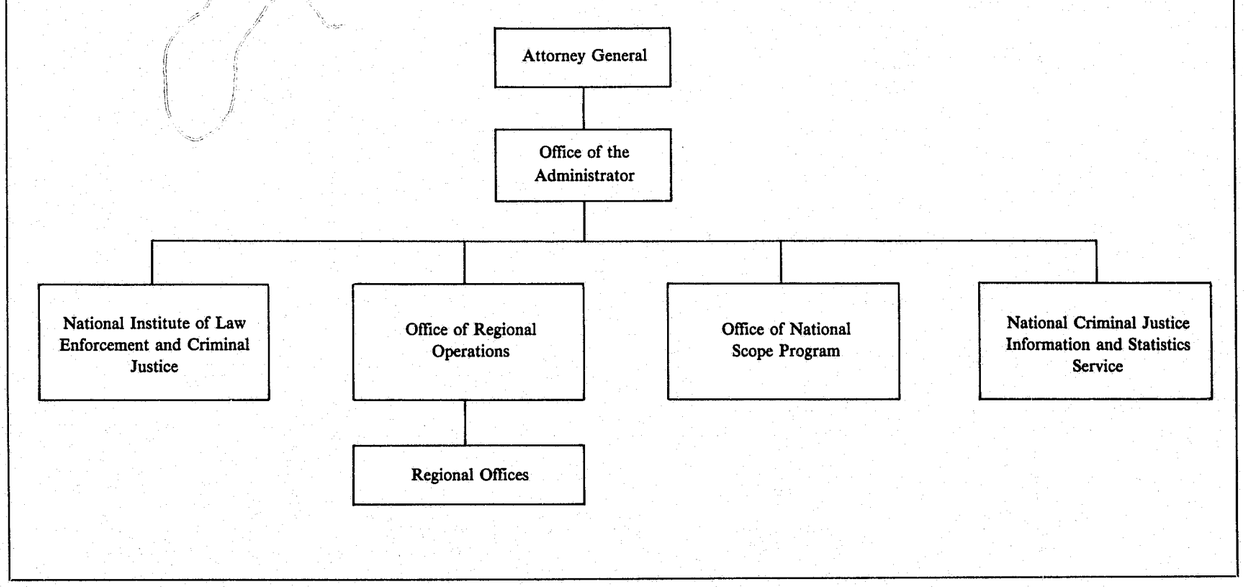
By 1974, Congressional dissatisfaction with the low emphasis placed by LEAA on juvenile justice peaked. Congressional critics charged that LEAA's approach had been to see the juvenile offender in terms of crime and punishment. In their view, LEAA had not provided adequate funds for juvenile delinquency problems, particularly prevention, and had not succeeded in bringing about effective coordination of Federal juvenile delinquency programs.

Ultimately Congress passed the Juvenile Justice and Delinquency Prevention Act of 1974 and established an Office of Juvenile Justice and Delinquency Prevention in LEAA to administer it. The Senate Judiciary Committee stated that the purpose of the Act was as follows:

> The Committee bill, as amended, provides for Federal leadership and coordination of the resources necessary to develop and implement at the State and local community level effective programs for the prevention and treatment of juvenile delinquency. Towards this end, it establishes a new Juvenile Justice and Delinquency Prevention program within the Department of Justice, Law Enforcement Assistance Administration, to provide comprehensive national leadership for attacking the problems of juvenile delinquency and to insure coordination of all delinquency activities of the Federal government.[50]

FIGURE 6

Department of Justice
Law Enforcement Assistance Administration
July 1, 1973



Senator Birch Bayh was the principal supporter of the new legislation. His views on the need for, and the purpose of, the legislation were stated as follows in the Senate Judiciary Committee report:

> LEAA will have to take leadership in the prevention and treatment of juvenile delinquency in order to administer S. 821, as amended. The theory of the Omnibus Crime Control and Safe Streets Act, which created LEAA, is that the vast bulk of funds should go to the states for law enforcement and criminal justice improvement and that the states decide how to use their funds. Under S. 821 which creates a new "Part F" to the Omnibus Crime Control and Safe Streets Act, LEAA will have to push forward with new national initiatives to help reduce involvement of children in the criminal justice system. LEAA will be expected to work with human service agencies at the national and the state level to coordinate their efforts to prevent juveniles from entering the juvenile justice system. In order to administer S. 821, LEAA will also have to develop its juvenile delinquency research and vastly improve its evaluation of Federal juvenile delinquency programs.
>
> LEAA is of course experienced in administering block grant criminal justice plans combined with discretionary funds similar to aspects of S. 821's juvenile justice plans and direct special emphasis grants. Hopefully LEAA will use this expertise with a clear mandate to prevent delinquency, such as is contained in S. 821, to produce an effective delinquency prevention rehabilitation program in LEAA. If Congress mandates the role for LEAA, I will vigilantly review LEAA's activities to assure that the strong accountable Federal response to the delinquency crisis required by S. 821 is forthcoming.[51]

The Juvenile Justice and Delinquency Prevention Act of 1974 as finally passed by Congress (1) created a new state grant program which provided for distribution of funds among states on the basis of the states' juvenile population; (2) created a new "special emphasis" discretionary grant program for juvenile justice and delinquency prevention; (3) required SPAs to include representatives of agencies related to the prevention of juvenile delinquency on the State Planning Agency Supervisory Boards; (4) established an Office of Juvenile Justice and Delinquency Prevention to administer the new grant programs; (5) established a National Institute of Juvenile Justice and Delinquency

Prevention; and (6) required the states to maintain Part C funding for juvenile delinquency programs at the fiscal 1972 level in order to be eligible for juvenile justice formula grants.[52] (See Figure 7.)

The Juvenile Justice and Delinquency Prevention Act was signed into law on September 7, 1974.[53]

Implementation of the Juvenile Justice Act of 1974

LEAA took the position that the juvenile justice formula grant program could be carried out as part of the overall LEAA-mandated state comprehensive plan. To this end, LEAA developed a limited set of regulations requiring the states to either set out a comprehensive juvenile justice subplan for use of the formula funds within the overall state comprehensive plan, or to designate portions of their overall state comprehensive plan which related to juvenile justice and which would serve as the equivalent of a separate comprehensive plan.

Initial implementation of the 1974 Act was delayed because funding was not available for the first year of the program. When funding became available, the key requirements covered by the guidelines dealt with the deinstitutionalization of status offenders and separation of adult and juvenile offenders. LEAA went through an extensive guideline-development effort and LEAA officials met with numerous public and private groups to come up with guidelines defining such issues as secure facilities, regular contact with adult persons and substantial compliance with the deinstitutionalization requirements.

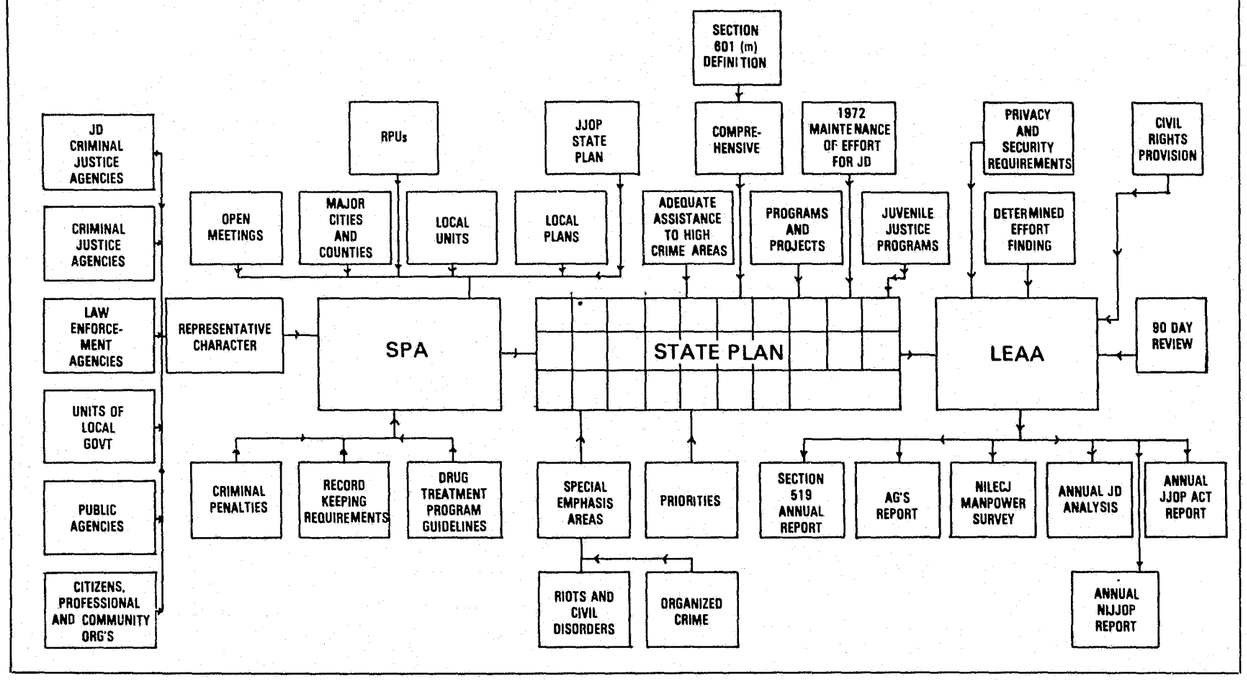
The Crime Control Act of 1976

By 1976, concern over the administration and direction of the LEAA program portended significant changes for the program. Numerous authoritative groups criticized the program for failure to provide effective leadership, and for failure to bring about needed changes in the criminal justice system. Members of the state judiciary asserted that the LEAA program had ignored their needs and problems. The National Conference of State Legislatures challenged the authority of the governors to spend LEAA funds without legislative involvement. Units of local government complained about the excessive control over funding by state planning agencies. Finally, critics of LEAA's civil rights program made LEAA's record in this area a principal focus of the 1976 House Judiciary Committee hearings.

The Advisory Commission on Intergovernmental Relations summarized the conflicts facing Congress in 1976 as follows:

FIGURE 7

Juvenile Justice and Delinquency Prevention Act of 1974



> [T]he legislative history of the Safe Streets Act reflects an evolution over a seven-year period of certain congressional ambiguities in legislative intent and shifts of funding mechanisms and functional emphasis to achieve the intent. Beginning as a broad grant program designed to reduce crime and improve the administration of justice within a systemic perspective, but intended to emphasize law enforcement, the Safe Streets Act over the years has been repeatedly categorized in response to changing congressional priorities. By 1971, corrections had come to the forefront, followed by crime "control" in 1973 and juvenile justice in 1974. At present, Congress is considering the need for special statutory recognition to be given to courts and large urban communities. These statutory changes have been accompanied by shifts in attitudes regarding LEAA's role vis-a-vis the states in implementing the Act. All of this action has occurred within the block-grant framework; yet the legislative life cycle of Safe Streets seems typical of the Partnership for Health block grant and several formula-based categorical programs. At the outset, the functional scope and amount of recipient discretion are broad. Over time, both become more and more restricted. The net result is confused expectations on the part of both the grantor and grantee as to intergovernmental relationships in block grant administration. Whether the 1975-1976 period will witness continuation of the categorization trend, a stabilization, or a reversal, remains to be seen.[54]

The 1976 hearings were the most contentious LEAA had faced, and, as anticipated by the ACIR, the amendments made by the Crime Control Act of 1976[55] resulted in a major restructuring of the program. The block-grant nature of the program was all but eliminated in favor of stricter programmatic and fiscal controls with additional ear-marking of funds for the state judiciary and for community anti-crime programs.

The 1976 amendments were summarized by Senator Kennedy as follows:

> S.2212 makes the following major changes in the structure and administration of the LEAA program:
> . . . It makes clear, after 8 years of ambiguity and misinterpretation, that LEAA is a crime fighting vehicle and that the primary purpose of the LEAA program is to prevent and reduce crime and detect, apprehend, and rehabilitate criminals;

> . . . It allows State and local judiciaries to establish their own planning committees to plan for the judicial needs of the State. Such independent planning committees are essential if court planning is to succeed. The committees would, however, work closely with the state planning agency in developing a judicial plan consistent with the State's overall comprehensive plan.
> . . . It authorizes cities, urban counties, or local government units to submit a comprehensive plan to the state planning agency. If approved, a mini-block-grant award would be made to such government units with no further action on specific project applications being required at the State level.
> [T]his provision provides the type of comprehensive assistance to our cities which I and others have been trying to incorporate into the LEAA program since 1970. It allows our cities—where crime continues to run rampant—to engage in comprehensive criminal justice planning without being side-tracked by bureaucratic conditions imposed on them by the States.
> . . . It provides that federal LEAA funds be directed to areas of the country faced with high crime incidence whether such areas be located in urban or rural sections of the nation. Thus, not only our cities but our rural areas as well will benefit from this provision.
> . . . The statutory prohibition on LEAA grants for personal compensation is modified, allowing LEAA funds to be used by localities to hire more personnel, such as judges, police, and correctional officers in order to carry out innovation programs.
> . . . Major changes are made for the first time in the evaluation, auditing, and monitoring functions of LEAA. The bill would make LEAA responsible for evaluating and auditing, not only the comprehensive plans submitted for approval, but also the impact of programs already approved in order to determine whether such programs were of any value in reducing and combatting crime. A detailed scheme for the proper evaluation and auditing of programs is laid out in the bill.
> . . . Extensive congressional oversight of LEAA is provided for the first time with LEAA being required to submit an annual report detailing its policies and priorities for reducing crime, its evaluation procedures, the number of state plans approved and disapproved, and the number of LEAA programs discontinued.
> . . . It authorizes LEAA to establish and implement new programs

designed to aid our nation's elderly citizens in their losing struggle against crime.

. . . This bill provides the various state legislatures with an opportunity to offer suggestions and recommendations to the state planning agencies, to be incorporated into the overall comprehensive plan.[56] (See Figure 8.)

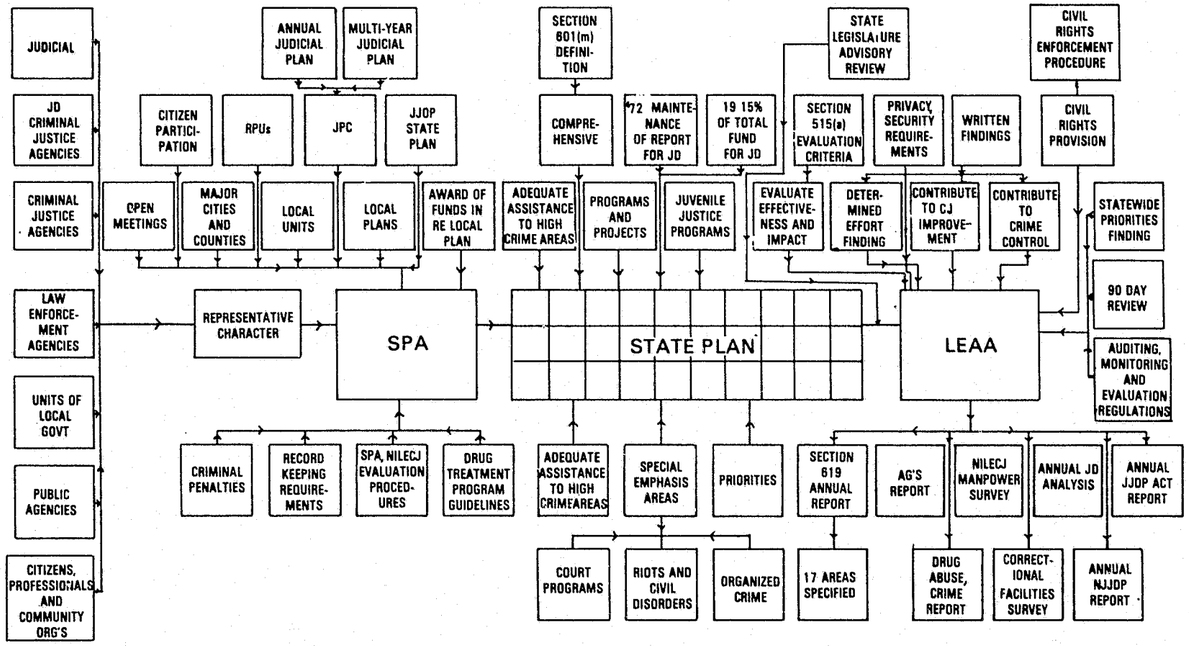
Judicial Participation: There were extensive amendments relating to the judiciary's role in LEAA programs designed to ensure both judicial participation in the overall comprehensive planning process and a greater allocation of funds for court programs. The amendments mandated judicial representation on the supervisory boards of state planning agencies; authorized the highest court of each state to establish or designate a judicial planning committee for the preparation of an annual judicial plan; required state planning agencies to make available to the committees at least $50,000 for planning funds; authorized the judicial planning committees to develop a multi-year comprehensive plan for improvement of the courts to be included in the overall comprehensive plan submitted by the state; and specified that LEAA could not approve a plan unless it provided an adequate share of funds for court programs.[57]

Mini-Block Grants: Another major amendment in 1976 was responsive to the concerns of units of local government over controls the states were exercising in reviewing their applications for pass-through funding. The Act was amended to specifically provide that units of local governments, or combinations of units, having a population of at least 250,000 could develop their own comprehensive plans. The local plan could only be disapproved if the state found that implementation was inconsistent with the overall state plan. Upon approval of the local plan, states were required to give the units of local government a "mini-block" grant to carry out the plan. The local governments, for all intents and purposes, as suggested by Senator Kennedy's comments, had finally won the direct federalism fight they lost in 1968.

State Legislative Oversight: The role of state legislatures in the LEAA program had been unclear from the beginning of the program, and state legislative oversight of LEAA programs varied widely in 1976. Some state legislatures routinely approved the programs set out in the state plans. Other state legislatures felt that they did not have the authority to approve or review the plan submitted by the Governor to LEAA.

FIGURE 8

Crime Control Act of 1976



The 1976 amendments specifically required the governor to submit the comprehensive state plan to a legislature for its review prior to submission by the Administration. The amendments also required the states to establish by legislation the overall state agency responsible for administering the program. This latter provision proved to be one of the most important changes in the 1976 Act because through the legislative establishment mechanism, many state planning agencies became a permanent part of state government and survived the lean years of funding that began in 1977.

Community Anticrime Program: Concerned over the lack of attention by LEAA to community and citizen crime prevention programs, Congress established a special Community Anticrime Program and authorized $15 million to be appropriated for it. The funds were specifically earmarked to be used for the encouragement of neighborhood participation in crime prevention and public safety efforts. This proved to be an important feature of the 1976 Act, because many of the LEAA success stories arose out of types of community programs to which the Community Anticrime Program effort was directed.

Civil Rights: The United States Civil Rights Commission and other civil rights organizations for several years had been critical of the lack of attention given by LEAA to the low levels of employment of minorities by criminal justice agencies. They asserted that LEAA had not properly carried out its mandate to require states to comply with the nondiscrimination provisions of the LEAA Act.[58] An amendment was made in 1973 to direct LEAA to take administrative action to terminate funding to departments that did not comply with equal employment opportunity requirements. In 1976, however, a fundamentally different approach was taken.

The 1976 Civil Rights amendment, championed by Congresswoman Barbara Jordan, reaffirmed and strengthened LEAA's responsibility to require as a condition of receipt of a grant that no person be discriminated against on the basis of race, sex, religion, or national origin. The "Jordan Amendment" sharply curtailed the discretion of the administrator to rely on voluntary compliance efforts where findings of discrimination had been made in agencies receiving LEAA funds. The amendment explicitly required the administrator of LEAA, upon receiving notice that there had been a pattern or practice of discrimination to send immediately a letter to a governor to request compliance with the LEAA Act. All funding to the offending governmental unit was to be suspended within 90 days after the notice had been received by the state or unit of local government unless

compliance had been secured or an administrative law judge made a determination that the recipient of the letter was likely to show that discrimination had not, in fact, occurred. The suspension of funding would then be deferred under the statute until there was a full compliance hearing before the administrative law judge.[59]

Other provisions of the Jordan Amendment authorized private parties to bring actions against government officials alleging that they had been discriminated against by a recipient of government funds. The statute expressly provided that attorney fees could be granted to the prevailing complainant in such actions.

LEAA Stewardship of its Funding: The 1976 Act contained a number of requirements directed at increasing the controls that LEAA exercised over the spending of funds. Numerous reporting and evaluation requirements were added throughout the Act. One such provision required the Administrator to make an affirmative finding, based on an evaluation of a comprehensive plan, that the plan was likely to contribute to effective law enforcement and criminal justice in the state or to make a significant effort to deal with crime.

Other amendments authorized the National Institute of Law Enforcement and Criminal Justice to conduct evaluations of LEAA programs; required LEAA to establish rules and regulations for proper auditing, monitoring, and evaluation of programs by states; and increased the record-keeping requirements for states to facilitate effective LEAA audit and evaluation.

The best evidence that Congress was concerned over the need to establish the effectiveness of funds came from section 519 of the 1976 amendments which specified some 11 detailed categories of information that LEAA would be required to report annually to the President and the Committees on the Judiciary of the Senate and House. The report was required to include such things as an analysis of each state comprehensive plan, including a description of the procedures followed by the state in order to audit, monitor, or evaluate programs; the number of comprehensive plans approved by the administration without change and the number of plans which were disapproved; and the number of and descriptions of programs and projects for which payments were terminated or suspended by LEAA and the states affected.

The Lean Years: 1976-1982

The 1976 Act led to a wholesale revision of LEAA guidelines. Each of the 20-plus specific requirements of the 1976 amendments required the establishment of detailed guidelines by LEAA. Such guidance was

clearly mandated by the Congress, which had sent a strong message that it wanted a more effective oversight of the LEAA program.

Much of what Congress had hoped to achieve through the 1976 amendments, however, never materialized. In 1977 the Carter Administration began an evaluation of the LEAA program with a view towards abolishing much of the state assistance program. A task group appointed in 1977 by Attorney General Griffin Bell, however, was not ready to abandon the state assistance program. The task group reported back to the Attorney General with substantial recommendations for changes. In its report, this group gave a brief but distinct indication of what it felt had happened to the program.[60] Among the findings of the group were that:

1. The detailed specification of the composition, structure, functions and administrative responsibilities of the planning agencies impeded effective development of criminal justice planning. As a result, such planning agencies had very little impact on allocation of non-LEAA state and local criminal justice funds.
2. The detailed specification of the content of the required state plan encouraged state and local governments to focus on ensuring statutory compliance rather than undertaking effective planning. Indeed, the LEAA virtually assured the states that the plans would be approved as long as the requirements specified in the statute were met.
3. Amendments to the original statute, in particular those dealing with corrections, juvenile justice and courts, increased the complexity of the program and increased the problems faced in developing effective plans and planning mechanisms.
4. Numerous federal statutes which control all forms of grant assistance imposed substantial controls which resulted in staggering requirements on state agencies administering the LEAA programs.[61]

Given the lack of enthusiasm of the Carter Administration for the program, little was done to refine or change the guidelines that had been developed and put in place shortly after the passage of the 1976 Act. Instead, the program began its drift towards ultimate termination.[62]

In addition to creating the task force to review and make recommendations about the future of the LEAA program, Attorney General

Griffin Bell also directed the LEAA to terminate the operations of its regional offices to substantially reduce its staffing levels. It was the first time that an Attorney General had made effective use of his overall power over LEAA through his control of the LEAA budget. In the years that followed, the Attorney General continued to use this power with greater and greater force to reduce the overall staffing levels of LEAA, and redirect LEAA priorities.

Despite the many changes in its program, the LEAA organizational structure in 1978 remained much as it had in the early 1970s. (See Figure 9.) Major changes in this structure came only with the addition of the Office of Juvenile Justice and Delinquency Prevention in 1974, the Office of Community Anticrime Programs in 1976, and the elimination of the LEAA regional offices in 1977. By 1978 the responsibility for administering the plan and discretionary grants rested with the Office of Criminal Justice Programs.

Juvenile Justice and Delinquency Act Amendments of 1977

In 1977, Congress amended the Juvenile Justice Act.[63] The amendments passed by Congress were basically technical amendments designed to increase the independence of the Office of Juvenile Justice and Delinquency Prevention within LEAA.

Control Over State Programs: The principal changes in the Act were provisions giving the head of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) independence from the administrator of LEAA. The head of OJJDP was authorized to determine whether or not to approve the state comprehensive plans for compliance with the maintenance of effort and comprehensive juvenile justice planning provisions of the Juvenile Justice Act and the Safe Streets Act.

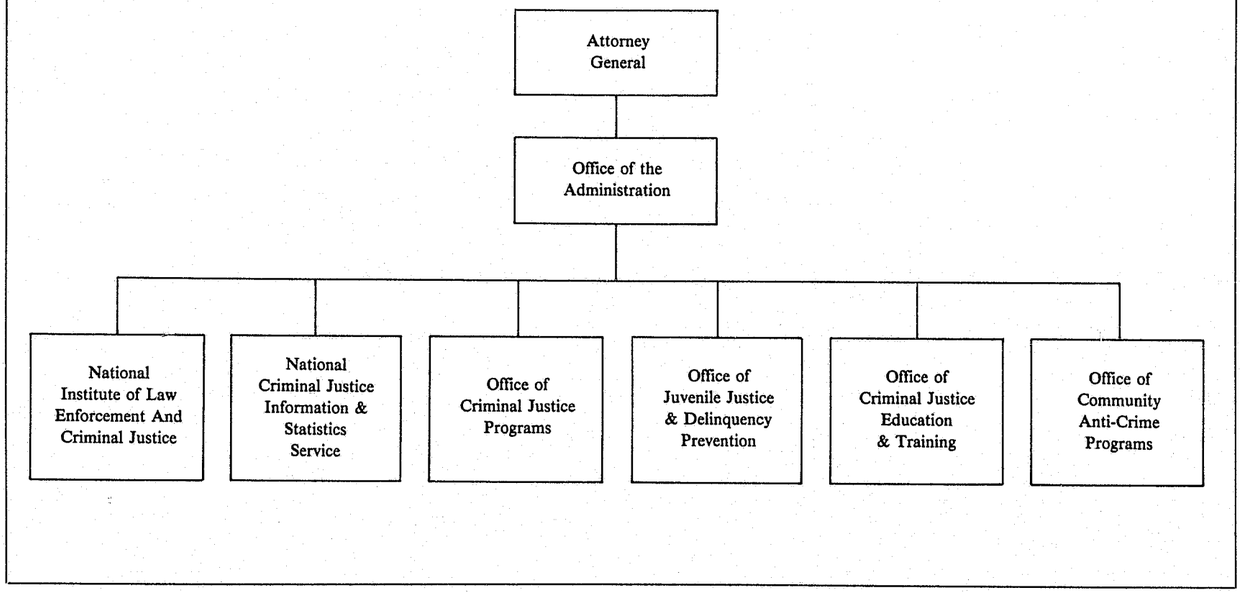
The Deinstitutionalization and Separation Requirements: The amendments clarified the deinstitutionalization and separation requirements of the 1974 Act to make clear that the provisions applied to status offenders as well as to so-called nonoffenders, i.e., the neglected and dependent children. The amendments also made clear that the states had the discretion to determine the appropriate type of nonsecure or community-based alternatives to juvenile correction facilities required under the provisions under § 223(a)(12) of the Act.

Matching Funds and Minimum Grants. The Act established a minimum grant award of $225,000 for each state and adopted a cash-match requirement.

Composition of State Juvenile Justice Advisory Boards: The 1974

FIGURE 9

Department of Justice
Law Enforcement Assistance Administration
July 1, 1978



Act required that each state establish a state advisory board to advise the overall state criminal justice supervisory board. The 1977 amendments broadened advisory board participation requirements to include the private business sector, youth workers and persons with special expertise in dealing with violent juveniles. In addition, they mandated that at least three youth members of the board must be or have been under the jurisdiction of the juvenile justice system.

The role of the advisory board was expanded to give it a direct responsibility to advise the governors and legislatures on juvenile justice matters and to review and comment on all juvenile-related grant applications submitted to the state planning agencies.

The amendments also gave the states flexibility in complying with the deinstitutionalization requirements. The Act was amended to give the states three years to achieve compliance with the deinstitutionalization requirements of § 223(a)(12). States that achieved substantial compliance within the three-year periods could be given an additional two years to come into full compliance with the Act if the LEAA administrator determined they had made an unequivocal commitment to achieving full compliance within two years.

Implementation of the 1977 Juvenile Justice Act

In an effort to carry out the provisions of the 1977 Act, the Office of Juvenile Justice and Delinquency Prevention concentrated its attention on assuring state compliance with the deinstitutionalization and separation requirements of the Juvenile Justice Act and on assuring that the states met the minimal funding requirements specified in the Crime Control Act for the juvenile justice programs. Issuance of guidelines and imposition of special conditions on the annual plan were the principle means used by OJJDP to assure compliance.

By fiscal year 1979, 51 states and territories had agreed to participate in the Juvenile Justice Act. Of the 51 participating states and territories, 37 participated continuously since 1975, when funding first became available under the Act. The states not participating in the program in FY 1979 were Nebraska, Nevada, North Dakota, Oklahoma, South Dakota and Wyoming.

Unlike the LEAA program the Juvenile Justice Program received strong congressional and administration support and received funding from Congress each year.

CONTINUED

1 OF 4

Crime Control Act of 1979

The House and Senate Judiciary Committees were not ready to abandon the LEAA program. However, working from the recommendations of the Attorney General's task force and on the recommendations of other groups, including the National Conference of State Planning Agencies, the Congress began in 1978 a fundamental reassessment of the LEAA program. The result was the Justice System Improvement Act[64] which created the Office of Justice Assistance, Research and Statistics (OJARS). This office replaced previous LEAA administrative structure including within its new umbrella a new independent research arm, the National Institute of Justice and a new independent statistical body, the Bureau of Justice Statistics.

The LEAA was retained as part of OJARS, but its role was limited to state and local financial assistance. The concept of comprehensive planning, and a planning agency focusing on LEAA funds were replaced with a requirement that states establish, or designate agencies, to analyze overall criminal justice problems within each state and to develop a set of goals, objectives, and priorities for the use of state and local funds as well as federal funds. States were no longer required to submit comprehensive plans. Instead, only an application was required and LEAA could only fund programs which were proven to be effective, had a record of proven success, or had a high probability of improving the functioning of the criminal justice system. The Act contained a detailed specification of the only types of programs which could be funded. Over 20 separate programs were described.

The LEAA was reorganized in accordance with the 1979 Act (see Figure 10), but the financial assistance provisions of the 1979 Act were never implemented. Funding was not made available by the Congress for the program, and it was terminated in 1982. The research program of the National Institute of Justice, the statistics program of the Bureau of Justice Statistics, and the program of the Office of Juvenile Justice and Delinquency Prevention continued.

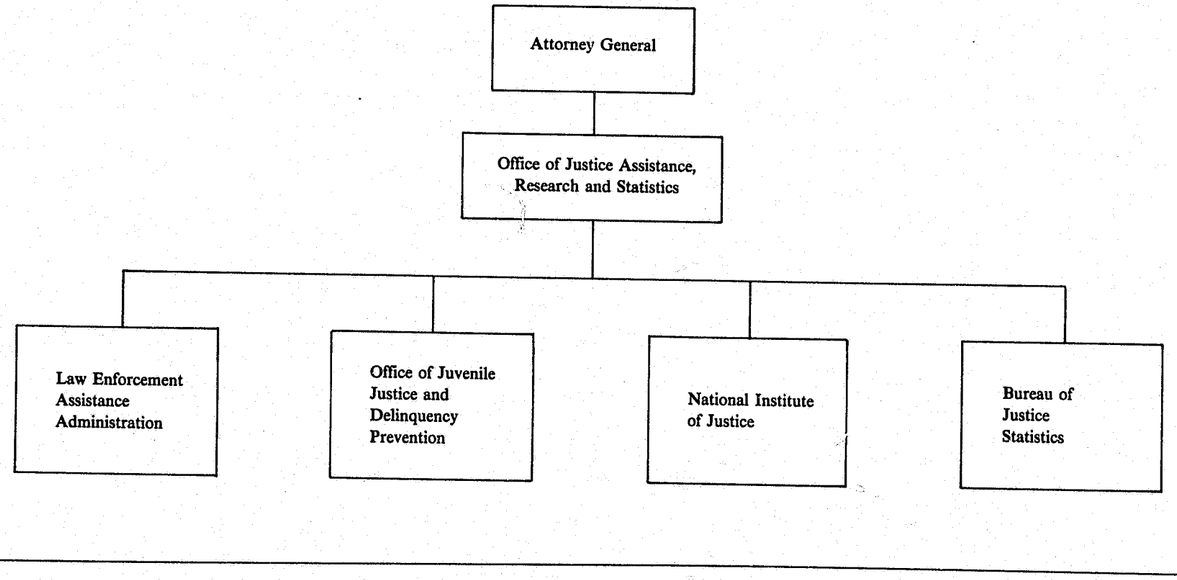
Conclusion

This chapter has examined the laws and regulations governing the LEAA program. In 1968 when the Omnibus Crime Control and Safe Streets Act was passed, it was hailed as the forerunner of a new direction in federal assistance to state and local governments. The states would receive block grants of funds to assist them in structuring

FIGURE 10

Office of Justice Assistance, Research and Statistics

July 1, 1980



their own state and local criminal justice improvement priorities. The federal role was to be limited essentially to one of fiscal oversight and to assuring that the states complied with the minimum requirements imposed by the Act on state and local governments. However, Congress in passing the Safe Streets Act fully expected the LEAA to reduce the incidence of crime. In the years following the passage of the Act, Congress used crime rate as a measure of LEAA's success or failure.

The "confused expectations" of the Congress and the state and local governments led to increasing federal administrative controls and to greater categorization of the program. This, in turn, led to enhanced criticism, and increased red tape and delay. By 1976 the program had undergone a fundamental metamorphosis from one of block grants to a more narrow categorical type program with strong federal controls. Despite the criticisms over the implementation of the program, there was strong support by state and local governments for continuance of the program. The support was due in large part to many successes of the program, including the numerous improvements in state and local courts, in correctional agencies, in police departments, in public defenders offices, in juvenile delinquency programs, and many others. Unfortunately, the program had lost its political support in Washington.

The lesson that emerges from the examination of the laws and regulations governing the program is that a broad-based criminal justice block-grant program cannot draw the appropriate balance between the concern of Congress and the Executive Branch over a measurable reduction in the incidence of crime and state and local interest in obtaining funding to assist in solving problems.

The Advisory Commission on Intergovernmental Relations, based on its study of numerous federal assistance programs including LEAA, established four essential standards for determining whether there should be a federal assistance program. The first is whether an important national purpose can or should be served by the federal government. The second is whether the program can distribute funds equitably. The third is whether the program can be effective at achieving its purposes and the last is whether the program can be operated with sufficient accountability to assure proper purpose of the funds. An examination of the laws and regulations governing the LEAA program cannot, of course, answer the question to whether their important national purpose should be served by a criminal justice assistance program. The analysis of the legislation and regulations

regulating the LEAA program does make clear, however, that a broad based subsidy program cannot be effective; that a major federal effort targeted in changing state and local policies and programs significantly reduces political accountability; and that it is difficult, if not impossible to distribute large amounts of federal grants for law enforcement and criminal justice equitably.

As discussed elsewhere, application of the ACIR standards would support a criminal justice assistance program targeted to programs of proven effectiveness and that was supportive of State and local policies and priorities.[65] The many successes of the LEAA in funding effective programs provides further support for the conclusion.

NOTES—CHAPTER 2

1. Advisory Commission on Intergovernmental Relations [hereinafter ACIR], Pub. No. A-52, *Categorical Grants: Their Role and Design,* Table I-7, at 25 (1978).
2. *Id.*
3. *Id.* Table I-5, at 22.
4. *See* Appendix II.
5. ACIR, Pub. No. A-78, *The Federal Role in the Federal System: The Dynamics of Growth—The Condition of Contemporary Federalism: Conflicting Theories and Collapsing Constraints* 117-126 (1981).
6. *See* Twentieth Century Fund Task Force on the Law Enforcement Assistance Administration, *Law Enforcement: The Federal Role* 39 (1976) [hereinafter "Twentieth Century Fund"].
7. Law Enforcement Assistance Act of 1965, Pub. L. No. 89-197, 79 Stat. 828 (1965), *repealed by* Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, § 405, 82 Stat. 204 (1968) (codified as amended at 42 U.S.C. § 3745 (1976)); Exec. Order No. 11236, 3 C.F.R. 329 (Comp. 1964-65). The Commission made over two hundred recommendations, many directed to the states, for improvement of the criminal justice system. It also called for a major new Federal criminal justice assistance program. President's Comm'n on Law Enforcement and the Admin. of Justice, *The Challenge of Crime in a Free Society* 634 (1967).
8. U.S. Congress, House, *Congressional Record,* August 3, 1967, p. 21201, remarks by Representative Gerald Ford.
9. U.S. Congress, Senate, *The Omnibus Crime Control and Safe Streets Act of 1967,* Report No. 1097, 90th Cong., 2nd Sess. p. 230 (1968) (Individual Views of Messrs. Dirkson, Hruska, Scott, and Thurmond on Titles I, II, and III) [hereinafter "Individual Views"].
10. ACIR, Pub. No. A-55, *Safe Streets Reconsidered: The Block Grant Experience 1968-1975,* 13-14 (1977).
11. *Id.* at 14.
12. U.S. Congress, Senate, *Congressional Record,* May 23, 1968, p. 14753.
13. President's Comm'n on Law Enforcement and the Admin. of Justice, *The Challenge of Crime in a Free Society* 280 (1967).
14. U.S. Congress, Senate, *Individual Views, supra* note 9, at 230.
15. *Ely v. Velde,* 451 F.2d 1130, 1136 (4th Cir. 1971) (footnotes omitted).

16. ACIR, *Safe Streets Reconsidered* 15.

17. Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, 82 Stat. 204 (codified as amended at 42 U.S.C. § 3701, *et seq.*).

18. ACIR, *Safe Streets Reconsidered* 33.

19. Madden, *The Federal Government: First Supporting Player,* in Violent Crime in America 68, 70 (K. Feinberg ed. 1983) (available from National Policy Exchange, Washington, D.C.); Diegelman, "Federal Financial Assistance for Crime Control: Lessons of the LEAA Experience," 73 Journal of Criminal Law & Criminology 994, 997 (1982).

20. Madden, *supra* note 18, at 70-71.

21. *Id.* at 71.

22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.*

26. Mr. Rogovin discussed his frustrations in a 1973 article. *See* Charles H. Rogovin, "The Genesis of the Law Enforcement Assistance Administration," 1973 *Columbia Human Rights Law Review* 12-20.

27. ACIR, *Safe Streets Reconsidered* 34.

28. Omnibus Crime Control Act of 1970, Pub. L. No. 91-644, 84 Stat. 1880 (1970), *amending* Pub. L. No. 90-351.

29. U.S. Congress, House, Committee on the Judiciary, *Law Enforcement Assistance Administration Amendments,* Report No. 1174, 91st Cong., 2nd Sess. p. 22 (1970).

30. ACIR, *Safe Streets Reconsidered* 19-20.

31. *Id.*

32. *Id.*

33. Twentieth Century Fund, *supra* note 6, at 5-6.

34. Congressman John S. Monagan's committee issued a report exposing some of LEAA's deficiencies in its first years of operation that received wide circulation. *See* U.S. Congress, House, Committee on Government Operations, *Block Grant Programs of the Law Enforcement Assistance Administration,* 92nd Cong., 1st Sess. (1971).

35. ACIR, *Safe Streets Reconsidered* 40.

36. ACIR, *Safe Streets Reconsidered* 21.

37. *Id.*

38. Crime Control Act of 1973, Pub. L. No. 93-83, 87 Stat. 197 (1973).

39. *See generally* U.S. Congress, House, Committee on the Judiciary, Subcommittee No. 5, *Law Enforcement Assistance Administration Hearings,* 93rd Cong., 1st Sess., 1973.

40. U.S. Congress, House, Congressional Record, June 14, 1973 (daily ed.), p. H4743, remarks by Representative Peter Rodino.

41. U.S. Congress, House, *Congressional Record,* June 18, 1973 (daily ed.), p. H4871, remarks by Representative Barbara Jordan.

42. *Id.* at H4877.

43. *Id.* at H4880.

44. Pub. L. No. 93-83, § 303.

45. Law Enforcement Assistance Administration, *5th Annual Report of the Law Enforcement Assistance Administration* 3 (1973).

46. ACIR, *Safe Streets Reconsidered* 39.

47. *See* Law Enforcement Assistance Administration, *Financial Management for Planning and Action Grants* (April 1973).

48. 451 F.2d 1130 (4th Cir. 1971).

49. 451 F.2d at 1135-36 (footnotes omitted).

50. U.S. Congress, Senate, Committee on the Judiciary, *Juvenile Justice and Delinquency Prevention Act of 1974,* Report No. 1011, 93rd Cong., 2d Sess. 19 (1974).

51. *Id.* at 110.

52. U.S. Congress, Senate, *Congressional Record,* August 19, 1974, S15263-66, remarks by Senator Birch Bayh.

53. Pub. L. No. 93-415, 88 Stat. 1109 (1974).

54. ACIR, *Safe Streets Reconsidered* 29.

55. Pub. L. No. 94-503, 90 Stat. 2407 (1976).

56. U.S. Congress, Senate, *Congressional Record,* July 22, 1976, S12221, remarks by Senator Edward Kennedy.

57. The judicial provisions are discussed extensively in a series of opinions issued by the Office of General Counsel of the Law Enforcement Assistance Administration. *See* Op. Off. of Gen. Counsel L.E.A.A. 77-15, 77-16, and 77-18 (1976).

58. Twentieth Century Fund, *supra* note 6, at 126-130.

59. Pub. L. No. 94-503, § 122, 90 Stat. 2407, 2418 (1976) codified at 42 U.S.C. § 3766 until revised by Pub. L. No. 96-157, § 2, 93 Stat 1167, 1206 (1979)). The civil rights provisions of the Jordan Amendment are discussed extensively in an opinion of the U.S. Court of Appeals for the District of Columbia, *National Black Police Ass'n v. Velde,* 631 F.2d 784 (D.C. Cir. 1980), *vacated and remanded,* 102 S. Ct. 3503 (1982).

60. Dep't. of Justice Study Group, *Report to the Attorney General: Restructuring the Justice Department's Program of Assistance to State and Local Governments for Crime Control and Criminal Justice System Improvement* (1977).

61. *Id.* at 8-9.

62. *See generally* Diegelman, "Federal Financial Assistance for Crime Control: Lessons of the LEAA Experience," 73 Journal of Criminal Law & Criminology 994 (1982).

63. Pub. L. No. 95-115, 91 Stat. 1048 (1977).

64. Pub. L. No. 96-157, 93 Stat. 1167 (1979).

65. *See* Madden, *The Federal Government: First Supporting Player* 72-75; Diegelman, supra note 62, at 1009-11.

APPENDIX I
ADMINISTRATIVE DIRECTIVES CONTROLLING EXPENDITURES UNDER GRANTS

Office of Management and Budget [OMB] Circulars

OMB Circular A-73	Audit of Federal Operations and Programs
OMB Circular A-87	Cost Principles Applicable to Grants and Contracts with State and Local Governments
OMB Circular A-95	Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects
OMB Circular A-102	Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments
OMB Circular A-105	Standard Federal Regions

Department of Treasury Circulars

Treasury Circular 1075	Withdrawal of Cash from the Treasury for Advances Under Federal Grant and Other Programs
Treasury Circular 1082	Notification to States of Grant-In-Aid Information

Executive Orders

E.O. 11246	Nondiscrimination in Employment in Federally Assisted Construction Projects
E.O. 11764	Nondiscrimination in Federally Assisted Programs
E.O. 11914	Nondiscrimination with Respect to Handicapped in Federally Assisted Programs

APPENDIX II
STATUTES CONTROLLING EXPENDITURES OF GRANT FUNDS

ENVIRONMENTAL LAWS

1. National Environmental Policy Act of 1969, 42 U.S.C. § 4321, *et seq.* (1970) [NEPA]. NEPA requires Federal grantor agencies to consider the environmental impact of major Federal actions funded by Federal grants and to prepare environmental impact statements on these actions.
2. National Historic Preservation Act of 1966, 16 U.S.C. § 470, *et seq.* (1970) [NHPA]. NHPA requires Federal grantor agencies and grantees to consider the effect of Federally assisted projects on historical properties listed in the National Register of Historic Places.
3. Flood Disaster Protection Act of 1973, 42 U.S.C. § 4001, *et seq.* (Supp. III, 1973) [FDPA]. FDPA prohibits the use of Federal grant funds to support construction in any area identified by the Secretary of Housing and Urban Development as having special flood hazards unless the building and any related personal property is covered by flood insurance. *This is the only statute in this listing which exempts block grants from its coverage.*
4. Clean Air Act of 1970, 42 U.S.C. § 7401, *et seq.* (Supp. II, 1972). The Clean Air Act and Executive Order 11738 prohibit funding through grants of activities with an organization that proposes to use a facility which violates the air pollution standards of the Clean Air Act.
5. Federal Water Pollution Control Act of 1948, as amended, 33 U.S.C. § 1251, *et seq.* (Supp. II, 1972) [FWPCA]. The FWPCA and Executive Order 11738 prohibit funding through grants of activities with an organization that proposes to use a facility which violates the water pollution standards of the FWPCA.
6. Safe Drinking Water Act of 1974, 42 U.S.C. § 300f, *et seq.* (Supp. IV, 1974) [SDWA]. SDWA provides that no grant may be used to fund a project which may contaminate an aquifer which is the principal drinking water source for a community.
7. Endangered Species Act of 1973, 16 U.S.C. § 1531, *et seq.* (Supp. III, 1973) [ESA]. ESA requires Federal grantor agencies to assure that grant

fund are not used in a manner that jeopardizes the continued existence of a threatened or endangered species.

8. Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. § 1271, *et seq.* (1976) [WSRA]. WSRA requires Federal grantor agencies to assure that grant funds are not used in a manner that jeopardizes the clear and free-flowing condition of certain wild and scenic rivers.
9. Historical and Archeological Data Preservation Act of 1960, as amended, 16 U.S.C. § 469 *et seq.* (Supp. IV, 1974) [HADPA]. HADPA places limitations on the use of Federal funds to support an activity that may cause irreparable loss to significant historical or archeological data.
10. Coastal Zone Management Act of 1972, 16 U.S.C. § 1451, *et seq.* (Supp. II, 1972) [CZMA]. CZMA specifies that grant-supported activities must be consistent with State land-management programs for the protection of coastal zones, including Great Lake waters.

CIVIL RIGHTS LAWS

11. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (1970). Title VI provides that no person on the ground of race, color, or national origin can be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded with Federal grants.
12. Rehabilitation Act of 1973, 29 U.S.C. § 701, *et seq.* (Supp. III, 1973). The Rehabilitation Act extends the Title VI type protections to the handicapped.
13. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (Supp. II, 1972). Title IX provides that no person can on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or project funded with Federal grants.

OTHER

14. Indian Self-Determination Act, 25 U.S.C. § 450f (Supp. V, 1975). The Self-Determination Act requires Federal grantor agencies to give preferences to training and employment of Indians and use of Indian enterprises for administrative functions under grant programs which benefit Indians.

    Intergovernmental Cooperation Act of 1968, 42 U.S.C. § 4201, *et seq.* (1970). The Intergovernmental Cooperation Act authorizes the creation of clearinghouses at the State and local levels to coordinate and review grant programs and projects. Use of the clearinghouse by Federal grantor agencies and State and local grantees is mandated by OMB Circular A-95.

16. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, *et seq.* (1970). The Relocation Act requires grantees to pay the costs of relocating individuals displaced by construction and leasing undertaken with Federal grant funds. It also requires grantees to assure that displaced persons find adequate housing.

17. Hatch Political Activity Act of 1940, as amended, 5 U.S.C. § 1501, *et seq.* (Supp. IV, 1974). The Hatch Act prohibits State and local government officials whose salaries are paid in part with Federal grant funds from running for political office other than the office they currently hold. It also prohibits coercion of political contributions from government employees whose salaries are paid with grant funds.
18. Animal Welfare Act of 1970, 7 U.S.C. § 2131, *et seq.* (1970). This Act requires research facilities to comply with humane standards for the care and handling of animals which are used in Federally-assisted projects or experiments.
19. Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. § 3301, *et seq.* (1970). This Act requires grantees to submit proposed metropolitan construction projects to an areawide planning agency for comments and recommendations prior to submitting a grant application to the Federal government.

Title 18 of the United States Code contains a number of criminal sanctions applicable to grants. These include prohibitions against false statements, 18 U.S.C. § 1001 (1970); prohibitions against using grants for political purposes, 18 U.S.C. §§ 600-607 (1970); and prohibitions against the expenditure of grant funds for purposes other than for which the funds were appropriated.

The listing does not include legislative riders attached to appropriation bills. It does not include acts such as the Davis Bacon Act, 40 U.S.C. § 2769 (1970), which are incorporated by specific statutory reference into the enabling statute of selected grant programs.

Chapter 3
LEAA IN THE STATES: 1968-1980

This chapter focuses on what happened to the LEAA program at the state level and particularly on the role played by the state planning agencies (SPAs). The lessons to be gained from the experience are rich but nonetheless complicated in what they offer to guide future criminal justice development. The chapter begins with a few remarks concerning our approach to assessment, and then examines the LEAA program in the states by following its evolution from 1968 to 1980. Employing the perspective provided by models of interorganizational and intergovernmental relations, the chapter ends with a preliminary assessment and analysis of the initial design and subsequent evolution of the program.

LEAA Program Objectives and an Approach to Assessment

The central objective of the Safe Streets Act was to build the capacity of state and local criminal justice agencies to combat crime. While the program enacted to achieve this effort was multifaceted, the lynchpin was a group of programmatic and funding priorities directed toward three capacity-building initiatives at the state-level: (1) comprehensive system planning and coordination, (2) program innovation, and (3) development of new crime-fighting technology. State planning agencies were created to supply essential direction to these efforts.

A common assumption among proponents of the LEAA program had been that state and local units of government lacked both sufficient financial resources and policy commitment to support change in the criminal justice system.[1] The block grants were intended not only to offer the necessary financial support for innovation but were also intended to alter criminal justice agency task environments (that is, whom and what criminal justice agencies responded to, or more formally, the source and kind of inputs and the demand for outputs made by the criminal justice agency's relevant environment).[2] To alter agency task environments, new agencies, supported largely through LEAA funds, were to advance comprehensive planning, innovation, and co-

ordination. By placing block-grant funds under the "control" of these new planning agencies, the assumption was made that the task environments of criminal justice agencies would be altered through measured application of a carrot-and-stick approach.[3] That is, the belief was that an organization at one level of government could influence innovation and adaptation in organizations at other levels of government by offering innovative ideas and financial inducements.

There was an implicit assumption in the Safe Streets Act, and it was carried forward in LEAA administrative regulations, that the SPAs would serve as the focal organization for change. To accomplish this, however, tension between two competing needs would have to be controlled. On the one hand, the SPAs would have to secure a relative degree of independence from state and local politics and from the status-quo-oriented policy decision making of these political environments. On the other hand, the SPAs could not remain too aloof from these political realities and from local perceptions of need. Because SPA formal authority over state and local criminal justice agencies was limited, authority alone would not suffice in bringing about innovation. The SPAs would have to acquire both influence and legitimacy; and to achieve these the SPAs had to attract operational agency interest in planning, coordination, and innovation. This would be difficult under the best of circumstances and made all the more difficult in this case by the constitutionally decentralized nature of justice administration.

A Judgmental Approach to Assessment

Ultimately, the scientific evaluation of any public program requires many things, but none more important than clear and agreed-to policy objectives against which action and results can be assessed. So, too, hard data about results and accomplishments related to these goals and objectives are required for measurement purposes. There are not enough of either of these to permit a fully objective evaluation of state-level SPA efforts. First, the goals and objectives against which to evaluate the effort were never clearly stated nor agreed to by all involved because the policy objectives of the LEAA program were themselves multifaceted and politically complex. Second, there are not enough, nor good enough, objective data on program *outcomes* for evaluation purposes.

Nonetheless, there is a basis for assessment in an analysis of the expenditures and programs that were implemented and in the opinions

of knowledgeable people about what these expenditures and programs accomplished. There are three kinds of issues to consider. The first has to do with resources—the amount of money expended and the rough distribution of these expenditures. There are fairly reliable data for assessing this. The second has to do with activities—the kinds of program efforts initiated or undertaken. There are enough data currently to permit at least a general assessment in this area. The third has to do with goals and objectives—determination of whether the purposes of the Crime Control Act were achieved, to what degree, and what seemed to work and what did not work. The data to permit assessment of this is largely anecdotal and judgmental.

Previous assessments, those reaching positive conclusions about the effort as well as those reaching negative conclusions, have been based largely on these anecdotal and judgmental data. Diversity in the conclusions reached by previous assessors partly reflect their differing preferences about the ultimate public policy goals that *should* have been furthered by LEAA and the SPAs; the differences also reflect variance in *judgments* about what worked and what didn't.

Intergovernmental Dilemmas in LEAA Objectives and Methods

Previous assessment results of state-level activity have varied, from branding the effort as an outright failure to anointing it as a godsend. But almost all assessments agree on one thing: provisions of the Safe Streets Act, subsequent legislative amendments, and guidelines promulgated by LEAA pursuant to the Act created a climate of confusion and either misdirection or no direction for SPA operations. That positive accomplishments of any kind were realized seems all the more amazing given this legislative and administrative backdrop.

One way of understanding the nature and consequences of the administrative environment created by the Safe Streets Act is to examine it from an interorganizational (intergovernmental) perspective. Unfortunately, the interorganizational perspective has not been fully utilized by assessors of the LEAA/SPA endeavor. An exception is the work of Virginia Gray and Bruce Williams, published under the title, "The Organizational Politics of Criminal Justice."[4]

Drawing heavily on the interorganizational[5] and the intergovernmental[6] relations literature, Gray and Williams have fashioned a conceptual basis for understanding both the strengths and the weaknesses of the LEAA program as it attempted to foster change at the state

and local levels through the SPAs and the block-grant program. Their conclusion is that LEAA shortcomings in achieving federal policy objectives can be traced to a set of ineffective strategies' and tactics' having been adopted to manage the intergovernmental flow of innovation from the federal to the state and local levels. Although it is difficult to summarize in a few words or a few paragraphs the basis of their argument and the interorganizational theory and research on which it is based, a simplified version of the essential points is useful. Below, we only briefly introduce the interorganizational perspective; it will be considered in greater detail and utilized to provide a general assessment of the LEAA program in the states later in this chapter.

Models for Interorganizational Relationships

Interorganizational relationships can be viewed in three ways.[7] The most elementary is the *dyadic* form where two organizations interact with one another. A more complex form is the *interorganizational set* where relationships among organizations occur as a number of dyadic interactions between a focal or hub organization and several other organizations.[8] The most complex form is the *interorganizational network* where organizations are seen as entering into an involved set of exchanges with several other organizations; there is no focal or hub organization; the interorganizational network is a product of all organizations interacting at varying points in time with all other organizations in the network.[9] Although speculative, it can be advanced that the LEAA legislation assumed a kind of interorganizational-set model with the SPAs serving as focal or hub organizations in leading change in the system. The reality as it developed was probably closer to the interorganizational-network model.

The objective was for the LEAA program and its newly created agencies to foster system change and improvement in traditional criminal justice agencies. Gray and Williams present two possible interorganizational models for accomplishing such change: (1) the *selection model* and (2) the *adaptation model*. The *selection model* is based on the biological-evolution analog: When environmental demands and support change substantially, the organization must adapt to survive.[10] Organizations that don't adapt to meet new environmental demands cease to exist just as biological species do when they fail to respond to environmental changes. For example, LEAA block-grant funds under this model would be used to support organizations that did change and funds could be withheld from those that did not.

Clearly, however, for the selection model to work the consequences of failure to adapt have to be severe; that is, the withholding of block-grant funds would be so consequential that criminal justice organizations would either change to meet federal policy objectives or they would cease (in time) to exist. Undesirable agencies would be eliminated and replaced with those that functioned in a way consistent with new directions. Another assumption of the selection model is that organizations generally have so high a degree of resistance to change that threats to survival must be introduced as the only practical way of bringing about change.[11] As we shall see, neither of these assumptions seem applicable to the LEAA experience; that is, block-grants were generally not used by the SPAs as a weapon to secure compliance and criminal justice agencies did change over the course of the LEAA program without there having been LEAA-induced threats to their survival. Under a completely rigid and uniformly enforced selection-model approach, change will either be fundamentally consistent with the new demands of the environment or the organization will cease to function. This was never possible under either provisions of the Safe Streets Act or the constitutional doctrine of cooperative federalism.

The alternative model offered by Gray and Williams, the *adaptive model*, assumes that organizational resistance to change is not so consistent or pervasive because organizations continually adapt to many different stimuli of varying strengths and varying types. One method of change consistent with the adaptive model focuses on building goal consensus among the various organizations or levels of government. This so called *exchange approach* to adaptation "emphasizes cooperation and complementary goals as prerequisites to the formation of interorganizational linkages."[12] The exchange approach requires agreement among organizations at all levels of government not only in developing complementary goals but in undertaking complementary programs and actions to achieve these goals. Agreement is achieved not by way of threat to organizational survival or through carrots and sticks but rather through negotiation and the efforts of powerful opinion leaders to secure voluntary agreement on the need for adaptation. As we will see, the decentralized nature of American criminal justice, the fear about federal encroachment of states' rights and of state encroachment of local rights, and the lack of experience with the LEAA-program concept or agreement over its objectives combined to make achieving voluntary agreement on goals and programs exceedingly difficult.

The alternative approach under the adaptive model is *power-dependence*. The power-dependence approach is conflict oriented rather than consensus-building oriented and is a carrot-and-stick approach to "convince" organizations of the rewards to be realized from adopting desirable change. The power-dependence approach is closely related to the selection model in that there are negative consequences of failure to adapt as well as positive consequences arising out of adaptation, but the threats are not necessarily "life-threatening." An example of such carrot-and-stick, power-dependence approaches from the early days of LEAA was the tying of law enforcement communications equipment grants to agency consolidation (e.g., no communications equipment money permitted to agencies having fewer than five sworn personnel).

At least three conditions are important to the power-dependence approach. First, the resources-at-stake coming from the federal level need to be of substantial signficance to state and local organizations. Second, there can be few if any alternative sources for these resources. Third, the granting organization must be able to exercise substantial allocational authority over the dispensing and use of resources.[13] The greater the allocational authority and the greater the resource importance, the greater is the *power* of the granting organization and the *dependence* of the receiving organization. The degree to which organizations change and adapt to new environmental demands will depend on the degree to which these three factors are realized. None of these conditions were met to any great degree under the LEAA program and thus, unlike "perfectly consistent" change produced under an effective selection-model approach, the amount of change produced under the power-dependence approach varies, and did greatly under LEAA from place to place.

Intergovernmental Arrangements and Federal Funds

LEAA, the SPAs and the block-grant program were fashioned as a tenuous compromise between federal spending to achieve federal goals and state-level control over the allocation of federal funds to support state and local priorities. The block-grant concept was a middle ground between two extreme models of federal and state intergovernmental cooperation. On the one hand, federal categorical grants made directly to states and localities normally carry tight specifications and allowances for grant expenditures. On the other hand, general federal revenue sharing is little more than the shifting of funds generated by

the national government to the states; restrictions on the expenditure of these funds are minimal or nonexistent.

The suitability of general revenue sharing to prompt change in the law enforcement field was inadvertently tested as a result of the passage of a $30 billion general revenue-sharing act in 1972. President Nixon had proposed "Special Revenue Sharing" for law enforcement, but Congress rejected inclusion of the idea as a part of the 1973 amendments to the Crime Control Act. Nonetheless, there is agreement that large portions of the general revenue sharing (GRS) funds were devoted to public safety and criminal justice. Studies of the application of GRS funds to criminal justice and law enforcement suggest that the bulk of these funds were substitutive and had a negligible impact on criminal justice procedures. GRS funds were used primarily for traditional operating expenditures and capital ventures.[14] A 1974 Brookings Institute study found among those jurisdictions reporting on the use of GRS funds that nearly 34% were devoted to public safety, but that only about 8% of GRS was used for "new" public safety purposes. Governmental units serving populations over one million reported that 43% of their GRS funds were devoted to law enforcement but that less than one-half of one percent was for new programs.[15] In sum, the great majority of GRS funds did not augment or supplement existing state and local expenditures but *supplanted* them. Further, there is no suggestion at all that GRS funds led to any meaningful innovation in criminal justice.

The federal block-grant concept sought to exert federal direction if not control over state and local anti-crime efforts while maintaining a decentralized intergovernmental model for specific allocation decisions. Federal wishes would be reflected in the actions of the state planning agencies and through the requirement of a statewide comprehensive criminal justice plan. Hierarchy and control, stretching from the national to the local level, although not intended as a dominant feature of the block-grant scheme, was nonetheless a part of the design as LEAA was given power to review and to approve state comprehensive plans. Both review and approval were required for release of the block grants.

The SPAs were to be the focal change-agent organizations. But two assumptions were critical to this being achieved. First, the new SPAs would have to understand and adopt the federal policy goals of coordination, innovation, and comprehensive planning. Because the SPAs would be financially supported through federal planning grants, the

revenue stakes for the SPAs were theoretically quite substantial if LEAA goals were not adopted and pursued. Second, the SPAs would have to be sufficiently free of constraint from and have influence over state and local criminal justice agencies (the targets of federal policy objectives). To accomplish this, the legislative intent was that the SPAs would be staffed with professional planners who by training and inclination would support coordination, innovation, and comprehensive planning. In turn, SPA attempts to foster planning in operating criminal justice agencies (by example, if not by other means) would increase the "professional-planner" network, and goal consensus would thereby be extended to the local criminal justice agency. Presumably if a network of professional planners could be established throughout the system, the interaction of these planners would help override some of the "artificial" task-domain boundaries of "independent" criminal justice agencies and sub-state governmental units.

Thus, the LEAA and block-grant programs implicitly combined an exchange approach and a power-dependence approach to interorganizational relations.[16] The exertion of federal influence in the intergovernmental arrangement was to be through both processes of consensus building and alteration of the criminal justice agency task environment. Building goal consensus for change (the exchange approach) would be accomplished through the development of a core of professional criminal justice planners, highly regarded by the system.[17] The task environments of criminal justice agencies would be altered through the drawing power of the block-grant "carrot."

The SPAs: 1968-1973

By December of 1968 all states had established a planning agency as required under provisions of the Crime Control Act. In 31 of these states the new planning agency grew out of the governors' committees on law enforcement and criminal justice begun under OLEA. There was thus some experience at the state level in dealing with the federal government on the issue of crime control. However, the role envisioned for the new planning agency was much grander and complex. Among its legislatively mandated first-tasks, the planning agency was to develop a comprehensive statewide plan for the improvement of law enforcement throughout the state as a precondition to the release of block-grant funds; it was to define and to develop means of improving law enforcement; and it was to establish priorities. These were new

tasks for which few had any prior experience; and the tasks were to be accomplished in relatively short order so as to permit the release of the first batches of federal funds ($59 million in 1969 and $268 million in 1970).

The lack of experience in performing the new tasks produced predictable results. In 1969 less than 50% of the authorized funds were expended, and in 1970 less than 25% were. (Substantial disparities between annually authorized and expended funds would continue until about the mid-seventies, generally diminishing year-by-year.) The inability of the SPAs and LEAA to move money quickly surfaced as one of the earliest complaints; and as the SPAs and LEAA acted to counter these criticisms, corners were cut in the effort to produce comprehensive, improvement-oriented, and priority-setting plans. To many observers the early years of the LEAA effort can best be characterized as giving the highest priority to getting the money out and to starting the war on crime. This would prove to set a dangerous precedent and to create expectations on the part of state and local agencies that would be hard to override in the future—expectations that the money would flow regardless of the quality of effort put into planning, priority setting, and coordination.

Nonetheless, giving priority to moving money is not unusual in public affairs. Pressman and Wildavsky have observed that policy making and policy implementation is first and foremost tied to the flow of funds:

> Do something! Do anything! Do it right away! Poor cities, like poor countries are in trouble. They need so much so fast. They are always conscious that time is running out on them; hence they are always tempted to engage in short run expedience to overcome long run problems. Perhaps one major project . . . will enable them to catch up and move ahead. Donors of aid are also caught up in the 'Great-Leap-Forward' psychology combining undue pessimism about the past with wild optimism about the future. . . .[18]

It is much too easy and convenient to indict the early LEAA and SPA efforts. Before 1970, components of the criminal justice system had rarely spoken to one another or recognized each other's existence in any important sense; few people were aware of or recognized the concept of a criminal justice system. Efforts to set priorities among independent and sometimes competing agencies, to develop comprehensive plans, and to cooperate in producing improvements were all

strange and untried ideas. SPA professional staffs were themselves inexperienced in developing comprehensive plans. No one in criminal justice had experience in annually dispensing hundreds of millions of dollars in new crime-fighting funds. And although the new money was substantial in gross dollar terms, federal outlays represented less than .5% of total state and local expenditures for criminal justice in 1969 and still less than 1% in 1970.[19] If one is to take seriously the necessity of having substantial fund-stakes involved in establishing a successful power-dependence relationship, a federal contribution of less than one percent seems hardly sufficient to force independent state and local criminal justice agencies to move in new directions.

The SPAs and LEAA were caught in a multifaceted catch-22. On the one hand more federal funds were needed to boost the stakes in order to secure cooperation and compliance, but on the other hand the SPAs found it difficult to manage effectively the funds already authorized. Indeed, the problem inherent in managing such large amounts of new money was reflected in a 1975 survey of SPA directors: 61% felt that growth in Part C funds (action money) during the early years of the program had been too rapid to allow effective planning for distribution and use.[20] So, too, comprehensive planning took time, especially as it was new and as an appropriately skilled infrastructure to do it could only be established slowly. This was recognized as early as 1970:

> Although there are 50 State plans, these are rudimentary, exhibit gaps in coverage, are often vague and imprecise about implementation, and have yet to incorporate serious long-term or multi-year components. Despite the encouraging start, it is still too early to tell whether the States will develop sophisticated, well-delineated plans capable of effectively directing funds and spearheading reform efforts. While we have insightful understanding of needs and sound conception of priorities, we do not have such plans as yet.[21]

If fund disbursements were to await the development of truly comprehensive plans, few if any funds would be expended in the near term, and complaints would arise; yet, if funds were released without comprehensive planning, charges would be made that provisions of the Crime Control Act were not being followed. LEAA and the SPAs were in a no-win situation.

Criticism from the Cities

As could have been expected, the most vocal critics of the early effort came from the cities; they had lost the fight in Congress to have crime-fighting funds flow directly to cities, either under a categorical or a block-grant model. The Johnson administration had supported direct assistance to the cities as it believed that the states were ill-equipped and lacked experience in matters of law enforcement.[22] After the first few years of experience with LEAA, the major complaint of the cities came to be a replay of their earlier concern: they were being left out of policy decision-making concerning the use and the distribution of block-grant funds. They charged that many states were unwilling to assist in solving urban problems and that this was most clearly reflected in a disproportionate share of federal anti-crime funds going to rural and suburban areas. Representatives of cities were also more than chagrined with the way in which regional planning districts were designed. They charged that many states had designed districts in such a way that the advisory groups for these regions disproportionately represented the parts of the regions with smaller populations and less crime.[23] Since they were not in a position to do major surgery on the parent legislation (for example, establishing direct categorical or block grants to the cities), many from the cities advocated abolition of the regional planning structures.[24]

The views of cities were most clearly represented in a series of assessments conducted by the National Urban Coalition and published under reports entitled, "Law and Disorder I, II, and III".[25] These reports, in addition to noting an unfavorable balance of influence away from the cities, noted that regional and state advisory boards were dominated by criminal justice professionals—little room having been left or allowed for the inclusion of private citizens (especially minorities). Community involvement in the drafting of plans was deemed essential if community support for law enforcement was to be increased.[26] Further, continuing domination of the planning apparatus by the agency professional would be likely to result in little innovation or change in "repressive" law enforcement practices. Clearly, these reports reflected not only local urban interests but "liberal" reform-minded interests as well. Indeed, they reflected a preference to view the crime problem as more of a macro-social condition, requiring the involvement of not only the general public in anti-crime planning but also social service agencies such as departments of welfare, education, and employment. As the Urban Coalition expressed it,

> A strengthened criminal justice system alone cannot begin to solve the crime problem. In a democratic society all available alternatives should be explored before the role of the police is expanded. The agencies of the criminal justice system should be subjected to broad public review and participation. The criminal justice system as a whole is presently characterized by widespread discrimination against the poor and minorities.[27]

The SPAs were criticized for not acquiring and developing staffs with sufficient expertise to undertake system-wide planning. They were criticized for awarding grant funds to support traditional crime-fighting measures instead of supporting programs that would get at the root causes of crime. Some states were accused of developing "overly detailed plans which in effect precluded localities from developing their own priorities by requiring them to fit into one of the state's preferred categories." Others were accused of having "avoided planning responsibilities entirely by filing plans which were so general in nature that almost any subsequently submitted proposal could be tailored to fall within the plan."[28]

Taking note of the large number of small-dollar grants awarded, charges were made that program funds were being dissipated—geographically and programmatically. Yet, at the same time the SPAs and the regions were accused of unduly concentrating expenditures in law enforcement, and then usually for the purchase of equipment, and away from areas such as corrections, juvenile treatment, narcotics control, and court reform. The Urban Coalition specifically quoted figures based on a twelve-state study that indicated expenditures on law enforcement were 10 times that of expenditures on corrections; they recommended that a ceiling be put on the percentage of block-grant funds that could be distributed to law enforcement.[29]

Although it is clear that criticisms from the cities were prompted by dissatisfaction at having not been made the focal point of the anti-crime effort, many attracted considerable support. Indeed, a 1972 House Report made several recommendations for changes that implicitly and explicitly gave recognition to these complaints.[30] They included that the LEAA program had failed to produce visible impact on crime; LEAA had failed to develop effective policy direction and evaluation criteria; states and localities did not use funds promptly; LEAA didn't effectively monitor funds used, held, or invested by state and local agencies; SPA audits were nothing more than voucher verifications; SPAs had failed to produce sufficient inhouse talent to

diminish the excessive use of outside consultants; and LEAA and the SPAs had failed to enforce federal guidelines. (This last criticism seems partially to have been directed toward the failure to use block-grant funds to prompt innovation; the Urban Coalition Reports had cited this failure as well, noting that in their view the LEAA program had become one of fiscal relief and that funds and programs grew so rapidly that no one had bothered to determine what worked.)[31] These and other criticisms yielded a series of recommendations in the House Report, most of which concentrated on requiring LEAA and the SPAs to develop more effective accounting and evaluation criteria and procedures. Other recommendations concerned the creation of manpower development programs, presumably to improve the quality of inhouse talent to undertake planning and evaluation and to reduce the need for consultants.

The Early Years in Perspective

With the advantage of hindsight and the passing of time that permits cooler reflections, observers from the vantage point of the early eighties can look back upon the first few years of LEAA/SPA operations with some sympathy for those who attempted to put the Act into effect. Criticisms, such as those coming from the Urban Coalition were in part politically motivated and in part directed at the experimental searching for effective means of implementation. The lack of experience in fund disbursement and in comprehensive planning, the lack of an established infrastructure to carry these out, and the lack of policy agreement among levels of government concerning the intentions of the Act made it easy to generate criticisms of the early efforts.

Although criticisms abounded at the time, more balanced assessments based on more objective data were also made. In September 1970 the prestigious Advisory Commission on Intergovernmental Relations published a report on the first two years of LEAA/SPA operations. The Commission's conclusions were less damning than those of the Urban Coalition and in several places it questioned both the assumptions and the conclusions of the other critics. The comments below are quotations from paraphrases of this report.[32]

One important finding and conclusion of the Commission related to the states' abilities to administer the block grants.

> The basic criticism of the block grant approach is that the States are not equipped to handle the money and not really interested in the urgent crime problems of large cities and counties. That

> States were both concerned and equipped to move on the anti-crime front was demonstrated in the speed with which the program was implemented. The legislation required the States to set up a State law enforcement planning agency within six months of the measure's enactment to devise a comprehensive plan, receive block grants, and disburse subgrants.

The Commission also responded to critics that the supervisory boards were inadequately representative of local government policymakers and people.

> The average supervisory board has 23 members. Of the 1,153 persons serving on the 50 SPA boards at the end of 1969, one-third represented the States and two-thirds represented elected local government policymakers, law enforcement professionals, and the citizens. Overall, one-quarter of the board members represented citizen interest or elected local officials.

Concerning the distribution of block-grant funds to high-crime areas and to urban against rural areas, the Commission reported the following.

> Of the action subgrants going to cities, jurisdictions over 50,000 population received 76 percent of the total funds awarded municipalities. And urban counties (over 50,000 population) received 77 percent of the action money going to counties. However, cities under 50,000 population constituted 77 percent of the total number of municipal subgrantees; their average subgrant amounted to $2,782. Small counties (under 50,000 population) made up two-thirds of the subgrantees in the county category, with an average grant of $2,511. This proliferation of small subgrants has led to the charge that the States are employing a 'buck-shot' approach and are spreading subgrants too thinly rather than targeting the money on the most serious crime problem.
>
> Some analysts have used a locality's crime rate, its portion of total State-local police expenditures, and its share of total local police outlays as measures of its law enforcement assistance need and effort. The study considers the amount of money 'passed through' to the five largest cities (25,000 population or more) in each of 45 States to assess how they fared. Five States 'passed through' more to these Jurisdictions than they would have received if crime rates were the basis for allocation, and another seven States awarded a roughly proportional amount. Using these cities' portion of the total State-local police expenditures as a test, 12 States 'passed through' more and 12 others an amount commensurate with city expenditures. And using their share of total local police outlays, seven States distributed more and ten a comparable amount. These figures show that a majority of States are not focusing sufficient funds in high need areas, but no general consensus exists as to the reliability of these factors as a gauge of State responsiveness to urban crime reduction needs or of local anti-crime effort.

On the matter of the large proportion of block-grant funds going to law enforcement, the Commission noted that

> A major intent of the legislation is to stimulate a comprehensive approach to law enforcement and criminal justice. But early planning and action on the program focused primarily on the former. . . . The study reveals heavy accent on police in the 1969 plans and expenditures, although somewhat greater attention apparently has been given to courts and corrections in 1970 plans. As of early 1970, 45 percent of the action funds had been used for police programs with large amounts going to purchase equipment and for communication systems and training. Relatively insignificant dollar amounts were awarded for upgrading courts, prosecution and corrections. . . . There was little time to gear up for a truly comprehensive approach initially. The law enforcement interests were organized at State and local levels, and able to get the funds and use them immediately. A balanced, interrelated criminal justice program will take more time, but the mechanisms exist for working out such a program.

Amendments to the Crime Control Act in 1971 and 1973 are the best indicators of which criticisms garnered broad-based support and were taken seriously enough to prompt formal remedial action. The most important of the 1971 amendments sought to reduce the seemingly disproportionate amount of block-grant funds going to law enforcement. Part E funding was established to earmark revenues for corrections; and 25 percent of law enforcement funds were shifted to corrections. Another amendment, recognizing that as of 1970 only one-tenth of the members of supervisory boards were elected executives or policy executives, sought to increase the representation of units of

general local government and that of public agencies maintaining programs to reduce and control crime.

Other 1971 amendments dealt with the more complicated problem of comprehensive planning. Evidence was substantial that little comprehensive planning was underway in the states. Most SPAs and their supervisory bodies had formed functionally specialized working groups and working committees, paralleling the major functional divisions in criminal justice. This clearly stood in the way of comprehensive and coordinated planning among these functional components:

> "[Such functional divisions] will foster development of separate programs oriented to the various elements of law enforcement—police, courts, corrections, probation and parole—rather than the comprehensive, unified improvement program toward which the Safe Streets Act was directed. Such functionalization could also be partly to blame for the lack of integration of the criminal justice system."[33]

The problem of functional specialization and its negative consequences for comprehensive planning would prove to be a long-term problem and none of the 1971 amendments dealt with it specifically. But an allied planning problem was addressed: this centered on big-city concerns that the Regional Planning Units (RPUs) were simply another layer of bureaucracy that further screened the cities from crime-fighting money. Charges included that the RPUs were havens for red tape, that RPU staff were "state" agents, that composition of RPU supervisory boards underrepresented the cities, and that the RPUs siphoned off all funds for local planning efforts. After substantial discussion, an amendment passed that required (with LEAA waiver under appropriate circumstances) that 40% of planning funds be passed through directly to major cities and counties. A further amendment allowed local governments or combinations of local governments (with populations of 250,000 or more) voluntarily to form criminal justice coordinating councils, thereby ameliorating many of the problems arising from state-defined RPU boundaries and membership.

The 1973 amendments addressed or attempted to address several other criticisms consistently made since 1969. As to the purpose of the Act, "criminal justice" was put before "law enforcement," and specific attention was drawn to criminal rehabilitation and juvenile delinquency as legitimate concerns and objectives of the Act. The first change was meant to make clear that improvement in law enforcement

was a component of the Act, not its exclusive focus. The latter changes reflected a "liberalization" of the Act explicitly to include the targeting of funds to less "repressive' crime control efforts. Other 1973 changes included authorization for private citizens to be members of the supervisory boards, but a requirement was also added that at least a majority of supervisory-board members be locally-elected officials. The minimum Part B planning grant funds allocated per state was doubled, reflecting an interest in improving the quality of comprehensive planning in the smaller states. Units of local government serving populations of 250,000 or more were authorized to submit their own annual plans to the SPAs for funding, thereby allowing large cities and counties to express their priorities directly. And finally, in recognition of many criticisms that LEAA and the SPAs were not paying sufficient attention to the issue of measuring or determining program success, the National Institute of Law Enforcement and Criminal Justice was given the responsibility of developing and implementing means of evaluating LEAA programs. Unfortunately, no additional funds were earmarked for this evaluation.

The Early Years in Sum

Many of the criticisms made of the early effort and the measures taken to address them continued to reflect divisions of opinion about how to deal with crime. The major issues raised from 1969 to 1973 were in many cases the same issues that had been raised during debates in Congress about passage of the 1968 Safe Streets Act. The ability of the states to lead a crime-fighting effort, the problem of big-city influence, the issue of "repressive" versus more "liberal" approaches to crime control, and the problems inherent in attempting to measure the impact of federal dollars were the substance of the most salient critiques of the early effort.

The Period of SPA Maturation: 1974-1977

A basic proposition is that "the greater the task uncertainty, the greater the amount of information that must be processed among decision makers during task execution in order to achieve a given level of performance." Responses to uncertainty might include growth in bureaucracy, the creation of self-contained monitoring tasks, and the creation of vertical communication networks.[34] Because of rather substantial task uncertainty, 1974 through 1977 witnessed great bureau-

cratic growth in LEAA and increasing administrative complexity in monitoring grant programs. But also the period may be described as including increased experience, skill and sensitivity to addressing earlier criticisms levelled against the LEAA program. A focal criticism had been that the SPAs dispensed federal LEAA funds in a haphazard fashion, and not on the basis of effective comprehensive system planning. Much of the bureaucratization of the SPAs was the result of attempts to institutionalize the comprehensive planning process and more effectively to monitor the expenditure of grant funds.

In 1975 LEAA outlays were $853 million, nearly 30 times that of 1969 and over twice that of 1972. The size of the bureaucratic effort created to dispense block-grant funds through a comprehensive planning format had also risen to substantial proportions by this time. It resulted not just from growth in block-grant outlays but also as a result of increasing efforts by LEAA to shape grant letting, monitoring, and evaluation more effectively. The Guideline Manual issued by LEAA in 1975 to direct SPA grant functions offered an expansive list of duties and responsibilities:

A. Preparation, development and revision of comprehensive plans based on an analysis of law enforcement and criminal justice problems within the state;
B. Definition, development and correlation of action programs under such plans;
C. Establishment of priorities for law enforcement and criminal justice improvement in the State;
D. Providing information to prospective aid recipients on procedures and grant application;
E. Encouraging grant proposals from local units of government for law enforcement and criminal justice planning and improvement efforts;
F. Encouraging project proposals from State law enforcement and criminal justice agencies;
G. Taking action within 90 days after official receipt of local applications for aid and awarding of funds to local units of government;
H. Monitoring progress and expenditures under grants to State law enforcement and criminal justice agencies, local units of government, and other recipients of LEAA grant funds;
I. Encouraging regional, interstate metropolitan regional, local and metropolitan area planning efforts, action projects and cooperative arrangements;
J. Coordination of the State's law enforcement, criminal and juvenile justice plan, with other federal support programs relating to or having an impact on law enforcement and criminal justice;
K. Oversight and evaluation of the total State effort in plan implementation and law enforcement and criminal justice improvements;
L. Provide technical assistance for programs and projects contemplated by the State plan and by units of general local government;
M. Collecting statistics and other data relevant to law enforcement and criminal justice in the State and for state criminal justice planning management, and evaluation purposes, as required by the Administration.[35]

These guidelines imposed a monumental set of tasks on the SPAs. Most of course related to improving grant management, but many others were directed toward SPAs' taking the lead in developing an enhanced capability among state and local agencies to undertake planning and coordination quite aside from that associated with block-grant funds. Tasks I, K, L and M, for example, were at least as much directed toward building indigenous state and local capabilities as they were toward improving the block-grant process. Task G added a time dimension to guide decision making, requiring that SPA responses to local plans and grant applications be given within 90 days. This was clearly an attempt on the part of LEAA to answer criticisms that the SPAs were ineffective in responding to local needs and wants in a timely fashion.

The situation was exacerbated by the manner in which LEAA enforced compliance with these guidelines. The SPA planning process was supposed to be an annual affair, with LEAA giving the SPAs a response to their plans within 90 days of each annual submission. However, the LEAA guidelines were over 200 pages long and a constant source of friction between the SPAs and LEAA as each attempted to interpret the meaning of convoluted and multiple requirements. Furthermore, the guidelines were often revised by LEAA and frequently in the middle of the SPA planning cycle, requiring in some

instances major revisions of work already completed by the SPAs. LEAA did not terminate funding to states that failed to follow the guidelines but rather engaged in a lengthy process of negotiations, rewrites, and attachment of special conditions. An Urban Coalition report roundly criticized LEAA and the SPAs for the failure to withhold funds in the absence of acceptable plans.[36]

LEAA and the SPAs were caught in a catch-22 created by a Congress bent on assuring that the block-grant funds were used as intended. The dilemma has been aptly described in a report of the Twentieth Century Fund: "If the federal government follows a hands-off policy, it cannot impose and enforce standards. If it insists on and audits comprehensive planning, it cannot avoid setting up precisely the sort of bureaucracy that the block grant program was supposed to eliminate."[37]

If all of the imposed tasks of the Guideline Manual are taken as a whole, one inescapable conclusion is that they generally focused SPA attention on *process rather than substance*. That is, in order to accomplish the full range of tasks or to show movement toward meeting them, the SPAs would necessarily be involved in an inordinate amount of red-tape, busy work, and vertical communication to demonstrate compliance with procedural requirements. A second inescapable conclusion is that the size of SPA staffs would have to be increased greatly to meet these procedural bureaucratic tasks. ACIR estimated that professional SPA staff levels had grown 200 percent between 1969 and 1976. Another assessment of 1976 staffing levels describes the nature of this growth in more detail.

> The consequence was . . . the growth of a sizable bureaucracy dedicated to the criminal justice planning and resource allocation mission which, by 1976, was supported by more than $70 million in annual funding (mostly federal) and involved an aggregate manpower complement in excess of 3,400 employees (roughly 2,400 professional and 1,000 clerical, 55 percent state level, and 45 percent regional and local) plus some 1,500 "supervisory board" officials responsible for policy guidance, priority setting, grant approval, and a number of other oversight functions.[38]

The Advisory Commission on Intergovernmental Relations, taking information supplied from 1976 SPA planning grant applications, noted that much of the staff growth had taken place among component-focused planning positions (e.g., law enforcement planners) and in

fiscal and grant administration positions. It also noted, however, that since its 1970 report the number of auditors and evaluators had increased as most SPAs had established small but full-time monitoring, evaluation and auditing units. Perhaps most importantly, ACIR observed that the problem of finding competent, trained, and professional planners to staff the SPAs was less a problem in 1975 than it had been in 1970. Increased visibility of the LEAA program and an increase in the number of college degree programs producing persons with requisite skills were assumed to be the principal reasons for this improvement in the availability of qualified staff.

Most assessments of the period appear to confirm that a majority of SPA staff time was spent in developing the annual comprehensive plan, in finding unique ways to fit and twist local as well as state grant applications into the plan, in monitoring grant compliance, and in generally acting as distributors of federal funds. In a report to LEAA by the Executive Management Service, Inc., SPAs were characterized as spending less than 25 percent of their time in planning, while 38 percent was spent on the grant process and another 17 percent on auditing and financial assistance.[39]

> Even with an increased amount of Part B administrative funds most SPAs are caught in a never ending cycle of devoting the vast majority of their time to assuring compliance with the LEAA guidelines and the bureaucratic shuffle connected with grants administration. This leaves precious little time for the SPA staff to provide the criminal justice system with the technical assistance and coordination assistance so desperately needed.[40]

LEAA has received much of the blame for the generation of "creeping bureaucratization." Yet, as observed by Carl Stenberg, Senior Analyst with the Advisory Commission on Intergovernmental Relations, "most of the changes which produced the bureaucratic maze were the result of Congressional, not LEAA, initiatives" (e.g., more stringent financial monitoring, greater attention to planning, and the requirements of program evaluation).[41] Stenberg also referred to the concept "creeping categorization," noting that the block-grant concept as implemented was not pure but had evolved as a hybrid form through the actions of a Congress bent on assuring that certain national interests and priorities were honored in the disbursement of block-grant funds (e.g., requirements for local pass-through, funds for corrections and juvenile justice, LEAA's use of discretionary funds.) Within this grow-

ing morass of Congressionally mandated and LEAA-implemented tightening of controls over the use of block-grant funds, there was also a broadening of the purpose of LEAA. Stenberg observed that one lesson from the LEAA block-grant experience was that Congress would either need to restrict the objectives of the LEAA program to a manageable few or would have greatly to increase the amount of funding to achieve the wide array of purposes and requirements worked into the program since 1968. With the growth in bureaucratization for block-grant administration, there arose serious concern that the SPAs and the substate planning bodies were effectively precluded from institutionalizing comprehensive planning, innovation, and coordination in any meaningful sense.

Assessments in the Mid-Seventies

In 1977 the Advisory Commission on Intergovernmental Relations (ACIR) released a two-volume assessment of the block-grant experience and of SPA performance from 1968 to 1975. ACIR concluded that, "After seven years, the Safe Streets program appears to be neither as bad as its critics contend nor as good as its supporters maintain. While a mixed record has been registered as between states, on the whole results are positive."[42]

ACIR noted increased sophistication in the use of federal anti-crime funds to fight lawlessness—calling particular attention to the movement away from police equipment purchase and toward the funding of programs directed at detection and apprehension. It further noted the trend toward using federal funds to increase the efficiency with which offenders were processed and the effectiveness with which they were rehabilitated. In all ACIR detected an increased understanding that crime was a complex social phenomenon and that overcoming it did not reside in the simple expedient of investing substantial resources.[43] These observations reflected a maturing of the program. However, positive developments notwithstanding, ACIR also called attention to the fact that reported violent crime had increased 57% since 1968. Indeed, if the LEAA program were to be held accountable to the goal of reducing crime, it was a failure, regardless of other positive benefits.

The ACIR report did not emphasize failures to reduce crime. The Report recognized, as did many others[44] that since LEAA funds constituted between 2 and 5 percent of total crime-fighting expenditures, it would be difficult to expect a quick and substantial impact on crime

simply because of these expenditures. Further, ACIR was unconvinced that greatly expanding the amount of LEAA funding would accomplish the goal any more quickly. More important in the view of ACIR was a set of changes in the criminal justice infrastructure that was likely to produce benefit over the *long haul*; these changes, many of them more intangible than concrete, were given greater prominence in ACIR's conclusions than was the failure to reduce crime.

ACIR concluded that seven major positive benefits of the LEAA program could be enumerated and balanced against five major weaknesses.[45] On the positive side there was now a greater awareness among elected officials, criminal justice professionals, and the general public of the complexity of the crime problem and of the interrelated needs of the components of the system. Efficiency and effectiveness of the system were viewed as vital to effective crime control. ACIR further concluded that a *process* had been established to promote coordination among system components and that LEAA funds had acted as an incentive to promote such coordination and had encouraged the greater use of joint undertakings among criminal justice agencies. So, too, LEAA funds had supported many innovative programs and activities that would not otherwise have taken place or have been initiated. At variance with fund disbursement decisions in the earlier years of the LEAA program, ACIR observed a greater trend toward the disbursement of funds to jurisdictions having serious crime problems and a greater balance in the awarding of funds among the functional components of the criminal justice system. State and local units of government were also assuming the costs of a substantial portion of the new programs (the SPAs reported that on the average 64% of the LEAA-initiated programs were assumed; counties and cities responded that on the average 78% and 83%, respectively, were being assumed). Finally, ACIR reported that many elected officials and criminal justice professionals believed that LEAA funds were both appropriate and necessary to system improvement and that these funds had already helped to have an impact on crime.

ACIR analyses of distribution of block-grant funds indicated that the larger cities and counties, and those jurisdictions experiencing more serious crime problems were receiving block grant funds in excess of their percentage of the population and slightly below their percentage of reported crime. The percentage of block-grant funds going to law enforcement declined from 66% in 1970 to 36% in 1974, reflecting a greater adherence to the notion that all components of the criminal

justice system needed to share in the objectives of the Safe Streets Act. And most importantly, a far greater percentage of block-grant funds were flowing to corrections than to the police relative to the distribution of state and local revenues to these components. Only a small proportion of block-grant funds went to equipment purchase, the overwhelming majority going to fund law enforcement and criminal justice services.

On the negative side, ACIR observed that despite greater recognition being given to criminal justice as an interdependent set of agencies, there still was a paucity of evidence to indicate that strong ties had developed among the criminal justice components. Indeed, although criminal justice components now frequently met and discussed issues of common concern, collegial environments broke down when it came to apportioning LEAA funds. Further, only a few of the SPAs had apparently developed close working relationships with governors and legislatures, and this minimized the opportunity for coordinated policy analysis and development at the state level in budget and program decision making. For example, only nine SPAs responding to an ACIR survey indicated that the governor had reviewed and commented on the comprehensive plan. ACIR noted that the preponderance of SPA task-activity was devoted to administering the block-grant program and to complying with LEAA procedural requirements, leaving little time for the SPA staffs to begin building effective linkages to local levels outside of block-grant activities. There was little time for SPA staffs seriously to undertake the business of developing planning capabilities at the local levels; LEAA had yet to provide SPAs with guidance (standards and criteria) by which state plans would be measured for effectiveness or comprehensiveness; and finally, excessive turnover in both LEAA and SPA management had prompted continuous shifting and redirection of priorities, making any concerted movement toward longer-range goals virtually impossible.

The report of the Twentieth Century Fund Task Force on the Law Enforcement Assistance Administration generally agreed with the ACIR assessment of comprehensive planning.[46] It noted that criminal justice components were beginning to view themselves as part of an interrelated system; planning had improved and there was greater participation in the process by locally elected officials and non-criminal-justice personnel. Financial controls had been tightened and a better balance achieved in the allocation of funds to criminal justice components and to high-crime areas. It noted the development of

systematized computer information systems that facilitated information exchange, and it observed that state legislatures were making use of SPA staff in revising criminal justice legislation. But like the ACIR report, the Fund report concluded that planning did not extend beyond LEAA-funded areas. It ventured several reasons for this:

> . . . SPAs control only about 5 percent of the states' entire criminal justice budget and have no way to influence the elements of the system that are not financed by LEAA. . . . Another problem is LEAA's guidelines, which are so complex and fluid that, instead of streamlining the planning process, they have reduced it to drudgery and irrelevance. . . . And in practice, as more of the money is earmarked by Congress, there is less room for the state to set its own priorities. Finally, the tightening of state budgets has generated an atmosphere of economic emergency that is not congenial with systematic planning.[47]

Comprehensive Planning

Perhaps the issue of greatest importance to an assessment of SPA activity in the mid-seventies concerned that of comprehensive planning. Mindful of many criticisms made between 1968 and 1972 that the SPAs were not engaged in comprehensive planning but rather were merely dispensing funds, Congress provided a definition of comprehensive planning in the 1973 amendments to the Safe Streets Act, with the objective being to focus SPA attention on what comprehensive planning was and on the mandate to do it:

> The term comprehensive planning means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification, detection and apprehension of suspects; adjudication; custodial treatment of suspects and offenders and institutional and noninstitutional rehabilitative measures.[48]

By 1977, nearly a decade of planning capability development had passed and evaluations of the degree of comprehensive planning achieved were hardly laudatory. In its 1977 report on the block-grant program, ACIR noted that

> [R]arely are the criminal justice activities of state and local agencies planned and coordinated with the activities supported by the SPAs. For the most part, SPA planning in the states visited is project-based and lacks a well-defined set of goals against which to measure individual projects. Although project-based planning can be a very effective means of allocating resources to achieve a successful rate of project implementation, without a broader framework of reference within which to judge the merits of individual programs, the risk of supporting lower-priority objectives or activities with conflicting purposes inevitably arises.[49]

The Commission also observed that the planned disbursement of federal funds generally followed from one of three—or a combination of three—"planning" approaches. One approach was crime-data driven, in that criminal statistics were analyzed to single out crime areas for funding. Another approach was dollar-balance driven, in the sense of setting minimums and maximums for functional or jurisdictional areas. The third approach was a bottom-up process based on a summation of indications from local and state agencies of their needs. None of these approaches seems to be in keeping with terms such as *systematic, long-range, comprehensive*, or *coordinated*. But at the same time, no better alternative seemed on the horizon. The principal difficulty, as noted by the Commission, was the "relative limited use of criminal justice data and analysis."[50] The problem was not a reluctance by the SPAs to use data if available; rather, the overall lack of data and the reluctance (or inability) of elected decision-makers to use such data posed the major difficulty.

However, in a 1976 article Daniel Skoler observed that it was probably naive to assume that coordination could be achieved easily or simply through a reliance on planning, believing that the development of integrated information systems, the functional integration of government services, and the unified administration of criminal justice functions were equally important. Nonetheless, Skoler asserted that as of the mid-seventies "the scope and clout [of] official planning missions are beginning to expand beyond federal aid programming to cover total system operations, to attract legislative and quasi-line status, and to be reinforced by 'minimum standards' criteria."[51] He also noted that strategies directed toward coordination were moving beyond the use of planning alone to include common information systems, coordinated educational and training programs, and "integrated regulation" of system agencies by legislative bodies.

Probably the most serious impediment to defining what was meant by comprehensive system planning was the division of opinion about whether planning should be oriented toward improving systems or toward reducing crime.

> System improvement planning, the most common approach used by the SPAs, seeks to enhance the quality of the components of the criminal justice system and the management of the flow of cases and people through it. Directing planning efforts toward system improvement rather than crime reduction has been a continuing bone of contention for those concerned about the program. The uneasy compromise eventually adopted by Congress in the 1973 amendments called upon the program to promote planning for "strengthening and improving the criminal justice system" in order to reduce crime.[52]

The effect of this dilemma was to cloud how the term *comprehensive planning* was to be operationalized; it did little to help differentiate between intermediary and final objectives to planning. And whether one subscribed to systems improvement or crime reduction or a combination of these as ultimate objectives, cross-component planning seemed to be only weakly served.

In sum, the operationalized meaning given to comprehensive planning in the first decade of the LEAA initiative seemed to have the following aspects. First, planning was short run, generally coinciding with annual comprehensive plans and federal fund disbursement. Second, planning was grant oriented, tied to largely discrete awards of federal funds. Third, normative planning in the guise of standards and goals was attempted, but there is little evidence of serious attempts to reach these goals through the conscious application of specific operational means. Fourth, planning had a component orientation rather than a system orientation, with only lip service being paid to the concept of systematically taking into account the interactions among the components and resulting effects. The term comprehensive planning seemed to have meaning only in a process sense; that is, emphasis was given to the fair distribution of federal funds among the criminal justice components, to cross-component representation on the planning

boards, and to following the LEAA guidelines for distributing block-grant funds on the basis of an approved plan.

The Realities of Planning and Coordination

The kind of comprehensive planning envisioned by Congress in its 1973 definition was appealing because it mandated that a highly rational form of comprehensive analysis precede decision making and block-grant allocations. However, its feasibility seemed questionable owing to the great fragmentation of the criminal justice system. Although from a practical point of view "comprehensive" was an ill-defined concept, three operational definitions seemed possible. The first defined comprehensive in a very limited sense and, in line with the practices of the SPAs, as the fair (equitable) distribution of federal grant money among system components. A second option was to define comprehensive planning as central planning, with authority vested in a state agency to do just that. The third option was to define comprehensiveness as coordination, recognizing that fragmentation is a fact of life and that decision making in the criminal justice system is itself decentralized and fragmented. These are not necessarily mutually exclusive options because, for example, the equitable distribution of block-grant funds could be undertaken in a coordinated fashion.

The idea of *central planning* was most at variance with American political traditions and with apparent Congressional intent—that intent clearly being that crime was to be treated as a local problem and that the Safe Streets Act was to be facilitative rather than preemptive.[53] This view was echoed in a 1976 report of the Council of State Governments on the future of criminal justice planning: "Everything we know about American government, and especially about the separation of powers doctrine, argues against centralized comprehensive planning and in favor of fragmented functional planning located throughout the various branches and subdivisions of government. Fragmentation is not the problem to overcome: The dysfunctions resulting from fragmentation should be targeted."[54] Nonetheless, many of the critics of SPA comprehensive planning seemed fixed on the notion that the SPAs and local planning bodies were not making decisions based on the consideration of hard data, and using such analyses as a basis for central allocational control of the distribution of block-grant funds. Few of these critics, many of whom were from the larger cities and had objected to the "pie-cutting" approach to planning, recognized an inconsistency in their criticisms—namely, that comprehensive planning as more centralized planning was anathema to proponents of local government authority.

Daniel Skoler views planning as a "legitimate technique for meshing the activities of segmented but functionally related public services."[55] In his view planning is a substitute for central administration and is quite appropriate for a system that values local control of justice. "The natural tension between various criminal justice functions (e.g., prosecution and defense) suggests that they function better by remaining separate but equal, albeit *cooperative*, rather than being joined under a single authority." Others agreed with Skoler. The Council of State Governments, for example, offered "coordination" as a major alternative to central planning. This alternative focused on dealing with the obvious dysfunction of fragmentation rather than on some notion of a comprehensive response to dysfunction.

> What is needed in order to deal with fragmented decision making is a method of interfacing the decisions of separate agencies or units of government so that such problems as duplication of services, unequal funding, and discontinuities or conflicts in policies can be minimized.[56]

ACIR noted that SPA planning seemed to follow a project-specific approach, observing that program planning naturally evolved out of the funding of projects. It questioned and perhaps rejected the notion that this was not acceptable comprehensive planning.[57] In so doing, ACIR recognized that a form of planning was evolving that focused attention on the identification of projects meant to address identifiable problems. One problem noted by ACIR was that a large number of activities continued to be funded year after year with block-grant funds. Although projects were generally limited to three years of federal funding for implementation, the actual program type might be continued in the state plan as an approved activity for a greater length of time, thereby encouraging other local jurisdictions to implement it. No doubt this contributed to notions that SPA planning was project specific in that large portions of annual state plans set priorities in light of these continuing priorities. However, long-term funding may also have indicated a commitment to making sure that certain programs of proven merit and broad-based value were given a firm toehold for later assumption by state and local governments.

In response to an ACIR survey, 22 SPA directors reported that empirical data collection and analysis of crime and the system guided

these project-specific funding decisions. However, the remainder of respondents indicated that such data collection and analysis was infrequently used in reaching funding and other policy decisions. ACIR concluded that a rational-analytic approach to planning (that based on substantial collection and analysis of data) was only weakly developed. It observed further that this lack of development was attributable to the complexities of the political environment the SPAs confronted rather than to inadequate SPA performance.

In the view of Lindblom and Cohen, the classic method of scientific evaluation is only one of several equally important routes to problem solving. Other valid methods are based on what they term "ordinary knowledge" and "interactive problem solving."[58] These two types of approaches to planning and evaluation are particularly well suited to public policy decision making, and evidence indicates that they were extensively utilized by both LEAA and the SPAs in program planning and evaluation.

Throughout government, establishing specific causal linkages between empirical data and their impact on planning, and the impact of planning in turn on decision making, is difficult. Usually, we are confronted with the *opinions* of planners and decision makers that linkages either exist or do not exist. But as pointed out by Cohen and Garet, even the more methodologically sophisticated approaches to evaluation may serve to cloud conclusions about what empirical data suggest for policy because of the "internal logic of applied research," which through "competing conceptions of methodology and validity ensure conflicting interpretations of the results of applied research."[59] Martin Rein cites a study of Caplan et al. that gives some interesting findings about whether linkages between empirical analysis and decision making have existed in public bureaucracies.

> Caplan and his colleagues at the University of Michigan have broken ground with an empirical study on this question. They interviewed 204 people who held important positions in the executive branch of the United States government between October 1973 and March 1974. The study distinguishes between data-based ('hard') and non-empirical ('soft') information and concludes that 'rarely is policy formulation determined by a concrete point-by-point reliance on empirically grounded data.' Only 13 percent of the respondents could cite five to ten instances of use with good supporting evidence. However, there were numerous examples of the use of soft information, which led the authors to conclude that 'knowledge is used at the top levels of government decision making and probably to a greater extent than most experts in the area of utilization would expect.' These findings make it clear that the issue remains unsettled.[60]

Although it seems true that SPA and local criminal justice planning in the mid-seventies was tied to LEAA fund disbursement and that it was not comprehensive in the sense of being pervasive, long range, or analytically based, several points mediate against too harsh a judgment. First, criminal justice planning was a relatively new process, at most seven years old. Second, federal resources to support planning were largely consumed by administering the block-grant program. Third, few SPAs had the administrative and policy authority in their respective states to pursue planning outside the context of the block-grant program. Finally, there is scant evidence to suggest that hard empirical data are generally used in reaching decisions anywhere in the public arena; the expectation that things would be different in criminal justice (especially in the short run) was most likely an unrealistic expectation. And hard empirical data sometimes raise more questions than they answer, which serves to complicate the decision-making process further.

In 1973 the National Advisory Commission on Criminal Justice Standards and Goals identified planning as one of the principal mechanisms of fashioning coordination among the components of the criminal justice system. The National Advisory Commission also stressed the importance of planning agencies' becoming the planners for the entire criminal justice system—not just for that portion supported with federal funds. A broadening of planning responsibilities to include nonfederal areas would help widen the power base and the influence not only of the SPAs but of the functions of system-wide coordination.[61]

As early as 1970 LEAA guidelines encouraged the participation of local units of government in planning on a regional, metropolitan, or some other "combined" basis. Regional planning units (RPUs) and criminal justice coordinating councils (CJCCs) were subsequently created and came to number over 450 by the mid-seventies. RPUs were created by act of governors or state legislatures while CJCCs were created under the authority of local units of government. In 1973, an amendment to the Safe Streets Act permitted cities and counties with populations of more than 250,000 to submit their plans to state planning agencies directly. All of these actions were directed toward en-

couraging the development of planning capacity at the local level. To support this, at least 40% of the Part B planning funds awarded the states had to be passed through to these local levels and some of Part C action funds could be used for the same purpose. States varied in how they managed this multilayered planning infrastructure. Some adopted highly centralized approaches that curtailed the freedom of sub-state planning units to develop local plans and to set local priorities; others developed more decentralized approaches that allowed greater local freedom.

ACIR assessment of local planning-efforts produced mixed results. Most city and county officials believed that planning funds were insufficient to support their operations, especially given the burdens of a multilayered process of plan approval and grant monitoring. It also seemed questionable that truly comprehensive planning was taking place at these levels. In an October 1975 survey of cities and counties many reported that their criminal justice planning offices were housed in police agencies; most reported that, regardless of placement, the vast majority of planning-office time was occupied with grant-proposal writing, fiscal monitoring, project evaluation, and guideline review. Less than 2 out of 43 SPAs, reporting about their respective RPUs and CJCCs indicated a high level of planning development among them. Slightly less than 50 percent called the RPU and CJCC planning adequate.[62] ACIR did note, however, that substantial development had taken place in the creation of and in the sophistication of RPUs and CJCCs between 1970 and 1975, and among other things turnover among key professionals was much lower than it was with the SPAs. It also noted that county and city officials generally viewed the RPUs and the CJCCs as creations of local government.

In sum, critiques of RPU and CJCC planning were similar to those of SPA planning. An inordinate amount of time was spent in complying with LEAA guidelines and not much time developing comprehensive plans that included consideration of nonfederally-funded criminal justice program and activity areas.

Block-Grant Outcomes and the Problem of Evaluation

As measures of the progress having taken place since 1970, ACIR noted several developments that indicated that many important objectives of the block-grant program were being pursued with some success. It reported evidence that block-grant funds were not being used to supplant existing state and local expenditures, but rather were

being used to stimulate innovative programs. Safe Streets monies had clearly upgraded traditional criminal justice activities. Although reported crime was obviously rising, ACIR noted that both LEAA block and discretionary grants had improved the state and local crime reporting systems, and the visibility given to criminal justice by the LEAA program had encouraged greater citizen reporting of crime.

There were of course views expressed from other quarters about the progress or lack of progress toward innovation, comprehensive planning, and coordination. One search of the LEAA's Grants Management Information System revealed that in 1975 40% of grant funds went to the police, 16% went to the courts, 26% went to corrections, and that only 10% were for combination projects that cut across or involved several criminal justice component agencies.[63] The apparent low proportion of grants that cut across components caused some to be concerned about the level of coordination fostered by the block-grant funds. Further, the Office of Management and Budget charged in a 1976 position paper that "LEAA funds have been used for projects that have little or no relationship to improving criminal justice programming, [and] funds are so widely dispersed that their potential impact is reduced."[64] Representatives of the cities continued to charge that insufficient funds flowed to the cities where in their view the most serious crime problems flourished and where the local funding potential was most seriously lacking.[65] And the cities continued to be vocal about the amount of red tape generated by the multilayered bureaucracy that interfered with their ability to set priorities (LEAA, LEAA regional offices, and the SPAs).

The most serious challenge came from those who registered concern about the lack of program evaluation. In 1972 the House Committee on Government Operations issued a report highly critical of LEAA evaluation efforts. It charged that LEAA had done little toward evaluating the effectiveness of programs or projects funded with block grants and little to guide the assessment of program management and performance.[66] Shortly thereafter, Congress amended the Safe Streets Act to require evaluation, using action-grant funds. The Nixon Administration demanded that LEAA show demonstrable results from the use of block-grant funds, and LEAA responded by requiring SPAs to conduct evaluations through SPA establishment of special evaluation units. Malcolm Feeley and Austin Sarat note that by the mid-seventies this had had the effect of bringing the professional evaluator into close contact with the SPA infrastructure.[67] This was in contrast to the

findings of a previous study conducted in 1972 that discovered SPA personnel to be openly hostile toward and ignorant about evaluation methodology.[68]

The General Accounting Office was one of the earliest and most vocal critics on the subject of LEAA evaluation efforts, with criticism ranging from the assertion that inadequate financial accounting measures were being employed by LEAA to the charge that there was no consistency nor a sound set of procedures developed or enforced to measure the outcomes of LEAA-funded programs.[69] Victor Lowe, Director of the General Government Division of the General Accounting Office, testified before the Subcommittee on Crime of the House Judiciary Committee in 1976, and detailed many of the GAO complaints.[70] Lowe granted that it was inappropriate to evaluate the block-grant program by its impact on crime; he expressed strong preference for LEAA to be held accountable for the "systematic planning, testing, and *evaluation* of efforts to adequately advance the Nation's knowledge as to how to effectively fight crime." He noted that there was something of a dearth of criteria specifying how and what types of evaluations should be conducted by SPAs and by substate planning agencies. Planning for evaluation was generally poor and evaluation research designs themselves were so poor that few definitive conclusions could be drawn about what worked and what didn't. So, too, few if any states had apparently established effective procedures for disseminating evaluation results so as to allow them to act as feedback in subsequent grant decision-making. In Lowe's view the funding of evaluation was 15 to 25 times less than what was necessary. Lowe concluded that little improvement had taken place in identifying programs and strategies that worked and little was available to help assess the degree to which block-grant funds had had an impact.

ACIR's 1977 report likewise was not encouraging about the level of evaluation effort. It noted intense negative reaction among city and county officials to the LEAA evaluation program.[71] Among other complaints, these officials were concerned that strict evaluation requirements would draw funds away from action programs. Most respondents to the ACIR surveys observed that the funds available for evaluation were inadequate. Although ACIR also reported that the great majority of SPAs responding to its surveys indicated that they had developed evaluation strategies in accordance with LEAA guidelines, there was little to indicate that serious attention was devoted to *outcome* evaluation. There seemed to be ample evidence that the monitoring of financial compliance had improved greatly since the early seventies and that monitoring program activities had also improved. But the evaluation of outcomes, the determination of what worked and what didn't, what achieved goals and what didn't, was ill-developed. In the view of some it was largely nonexistent.

The obstacles to effective evaluation of outcomes were substantial. As Feeley and Sarat note, "Evaluation is not welcomed by the agencies requesting money, it is not regarded as a high priority by the SPA board, and is viewed as a nuisance by the planners themselves, immersed as they are in the practical problems of grant administration."[72] Local criminal justice and governmental officials looked upon evaluation requirements as further red tape and as a denial of their ability to know what was necessary and what worked. And there was a paucity of evaluation models to accomplish it.

Many argued the success of block-grant programs by pointing to the number that were assumed by local jurisdictions. The argument was essentially that local units of government would not be willing to expend precious funds on programs that hadn't produced benefit. At minimum there was great confusion at all levels about the requirements of "scientific evaluation" and also great hostility directed toward it—none of which is surprising, given how limited the scientists themselves view the applicability of research findings in the public arena. However, the failure to evaluate in the case of LEAA was due also to severe structural faults in both evaluation methodology and in the planning and grant-letting processes themselves.

Strictly speaking, gathering *proof* that something works requires attention to research design and usually adoption of some version of the classical experimental design (i.e., a control and experimental group, pretesting and posttesting, and randomization). These requirements are nearly impossible to meet in the public arena. Thus, good evaluation researchers, usually working with substantially less than optimal research designs, will hedge their findings and not offer much solace to the decision maker who wants clear-cut answers. To the planner or the administrator faced with the necessity of making such decisions, evaluation research with its usual great expense appears quite unappealing.

Politics and the funding cycle for block-grant decisions also interfered with the adoption of sound evaluation techniques. Many of the decisions regarding block-grant allocations were arrived at through a political process of compromise and pie-cutting that was not receptive

to the rationalizations of equivocal research findings; further, the political process took many subjective factors into consideration, factors not always fully considered by the evaluation researcher.[73] The annual funding cycle also made it nearly impossible for the SPAs to utilize evaluation findings to consider the renewal of grants. The normal one-year-grant process would have required an evaluation of the project before it was completed in order to feed any evaluation information into the decision about whether to renew. So, too, the start-up time involved in many programs and the length of time required to show results (e.g., for rehabilitation programs) made it impossible in these circumstances to acquire evaluation data that could be useful in the annual decision-making funding cycle.

The problem, it appears, was not the absence of trained evaluators for the LEAA program had quite clearly resulted in bringing numerous qualified evaluators into the arena of criminal justice. But the availability of evaluation specialists did not solve the inherent structural difficulties associated with doing evaluation in criminal justice and in evaluating block-grant programs. The reactions of SPA and RPU personnel to these structural problems were gathered by Feeley and Sarat and summarized by them as follows:

> But while these officials could agree in the abstract over the meaning of the concept, there was no similar agreement as to whether in fact they *ought* to be conducting such evaluations. When responding to the questions, what are you doing and what would you like to be doing with respect to evaluation, we received widely varying responses. Some thought evaluation was an ideal toward which they were working against overwhelming odds, while others regarded scientific evaluation of the SPA-funded projects as a waste of time and effort. . . . While we found widespread differences among SPA officials over the meaning of the concepts 'innovation' and 'planning,' there were no significant differences over the term 'evaluation.' . . . Despite this agreement in conception, few evaluation specialists reported that they were engaged in evaluation in any meaningful sense, or that they were supporting others who were conducting meaningful evaluation research. . . . In contrast to planning and innovation, this failure was not a failure of clarity in the Act or in its intentions. SPA officials knew what the Act required. However, given the operational conditions of their programs, they were often unable to obtain systematic evaluations, and when they did, they could rarely put them to use."[74]

Reformulation and Demise: 1977-1980

In fiscal year 1976 LEAA appropriations fell by about $85 million to $810 million. For the next five years LEAA appropriations would continue to decline, and lead to the eventual zeroing-out of the program. The decline began under the Ford Administration and continued under the Carter Administration. President Ford had throughout most of his political career resisted federal expenditures in the area of social welfare and was a steadfast opponent of Johnson's Great Society programs. Ford was also a long-time supporter of tough anticrime measures such as wiretapping and no-knock provisions and resisted a federal expenditure role in dealing with the "root causes of crime." In the 1976 presidential elections both Gerald Ford and Jimmy Carter championed a tougher stand toward crime—Carter, for example, supported minimum sentencing and streamlined court procedures to make justice "swift and sure." Carter also directly challenged LEAA's track record, referring to its failure to reduce crime and calling it a mismanaged, uncoordinated and wasteful effort; Carter's principal campaign promise regarding LEAA was that he would eliminate the waste, which some took to mean "eliminate the agency."

Carter was a candidate of many faces, however, because although he appeared similar to Ford in championing many traditionally conservative approaches to fighting crime, he also supported the notion that crime was related to broader social conditions such as unemployment and that the justice system was unjust because wealth was a major factor in whether or not justice was done. Although neither candidate directly called for the elimination of LEAA, and although crime did not develop into a central political issue during the 1976 campaign as it had in the presidential elections of 1964, 1968, and 1972, there was an assumed promise that strong presidential leadership would be exercised in undertaking a major reform of LEAA.

When Carter took office there was substantial talk that LEAA would be disbanded. Carter's Attorney General Griffin Bell was reported to have initially wanted the program shut down, but reconsidered after being warned that shutdown would preclude doing anything meaningful in reforming the effort to produce results.[75] In LEAA itself

gloom was rising; few believed that the program would be terminated but at the same time most felt that substantial budget cuts and other changes would be enacted. Whether or not Carter or Ford were serious in promising sweeping changes and improvements and in exerting strong presidential leadership, other domestic problems came to receive higher priority, just as they had in the past. For Nixon, Watergate had become the chief issue; with Ford the chief issue had been restoring public confidence in a tarnished presidency and in dealing with unemployment; for Carter the issues would be unemployment and inflation, among others.

Another crucial factor in the decline of LEAA concerned growing federal deficits and the tax-revolt movement broadly aimed at reducing government spending and waste. After over 30 years of expansive growth in the federal budget and after almost 15 years of unparalleled growth in domestic spending, public attention was riveted to the notion of halting the growth and indeed in cutting back. The general public had also lost much of its faith that federal spending programs would necessarily solve domestic or foreign problems. Both Ford and Carter championed greater governmental efficiency as a means of holding even or perhaps reducing the level of government expenditure. LEAA became a natural target for budget cutting exercises because it lacked a varied and united constituency and because it was unable in the eyes of many of its critics to prove concrete results. Although the outright elimination of LEAA would prompt substantial resistance among criminal justice agency heads, mayors, and governors because many had come to view these LEAA funds as a right, cutback, now much in vogue in the public arena, would be easy to sell the general public.

Carter's initial response on taking office was similar to that of previous presidents who inherited the program: an acting administrator was left at the head of LEAA for a substantial period; a study commission was appointed to determine what to do about LEAA; and analyses were conducted to determine where waste and inefficiencies could be discovered and eliminated. However, before Carter left office, he did what two presidents before him had not: he zero-lined the LEAA budget.

Reauthorization

The options before Carter were varied and included elimination of the agency, changing the block-grant concept to one of general revenue sharing, tinkering with the existing block-grant concept, introducing

more categorization by specifying the kind of program efforts that could be funded, and eliminating or altering ancillary requirements such as for comprehensive planning and so forth. A study group appointed under Attorney General Griffin Bell recommended shifting nearly all LEAA funds to a special revenue-sharing format, eliminating much of LEAA's national leadership role and the requirement of comprehensive planning. Senator Edward Kennedy, then chairman of the Senate Judiciary Committee, proposed reauthorization legislation that would substitute three-year priority setting for annual comprehensive planning as the means of guiding the use of federal funds. Under Kennedy's plan states, counties, and cities would directly receive 70% of LEAA funds after setting priorities. Senator Joseph Biden who chaired the subcommittee reauthorization hearings offered amendments that (through guidelines) categorized the permissible programs against which LEAA funds could be applied.

These and other proposals would be debated and would lead to substantial changes in the LEAA enabling legislation. In December of 1979 Congress passed the Justice System Improvement Act. The title itself is noteworthy—gone was explicit reference to "law enforcement," and the term "system" was added, presumably to reflect the decade-long emergence of the concept of a criminal justice system. The Act created the Bureau of Justice Statistics, the National Institute of Justice, and retained LEAA as administrative caretaker of the "block grants." All three were placed under the administrative and coordinative umbrella of a new agency called the Office of Justice Assistance, Research, and Statistics. The Institute was to fund, to do pilot testing of, and to evaluate innovative programs. The Bureau of Justice Statistics was to act as a national clearing-house for criminal justice statistics and to monitor and to develop the capacity of state and local units of government to assist in generating such statistics. Overall the Act sought to reduce the amount of red tape involved in the federal assistance program and shrink the bureaucratic maze.

Modifications were made to the block-grant program in that comprehensive planning was eliminated as a requirement in dispensing the funds. Formula grants were to be given directly to cities, counties, and combinations of local governments in addition to the states. This represented a victory for the cities in particular who had argued for direct, no-strings-attached awards from the beginning. The formula grants would take into consideration population, crime rates, tax rates, and criminal justice expenditures; the formula was a victory both for

those who felt that crime rates should be given greater consideration in the dispensing of federal anticrime funds and for those who felt that federal assistance should flow toward those jursidictions that had demonstrated a substantial commitment to funding its criminal justice components. Annual statewide comprehensive planning was eliminated as a requirement but still encouraged; in its place criminal justice councils were to establish three-year plans that consisted of *funding priorities.* Twenty-three program categories were explicitly spelled out as eligible for funding under the Act; some viewed the specification of eligible categories as furthering creeping categorization, but the categories themselves were loosely stated—the funding of (1) alternatives to maximum-security confinement for nondangerous offenders, (2) the coordination of components of the criminal justice system, (3) court reform, and so forth. Creative grantsmanship could probably find an appropriate niche in one or several of these categories.

Continuing Assessment: 1977-1979

In the midst of congressional reauthorization hearings and debates, assessments of the LEAA/SPA programs continued to emerge. It is difficult to determine how much any of these affected congressional deliberations or those of the executive branch. However, the findings of these reports presented a similarly mixed picture as had earlier assessments, and many of the issues raised during the late seventies were the same as those raised during the mid-seventies. One particularly important report by the Congressional Budget Office on "Federal Law Enforcement Assistance: Alternative Approaches" was presented in April of 1978. The report noted that insufficient time had passed since the passage of the 1976 amendments to the crime control act to evaluate the impact of the amendments. Presumably, therefore, the comments made in the Congressional Budget Office report were based on findings from previous assessments as well as on additional material of its own. The report summarized the LEAA program (as of 1978) as having produced mixed results:

> The intergovernmental institutions created by LEAA are generally considered to be the program's most valuable contribution. Even critics of LEAA agree that the program has increased cooperation among functional areas and across jurisdictional lines of the criminal justice system. . . .
> Critics of the program have argued that: State criminal justice plans are of limited usefulness; well-integrated criminal justice systems do not generally exist at the state and local level; and LEAA's role in approving state plans has been largely perfunctory. . . .
> The degree to which LEAA block grants have stimulated the development and implementation of innovative programs depends on the criteria applied to 'innovative.' Under the most stringent standard, only 9 percent of LEAA projects were innovations that had never been tried anywhere. If the criteria are broadened to include "generally acceptable undertakings" that are new to a particular state, about 59 percent were innovative. . . .
> One of the most important roles of LEAA is its information function. Detailed reviews of LEAA's research and evaluation activities by the National Academy of Sciences and the General Accounting Office concluded, however,that: The LEAA research program has produced products of mediocre quality and limited usefulness. The extent and type of evaluation effort conducted by LEAA and the State Planning Agencies has been limited, the quality low, and the use little."[76]

In February of 1979 the National Academy of Public Administration (NAPA) issued a report entitled, "Criminal Justice Planning in the Governing Process: A Review of Nine States."[77] In its summary and conclusions NAPA observed what it believed to be heartening development in the degree and the sophistication with which comprehensive planning was being practiced in nine states studied (California, Colorado, Connecticut, Michigan, Minnesota, New Mexico, North Carolina, North Dakota, and Virginia). The generalizability of the NAPA findings to the other 48 states and territories is questionable, however, given that the majority of the nine states selected for review were very likely among the strongest with regard to established reputations for comprehensive planning. Nonetheless, NAPA drew several conclusions from the nine states and from the views of a panel of nine people who were considered "experts in criminal justice, state government, and intergovernmental relations." Several of these conclusions are particularly interesting as they would seem to indicate a fair amount of development between 1975 and 1978, just as there had been substantial development between 1970 and 1975. The most important of these conclusions as summarized by NAPA include the following:

1. Comprehensive criminal justice planning is 'coming of age'—it is an area of state government management where heartening

progress and innovation is apparent. Criminal Justice planning *is* becoming a part of the governing process in state government, although this *progress has occurred principally during the past three years.* [emphasis added] There is evidence of valuable contributions being made by criminal justice planning to better coordination, information, and management of criminal justice functions. . . .

2. The LEAA program has been the driving force behind improvements in criminal justice planning at the state level. . . .
3. Criminal Justice Planning is at an extremely sensitive stage where substantial reduction in LEAA support easily can set back the progress which has been made so far. . . .
4. Based on the experience and progress of the nine states reviewed, the panel believes that considerably more can be accomplished elsewhere in criminal justice planning if adequately supported by political leadership.[78]

NAPA went on to caution against standard solutions and regulations as means by which comprehensive planning might be more effectively established in all state and local jurisdictions. In this, it seemed to lobby against what the National Conference of State Criminal Justice Planning Administrators had referred to as categorization of the block-grant program and creeping bureaucratization.[79] And in so doing it also called attention to the issues of local control and variability among localities in setting priorities and in defining their anti-crime programs. NAPA further warned that comprehensive planning is a complex and time-consuming venture and that it would only become established in the long run and as a result of a long-term commitment to it by state and local governments. Having a top-quality professional as director of the SPA, having support of the governor and the confidence of criminal justice agencies, and having stability in SPA leadership and an approach to planning that emphasized "controlled coordination with diffused responsibility for detailed planning and implementation" were singled out as particularly important to continued growth in the capability of undertaking comprehensive planning.

In January of 1980 President Jimmy Carter issued his own formal assessment of the LEAA program. Carter's preliminary budget proposals for fiscal year 1981 had carried a recommendation for a slight increase over that of 1979 in the LEAA appropriation. However, in January of 1980 Carter changed his mind and the budget recommendation: LEAA would receive approximately $15 million in 1981, all for the purpose of program phase out. After 12 years and nearly $8 billion the program of innovation and assistance was to be terminated. Many state and local beneficiaries of the LEAA program objected vociferously but unsuccessfully. In April of 1982 LEAA officially expired. The lead editorial of the New York Times on April 21, 1982, said: "LEAA may be dead, but the need for such help is greater than ever."

Summary and Conclusions

Successful implementation is a product of mutual adaptation involving modifications of the program and its original ideas as well as modifications to the institutional settings in which the program is to be implemented.[80] Throughout its twelve-year history, the LEAA program underwent substantial and frequent modification both to assure compliance with legislative intent and to meet state and local needs better. These included among others, the targeting of LEAA funds to high-crime and high-population areas, the creation of earmarked categories of funds for corrections and juvenile justice, and increasing regulations related to the representation of locally elected leaders on planning commissions, the conducting of comprehensive planning, and the requirements for program evaluation.

Important adaptations in the traditional ways by which state and local criminal justice agencies responded to crime also were made. These included the ongoing development of a consciousness that there was a criminal justice system and that coordination and innovation were required for system improvement if not for system survival. At the time of its phase-out, beginning in 1980, LEAA continued to go through modification, the last set of changes taking place in 1979. These changes decentralized the planning and block-grant-letting process to state and local levels much more so than had been the case in the past. Additionally, states and localities were required to fund a greater percentage of planning and coordination activity, reflecting in part a belief that after twelve years the ideas of planning, coordination, and innovation had taken hold at these levels. These changes also reflected a belief that in many states an effective infrastructure had been established, which would continue these processes without the necessity of tight federal bureaucratic controls over the use of block-grant funds. And it also reflected a position that if state and local

authorities viewed the processes as valuable, then they should fund them.

LEAA and Intergovernmental Constraints

The LEAA program confronted a number of constraints arising out of intergovernmental and interorganizational relationships. To understand the nature of these constraints as well as to provide a basis for thinking about the federal LEAA effort to exert influence over state and local crime-fighting efforts, several points arising out of intergovernmental and interorganizational theory need consideration. First, to the extent that sources of revenues for state and local agencies are dispersed, the ability of a federal organization to exert influence or control over state and local organizations is weakened.[81] Criminal justice revenue sources are dispersed throughout all three levels of government (federal, state, and local), and within each level of government as well. Further, federal crime-fighting resources are only a small percentage of total crime-fighting revenues available. Thus, there are multiple and significant nonfederal sources of revenue available to criminal justice.

Second, where grant-allocation controls are weak, federal influence is minimized even in the face of substantial federal revenue commitment.[82] There are strong constitutional and political impediments to federal efforts to maintain strong allocational control over the grant resources made available to state and local criminal justice organizations. To be clear, strong-control allocation mechanisms are available (e.g., federal categorical-grant models), but the kind of federal control possible under these models has not been acceptable to those who firmly subscribe to states' rights and especially to local control of police powers. In part, this may reflect problems of domain consensus (agreement among agencies over how roles, tasks, and responsibilities are to be divided up).[83] Further, categorical grants can be viewed by local agencies as interference with their locally and "constitutionally reserved" task domains.

A highly protective attitude toward local task domains makes coordination among agencies threatening if the coordination carries with it the possibility of alterations to task-domain boundaries.[84] There was probably nothing in the LEAA legislation and little in LEAA-promulgated guidelines to suggest the necessity of substantial shifts in the task domains of most state and local criminal justice agencies.

However, the strength of the local-control sentiment coupled to traditional beliefs about the independence of criminal justice agencies, one from another, made concepts such as comprehensive planning and coordination sound suspiciously threatening.

Third, the criminal justice organizational-set (the number and kinds of agencies at all levels of government) is complex. The consequences of this if the SPA is to act as a focal change organization are substantial. Change efforts cannot be easily focused against such a wide array; the effort gets watered down. Additionally, the criminal justice organization-set is not only large but is composed of several powerful coalitions (e.g., law enforcement, corrections, city-government coalitions, etc.) that have their own constitutional and traditional sources of power and influence. The power of these coalitions hindered the relative freedom of the SPAs to act as change agents.[85]

Thus, regarding resources, policy decision-making, and policy implementation, criminal justice is a highly dispersed and decentralized interorganizational network of agencies, and the environments supporting these various agencies differ substantially in the kinds of task environments that they present to their criminal justice agencies. Given these conditions, we are likely to find that the ability of federal organizations to alter state and local criminal justice agency task environments is circumscribed.

It is nonetheless important to recognize the primacy given by the LEAA legislation to building interorganizational arrangements in criminal justice. The requirement that SPAs be advised by boards broadly representative of criminal justice component agencies, levels of government, and citizens was recognition that interorganizational relationships do not occur naturally.[86] The meeting of agency and governmental heads for the purpose of joint policy planning and coordination was intended to move the nature of interorganizational arrangements from the level of simple recognition that other organizations exist in criminal justice to the level of conscious consideration of the policy interdependency of these agencies.[87] So, too, the implicit belief was that these and other requirements oriented toward fostering coordination among agencies would provide the ways for criminal justice to *adopt* more effective means of dealing with crime, not just *respond* to it. Indeed, a common assumption in the interorganizational literature is that interorganizational relationships actually can help agencies in the organization network to adapt in substantial ways by providing multiple points of access to and demands for innovation.[88]

Divergent Interests, Bargaining, and Program Goals

Evaluation was an afterthought in the Safe Streets LEAA program. Not until the program effort was nearly five years old was a mandate and serious thought given to the proposition that the program ought to be evaluated. There are several reasons for this, including, as Alice Rivlin notes, that with regard to government programs we often do not know how or have not established the machinery ahead of time that will permit evaluation because, typically, legislation establishing a program does not provide the means for securing the kind of information that will allow a conclusive appraisal.[89] This is a problem throughout governmental programming, not limited to criminal justice and to LEAA.

In the LEAA case other problems also directly affected the potential for evaluation. Foremost among these was conflict and divergent views about what the program was supposed to accomplish. For example, one assessment conducted mid-way (1976) through the LEAA effort by the Advisory Commission on Intergovernmental Relations noted that representatives of city and county governments believed that the LEAA program was intended primarily to supplement their criminal justice budgets while SPA representatives viewed the primary objective of LEAA to be that of encouraging comprehensive planning, coordination, and innovation.[90] Many others felt that the prime LEAA objective was something called system improvement, which was to include improving efficiency and management of the criminal justice enterprise.

Many believed the prime goal of the LEAA program to be the reduction or eradication of crime. During the initial euphoria surrounding passage of the Safe Streets Act, only a few questioned that this could be accomplished quickly or that measurable impact on crime rates would be seen in the short run. As rates of reported crime continued to rise, most observers eventually came to the view that crime could not be dealt with quickly or easily, but critics of the LEAA program never relented: if crime was not reduced, then LEAA was a failure. Indeed, LEAA was held accountable to a goal which, on reflection, few believed to be achievable except through far more drastic and expensive means than adopted by the Safe Streets Act.

As better data on actual crime levels became available through victimization surveys and pointed to relatively stable crime rates, many came to argue that a more appropriate goal of the LEAA program, given the breadth and complexity of criminal behavior, would be improving the efficiency and effectiveness of the criminal justice system

in responding to crime. Others argued that the primary goal should be improving the justice, humaneness, and even-handedness of the criminal justice system. Crime reduction, improvements in efficiency and effectiveness, and making the system more just are not necessarily incompatible goals; however, attempts to pursue all as roughly equal priorities complicated the undertaking and made it exceedingly difficult to accommodate all interests, given the limited resources and authority inherent in the LEAA program. Indeed, the objectives of the LEAA program were so expansive as to preclude any being pursued sufficiently within available resources.

So, too, we can take note of the several vested interests accompanying the disbursal of federal block funds. In addition to quarrels surrounding the proportion of funds that would fall to state, county, and city governments, there was also disagreement among law enforcement, corrections, the courts, and several less traditional criminal justice program areas—such as public defender and diversion programs—as they all vied for "their fair share." Views about "fair share" differed and were based on diverse assumptions about the objectives of the Act. The flow of funds to public defender and diversion programs, for example, was supported by those who held that the Safe Streets Act was reform-minded—oriented toward making the system more humane and cognizant of individual rights. The flow of funds to police and corrections to support traditional forms of programming in these areas was supported by those who held that the purpose of the Act was to take tougher stands toward crime and the criminal by upgrading "traditionally effective" catch-'em, convict-'em, and lock-'em-up strategies. Funding police equipment-purchase, so as to upgrade technology and efficiency, raised criticism that the root causes of crime were thereby untreated and fundamental change in the system avoided.

As LEAA and the SPAs attempted to develop and to fund programs variously directed to one or more of the priorities, critics surfaced to speak about misplaced priorities. And as specific program funding priorities were set, the dissensus that developed over the programs extended to the goals themselves. Congressional response to these criticisms often took the form of categorization (earmarking funds for specific kinds of programs or components of the system), and this further complicated relations between the national and state governments in setting priorities.

LEAA goal and program priorities frequently shifted with changes in administration and came to be reflected in LEAA grant-guideline

changes; frequent changes in SPA leadership led to additional and sometimes continuous shifts of priorities within states. To be clear, however, program leadership change would not have produced constantly shifting priorities by itself. Equally fundamental was the lack of public and political consensus about the goals of the LEAA program in the first place. And as none of the priorities of crime reduction, improved efficiency and effectiveness, and greater justice could be achieved quickly, accomplishments could be measured in the short run only with great difficulty. This contributed to frequently changing goal and programming priorities in an effort to find something that would show the critics quick results. Finally, there was dissensus over whether the block-grant program should fund nationally set priorities or whether state and local priorities should be funded. The block-grant concept itself was an exceedingly uneasy compromise between that of setting national priorities and that of allowing state and local authorities freedom in using the funds. The inherent tension between national, state, and local priorities for change and improvement were never fully mediated.

What LEAA and the SPAs confronted in implementing the Safe Streets Act was indeed the panoply of conflicting interests that had been represented in the debates that preceded passage of the Act. These debates and contrary views were not laid to rest by passage of the Act but were carried into the implementation phase. In Eugene Bardach's view this is not an unusual course of events in the public-policy arena:

> It is widely and correctly realized that the bargaining and maneuvering, the pulling and hauling, of the policy-adoption process carries over into the policy-implementation process. Die-hard opponents of the policy who lost out in the adoption stage seek, and find, means to continue their opposition when, say, administrative regulations and guidelines are being written. Many who supported the original policy proposal did so only because they expected to be able to twist it in the implementation phase to suit purposes never contemplated or desired by others who formed part of the original coalition. They too seek a role in the administrative process. A convenient, albeit somewhat misleading description of their activities in both stages is "pressure."[91]

The suspicion is probably warranted that the various interests who finally supported passage of the Safe Streets Act saw the opportunity to augment budgets for pet projects or local priorities. The Act was

written to give everyone a little of something. There is little evidence that state and local criminal justice agencies were initially interested in the goals of comprehensive planning, coordination, and innovation. They were much more interested in shoring up existing efforts. This also is not an unusual state of affairs when federal funds are distributed to states and localities. There are examples of this throughout the public-policy arena. Bardach, paraphrasing Jerome Murphy's study of the Elementary and Secondary Education Act, notes several matters that ought to sound more than vaguely familiar to anyone who has followed the course of the LEAA program.

> The reformist impulse in passing ESEA (the Elementary and Secondary Education Act) Title I was to "help eliminate poverty." Title I attempted to target billions of dollars to schools with large numbers of children from poor families. The impulse of other key actors in the passing coalition, however, was simply to get more money to the nation's schools. "The educational associations in Washington were . . . primarily interested in general support for ongoing public school activities. They accepted ESEA's poverty focus as a compromise necessary to achieve passage of ESEA, but their emphasis was on breaking the federal aid logjam, on the ground that this would be a major step toward federal general support later." Since the traditional school establishments at the state and local levels, which actually controlled the distribution of funds, saw Title I as general aid too, the result has been a nearly total neglect of the antipoverty objective.[92]

As one would expect, the SPAs did not confront an organization-set whose only policy dilemma was how best to pursue a joint goal; rather, they confronted an organization-set bent on bargaining, and conflict if need be, to settle how a pot of money could be divided to support a multitude of and often divergent objectives.

Numerous accounts of the early history of LEAA and the SPAs confirm the primacy of bargaining over attempts at meaningful comprehensive planning and coordination.[93] And in this there is ample evidence that the lack of policy consensus established a climate of semipermanent bargaining coalitions within which the SPAs had to achieve their broader purposes. "Follow through"[94] in the sense of a single declaration of intent to a clear result was impeded by an institutionalization of conflict over purposes, results, and the dispensing of booty.

Although the SPAs were hardly "traditional" criminal justice organizations in the sense that other criminal justice agencies were, and although they were established precisely as change agents, they were not helped much by the "science" of managing criminal justice—a science that was assumed to be sufficiently developed and understandable that diverse interests would put away their partisan claims in favor of the coordination and innovation espoused by that science. This too was an unfortunate taken-for-granted belief. As Carol Weiss has observed, the use of social-science research in developing and implementing public policy is not so nearly developed as many would have us believe.

> People say that social science research should be used. But many of the people doing the saying are social scientists who, like Rexford Tugwell on his way to Roosevelt's Washington, expect to "speak truth to power." Such a posture presupposes that (a) there is a clear and single truth, (b) they have it by the tail, (c) it is a whole truth whose revelation is irrelevant to the clash of interests and political stakes, (d) powerful decisionmakers will heed this truth, and (e) decisions embodying such "truth" will be better and wiser than decisions reached on other grounds. Few social scientists would make such extravagant claims.[95]

There are very few "whole truths" in the public policy domain and perhaps none in criminal justice. There are certainly none in criminal justice that have compelled a politically and organizationally dispersed criminal justice establishment to pursue innovation and coordination under the leadership of any one focal organization or set of ideas. Yet, an implicit assumption of the Safe Streets Act was that such "truths" either existed or could be readily discovered. Armed with these truths the prime missions of the SPAs would be saleable to criminal justice agencies and managers at their face value. But common sense as well as the experience of LEAA and the SPAs in developing innovative strategies suggest that the knowledge base did not exist and only could be developed slowly. In the absence of singular and accepted "truths" about what worked and what didn't, "individualized truths," arising out of the diverse service and political environments confronted by criminal justice agencies, met to be resolved in a bargaining atmosphere.

Interorganizational Relationships and Conflict

Milbrey McLaughlin believes successful implementation to be a

product of mutual adaptation.[96] This involves modification of the program and its original ideas as well as modifications in the institutional settings in which the program is to be implemented. Bargaining to reach mutual accommodation, principally to redress the difference between the assumptions of the Safe Streets Act and the traditional policy domains of criminal justice agencies, was required if anything was to be achieved. Several factors made it difficult for the SPAs to bargain effectively to uphold their Act-mandated objectives. First, federal funds (the carrot) were not nearly so significant a factor in the realm of criminal justice agency expenditures as many proponents of the Act may have assumed. Second, there were few if any "truths" to guide the SPAs or to be offered to local criminal justice agencies. Third, the organization-set confronted by the SPAs was complex: The SPAs' power was limited by not only the number of agencies that constituted the institutional population for change, but also by behavior and decisions of these agencies that were constrained by their task domains.[97] Put plainly, the SPAs' change-oriented energies were dispersed across numerous agencies, and the change-potential of these agencies was limited by the individual environments in which they existed. Given the great diversity in task environments, one should expect that the mutual adaptations made by the various SPAs would vary from one setting to another.

The design of the LEAA program did not allow the development of a strong power-dependence relationship between LEAA and the SPAs and between the SPAs and state and local agencies. LEAA, although empowered to withhold block-grant funds if state plans were inadequate, rarely if ever exercised this power effectively, for fear of political reaction and because the block-grant concept itself was meant to provide great latitude to the local administration of justice. Comprehensive planning, intended as the method by which the SPAs would ensure appropriate coordination in setting priorities for the use of block-grant funds, never developed in some states and only slowly developed in others. And as comprehensive planning was largely limited to directing the use of block-grant funds and did not extend to coordination of other criminal justice programs, except in some states and late in the program, the broad-based institutionalization of new forms of interorganizational relationships and cooperation arrangements developed only slowly. The block grant constituted only 2 to 5 percent of total criminal justice agency expenditures: this made them a weak carrot or stick in the overall attempt by one level of government to prompt short-run and substantial change in other levels of govern-

ment. Thus, if the intent of the LEAA legislation was to create a strong power-dependence relationship between LEAA and the states and localities, neither sufficient resources nor sufficient and uncluttered authority were given or used to accomplish it.

Neither was the legislation nor its assumptions enough to permit the establishment of a successful "exchange environment" capable of producing substantial change in the short run. The fragmentation of justice delivery and the local control of the administration of justice made it difficult to secure agreement over goal and program priorities (requisites of a successful exchange environment). Further, the general lack of "truths" about how to control and respond to crime made it difficult if not impossible readily to secure agreement at all levels of government and across jurisdictions about which programs and methods should be given priority. The nature of interorganizational relationships in the LEAA program may perhaps best be characterized as stormy. Conflicts between LEAA administrative guidelines and the SPAs and between the SPAs and powerful interests within the states (cities and large metropolitan areas in particular) were commonplace. In part these conflicts grew out of goal dissensus; but from an interorganizational perspective they also arose out of increasing bureaucratization of the LEAA effort. Bureaucratic red tape inflamed state and local officials and made them anything but receptive to "national priorities and objectives."

Environmental Realities and Accomplishments

The greatest unreality facing the LEAA program was the often accepted belief that its prime goals and objectives would be achieved relatively quickly, or at least that readily measurable progress toward them would be demonstrated in the short run. This was most unfair and reflected a certain naiveness of the age that federal money and federal priorities were sufficient to solve problems. But the root causes of crime are ingrained and, even if known, can only be dealt with in the long run, making any achievement in the reduction of crime a long-range proposition and the product of solutions directed toward those root causes. The amount of money made available to the LEAA program was never sufficient to attack these roots meaningfully, and congressional and administrative requirements directed the flow of limited funds more toward improving the system's reaction to crime than to getting at its causes.

So, too, if one speaks to improving criminal justice efficiency and

effectiveness, it must be considered within the environment of fragmentation and local control. No nationally led effort at changing the nature of policy making and administration at the state and local levels can be successful in anything but the long run when confronted by such a diversity of independent agencies as LEAA and the SPAs were. Altering the task domains and decisional premises on which these agencies traditionally operated could only be accomplished with much effort and *incrementally.*

The LEAA program, when begun, confronted a "network of agencies" and personnel who rarely spoke with one another, had little if any comprehension of something called a criminal justice system, had not practiced nor understood what was entailed in coordination or comprehensive planning or priority setting, was in the dark ages when it came to having reliable data about crime and the criminal justice system, was woefully undertrained not only in basic procedures but in management practices as well, and looked on innovation as a "liberal" threat against "time-proven" means of dealing with crime.

No responsible individual denies the existence of significant problems and failures associated with the LEAA program. However, if expectations are adjusted from the short run to the longer run, several accomplishments of the LEAA program can be underscored. In the judgment of many individuals and organizations, criminal justice managers from the criminal justice components began to converse regularly and to consider the effects of systemic policies and individual agency policies in a coordinated manner. Comprehensive planning, although largely practiced only in relationship to block-grant program funds, did nonetheless begin to fashion an understanding of and appreciation for cross-agency priority setting and coordination. Educational and training opportunities made available to system personnel greatly increased knowledge and skills and laid the basis for the use of more effective and sophisticated program and management techniques. Information system development and utilization progressed substantially, with applications being made available from the level of computer-assisted and constantly updated beat designs in police agencies to the level of long-range system planning. The idea of innovation and its acceptability was furthered by the unsettling of the criminal justice system through an infusion of new ideas, opportunities, and people being brought into the system. And certainly the LEAA program forced an opening up of the criminal justice system to much greater external view and evaluation by many affected publics. The LEAA

program promoted a consciousness not only that there was something called a criminal justice system, but further prompted the view of an open system—a system that interacts in complex ways with its environment.

These and other views about positive accomplishments presented earlier in this chapter indicated that LEAA was anything but a wash. Certainly it had its difficulties and faced its constraints. The remaining question, however, concerns whether LEAA-prompted changes and improvements have outlasted the program itself. This question is the subject of the next chapter.

NOTES—CHAPTER 3

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2. William R. Dill, "Environment as an Influence on Managerial Autonomy," *Administrative Science Quarterly* 2, March, 1958, pp. 409-443.

3. Feeley and Sarat, op. cit., pp. 91-93.

4. Virginia Gray and Bruce Williams, The *Organizational Politics of Criminal Justice* (Lexington, Massachusetts: Lexington Books, 1980).

5. See, for example, the following, which are quoted by Gray and Williams: James D. Thompson, *Organizations in Action* (New York: McGraw-Hill Book Co., 1967); Shirley Terryberry, "The Evolution of Organizational Environments," *Administrative Science Quarterly* 12 (September 1968), pp. 590-613; J. Kenneth Benson, "The Interorganizational Network as a Political Economy," *Administrative Science Quarterly* 20 (June 1975), pp. 229-249. Stuart M. Schmidt and Thomas A. Kochan, "Interorganizational Relationships: Patterns and Motivations," *Administrative Science Quarterly* 22 (June 1977), pp. 220-234; William M. Evan, "The Organization Set: Toward a Theory of Interorganizational Relations," in James D. Thompson, ed., *Approaches to Organizational Design* (Pittsburgh: University of Pittsburgh Press, 1966), pp. 175-191; Michael Hannan and John H. Freeman, "The Population Ecology of Organizations," in Marshall W. Meyer, *Environments* and *Organizations* (San Francisco: Jossey-Bass Publishers, 1978), pp. 131-171. Others may be found by consulting "notes" to chapters one and two in Gray and Williams, op. cit.

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7. Richard H. Hall, *Organizations: Structure and Process* (Englewood Cliffs, New Jersey: Prentice-Hall, 1982), pp. 241-247.

8. See William Evan, op. cit. Also see Theodore Caplow, *Principles of Organization* (New York: Harcourt Brace Jovanovich, 1964)

9. Howard E. Aldrich, *Organizations and Environments* (Englewood Cliffs, New Jersey: Prentice-Hall, 1979).

10. F. E. Emery and E. L. Trist, "The Causal Texture of Organizational Environments," *Human Relations* 18:1 (February, 1965), pp. 21-32.

11. Gray and Williams, op. cit., pp. 22-23.

12. Sol Levine and Paul E. White, "Exchange as a Conceptual Framework for the Study of Interorganizational Relationships," *Administrative Science Quarterly* 5 (March 1961), pp. 583-601.

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14. Mark W. Alger, *LEAA Assessment: Integration* (Executive Management Service Inc., Project Final Report, April 26, 1976), p. 80.

15. Alger cites a 1974 report of the Brookings Institution entitled *Monitoring Revenue Sharing*, by Nathan, Manvel, and Calkins. See pp. 26-54 of the Brookings Report in particular.

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27. *Law and Disorder III*, p. 5.

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30. House Report 92-1072, May 17, 1972.

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Chapter 4
LEAA IN THE STATES: 1980-1983

This chapter reviews structural and functional changes that have taken place in the SPAs since 1980, with close attention being focused on LEAA-mandated tasks such as comprehensive planning and evaluation. The future of the SPAs and their program responsibilities is also examined. Information for the chapter was provided through surveys and interviews conducted between late April and early June of 1983. Lengthy surveys were mailed to all current SPA directors and to some former SPA directors; substantially shorter surveys were mailed to all governors' executive assistants, and to chairs of all state legislative judiciary committees. Findings reported here are based primarily on survey returns from current and former SPA directors; returns from governors' executive assistants and from legislative personnel are used where appropriate to corroborate or to supplement survey results from SPA directors. Face-to-face interviews were conducted with sixteen current or former SPA directors in order to explore several issues to a greater depth than possible in the mail surveys.

The chapter is divided into three parts. Part I summarizes findings about the major changes in SPAs from 1980 to 1983. Part II is a closer look at current (late 1983) and projected SPA program efforts. Part III briefly summarizes the views of respondents about major LEAA program-legacies in their states.

Prelude to Phase-Out

The 1979 Justice System Improvement Act, which reauthorized much of the LEAA program, fundamentally altered a long-standing provision of federal-state partnership under the LEAA program by stipulating that no more than 50% of SPA administrative costs could be federally funded; before this, the maximum federal-state ratio had been 90:10. This change seems to have been prompted largely by two factors. First, there were many who wished the states to undertake greater responsibility for criminal justice system improvement by shouldering a larger portion of the financial burden. Second, there was a belief (or perhaps only a hope) that many of the SPAs had become rooted in state infrastructures and were now relatively familiar criminal

justice institutions with accepted roles to play in prompting innovation, fostering cooperation, and advancing planning. The assumption was that these integrated SPAs could secure the required increased state financial support. So, too, forcing an increase in the level of state support might encourage further integration of all or most of the SPAs into state decision-making structures.

Estimations of the "survival rate" of SPAs under the 1979 legislation varied, but most observers agreed that few if any SPAs would be eliminated.[1] However, given the reduced compliance-monitoring requirements under the 1979 Act and the substitution of a simplified three-year "application plan" for the annual comprehensive plan, and the implications of these for reducing SPA personnel-requirements, it was estimated that one-third to two-thirds of the SPAs could undergo significant staff reductions (on the order of 40 to 60%); roughly one-third of the SPAs were projected to have no or very moderate staff reductions.[2]

As would be expected, the largest SPA-staff reductions were projected in those states where meaningful comprehensive planning and coordination had failed to take root and where the activities of the SPA had been little more than window dressing to qualify the state for LEAA funds; with a reduction in federal planning and monitoring requirements, the assumption was that a proportionate reduction of staff could be achieved in these states without noticeable effect on the amount of effective planning or coordination taking place (there having been little or none to begin with). Alternatively, in states where comprehensive planning and coordination had been effective and especially where it had been extended beyond block-grant funded programs, proportionately smaller staff reductions seemed likely, given that current SPA-staff levels more nearly reflected state priorities, not just federal requirements.

These forecasts about staff reductions were based on judgments made by SPA directors and by state legislators, governors, and governors' assistants who assumed that the Justice System Improvement Act of 1979 would be fully funded. When President Carter announced a zeroing-out of federal financial support for the program, a far more sweeping test of these basic judgments was inadvertently set into motion. Whereas the Justice System Improvement Act required a 50% state contribution to SPA activity, under Carter's action the SPAs would have to be 100% state funded.

Initial appraisals of the effect of the LEAA phase-out on SPAs and

on the program objectives of comprehensive planning, coordination, and innovation tended toward the catastrophic. In September of 1980, for example, the National Conference of State Criminal Justice Planning Administrators estimated that 30 to 40 percent of the SPAs would fail to survive the 1981 fiscal year without federal support of some kind.[3] The National Conference implied that the projected failure rate would have been much higher had it not been for the availability of reverted federal funds from previous years to run the SPAs. Only about one-quarter to one-third of the SPAs were considered to have fashioned enough support within their respective states to achieve full state assumption, and even with most of these SPAs, staffing levels would be drastically reduced. As reverted federal funds dried up, more SPAs were likely to meet their end. Among forecasts, the more optimistic held little hope that more than a third of the SPAs would survive into fiscal year 1983. And among these survivors, even less hope was held out that planning, coordination, or innovation would be successfully pursued.

Updating Projections: The Survey

In May of 1983, a survey requesting over 180 items of information was sent to all current SPA directors and to some former SPA directors. Four general subject-matter areas were the focus of the survey: (1) the major structural and functional changes in the state SPAs between 1980 and 1983; (2) the current program efforts of the SPAs; (3) the future of the SPA and of certain program efforts in the states over the next two to five years; and (4) the program-legacy of LEAA in the states.

Responses were received from 33 current SPA directors (or their designees). Three former SPA directors supplied only pre-1983 information for an additional three states. In sum, survey information was available from 35 states and the District of Columbia. However, the survey response rate from states where the SPA continues to function as a strong agency was much higher than that from states where the SPA is weakened or barely functioning. "Strong" was defined by us as continuing to perform many planning and coordination functions (but now without LEAA funds) and occupying a key criminal justice decision-making or decision-influencing role in the state; additionally, their being strong was taken to imply that the future of the SPA in the state seemed comparatively assured. "Weak" was defined as not

performing significant planning, coordination or administrative functions, generally not being in a criminal justice decision-making or decision-influencing position, and having a precarious or very doubtful future.

Using these distinctions and in order to roughly gauge the percentage return from strong and weak state SPAs, NCJA staff who maintain frequent contact with SPAs in the states and the District of Columbia were asked to rate the present status of each SPA. Seven were rated strong; fourteen were rated moderate, and thirty were rated weak. Seven out of seven and fourteen out of fourteen surveys were returned from the "strong" and "moderate" SPAs; only 50% (15 out of 30) of the surveys were returned by directors of "weak" SPAs. This was expected, and overall survey findings will be somewhat biased toward views of directors from the strong- and moderate-status SPAs.

With regard to both regional composition and state size as measured by population, survey returns are generally representative. To assess regional representativeness, the nation was divided into four regions: (1) the northeast, (2) the south, (3) the midwest, and (4) the west.[4] Each region accounted for about 25% of the returned surveys. The response rate for each region was 80% among eastern states, 69% among southern states, 75% among midwestern states, and 62% among western states. Roughly one-third of the responses were from states having a population of fewer than 1.5 million, one-third from states having a population of 1.5 to 5 million, and the remaining third from states having a population over 5 million.

Interviews were conducted with sixteen current or former SPA directors. These interviews allowed us to explore some issue to a much greater depth than possible in the mail survey and also allowed taking up certain issues not queried in the mail survey. Interviewees were selected primarily because of the amount of their experience with the LEAA program at the state level. Four of the interviewees were from the northeast region, six from the south, two from the midwest, and four from the west. Six were from states with a population of fewer than 1.5 million, three were from states with 1.5 to 5 million, and six from states with over 5 million. Five of the interviewees were from states having strong SPAs, seven from states with SPAs rated moderate, and four from states with weak SPAs.

Changes in Structures and Tasks: 1980-1983

An important structural change taking place between 1980 and 1983 was that SPA budgets became smaller and personnel fewer. Less obvious but equally important are changes in SPA placement within state government and the narrowing of SPA program and task responsibilities. LEAA phase-out began and was concluded in a relatively hostile and unstable economic environment, because during most of the 1980 to 1983 period a rather substantial recession gripped the nation's economy, inflation continued to eat away at the purchasing power of private citizens and governments alike, and tax revolts, coupled with declines in revenues produced by the recession signaled budget crises in many if not most states.

Although phase-out formally began in 1980, reductions in the LEAA program had been started by President Ford in the 1976 fiscal year and had been continued every year thereafter until 1980. Thus, in many SPAs there were minor to moderate personnel reductions during the mid to late seventies. But since 1980, personnel reductions have been substantial in nearly all SPAs. As reported in Table 1 the median number of total SPA employees decreased by nearly 70%, from 31 to 9, between 1980 and 1983. So, too, at the beginning of phase-out activities in 1980 none of the respondents report their SPAs' having fewer than 10 employees, while in June of 1983 sixteen reported having under 10 employees and, of these, eleven reported having fewer than 6. Only one SPA reported an increase in personnel from 1980 to 1983. As can be seen in Table 2 where 1980 and 1983 figures are reported for individual SPAs, a third of respondents report personnel decreases in excess of 80%, and a little over a quarter more report decreases of between 60% and 80%. Further, there is reason to believe that the

TABLE 1
DISTRIBUTION OF RESPONSES CONCERNING
THE TOTAL SPA EMPLOYEES IN 1980 AND 1983

Number of Reported SPA Employees	Frequency of Responses About 1980	Frequency of Responses About 1983
0-5	0	11
6-9	0	5
10-25	10	10
26-50	13	3
51-75	6	3
76 +	3	0
Median Number of Employees	31	10
N of Usable Responses	32	32

TABLE 2
RESPONDENT SELF-REPORT OF TOTALS AND
PERCENTAGE CHANGE IN SPA EMPLOYEES FOR 1980 AND 1983
N = 32

Respondent	1980	1983	Decrease in Number of Employees	% Change
1	45	9	36	− 80
2	34	32	2	− 6
3	26	9	17	− 65
4	54	6	48	− 89
5	18	0	18	−100
6	29	23	6	− 21
7	118	66	52	− 44
8	18	5	13	− 72
9	32	19	13	− 41
10	18	5	13	− 72
11	76	48	28	− 37
12	55	23	23	− 58
13	70	12	58	− 83
14	14	1	13	− 93
15	24	5	19	− 79
16	31	19	12	− 39
17	52	6	46	− 88
18	57	65	(8)	+ 14
19	22	18	4	− 18
20	30	5	25	− 83
21	40	14	26	− 65
22	31	14	17	− 55
23	20	11	9	− 45
24	30	5	25	− 83
25	12	3	9	− 75
26	28	0	28	−100
27	103	60	43	− 42
28	35	4	31	− 89
29	23	7	16	− 70
30	21	1	20	− 95
31	60	14	46	− 77
32	41	27	14	− 34
		TOTAL:	722	

proportion of states reporting decreases greater than 80% would be higher than indicated here if surveys had been returned from all fifty states—this because of the underrepresentation in survey returns of states with weak SPAs.

These substantial reductions in personnel would seem to portend rather severe consequences for SPAs, not only forcing curtailment of

formal SPA task performance but effectively decreasing it even further because of diminishing morale among remaining employees. Indeed, several current and former SPA directors have related that gloom pervaded most of their operations during the phase-out period, many of the most qualified employees left for other positions, and those who remained often hovered around water fountains or coffee machines discussing where the budget-cutting axe might next fall. The morale problem was most severe in states where the SPA had never become appreciably integrated into the state criminal justice infrastructure and where state support for the SPA was merely a construct to qualify for block-grant funds. But even in states where the SPA had established generally firm linkages, concern was registered over the likelihood (or lack thereof) of the state assuming all or even a substantial portion of the SPA administrative budget. To the extent that these concerns proved well founded, task performance no doubt suffered greatly and phase-out may well have turned into a disorderly retreat in some states. Such problems of morale were not uncommon throughout much of government during the period as cutback management and program downsizing were frequently discussed, if not implemented, in numerous public policy areas.[5]

Although the personnel reductions no doubt affected the performance of key SPA tasks (comprehensive planning, evaluation, data collection, coordination and innovation), the phase-out also eliminated LEAA-mandated grant-planning and grant-monitoring functions that previous studies had estimated consumed between 40% and 60% of SPA-personnel time. Thus, several SPA directors characterized their 1983 organizations as smaller but more productive because they were now free of federal grant-administration duties and available to pursue state priorities in a more effective manner. To be clear, those taking such positions were generally from states where the SPA had not sustained a 1980-1983 personnel reduction much larger than 40%.

Also, comments made both on the surveys and in the interviews lead to the conclusion that most of the SPAs were not able to withstand large personnel reductions without seriously affecting performance. Indeed, the argument that 40% to 60% of SPA-personnel time was spent in grant monitoring and compliance activity and that the elimination of these duties and the personnel associated with them would not seriously affect SPA performance of other tasks is at least open to serious question. For example, it can be argued that activities associated with the annual grant-planning and grant-review process

helped to identify state problems and to set priorities. Data collection associated with grant-program monitoring helped support fledgling efforts at meaningful program evaluation and helped to further the development of statistical analysis. Thus, the loss of personnel ostensibly associated with performing federally mandated functions nonetheless negatively affected the performance of useful state-oriented tasks as well.

The nature of personnel reductions can be further clarified and their effects estimated by analyzing the kinds of positions in which reductions predominated. Table 3 provides a comparison between 1980 and 1983 of the median number of personnel by type of position in SPAs. The greatest decreases took place in evaluation specialists, financial managers or accountants, and program specialists (police, corrections, and judicial). As these positions tended to be closely associated with

TABLE 3
NUMBER OF SPA EMPLOYEES IN SELECTED PERSONNEL CATEGORIES FOR 1980 AND 1983
N = 32

	1980		1983		
Personnel Category	Median Number	% Respondents Indicating None	Median Number	% Respondents Indicating None	% Change in Total for All SPAs
General Management	4.0	0	1.5	6.3	−44
Financial Management	5.8	0	1.3	16	−70
General Planners	1.5	28	.72	44	−59
Evaluation Specialists	2.5	16	.18	74	−78
Statistical Analysts	2.9	19	1.0	44	−43
Police Program Specialists	1.2	13	.21	71	−67
Corrections Program Specialists	1.2	10	.24	68	−69
Judicial Program Specialists	.88	29	.08	87	−86
Juvenile Program Specialists	2.2	6	1.3	38	−44
Clerical Personnel	5.9	3	1.5	22	−62

the performance of LEAA-mandated responsibilities, this finding is not surprising. The comparatively smaller reduction in juvenile specialists may be accounted for by the continued existence of federal juvenile justice funding.

It is of note that 44% of the respondents report not having a general planner in the SPA in 1983; surprisingly, 28% reported not having had one in 1980. The 1980 figure is partially explained by the preference of many SPAs not to have hired generalist planners but rather to have assigned planning responsibilities to program specialists. As noted in previous chapters, this left the SPAs open to the charge that the comprehensive planning function was ill served by its separation into isolated police, corrections, and judicial subsets. However, with the decrease in functional program specialists as well as in general planners by 1983, it is hard to imagine who, if anyone, is undertaking planning in any formal sense within most SPAs, whether comprehensive or not.

It is probable that many of the SPAs are functioning by having individual employees alternatively perform several task responsibilities. For example, information provided in the interviews and in the surveys gives the impression that remaining SPA personnel tend to have responsibilities in one or more general-skill area such as management, financial accounting, or statistical analysis, as well as program responsibilities in one or more of the functional areas (police, corrections, juvenile, or the courts). So, too, decreases in program specialists no doubt have affected the SPAs' ability to provide technical assistance to local criminal justice agencies, and this in turn raised questions about the SPAs' ability (even in strong-SPA states) to interact with either local or state-level agencies on any regular basis.

Further research would need to be conducted before we could have any confidence that we knew what employee skill and task-assignment make-ups have become. However, it does seem that remaining SPA employees are less compartmentalized in their job duties than was the case before 1980. Whether this suggests that the criminal justice generalist is more pervasive among surviving SPAs than was the case three years ago cannot be determined from this data. What is clear, however, is that there are fewer individuals performing essential planning, evaluation, statistical-data-compilation, and program-development work than there were before phase-out. Of course, before phase-out the great majority of the people nominally performing these functions were engaged in substantial amounts of bureaucratic activity related to federal grant-letting and monitoring requirements. But

clearly, not all grant letting and monitoring requirements were busy work. As pointed out, these bureaucratic requirements also served as essential catalysts in many states for both planning and evaluation activities.

Changes in Budgets

Decreases in SPA personnel reflect decreases in operating budgets. From 1980 to 1983, the SPAs experienced budget decreases of an order similar to the decreases already reported with regard to personnel. Table 4 summarizes data provided by respondents on SPA operating budgets and on the total funds administered by the SPA during the fiscal years 1980 and 1983. Fifteen respondents report operating-budget decreases in excess of 60%; twenty-one report that the funds administered by the SPA declined 60% or more. However, some respondents counted federal juvenile justice funds in both their 1983 operating-budget and administered-fund categories. Indeed, as the 1983 operating budgets of several of the SPAs are composed almost entirely of federal juvenile-justice funds, their operating budgets might well fall to nearly zero in the event of a phase-out of the federal juvenile justice program.

Although data from the surveys does not permit the drawing of a firm conclusion on the matter, there is strong indication that decreases in the administered-funds category from 1980 to 1983 has disproportionately affected the amount of revenue available for experimental or new programming. There is not much evidence that program funds administered by the SPAs in 1983 are earmarked or utilized for experimental or innovative programming. For example, from survey explanatory notes made by respondents and from comments made during the interviews, it is apparent that significant portions of the 1983 "administered-funds" category includes funds earmarked for such things as jail and prison reconstruction or remodeling, for administration of established state programs such as victim-witness assistance, for data collection and analysis, and so forth. A few of the SPAs report continuing state-funded activity in new or experimental programming, but there is no indication of this from the vast majority of responding SPA directors.

Thus, a potentially serious consequence of the decline in administered program-funds is the apparent cessation of any substantial experimentation and innovation. Several SPA directors commented on such a theme when they noted during interviews that criminal justice

agencies in their states were "beginning to backslide"—either not continuing to seek improvements or not even continuing LEAA-prompted innovations that were already operational.

Several SPA directors, both former and current, commented during interviews that decreases in operational funds were not necessarily counterproductive to an efficient and effective SPA, especially so with the curtailment of federal grant-letting and monitoring responsibilities. But there was also substantial support for the proposition that program

TABLE 4
SPA OPERATING BUDGETS AND SPA-ADMINISTERED FUNDS IN 1980 AND 1983 (IN THOUSANDS OF DOLLARS)
N = 30

Respondent	Operating Budget 1980	Operating Budget 1983	% Change	Administered Funds 1980	Administered Funds 1983	% Change
1	1,559	910	−42	18,870	7,680	− 59
2	854	964	+13	2,282	506	− 78
3	1,500	500	−67	6,500	1,500	− 62
4	350	100	−71	5,000	1,000	− 80
5	665	255	−62	5,000	2,500	− 50
6	999	100	−90	5,230	733	− 86
7	440	33	−92	1,644	70	− 96
8	365	85	−77	2,087	668	− 68
9	752	214	−72	9,798	0	−100
10	548	423	−23	2,269	988	− 56
11	562	487	−13	4,836	1,529	− 68
12	800	348	−56	3,000	0	−100
13	1,108	175	−84	4,483	516	− 88
14	730	701	− 4	1,365	899	− 34
15	6,000	3,000	−50	44,000	22,000	− 50
16	678	76	−89	6,000	2,000	− 67
17	650	460	−29	5,000	736	− 85
18	497	186	−63	2,575	608	− 76
19	538	613	+14	4,405	3,797	− 14
20	626	288	−54	5,059	2,949	− 42
21	1,583	956	−40	10,566	5,866	− 44
22	1,595	1,351	−15	14,874	6,927	− 53
23	500	185	−63	2,040	600	− 71
24	1,000	520	−48	5,100	1,000	− 80
25	525	150	−71	2,000	605	− 70
26	4,500	2,200	−51	45,000	7,000	− 84
27	1,101	733	−33	5,761	1,700	− 70
28	208	76	−63	2,098	700	− 67
29	925	186	−80	11,105	3,125	− 72
30	1,200	250	−79	7,000	1,000	− 86

funds (administered funds) could be decreased from 1980 levels as well without necessarily decreasing effectiveness. One director, for example, commented that in his experience, there was often more program money to be allocated in one year than could be effectively planned for or efficiently managed. His final comment was, "I would have been just as innovative and probably have accomplished more in discovering really helpful programs in our state if there had been less program money to haggle about or try to manage each year." The important qualifier in the position taken by this respondent as well as by others, however, is that some funds must nonetheless be available for innovation, planning, and coordination; with the exception of a few states, funds do not seem to be available, having largely disappeared with the phase-out of LEAA.

Administrative Placement

An important consideration for SPA survival and influence is its administrative placement within the state governmental hierarchy. Studies conducted before 1980 underscore the importance of direct access to the governor. Some suggest that a crucial additional variable is whether the SPA has advice-giving or decision-making powers with regard to criminal justice agency budgets.[6]

Before phase-out, the dominant forms of administrative placement included attachment to the governor's executive-office apparatus, location within a larger criminal-justice-services organization, or attachment to a budget or policy-formulation department. Although these three options accounted for most SPA placements, it is probably fair to say that there was nonetheless more variety than consistency. What seems clear from pre-1980 studies, however, is that SPA attention to broader criminal justice issues as opposed to concentration on the issues germane to one component or more is dependent on the SPA's not being administratively attached to one of the state-level component agencies (e.g., state police, corrections, attorney general).

The SPA's relative importance to and influence with state-level criminal justice decision making and policy setting is dependent to a great degree on whether it has comparatively easy access to the governor and to state legislative bodies. Studies by NAPA, MSU, and ACIR all indicate that a key variable in assuring this access was either independent departmental status for the SPA, placement in the executive office, or "high-level" placement within a general criminal justice service department. If the SPA was isolated from the governor

by bureaucratic layers or was shielded from state and local agencies by being buried in an existing multipurpose agency, its influence beyond the letting of federal grants was likely to be minimal. Additionally, some suggested that the influence of the SPA was directly linked to the political appointment of SPA directors by governors—the idea being that governors appointed "friends" and faithful campaign workers who could always secure access on important issues.[7]

Although there are exceptions, information from the surveys and the interviews indicate that the strongest surviving SPAs as of 1983 maintain either an independent departmental status, are closely attached to the governor's office, or are a policy-making arm of a general criminal justice services department. Survey respondents noting continued survival of the SPA, but in a weakened condition, generally identified alternative forms of administrative placement: For example, two respondents noted SPA attachment to the attorney general's office, three indicated placement in one or more component agencies, and three indicated that they were being moved to state agencies not specifically associated with criminal justice (e.g., a general state planning agency and a state department of community affairs).

As could be expected, SPAs already terminated, about to be, or only performing functions related to federal juvenile-justice grant responsibilities indicate either a complete termination of SPA-related functions or a splitting up and assignment of some of these functions to several state agencies—some criminal justice, others not. The parcelling-out of SPA tasks to a number of agencies rather than keeping the task set together within a single agency is a matter of some consequence. To the extent that this is the practice, the idea of a single criminal justice agency at the state level performing an integrated set of tasks with regard to planning, policy development, coordination, and integration is severely threatened—especially if the tasks are divided among a number of the component criminal justice agencies where interests will be parochial.

Changes in Task Responsibilities

Many of the tasks traditionally performed by SPAs were mandated in the Safe Streets Act and its subsequent amendments. The most widely acknowledged of these included comprehensive planning, program evaluation, grant letting and grant monitoring. As the role and purpose of SPAs evolved during the course of the LEAA program, additional responsibilities or at least additional expectations or sug-

gestions were attached to the list of SPA tasks. These included criminal justice policy and legislative analysis, the collection and analysis of statistics on crime and system performance, analysis and review of operating agency budgets, oversight or coordination of criminal justice training, technical assistance to state and local criminal justice agencies, administration of state-funded grant programs to localities, administration of a variety of state-level specialty programs (e.g., victim compensation), and the development of programs that involved several component criminal justice agencies and or several political jurisdictions. Clearly, not all of these tasks were expected of all SPAs as many of the latter tasks were dependent on the existence of state programs. But through expectations generated out of the LEAA program, there evolved a fairly uniform notion among observers of the program that SPAs ought minimally to do comprehensive planning, program evaluation, data collection, legislative and policy analysis, technical assistance, and develop coordinated programming.

Studies done before 1980 indicate a mixed record of achievement from SPA to SPA regarding performance of these functions.[8] Conclusions varied from study to study, but typically about a quarter to a third of the SPAs were found to be performing most of the tasks in the list above with some competence. Another third of the SPAs performed fewer of the tasks but progress was reported in these SPAs toward expanding the task list and improving overall task performance. Finally, about a third of the SPAs were found to be little more than conduits for federal funds and generally not engaged in any meaningful performance of the above tasks.

To update knowledge about the performance of these tasks in the absence of LEAA funds, survey respondents were asked whether 11 separate tasks were performed in their state and who performed them. For comparison purposes respondents were asked to estimate the amount of task performance for both 1980 and 1983. There are certain dangers in asking SPA directors about task-performance levels because there may be a tendency to overestimate the amount and kind of work done by their own agency. Also, there is no guarantee that respondents employed the same standards in making determinations about whether there was "much," "moderate," or only "some" activity in their state related to the performance of a particular task. Neither of these problems can be dealt with completely: so responses must be interpreted with a due amount of caution.

Table 5 presents findings of reported 1980 and 1983 levels of assigned

performance responsibility across the eleven tasks. The first three columns are percentages of respondents indicating whether the task was assigned to the SPA, to a state agency other than the SPA, or not assigned to any agency in the state in 1980. The last three columns report percentages for 1983. Where respondents indicated that the SPA and another state agency share the task, the responses were coded (for the purposes of Table 5) as a task in which the SPA had assigned involvement. As would be expected, joint assignment between the SPA and another state agency was common (30% to 40% of the cases) in the areas of policy and legislative analysis and the collection and analysis of criminal justice statistics.

The areas of greatest decline in state-level task assignments are comprehensive planning and program evaluation. About 50% of respondents report that comprehensive criminal justice planning and program evaluation were not assigned to any agency in their states in 1983; for 1980, only 6% report that comprehensive planning was not an assigned task, and only 9% report that evaluation was not an assigned task. Critics of the LEAA program will of course insist that comprehensive planning and meaningful program evaluation were rarely practiced anywhere in the nation under the LEAA program and, hence, that reported estimates of 1980 planning and evaluation efforts do not reflect reality in any case. Regardless of the validity of such charges, the important finding from the Table 5 figures is that the two most commonly recognized task mandates of the LEAA program are the ones suffering the greatest declines in reported levels of current assignment. But given that most comprehensive planning practiced by the SPAs was linked to the disbursement of federal grant funds, a decline in planning concomitant to the termination of federal funding should have been expected. So, too, since comprehensive planning was mandated in 1968 and program evaluation in 1973, there had always been critics in the states who charged that these two requirements essentially amounted to federal red tape and little else.

Several state-oriented tasks seem to have fared much better between 1980 and 1983. Among these, the percentage of respondents indicating that some state agency continues to have assigned responsibility for criminal justice legislative and policy analysis, data collection and analysis, budget review, and technical assistance to state and local agencies remains close to 1980 levels. And all respondents indicate that criminal justice data collection and analysis continue as assigned functions in their states. Further, a high percentage of respondents

TABLE 5
PERCENTAGE DISTRIBUTION OF RESPONSES
ON THE ASSIGNMENT OF TASK RESPONSIBILITIES
TO STATE-LEVEL AGENCIES FOR 1980 AND 1983
(N varies from 32 to 35)

Type of Task Responsibility	1980 % SPA	1980 % Another State Agency	1980 % No Agency	1983 % SPA	1983 % Another State Agency	1983 % No Agency
1. Criminal Justice Policy Analysis & Legislative Analysis	77	14	9	71	19	10
2. Criminal Justice Statistics: Data Collection and Analysis	80	17	3	69	31	0
3. Analysis and Review of State-Level Criminal Justice Agency Operating Budget Requests	14	75	11	19	65	16
4. Development of Criminal Justice Comprehensive System Plans	94	0	6	44	3	53

5. Oversight of or Coordination of Criminal Justice Training	54	35	11	31	44	25
6. Evaluating State Criminal Justice Programs	89	2	9	47	6	47
7. Technical Assistance to State and Local Criminal Justice Agencies	92	5	3	72	12	16
8. Administration of State-Funded Grant Programs to Localities	74	11	15	61	13	26
9. Administration of a State-Level Program, e.g., "Victim Compensation"	29	45	26	37	44	19
10. Development of or Assistance in Coordinating Cross-Agency Programs, e.g., "Career Criminal"	66	11	23	50	16	34
11. Development of or Assistance in Coordinating Multi-Jurisdictional Programs, e.g., Drug Task Forces	63	26	11	47	37	16

report continuing SPA involvement in these assigned task areas (the exception being budget analysis, which has traditionally been the responsibility of state management and budget offices). About 60% of the respondents indicate that the SPA has administrative responsibility for one or more state-funded grant programs for localities, and 50% indicate continuing responsibility of the SPA to develop or to coordinate cross-agency programs. Although the percentage of respondents reporting comprehensive planning as an assigned task of any state-level agency has fallen off dramatically, still about 40% of the respondents report that the SPA is assigned this task.

More extensive analysis and cross-tabulation of survey responses indicate that 17 of 33 respondents (50%) report continuing SPA responsibility for the performance of a majority of the eleven tasks. The remainder report continuing SPA responsibility in from none to five of the task areas. If it were assumed that all or most of the nonreporting states are low performers on these eleven tasks, then it could be that roughly one-third of the 50 states have SPAs participating in a fairly wide range of task performance related to original LEAA programs and objectives. This coincides with estimates reported in studies conducted before 1980 that about one-third of the states had SPAs adequately performing a majority of intended tasks.

Amount of Task Performance

It is one matter to determine whether a task has been assigned a state agency and quite another to determine whether and to what degree the task is being done. The survey differentiated between these two issues and asked respondents for a separate estimate of the amount of task performance. Table 6 displays responses on this issue for both 1980 and 1983. The first column is the median response for 1980, using a scale of 1 = much activity, 2 = moderate activity, 3 = some activity, and 4 = little or no activity. (Thus, the lower the median, the more activity being reported.) Column two contains the percentages of respondents indicating "little or no activity" in their states for each of the eleven tasks. Columns three and four provide similar response-information about 1983.

Reported activity levels for comprehensive planning and program evaluation fall off substantially from 1980 to 1983 and are lower than for any of the other eleven tasks. The strong area of reported task-performance, both for 1980 and 1983, is criminal justice data collection and analysis. Findings from the survey as well as from interviews make

TABLE 6
REPORTED ACTIVITY LEVELS FOR TASK PERFORMANCE
(N varies from 32 to 35)

Type of Task Responsibility	1980 Median*	1980 % Respondents Indicating Little or No Activity	1983 Median*	1983 % Respondents Indicating Little or No Activity
1. Criminal Justice Policy Analysis and Legislative Analysis	2.50	9	2.05	19
2. Criminal Justice Statistics: Data Collection and Analysis	1.34	0	1.76	6
3. Analysis and Review of State-Level Criminal Justice Agency Operating Budget Requests	2.13	21	2.19	19
4. Development of Criminal Justice Comprehensive System Plans	1.37	6	3.56	50
5. Oversight of or Coordination of Criminal Justice Training	1.78	11	2.20	29
6. Evaluating State Criminal Justice Programs	2.33	12	3.38	45
7. Technical Assistance to State and Local Criminal Justice Agencies	1.94	0	2.28	16
8. Administration of State-Funded Grant Programs to Localities	1.31	18	2.38	30
9. Administration of a State-Level Program, e.g., "Victim Compensation"	2.22	32	2.12	30

TABLE 6—Continued

Type of Task Responsibility	1980 Median*	1980 % Respondents Indicating Little or No Activity	1983 Median*	1983 % Respondents Indicating Little or No Activity
10. Development of or Assistance in Coordinating Cross-Agency Programs, e.g., "Career Criminal"	2.62	29	3.00	42
11. Development of or Assistance in Coordinating Multi-Jurisdictional Programs, e.g., Drug Task Forces	2.65	17	2.88	23

* Scale: 1 (Much Activity) to 4 (Little or No Activity)

it clear that the collection and analysis of crime and system-operational data and the utilization of those data for policy-development and management purposes remains a matter of high priority in the states. SPA participation in or administrative responsibility for data collection and analysis has apparently decreased somewhat, however, since 1980, having been shifted in some states to another state agency or to a combination of state agencies. In those states where criminal justice data collection and analysis has been divided among the several component agencies (e.g., state police, department of corrections, court administrator's office, attorney general's office) with no central supervision or control, there is a question whether a *unified* criminal justice data base is being maintained.

The median activity level reported for policy and legislative analysis increases from 1980 to 1983. One related reason for this ventured by some is that as a matter of survival SPAs have had to pay greater attention to providing services to state-level policy makers and legislators so as to increase support for state pick-up of SPA costs: Providing governors, legislators and their staffs, and state-departmental heads with useful policy advice and legislative analysis on often volatile

criminal justice matters could prove a highly visible and rewarding activity for purposes of agency survival.

Based on SPA directors' appraisals of changes in activity level between 1980 and 1983, the SPA role in task performance is decreasing substantially in roughly half the responding states and holding comparatively firm in the remainder of responding states. In states where the SPA's assigned tasks and task performance are decreasing, only some of the tasks are being picked up by other state-level agencies. Further, as a disproportionate share of states with weak or terminated SPAs did not respond to the survey, one would expect that actual slippage in performance of these eleven tasks is somewhat greater than indicated by Tables 5 and 6.

In sum, the SPAs weak before LEAA's demise have generally remained weak or have become weaker still, and it is in these SPAs that there is the most dramatic slippage from 1980 to 1983 in reported levels of task assignment. Indeed, nine respondents from these weak-SPA states indicate that only federal juvenile-justice functions continue to be performed. On the other hand, the strongest surviving SPAs have maintained or added to their criminal justice responsibilities. And in those states with strong SPAs, data collection, policy analysis, planning, and coordination are more nearly an integrated set of tasks undertaken for criminal justice as a whole.

This dichotomy between strong and weak SPAs was given further clarification when respondents were asked in an open-ended question to summarize what they considered the major changes in the SPA from January of 1980 to May of 1983. The responses can be grouped into two categories. Respondents from states with strong SPAs included the following as the major changes: (1) state assumption of SPA administrative costs; (2) legislative authorization of the SPA and formalization of its state-oriented authority and responsibilities; and (3) reorientation of the SPA and its staff from the administration of a federal grant program to the support of state and local programming, policy analysis, planning, and coordination. Several respondents in this group also noted the creation of state-grant programs (subsidy programs in some cases) for local criminal justice and the assignment of the administration of these programs to the SPA. Additionally, a hodge-podge of other responsibilities variously assigned the SPAs were noted; but most frequently noted were programs that did not easily fit into one of the traditional state-level component agencies (e.g.,

police, corrections, courts), or programs that cut across these traditional component lines.

The second group of comments were from those whose SPAs were either in a weakened condition or had already been terminated. As expected, the major changes noted by these were: (1) drastic reductions in personnel and budgets; (2) general failure of the state to authorize or to fund SPA activity in any of the eleven task areas previously identified in Tables 5 and 6; (3) a general cutting back of SPA responsibilities to those required or permitted under federal juvenile justice grants; and (4) a transfer of only some SPA functions to other state agencies with a discontinuation of remaining tasks.

Current SPA Program Efforts and Perceptions of the Future

Although the formal termination of the LEAA program took place in April of 1982, changes no doubt will continue for some time in the composition, placement, and responsibilities of SPAs, and even in their existence. To assess directions for this continuing evolution or devolution, survey respondents were asked a series of questions dealing with current and anticipated SPA activities. They were also asked about the likelihood of the continued existence of the SPA, and about the number of personnel it was likely to have in the near future (defined as the next two to five years).

Current SPA Efforts

Respondents were asked to list "noteworthy" program efforts in which the SPA was currently engaged. In the aggregate, respondents listed 151 program efforts which covered an exceptionally wide range of topics. Included were several involving data-collection and management-information systems, victim and witness programs, family-protection and domestic-violence programs, consolidation of youth services, serious- and repeat-offender programs, sentencing reform, centralized restitution collections, training development and coordination, career criminal programs, state grant-in-aid programs, a variety of jail projects, and numerous others.

The component focus of these programs was coded by a panel of reviewers and put in one of seven categories (law enforcement, corrections, courts, prosecution, juvenile, information systems, and combination programs). Programs that typically involve more than one

component of the criminal justice system were classified as combination programs; programs whose major focus was on data collection and analysis were classified under information systems. For each program listed, survey respondents were also asked to indicate the nature of SPA involvement. Six options were provided, including: planning, development, coordination; implementation monitoring; program administration; technical assistance; providing or administering funds; and program evaluation. Respondents were instructed to check as many of these as applied to each program area listed. Results are summarized in Table 7.

The comparatively high proportion of programs in the juvenile-justice area no doubt reflects the continuing existence of federal funding in this area. Although law enforcement programs are the next most frequently listed type of program, the composite list of current SPA programming reflects a substantial mix across the major components of the criminal justice system. This mix is reflected not only in the aggregate but by individual respondent as well.

As displayed in the bottom portion of Table 7, the most frequently reported current SPA programming efforts involve "planning, coordination, and development." The second most frequently reported activity is rendering technical assistance. In well over half of all programs listed, the SPAs are reported to be engaged in a majority of the six program-related activities. This further reflects a point made earlier that a substantial proportion of SPAs seem now to have been assigned increased responsibility for the management and administration of the state-funded initiatives such as victim-witness assistance, repeat-offender programs, child abuse units, alternatives to incarceration programs, state grants to local criminal justice units, etc. Thus, one consequence of the termination of the LEAA program is not only a shift of the SPA from a grant-administering agency to a state-policy and state-legislative analysis unit, but among the stronger SPAs, substantial *management* responsibilities are being assigned to the SPAs as they administer what in many cases are innovative programs and programs that cut across the traditional component boundaries—programs that would have been previously administered in one of the component agencies.

Respondents' Estimations of the Future

About 25% of responding SPA directors foresee the termination of their SPA within the 1983-84 fiscal year. However, several of these

TABLE 7
COMPONENT-FOCUS DISTRIBUTION OF CURRENT SPA PROGRAM EFFORTS
AND TYPES OF SPA INVOLVEMENT

Frequency of Type of Program Component Focus

Focal Component	Listings								Row Total	Row % of Total
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth		
Law Enforcement	5	5	5	1	3	4	2	2	27	18
Corrections	1	4	5	3	2	2	3	0	20	13
Courts	4	3	2	1	2	2	0	1	15	10
Prosecution	3	0	1	3	1	1	2	0	11	7
Juvenile Justice	8	6	4	6	4	2	4	2	36	24
Combination	6	5	3	4	1	1	1	4	25	17
Management Information System	1	3	2	1	4	2	1	3	17	11
Column N	28	26	22	19	17	14	13	12	151	100

Percentage of Column-Total Responses Indicating Type of Function

Type of Involvement	Listings							
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
Planning	89	85	77	89	94	93	85	83
Implementation	71	54	55	61	77	57	62	75
Administration	57	54	55	67	59	43	54	50
Technical Assistance	75	73	59	78	82	71	69	67
Funding	57	54	50	72	59	43	54	42
Evaluation	54	54	55	56	71	57	50	64

CONTINUED

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qualify their forecast by noting that the SPA will survive if new federal program funds become available. The remaining 75% of respondents (24 in number) profess varying levels of confidence that the SPA or a similarly constituted successor agency will continue to function in their state over the next 2 to 5 years, with or without new federal funds. Piecing this together with other information from the survey and from the interviews, a reasonable basis exists on which forecasts can be made about the survival of SPAs (or similarly constituted successor agencies) in the next 2 to 5 years. The odds are very great that SPAs will survive in about 15 states, and substantially better than 50/50 that they will survive in a total of 20 to 25 states (a nearly 50% survival rate). Without new federal funding, a survival rate much higher than this is doubtful, and given present circumstances there seems no possibility that SPAs would survive in about 10 states under almost any set of circumstances foreseeable.

Survival of the SPAs at what level of effort is of course another issue. During interviews with several current SPA directors, the comment was often made that surviving SPAs were generally stripped-down versions of their former selves; but the companion implication was that the SPA could function very effectively in most states (providing policy analysis, planning, coordination, data collection and analysis, and technical assistance) and easily enough with fewer personnel. The amount of personnel shrinkage from 1980 to 1983 has already been noted. Respondents also were asked to estimate what they thought SPA personnel levels would be in the next 2 to 5 years. The median estimate of the future number of SPA employees was 8. Only 5 respondents indicated that employees would number more than 40. These findings make it clear that a much smaller SPA apparatus will continue to predominate in the years to come, and except for 25% of the respondents projecting that they will be out of business shortly, the remaining respondents expect personnel levels in their SPAs to remain relatively stable.

Respondents were also asked to identify the state agency likely to be performing each of ten state-level tasks over the next few years. Respondents were not provided agency names to select from but were asked to write in the name of the agency. Summary results are presented in Table 8. For each of the ten tasks, percentage breakdowns for responses are given. Answers provided by respondents were collapsed into eight types of administrative structures for purposes of reporting summary results in the table. The category "functional agencies" was

TABLE 8
DISTRIBUTION OF RESPONSES CONCERNING STATE AGENCY THAT WILL MOST LIKELY BE ASSIGNED RESPONSIBILITIES FOR SELECTED TASKS OVER THE NEXT 2 TO 5 YEARS (SPA RESPONDENTS)
N = 35

	Type of State Agency					
Tasks	SPA	OMB	Public Safety	Functional Agency	Other	None
a. Criminal Justice Policy and Legislative Analysis for Either the Executive or Legislative Branches	56	9	0	9	17	9
b. Criminal Justice Data Collection and Analysis	69	0	13	16	0	3
c. Reviewing Criminal Justice State Agency Budgets	16	56	3	9	3	13
d. Development of a Comprehensive Criminal Justice Plan	41	3	0	6	0	50
e. Evaluation of Criminal Justice Programs	50	6	0	6	3	34
f. Technical Assistance to Local Criminal Justice Agencies	59	3	0	6	9	22
g. Administration of State Grant Funds to Local Criminal Justice Agencies or Governmental Units	50	3	0	13	9	25
h. Developing Special New Program Efforts in the State	66	3	0	9	6	16
i. Administering Special Program Areas	59	0	0	16	3	22
j. Coordinating Criminal Justice Training in the State	32	0	0	32	3	32

used for responses indicating that the task would be performed by a component agency (e.g., state police, corrections, attorney general's office, or combinations).

Except for reviewing criminal justice state-agency budgets, respondents identify the SPA as the agency likely to perform the task a greater percentage of the time than they identify any other type of agency. In seven of the ten task areas the SPA, either working alone or with another agency, is identified 50% of the time or more as the agency likely to perform the task: (1) criminal justice data collection and analysis—69% of respondents; (2) developing special new program efforts—66% of respondents; (3) technical assistance to local criminal justice agencies—59% of respondents; (4) administering special program areas—59% of respondents; (5) criminal justice policy and legislative analysis—56% of respondents; (6) administration of state grant programs to locals—50% of respondents; (7) evaluation of criminal justice programs—50% of respondents. Consistent with findings reported earlier, an analysis of Table 8 also indicates that comprehensive criminal justice planning will not be assigned any state agency in 50% of the responding states; evaluation research will not be an assigned function in roughly a third of the states.

What seems clear on the basis of responses about future SPA personnel levels and future task responsibilities is that about half of respondents (those from 17 to 19 states) are predicting a relatively stable two to five years for their SPAs. If these predictions are accurate, then the major "shaking-out" of SPAs as a result of phase-out has concluded or is just coming to a close. In those states where an SPA-type agency survives, the policy implications are potentially far-reaching. Among other things, even the mere existence of such an agency with a formal systemically-oriented task domain increases the probability that cross-system data collection and analysis will be better served, that legislative and administrative analyses will include a cross-system perspective, and that at least the potential exists for system-level planning and coordination.

Questions about the assignment of the ten functions listed in Table 8 were also put to governors' executive assistants. The initial objective in doing this was to compare SPA directors responses to governors' offices' responses, to find areas of agreement and disagreement. However, of the 24 responses received from executive assistants, 13 of these were from states where the SPA director had not returned a survey.

Comparison, therefore, would only be possible in 11 states, and in a few of these there was a question about the governors' office and the SPA having collaborated in filling out their respective surveys. However, as 13 of the 24 executive assistant surveys provided information not otherwise available from several "weak-SPA" states, and as the remainder provided additional viewpoints about future assignment of criminal justice tasks in the various states, an analysis similar to that done for Table 8 was conducted. Table 9 displays a summary of this analysis, and it is clear that response patterns in Table 9 are similar to those in Table 8. In Table 9, projected SPA involvement is lower on the average, but this no doubt is a reflection of a larger proportion of the executive assistant surveys than the SPA directors' surveys being from states with weak SPAs; indeed, even making allowances for this, the degree of projected SPA involvement in performing several of the ten tasks is relatively high. Comprehensive planning, however, also appears as a comparatively underassigned task, as it did in Table 8.

Views on What LEAA Accomplished in the States

Several open-ended questions on the surveys elicited respondents' views about the LEAA program in their states. They were asked to list five programs begun with LEAA funds that they thought particularly beneficial to their state; and, separately, they were asked to consider what the major benefits or accomplishments of the LEAA program had been in their state. Governors' executive assistants were asked to respond to the same questions. There is a difficulty in knowing what criteria respondents used in reaching judgments about "beneficial," and we may assume some variance among them in both the selection and the use of criteria to reach such judgements. As noted at the beginning of Chapter 3, objective data on LEAA program outcomes are difficult to find, let alone interpret, and ultimately, separating "beneficial" from less than beneficial programs will be a matter of judgment, employing a mixture of criteria. Respondents' judgments reported here, whether subjectively based in whole or in part, nonetheless form a set of conclusions for which there is a fair degree of consensus.

Noteworthy LEAA-Funded Programs

All respondents except one listed five LEAA-funded programs that they considered to have been of major benefit to their states. The

TABLE 9
DISTRIBUTION OF RESPONSES CONCERNING STATE AGENCY THAT WILL MOST LIKELY BE ASSIGNED RESPONSIBILITIES FOR SELECTED TASKS OVER THE NEXT 2 TO 5 YEARS (GOVERNORS' EXECUTIVE ASSISTANTS)
N = 24

	Type of State Agency					
TASKS	SPA	OMB	Public Safety	Functional Agency	Other	None
a. Criminal Justice Policy and Legislative Analysis for Either the Executive or Legislative Branches	43	13	0	9	22	13
b. Criminal Justice Data Collection and Analysis	17	17	0	46	13	8
c. Reviewing Criminal Justice State Agency Budgets	4	58	4	13	17	4
d. Development of a Comprehensive Criminal Justice Plan	36	4	0	0	0	59
e. Evaluation of Criminal Justice Programs	39	13	0	17	0	30
f. Technical Assistance to Local Criminal Justice Agencies	42	4	0	46	0	8
g. Administration of State Grant Funds to Local Criminal Justice Agencies or Governmental Units	30	13	4	9	4	39
h. Developing Special New Program Efforts in the State	35	0	9	26	9	22
i. Administering Special Program Areas	41	0	5	18	9	27
j. Coordinating Criminal Justice Training in the State	48	0	0	35	4	13

topical nature and the component foci of these programs varied greatly from respondent to respondent. The kinds of programs listed include: law enforcement training, consolidation of law enforcement programs and services, juvenile diversion programs, prerelease and aftercare programs, statewide crime prevention programs, halfway houses, reorganizations of state court systems, anti-arson programs, jury and trial management systems, PROMIS, career-criminal programs, automated criminal histories, victim assistance programs, deinstitutionalization of status offenders, ICAP, automated data-management programs, regional crime laboratories, centralized processing of appeals, shelter care, statewide criminal justice information systems, various alternative programs to incarceration, revisions of criminal and juvenile codes, and others. The great variety of programs listed by respondents is made only partially clear by these examples.

To provide a summary view of the kinds of programs listed, a panel reviewed each listed program, making three decisions about each. First, the program was categorized by its component focus; the categories were law enforcement, corrections, courts, prosecution, juvenile justice, combination programs, and management information systems (these being the same categories used and reported on earlier in this chapter). Second, the program was categorized according to its administrative focus; the basic categories were operational and nonoperational, with the latter being further broken down into subcategories of management, training, planning/evaluation/coordination, support services, and legislation. In several cases the assignment of programs to one of these categories or another was somewhat arbitrary, as some cases fit more than one category. However, for most programs listed by respondents, a fairly high degree of consensus developed about their placement.

Third, we attempted to assess all programs according to whether they were traditionally oriented or nontraditionally oriented forms of criminal justice programming. The intention was to distinguish between programs oriented toward improving traditional criminal justice activities such as apprehension, conviction, and incarceration and those such as diversion, community relations, inmate services, and the like, that focused on less traditional forms of criminal justice programming and on concepts such as system humaneness, treatment, rights, and so forth. One effort to classify the programs according to these distinctions yielded a ratio of over two to one in favor of the traditional, hard, conservatively oriented or supported programming. But there are problems with this classification scheme: Nearly all of the programs

listed by respondents did not exist prior to the LEAA program; most, therefore, were *nontraditional* in the sense of being new or innovative. Besides, there is the further problem of definition and consistency in classification—one man's innovation is another's tradition.

Tables 10, 11, and 12 present summary findings related to the component-focus and the administrative-focus classifications. Tables 10 (SPA respondents) and 11 (governors' assistants) summarize the results of the programs categorized according to their criminal justice component focus. Over 70% of the programs listed are in a component area other than law enforcement. And there is a fairly even distribution among the six non-law-enforcement categories, although combination programs and corrections programs are listed slightly more often than are the rest. Not surprisingly, however, law enforcement programs are listed with far greater frequency than programs of other components. There are several possible reasons for this. The first is that there were proportionately more law enforcement programs funded with LEAA money than there were LEAA-funded programs in the other components.[9] So, too, law enforcement consumes about half of all funds expended on criminal justice in the country and so from a size-of-operation point of view, the opportunity for identifying law enforcement programs seems greater. Second, actions of law enforcement agencies have a generally higher public visibility than those of other

TABLE 10
COMPONENT FOCUS AND THE ORDER OF LISTING OF BENEFICIAL LEAA-INITIATED PROGRAMS (SPA RESPONDENTS)

	Frequencies of Types of Programs Listed						
COMPONENT FOCUS	Listed First	Listed Second	Listed Third	Listed Fourth	Listed Fifth	Row Total	Row % of Total
Law Enforcement	15	1	5	8	7	46	27
Corrections	1	5	6	5	8	25	15
Courts	3	2	8	4	1	18	11
Prosecution	2	7	2	2	4	17	10
Juvenile Justice	4	1	0	9	3	17	10
Combination	8	2	8	4	7	29	17
Management Information System	2	6	5	2	4	19	11
Column N	35	34	34	34	34	171	

TABLE 11
COMPONENT FOCUS AND THE ORDER OF LISTING OF BENEFICIAL LEAA-INITIATED PROGRAMS (GOVERNORS' ASSISTANTS)

	Frequencies of Types of Programs Listed						
COMPONENT FOCUS	Listed First	Listed Second	Listed Third	Listed Fourth	Listed Fifth	Row Total	Row % of Total
Law Enforcement	10	10	7	6	6	39	33
Corrections	4	3	2	4	4	17	14
Courts	2	2	2	4	3	13	11
Prosecution	2	4	3	3	1	13	11
Juvenile Justice	2	2	4	2	2	12	10
Combination	3	0	4	4	3	14	12
Management Information System	1	3	2	1	5	12	10
Column N	24	24	24	24	24	120	

criminal justice agencies; there may thus be a built-in proclivity to think first or more often about programs or events in law enforcement. Third, law enforcement representatives were also generally more actively involved with local planning boards that made funding decisions, and were, at least during the early years of the program, more active in making grant applications. Fourth, it may be that there were more "successful" programs in law enforcement than in any of the other components; however, an objective test of this proposition would be nearly impossible. Suffice it to say that law enforcement programs were listed twice as often as any other type of component program, which at least attests to the popular notion that the LEAA program benefitted law enforcement more than any other component.

Table 12 presents summary information on the administrative orientation of the programs listed by respondents. First, a broad distinction was drawn between operational and nonoperational programs. Operational programs were defined as those that included the performance of a basic agency work-mission (i.e., the substance of work in law enforcement, corrections, and the courts). Nonoperational programs were defined as those more oriented toward support of basic agency work-missions. At times placing a program in one of these categories or the other was difficult because the program contained operational and nonoperational components. Nonetheless, we classified

all programs as one or the other. Examples of programs classified as operational are specialized police units, arson control programs, youth service centers, inmate education programs, police community relations programs, various diversion programs and alternatives to incarceration. Nonoperational programs were divided into five subclassifications as noted in Table 12.

When the results reported in Table 12 are inspected, it is interesting that percentage breakdowns are very similar for both survey samples (SPA directors and governors' assistants). In both samples, approximately half of the programs listed were classified by us as operational and the other half as nonoperational. In the nonoperational subclassifications, twenty-one percent of the programs in both samples are management oriented (e.g., reorganization of courts, management information systems, caseflow management programs). Sixteen to eighteen percent of programs listed deal with training (over 75% of the survey and interview respondents listed at least one training program). Programs related to planning, evaluation, and coordination were least frequently mentioned. Programs in the category "support services," which came primarily to include equipment and facilities purchases were also infrequently mentioned; this is not surprising because there were few straight-out equipment purchase grants, especially in the latter years of the LEAA program when equipment could only be purchased as an integral part of a broader program design.

TABLE 12
CLASSIFICATION OF SPA AND GOVERNORS' ASSISTANTS' RESPONSES ACCORDING TO ADMINISTRATIVE FOCUS OF BENEFICIAL LEAA-INITIATED PROGRAMS

Administrative Focus	Percentages of SPA Directors' Responses	Percentages of Governors' Assistants' Responses
Operational	47	48
Management	21	21
Training	16	18
Planning, Evaluation, Coordination	3	5
Support Services	9	7
Legislation	4	2
N of Programs	171	120
N of Respondents	35	24

According to information provided by respondents, 95% of all "noteworthy" programs they list continue to function in their states in the absence of LEAA funds, indicating that these program innovations funded through LEAA have (at least to the present) an apparently substantial amount of state and local support. Indeed, the impression gained from both survey and interview information is that these innovations introduced with LEAA financial support are now permanent features of the criminal justice landscape. Inteview respondents estimated that on the average 80% of LEAA-funded programs were picked up in their respective states. Respondents were also clear about the importance of LEAA funds to the initiation of these programs. Eighty-five percent of the SPA directors and eighty percent of the governors' assistants indicated that the programs would not have been started in their states without the LEAA funds. A few qualified this by noting that some of the programs they listed might, without LEAA funds, have started later and at a reduced level of effort. But the vast majority of respondents clearly perceive LEAA funds to have been crucial to the initiation of the listed programs.

LEAA Meta-Effects in the States

There was remarkable consensus among respondents in both the interviews and in the surveys about the most noteworthy general benefits or accomplishments of the LEAA program in their states. Nearly all cited the importance of LEAA funds as seed money for innovation. Several underscored their point by noting that since the demise of LEAA the amount of innovation in the system and the frequency with which program improvements were being adopted in criminal justice had decreased markedly.

Nearly all pointed to an LEAA-prompted enormous growth in consciousness about a criminal justice *system*. Given particular note in this regard was increased communication and planning among system components and increased program coordination and cooperation among them to achieve commonly shared ends. A few of the respondents extended this point by also noting that the LEAA program raised the consciousness of key governmental policy and decision makers about a criminal justice system and its problems and its needs.

Many cited the importance of LEAA-supported training and system-personnel development programs to the increased professionalization of criminal justice as a field. They also noted that the LEAA program was responsible for new kinds of personnel being brought into the

criminal justice field. The infusion into criminal justice of people with planning, research, evaluation, and specialized-management skills was given particular reference by several respondents; and management information systems of one kind or another were mentioned by the vast majority of respondents as being crucial LEAA-supported contributions to an improved criminal justice system.

An implicit theme underlying many of the comments made by survey and interview respondents was that LEAA-funded innovation and experimentation had an unsettling effect on the equilibrium of the criminal justice system and had created more uncertainty than there had been before LEAA. The uncertainty had a destabilizing effect; and, far from being critical of the effect, respondents implied by their comments that this was one of the most important meta-accomplishments of the LEAA program in their states. Destabilization resulted in innovation.

Summary

An LEAA legacy of institutions and programs seems most securely rooted in about a third of the states and barely evident in about another third. In the remaining third, the legacy is more tenuous, with LEAA-created institutions and programs continuing to function but with an uncertain future. The states with the strongest surviving institutions and programs are those whose SPAs had been, over the course of the LEAA program, more than grant-money pur eyors and had become effectively woven into the infrastructure of state government and state-level criminal justice policy making. Estimates based on data reported in this chapter are that 15 to 17 of the SPAs continue to function effectively as planning, coordinating, and innovation-leading institutions in their states, and that they will remain relatively stable institutions in their states in the future; SPAs in some 10 states more have the potential for becoming such effective and relatively stable institutions, but their future is more tenuous. Thus, about half of the states will likely preserve a systemic orientation to criminal justice data collection, policy analysis and program coordination; in the other half of the states, the systemic orientation is much less likely to survive.

With the phase-out of the LEAA program, nearly all SPAs confronted substantial reductions in personnel and budgets between 1980 and 1983. There was on the average an approximate two-thirds reduction in SPA personnel and an approximate 60% reduction reported

in SPA operating funds. Of the SPAs continuing to function effectively, most did not suffer personnel reductions greater than 50%; nearly all of the SPAs falling into the weak category suffered reductions greater than 80%. Generally, the most substantial personnel reductions have been among evaluators, planners, financial analysts, and program specialists—these being positions most closely associated with LEAA-program-mandated functions. Although evidence is not available to confirm it, it seems likely that a high proportion of remaining SPA personnel are criminal justice generalists, or at least must fill job responsibilities in a variety of technical as well as criminal justice component areas.

Program funds administered by the SPAs fell by about 80% between 1980 and 1983. The most important effect that reductions in program funds have had is an apparent near-elimination of the availability of resources for continued experimentation in the states or for continued funding of innovative programming. State program funds administered by SPAs in even the strong-SPA states are reserved primarily for the support of on-going state-level projects and not for experimentation or to act as seed money to foster innovation.

SPA performance of eleven critical tasks including planning, policy analysis, coordination, data collection and analysis, technical assistance, evaluation, and others has slipped in all reporting states, but only marginally in the 15 to 17 strong-SPA states. In the strong-SPA states, crucial components of the LEAA program (comprehensive planning, coordination, innovation, and technical assistance) are part of broader SPA responsibilities to identify *state problems* and to set *state priorities*. In these states the SPA has successfully reoriented its task-set away from a federal grant program and toward a role in state policy analysis, priority setting, and program coordination. Among the weak-SPA states, task performance has slipped dramatically, with the SPA continuing to perform few if any of the eleven tasks; further, there is little evidence that any of these tasks have been assigned to other state agencies in these weak-SPA states. In many states where the SPA has been discontinued, or nearly so, a few tasks such as data collection and analysis and policy and legislative analysis have been divided among the several component state-level agencies. Others of the eleven tasks have not been reassigned, and there is little evidence that they are being done. But even with the reassigned tasks of data management and policy analysis in these states, the maintenance of a

unified criminal justice data base, or of meaningful policy and program coordination seems very doubtful.

There is high consensus among respondents that an LEAA legacy remains in the states, regardless of the survival of specific LEAA-created institutions such as the SPA. The crucial parts of this legacy (coordination, planning, research and experimentation, personnel upgrading, data collection and analysis, innovation, consciousness of a system of interdependent components, and the constant upgrading of the system through the introduction of new ideas and their unsettling effects) seem relatively permanent in about half of the states. In the rest of the states, the legacy is tenuous, and most of its parts will disappear without additional encouragement.

The evolution, and in some cases the devolution of SPAs and their functions will continue for some time, and the pattern of change will vary from state to state. With the termination of the LEAA program, SPA task domains were fundamentally altered. The principal change involved a shift from a mixed task environment, where SPAs were required to respond simultaneously to both federal and state demands, to parochial (state-focused) task environments.

There are great differences from state to state in the perceived value of state planning agencies and the functions of planning, coordination and innovation; and perceptions of criminal justice problems and preferences for solutions for these problems also vary greatly from state to state. Thus, one consequence of the termination of the LEAA program and its "homogenizing" influence through a set of federal task demands is that surviving SPAs are responding to sets of state demands, and these demands vary quantitatively and qualitatively from state to state. The continuing *evolution* will be heterogeneous, and so much so that in the near future it will be more and more difficult to generalize about structures and functions from one SPA-type agency to another. The SPA as an identifiable institution is likely to be replaced by many different kinds of agencies.

NOTES—CHAPTER 4

1. These views were expressed by R. Thomas Parker, executive vice-president of the National Criminal Justice Association, and were based on a survey of NCJA membership taken at the time of the passage of the 1979 legislation. Similar conclusions could be reached based on 1979 and 1980 data reported in John K. Hudzik, et al., *Criminal Justice Manpower Planning: An Overview*, U.S. Law Enforcement Assistance Administration (Washington, D.C.: Government Printing Office, 1981), see chapter 5.

2. Based on NCJA member surveys. At the time, all state and territorial SPAs maintained membership in the NCJA.

3. The National Criminal Justice Association (formerly, The National Conference of State Criminal Justice Planning Administrators), *Approaches to Institutionalization of State Planning Agencies in Criminal Justice*, September, 1980, unpublished.

4. SPAs in the trust territories are not included in these returns although each was sent a questionnaire. Only one trust territory responded.

5. See, for example, Charles H. Levine, "More on Cutback Management: Hard Questions for Hard Times," *Public Administration Review* (March/April, 1979), pp. 179-183. Also see Charles H. Levine, "Organizational Decline and Cutback Management," *Public Administration Review* (July/August, 1978), pp. 316-325.

6. See, for example, John K. Hudzik, et al., op. cit. Also see, Report of the National Academy of Public Administration (NAPA), *Criminal Justice Planning in the Governing Process: A Review of Nine States* (Washington, D.C.: NAPA, 1979).

7. These comments were made by several respondents during the interviews conducted for this project.

8. See chapter 3. Also see NAPA, op. cit.

9. For a breakdown of block-grant awards by criminal justice components, see Virginia Gray and Bruce Williams, *The Organizational Politics of Criminal Justice* (Lexington, Mass.: Lexington Books, 1980), p. 66.

Chapter 5

THE LEGACY OF LEAA: A SUMMARY VIEW

In 1979, the U. S. Senate Committee on the Judiciary concluded that the accomplishments of the LEAA program were real, and in many cases were substantial.[1] Yet, there have been and there still are contradictory views about the accomplishments of the LEAA program. For example, in 1978, the then acting director of LEAA, James Gregg, noted: "I think it is a fair observation that had this [LEAA] program not existed, the crime and criminal justice problems of the past decade probably would have been much more severe."[2] In the same year, Austin Sarat, then teaching at Yale University and, later, coauthor of a published assessment of LEAA, asserted that he had "an hypothesis, a guess, and that guess is that administration of justice in the United States today is little different from what it would have been" had there not been an LEAA program.[3] These statements imply substantially divergent views about the accomplishments and contributions of the LEAA program; they are made possible by a lack of consensus about program goals, by differing levels of expectations about what LEAA could legitimately have been expected to accomplish, and by a general absence of valid data about LEAA program outcomes. Some maintain that "what little direct evidence we have is far from conclusive" about the impact of the LEAA program.[4]

Perhaps what most confuses any attempt to assess the LEAA program is that while criminal justice system expenditures have nearly tripled since 1968 (having risen faster than general government expenditures),[5] rates of reported crime have increased steadily and the ratio of total criminal justice personnel to total criminal events has increased. Of course, riots and civil disturbances, events that much of the early LEAA program was legislatively mandated to "combat," have decreased. LEAA cannot really take credit for decreases in riots, but it may be able to take credit for the generally acknowledged improvement in how police agencies now seek to head off or to control civil disturbances; also, LEAA may take some credit for changes in criminal justice agency policies—policies that in the past had contributed to the emergence of or had exacerbated existing situations of civil

disturbance. Nonetheless, because crime did not abate, it is easily assumed that LEAA failed and that whatever changes LEAA wrought in the criminal justice system are thereby of no consequence. This chapter takes an alternative view that the failure to reduce crime does not necessarily mean LEAA accomplished little or nothing of consequence, or that there is no legacy.[6]

The chapter is divided into four parts. The first part briefly reviews the basis for and some of the assumptions necessary to drawing conclusions about an LEAA legacy. The second examines the practical constraints faced by the LEAA program and the lessons to be gained from an understanding of the implications of these constraints. The third part examines the legacy from a *program perspective.* The fourth part reviews the *intangible, meta-contributions* of the LEAA program, and examines the legacy inherent in these.

I. Necessary Assumptions and Program Realities

In a strictly scientific sense we will probably never have *proof* about what LEAA did or did not accomplish (never resolve with certainty whether Gregg or Sarat is correct). To acquire such proof, classical research design would indicate the need to repeat the period 1968-1980, this time without an LEAA program. Then, twelve years with LEAA could be compared to twelve years without LEAA and differences noted. This is of course a logical impossibility and nonsensical. Nonetheless, many demand proof, and for those who do, Carol Weiss's experienced observations about the practical and severe impediments to conducting valid evaluations of any public program should be recalled (see Chapter 3). LEAA is by no means alone in its failure to evaluate adequately—program evaluations are inadequate throughout all levels and types of governmental programming.[7] Further—a reminder to those who, observing a lack of *proof,* conclude that LEAA accomplished nothing or little—the lack of proof neither confirms nor disconfirms.

If we cannot assemble proof about LEAA's accomplishments, we can assemble evidence, albeit not uniformly strong evidence. We know that LEAA spent about 8 billion dollars over twelve years; we know that the criminal justice system of today is much different in several respects from that of 1968;[8] and we know that many of these differences first emerged out of programs initiated with LEAA funds. An examination and cataloguing of the most important of these differences

will yield evidence, if not proof, about the legacy of LEAA and about what the program accomplished.

The changes undergone by American criminal justice between 1968 and 1980 are both *tangible* and *intangible.* The tangible consist of innovations in crime-fighting programs, techniques, and hardware, and in the management of the system. The intangible consist mainly of new ideas and concepts that emerged from a massive unsettling of the criminal justice system—an unsettling prompted by the infusion of new people[9] and new funds into the system and by the forced opening of criminal justice to greater and more systematic public view. Of course, it seems a matter of common sense that the criminal justice system would have undergone some change without LEAA, but the consensus of most observers, as reported in this volume, is that these changes would have been neither so widespread nor so rapid in the absence of an LEAA program. The most important of the far-reaching changes are discussed in the last section of this chapter.

Although much innovation in criminal justice has been attributed to LEAA, numerous criticisms, many justified, have also been levelled against the program. The most important of these include statements that LEAA both wasted money and failed to diminish crime.

Waste

In the zeal to move the money during the early years of the program, funds were sometimes "wasted,"[10] or at least sometimes applied to the purchase of equipment and the funding of program efforts of doubtful value or payoff. But the LEAA program was an experiment in intergovernmental relations, testing not only a block-grant concept for federal fund transfer, but the idea as well that the federal government could foster change in state and local criminal justice agencies. Thus, both the goals and means adopted under the LEAA program were revolutionary and untried. Because they were revolutionary, resistance to both was encountered; because both were untried, mistakes were made in implementing them. Resistance and mistakes naturally produce waste as a by-product, which they did also in this instance. All this seems particularly true given the criminal justice landscape of 1968.

In 1968 criminal justice was a network of agencies staffed with personnel who, by today's standards, were undertrained in almost every respect imaginable. Interagency cooperation and coordination were exceptional rather than commonplace, and the idea of criminal justice

as an interrelated set of crime-fighting agencies, each affecting the other, was not generally considered.[11] In 1968 reliable data about crime and about criminal justice system performance was largely nonexistent, and ideas about innovation and change raised uneasiness within a system used to the status quo in operations and management. Any thought or action directed toward opening the criminal justice system to greater public scrutiny and to systematic evaluation directly threatened the comfort of a system used to having its actions shielded from public review. It was these rather substantial shortcomings that confronted the LEAA program and created a less than ideal climate for the expenditure of funds directed at innovation.

Crime

In 1968 there was great optimism about the nation's ability to solve problems—an optimism apparently confirmed by the placing of men on the moon, and even more so by effecting their safe return. Crime, although an increasingly significant, frightening, and severe problem, appeared equally capable of solution, and by similar means—that is, by initiation of a federal program, provided with substantial funds, which, like the space program, would produce the desired outcome. There was also great faith that the knowledge and experience gained from the systems development and the engineering associated with the moon program would be likewise applicable to diagnosing problems and managing solutions in social sectors. We have since learned that this is not true as many have commented on the far greater complexities confronted when solving social problems compared to those of putting men on the moon.[12] Nonetheless, in its first few years of existence at least, LEAA was saddled with a rather simplistic view of crime and its solution, in addition to the assumption that results could be expected quickly upon the initiation of programs and the expenditure of funds.

As experience was gained under the LEAA program, most observers and participants came to realize that crime was far too complex and endemic a problem to be solved in the short run. Further, the principal features of the legislative mandate precluded LEAA from attacking the underlying causes of crime, mandating rather that it attend to improving the system's *response* to crime. However, improved system response, although clearly valuable and essential, could hardly be expected to solve the crime problem per se. LEAA's critics generally refused to acknowledge the obvious limitations placed on LEAA's activities and continued to insist that, if crime were not abated, LEAA's

efforts must be labelled a failure. Few of these critics were willing to grant that at least part of the rise in reported crime was due to better crime-reporting procedures growing out of the LEAA program, and that victimization survey results indicated a far more stable rate of criminal behavior than did the UCR.

II. Constraints

Numerous factors imposed substantial constraint on the LEAA program, and from an understanding of these come lessons about federal assistance and leadership in criminal justice. In testimony before the Senate Judiciary Committee in 1979, Lloyd Ohlin, Professor at Harvard, nicely summarized what he considered the major constraints.

> The real problems . . . encompass such issues as the lack of achievable mandates and relevant orders of priority, excessive political solutions to complex crime problems, vacillation in goals and strategies of crime control, basic deficiencies in knowledge of crime causation or effective programs and policies, unworkable organizational arrangements, excessive regulation, and failure to support sustained local community initiatives in crime control.[13]

These principal constraints resist easy classification, but one way to categorize them is to think in terms of program, people, and environmental-organizational impediments.

Program Constraints

Money: With a twelve-year budget of about $8 billion, lack of funds would not appear to have been a constraint to the LEAA program. However, LEAA's *annual* expenditure never amounted to more than three-tenths of one percent of the total federal budget and never exceeded a contribution of more than 5% toward the nation's (local, state, and national) criminal justice expenditure. The LEAA program was small by comparison with other federal programs. Obviously it was negligible compared with defense, welfare, or Housing and Urban Development; but LEAA's budget was also much smaller, for example, than NASA's—about a quarter as large.[14] Further, the total federal dollar contribution to state and local criminal justice agency budgets rarely even made up for inflation.[15] To have expected that LEAA money would immediately fashion substantial change in the system or that it would lead to quick reductions in the crime rate was not realistic.

Thus, funds were a constraint in the sense of never having been sufficient to make for a quick fix, or to *compel* an organizationally and operationally diverse criminal justice system to adopt fundamental change, or to achieve an immediate impact on crime levels.

Absorption Capacity: The criminal justice system's limited capacity to absorb funds directed toward innovation and to accept and act on new ideas and techniques was also a constraint. All large bureaucracies change slowly, and the process of change in criminal justice was made especially slow by the fragmentation of the system, by local control, and by the criminal justice system's traditional resistance to outside influence and preference for established ways of doing business. It is doubtful that substantially higher levels of funding would have facilitated more immediate or far-reaching change; clearly the LEAA bureaucracy experienced nightmares enough in learning from ground zero how best to distribute the funds that were made available. Some analysts have suggested, and perhaps justifiably, that LEAA funding levels, as they were, exceeded the capacity of LEAA and the system itself adequately to manage the funds or to assure implementation of the level and kind of innovation implied by these levels of funding.

So, too, absorption capacity was limited by the match requirements in block grants and by a "multiplier" effect that arose as locals assumed total program costs. Match problems were most severe in medium-sized and small cities and counties where the competition for new local dollars was intense and often inflexible. Using new local dollars as match for new LEAA projects was in direct competition with a variety of other potential uses: using new local dollars to meet inflation in existing programs of all kinds, or to augment these existing programs, or to assume LEAA programs whose grant funds were running out, or to fund innovation or to acquire federal funds for non-criminal-justice program areas. Large cities and counties may have had greater flexibility in allocating sufficient match funds, but their crime problems were of far greater scale as well. The multiplier effect surfaced when, each year, the cumulative effect of additional full-cost assumption of LEAA initiated programs further squeezed already tight local resources.

Omnibus Goals: Creeping categorization and the existence of multiple and shifting program goals severely constrained the LEAA program. The 1968 legislation was itself an attempt to give everyone a little something (see Chapter 1). Subsequent amendments expanded and clarified the list of specified recipients (see Chapters 2 and 3). In

the early years in particular, diffuse goals and programs were most clearly reflected in the large number of individual grant awards and in the fact that a large proportion of such awards was for very small amounts. Funds were thereby dissipated along with effort and potential for producing effect.

From 1970 to 1976 there was an inexorable movement toward the earmarking of LEAA program funds through legislative amendment: categorizing funds for corrections, juvenile justice, and the judiciary; directing that funds be directed to high crime urban areas; requiring program evaluation; and mandating the funding of special programs such as community anti-crime programs and mini-block grants directly to local units of government. To the joy of urban proponents and successful special interests, categorization eroded the states' authority to set priorities and to determine the funds' distribution, which, coupled with an increasing number of congressionally mandated administrative and audit controls, resulted inevitably in decreasing flexibility for all in determining how grant funds would be used.

Most importantly, however, the categorization process, by adding goals and objectives to the LEAA program, both diffused and constrained the effort. The problems of increasing inflexibility and diffusion of effort were exacerbated as LEAA funds began to decline after 1976, while 70 to 80 percent of block-grant funds were preempted by continuing obligations during any given fiscal year.[16] So, too, while federal funding declined from the mid-seventies on, the red tape and its associated costs did not.

Unachievable Goals: Much counterproductive behavior resulted from the adoption of unachievable goals. The goal to have an impact on crime as quickly as possible, "to banish it," yielded early congressional and bureaucratic pressure to "take quick action," and the measure of quick action was expeditiously moving the money. Unfortunately, in the beginning, LEAA had neither the administrative experience, nor the knowledge base to move the money either quickly or effectively. Also, not enough time was allowed for research—research of the often painfully slow kind that will discover what does work. Nor was time allowed for the evaluation and documentation of results. Action money was thus spent in the absence of knowledge about what worked immediately. Finally, as pressure mounted to show results, there was a mad scramble to find something that worked. In the search, priorities frequently shifted and consistency in effort was effectively shorted.

People Constraints

Shifting Leadership: LEAA programming was constrained further by frequent changes in leadership, both at the national and state levels. At the state level, state planning agency (SPA) directors were replaced frequently, as were other key personnel in the SPAs, making continuity of effort and purpose exceedingly difficult. At the national level, the tenure of leaders in top posts was equally short-lived. During a period about twelve-years long, LEAA had eight directors, some permanent, some acting; moreover, during some of the period there was no director. Indeed, two of the three directors who served longest were, in fact, only acting directors.

The pattern of shifting leadership or no leadership was set early. The troika arrangement produced a leadership vacuum at the top of LEAA. The first permanent troika appointments were not made until LEAA was nearly a year old. The first permanent administrator of LEAA resigned after a little more than a year. The pattern of frequent change at the top and excessive use of acting administrators had two consequences. With new permanent administrators came new initiatives, and when administrators changed, priorities changed.[17] With acting administrators came a natural reluctance to exert strong leadership. Thus, the lack of continuity in leadership resulted in a lack of long-term commitment to programs, many of which could produce results only in the long run.

Imported Talent: To meet LEAA-program objectives directed toward increased planning, research, and data collection and also toward the adoption of more sophisticated forms of policy analysis and management, a great deal of skilled talent was imported from outside the system—much of it not experienced in the functioning of the criminal justice system. In one respect this was an advantage because, unencumbered by experience in or knowledge of system and operational traditions, the outsiders brought fresh ideas into the system. However, the melding of this diverse talent into a coherent and informed force of planners and researchers was no easy chore, and certainly not one to be accomplished quickly. Further, technically skilled but system-inexperienced planners and researchers were viewed suspiciously by the experienced operational-agency employee and manager. Hard-to-bridge rifts developed between system operational personnel and system planners and researchers, with the "imported" talent often being viewed as more interested in short-term personal monetary gains to be realized from LEAA funds than in a long-term commitment to

improving the criminal justice system. The lack of technically skilled change agents who could simultaneously be viewed as committed system insiders initially posed a substantial constraint to the implementation of innovation.

Environmental and Organizational Impediments

Fragmentation: The decentralized, independent, and fragmented American justice system, with its more than 17,000 separate law enforcement agencies, its 50 state departments of corrections, its thousands of county jail systems, and its thousands of independent prosecutors and court systems is hardly an environment conducive to systematic and orderly, let alone quick, change. Fragmentation coupled to local control and antifederalization sentiments also produced diverse viewpoints about what constituted beneficial programming and further constrained efforts at building a coherent federally led effort.

Intergovernmental Disputes: The LEAA program also labored under constraints imposed by the particular way in which the block-grant approach to federal anti-crime funding came to be administered. Rather than leading to an efficient and effective form of cooperation, the LEAA block-grant process generated enormous inefficiencies by guaranteeing constant haggling over where effective control and responsibility lay among levels of government. Time and money were wasted on settling or negotiating the processes of grant administration, thereby limiting the amount of attention paid to substance. As a result, there was a nearly constant and resource-consuming tug-of-war between those who wanted LEAA to exercise better control so as to increase program effectiveness and adherence to "national" priorities and standards, and those who, fearing federalization, wanted a hands-off approach and greater flexibility for state and local priority setting.

Bureaucracy: Red tape was a particularly pernicious constraint, generated on the one hand by LEAA bureaucratic responses to congressional mandates for program planning, program evaluation, and demonstration of effectiveness and on the other by ancillary federal regulations dealing with civil rights, environmental impact, etc. Such red tape was only partially the creation of LEAA, much of it evolving out of necessary bureaucratic responses to executive orders, congressional mandates, and complaints that LEAA was not adequately monitoring the expenditure of funds. In 1977 the average state plan was over 1,000 pages long, and a huge bureaucracy at the national, state, and local level had been created to monitor the program, through:

(1) requirements of quarterly and annual reports; (2) proof of compliance with Office of Management and Budget Circulars (five separate circulars in particular), Department of Treasury Circulars (two in particular), and Executive Orders (three in particular); and (3) demonstration of compliance with over 19 "cross-cutting" laws that govern the use and expenditure of federal grant funds.[18]

Besides making grant seeking, grant awarding, and grant administration a bureaucratic nightmare, the red tape often constrained meaningful pursuit of innovation, change, and system improvement by unduly focusing research and program efforts on financial and activity compliance rather than on effectiveness in reaching crime-control or system-improvement objectives. Goal displacement was thus the unintended consequence of attempts to tighten controls over the expenditure of program funds.

Quick Results with Limited Knowledge: The ultimate constraint facing the LEAA program was lack of knowledge about what to do about crime. In the absence of such knowledge, priorities and programs shifted frequently. Early in the program, technology and the purchase of equipment substituted for an understanding of what worked, and the control of highly visible riots and civil disorders substituted for efforts to deal with the traditional forms of crime. Later, the lack of knowledge would yield not only frustration, but diffusion of effort and erratic scrambling to find something that worked. From the first days of the program, LEAA was under pressure to achieve measurable results quickly, pressure which in itself proved to be a severe added constraint to a reasoned, methodical search for solutions to the problems of crime. As a result, funds were no doubt wasted in implementation of "quick" solutions, which inevitably led to charges that LEAA had been given too much money.

These were the principal constraints encountered by the LEAA program, constraints imposed by realities of American politics and criminal justice that make the process of innovation and change far more difficult than the authors of the 1968 Safe Streets Act were apparently willing to admit—at least publicly. The unfortunate result was a set of expectations guaranteed to produce disappointment and charges of program failure.

Lessons in the Constraints

An important legacy of the billion-dollar LEAA program is what can be learned from its experience. Many of the lessons are implicit

in understanding the implications of the constraints within which the program operated. One apparent lesson is that federal assistance can produce positive meta-level and specific-program effects, even given severe constraints. Evidence of these positive effects are presented in the next two sections. However, there are other lessons, seemingly more negative. The first and most obvious of these is that money alone is not a cure for crime. The second and related lesson is that crime is not susceptible to quick fixes or simple solutions. A third lesson is that it is easier to find out what doesn't work than it is to find out and prove what does. These were lessons forcefully taught through the LEAA experience.

Other lessons arising from the LEAA experience include that the system's ability to absorb funds effectively and efficiently for purposes of innovation and change is limited by our lack of knowledge and by our inability to manage innovation beyond a certain scale or scope. That the LEAA program did waste funds and did permit expenditures for "frivolous and routine"[19] matters does seem to indicate that LEAA funding levels exceeded the capacity of LEAA and the system to manage innovation. The lesson, it would seem, is that fewer funds would have been more judiciously utilized.

Further, reduced funding is consistent with another apparent lesson that the goal of seeking incremental improvements in the system is more realistic than is the pursuit of grand goals such as seeking to banish crime. If federal assistance is to produce an ordered and progressive advance in dealing with crime, it needs first to be accepted that our knowledge about what works will increase only through a series of incremental steps taken over the long haul. In connection with this, federal anticrime assistance cannot be held hostage to the demand for quick results (and held hostage to frequent reauthorization hearings that inquire after such results). Second, the goals of assistance, at least the short-term and intermediate goals, need to be more precisely focused instead of diffuse. Something-for-everyone goals dissipate both limited funds and effort. Although this view runs counter to American pork-barrel politics, it is likely that only a few vested interests in criminal justice reform can be served adequately at any given time and place. Short-term and intermediate priorities must be set. Given resource constraints, an old cliche here seems applicable, even if trite: the choice is either to focus on doing a few things well, or on doing everything poorly. And finally, so that improvement (or the lack of it) can be documented, *measurable* goals need to be set. In the absence

of measurable goals, value cannot be determined and interminable arguments about program worth will never be laid to rest.

Another lesson concerns the development of program rules and regulations that, although intended better to ensure compliance with the goal of innovation, were counterproductive to that goal because of the concomitant increasing level of bureaucratization and red tape. Red tape focuses effort on process rather than on substance, and "innovation" under red-tape restrictions tends to center on how to get around and through the red tape rather than on effectively implementing basic or focal goals. Unfortunately, the solution to this problem is not simple. Block-grant approaches to funding seem to ensure a certain amount of dysfunctional tension and growth in bureaucracy and red tape as natural outcomes of attempts to resolve inherent conflicts between federal efforts at control and state and local efforts to preserve prerogatives in setting priorities and adopting policies and programs.

The alternatives, the categorical-grant or the revenue-sharing models of assistance, have their own problems. With the former, federal control is maximized but state and local diversity and prerogatives are largely ignored. With the latter, experience shows that innovation and change are not promoted (revenue-sharing funds tend to be used to augment existing activities or to reduce local financial burdens in performing them). Probably, the best we can do is to "tinker" and to seek marginal improvements in the quality of intergovernmental relationships. One such piece of tinkering, an intriguing one that has not been tested, involves changes made to the nature of federal anti-crime assistance in the 1979 Justice Systems Improvement Act: the federal government would certify certain types of programs as successful and innovative; block-grant funds could only be expended in one or more of these federally "approved" areas; states and localities could set their own priorities by electing which of these program areas their share of the assistance pie would be applied toward. This solution begged the question of how and by what criteria programs would be approved, but offered the hope of reduced red tape by allowing states and localities near freedom in setting their priorities within the approved list.

We have probably also learned that the introduction of high technology has, by itself, limited value—a marginal and instrumental impact that permits but does not guarantee greater effectiveness in a system (e.g., the introduction of computers allows for more sophisticated data analysis but does not guarantee the use of such analyses in

more sophisticated and effective managerial and policy decision making). The introduction of technology is more quickly achieved than is its full utilization.

Finally, we probably have a fuller appreciation of a fundamental "catch-22" inherent in criminal justice innovation and reform. The "experts in crime control," the system's officials who know best the practical realities and constraints of implementing innovation, are also the ones most likely to view innovation as threatening. This is a problem typical to all large bureaucracies and systems, but particularly where systems are fragmented, decentralized, and not generally directed by consensus-shaping opinion leaders. Under these conditions, change tends to be uneven in quality and to take place at different rates within system components. This was very much the nature of change in criminal justice under the LEAA program. Indeed, change within individual criminal justice agencies seems to have been largely dependent on the quality of leadership in these agencies—some leaders being more willing to take advantage of the LEAA program, or more capable of taking advantage. In this regard, two promising meta-effects of the LEAA program may augment the propensity to accept future change. First, the managerial elite is now more highly educated, and as a result more readily accepting of change. Second, the greater extent to which research information is generated and disseminated throughout the system provides the beginning knowledge base for change.

III. Searching for a Legacy of Programs

A more tangible legacy may possibly be identified in LEAA-funded programs that are considered to have been innovative and beneficial. There are several alternative sources and perspectives for identification of such programs. Reflecting a state-level perspective about innovative and beneficial programming are views of SPA directors and those of representatives of governors' offices. Reflecting a national-level perspective is LEAA and the National Institute of Justice and their exemplary-project and prescriptive-package designations. Originating under the auspices of the National Institute of Law Enforcement and Criminal Justice, projects determined as suitable for either exemplary-project or prescriptive-package designation were to have undergone independent evaluation. The evaluation was supposed to have established that the program produced valued and documented outcomes (affecting crime or improving system performance) and that the pro-

gram was capable of replication (successful duplication) in other jurisdictions.

Both LEAA discretionary and block-grant funds were used to support the development and dissemination of innovative programs, the use and distribution of discretionary funds being controlled substantively by LEAA. The use of block-grant funds was determined by the states and the SPAs as they moved through the comprehensive planning and block-grant application and approval process. Many of the projects designated by the National Institute as exemplary or as prescriptive packages were originated with discretionary-grant funds, while the preponderance of programs identified by SPA directors and governors' assistants as beneficial to their states were block-grant originated. In part, this reflects the relative paucity of evaluation information available on outcomes from block-grant-funded programs, which thereby precluded many from being considered for exemplary-project designation. Further, block grants were touted by state-level leaders as a more responsive source of funds for state needs—which could more easily be used for state-determined priorities.[20] During interviews with SPA directors it was noted that among other things, state and local support for and assumption of block-grant initiated programs in their states was much higher than it was for discretionary-grant-originated projects. Thus, it is not surprising that state-level representatives would identify more block-grant originated programs as beneficial.

The State-Level View: SPA Directors and Governors' Assistants

As a part of the interviewing and surveying of state criminal justice officials, current and former SPA directors and governors' executive assistants were asked to identify programs begun in their states with LEAA funds that they consider to have been particularly beneficial. The 35 responding current and former SPA directors listed a total of 171 programs; the 24 responding governors' executive assistants listed a total of 120 programs. Chapter 4 presents the details from these responses; here, we summarize findings for major implications about a program legacy.

An important caution in doing so, however, is to recall that respondents were not asked to state the bases or criteria by which they reached their assessments. Also, it should be noted that a majority of the programs identified by the respondents were funded through state

block grants and were not, as a rule, fully or independently evaluated for measurable outcomes. What we have, therefore, are the opinions of individuals who were both personally involved with and intimately familiar with the LEAA program in their states. Because of their personal involvement, some bias in responses might be expected; but also, because of respondent familiarity with and in-depth knowledge of the LEAA programs in their state (and assuming some measure of objectivity and no deliberate attempt to deceive on the part of respondents), the programs identified by these respondents provide at least one indicator of an LEAA-program legacy as viewed from the state level. Indeed, supporting information secured through face-to-face interviews with several of the survey respondents indicate that the programs identified by them are those for which they believe there is a broad-based consensus about value within their state's criminal justice system. Thus, indications are that both SPA directors and governors' executive assistants attempted to reflect more than their personal beliefs.

As reported in Chapter 4, an analysis of a composite of SPA directors' and governors' executive assistants' responses yields the following approximate distribution for identified "beneficial" programs:

1. About 29% of the total number of programs listed were oriented to law enforcement. The most frequently mentioned of these were the upgrading of police communications, law enforcement training, the establishment of training academies, crime prevention programs, establishment or improvement of state and regional criminalistic labs, and the creation of law enforcement standards. Other types of programs receiving two or more mentions included integrated criminal apprehension programs, law enforcement consolidation programs, and the funding of specialized police units.
2. A little over 14% were oriented to corrections. The most frequently mentioned of these were correctional training and the establishment of correctional training academies; the establishment of community-based corrections programs; the construction of correctional facilities. Several individual programs in probation/parole were listed. Several inmate-service and prison programs such as the establishment of a diagnostic unit, a prerelease and aftercare program, and an inmate vocational and postsecondary education program were listed.

Programs generally referred to as "alternatives to incarceration" were listed but not further defined by respondents.

3. About 10% were oriented to the courts. Several of these concerned court reorganization, consolidation, or planning for state financing. There was one mention of the establishment of a judicial council and one of the development of court rules. Several mentioned criminal code revisions, which for purposes of convenience have been placed in the court category.
4. About 10% were oriented to prosecution. Most frequently mentioned programs included career-criminal programs, PROMIS, prosecutor-managed pretrial diversion programs, and victim and witness assistance.
5. Slightly less than 10% were oriented to juvenile justice. Most typically the programs mentioned dealt with juvenile diversion and alternatives to incarceration of a variety of types; the deinstitutionalization of status offenders, training, and revisions to juvenile codes were also mentioned but less frequently. (It should be recalled here that respondents were asked about effects produced by LEAA funds and not by Juvenile Justice Act funds.)
6. About 15% of the programs listed we considered "combination" programs where more than one criminal justice agency was typically involved in the program and where the multi-agency involvement appeared to be deliberately or expressly coordinated as a part of the program. These included, for example, a reference to a system-wide integrated training program, systemically-oriented planning and evaluation programs and units, and a coordinated substance-abuse program.
7. Almost 11% of the programs listed were related to the development of information systems of varying types. Predominating were law enforcement criminal information systems.

State-to-State Diversity: Of the 291 programs listed by respondents, 100 of them were individually unique types of programs. This variance in types of programs identified by respondents reflects, in part, the distinctive uses to which states put LEAA funds and how differently these states identified their needs and subsequently have come to identify an LEAA program legacy. However, even though this substantial diversity exists, several basic kinds or types of programs were more frequently mentioned by respondents than others; these

programs comprise a picture of a legacy that does have some consistency from one state to the next.

Training: LEAA support of criminal justice training, especially law enforcement training, is the single most frequently mentioned program area. The reasons for this vary. Some clearly are taking note of the basic levels of police training that have come to be guaranteed as a result of LEAA initiating funds. As one respondent put it, "To have taken our police from the situation where most had no training even in criminal procedure, the use of firearms, or first aid, to a level where all have this plus much more was no mean achievement. LEAA alone made this incredibly basic but tremendously important thing possible in our state." Other respondents appeared to sense a more intangible benefit—that LEAA had initiated a general *acceptance* of and *appreciation* for training of many kinds, from basic or recruit training to training of speciality and management-level personnel. One respondent, reflecting this point of view, noted that, "before LEAA, training of almost any kind for criminal justice people in this state was nonexistent; now besides basic training, the leaders and people of this state have come to accept the importance of and are funding management training and a variety of speciality training for our people." This last comment reflects a feeling among many respondents that the LEAA program did not simply make more training opportunities available but helped convince the public as well of the value of training.

Communications Equipment and Information Systems: The use of LEAA funds to purchase equipment was also mentioned frequently by respondents as a substantial benefit. This is noteworthy given the frequent and heavy criticism levelled by opponents of the LEAA program that funds were wasted on frivolous equipment purchases. Respondents did not list items such as shooting shoes, armored personnel carriers, and riot gear. Rather, the purchase of equipment for the upgrading of police communications,[21] and the automation of information storage, retrieval, and analysis[22] were clearly perceived by many respondents as of immense instrumental value. One respondent noted during interviews that in his state, the upgrading of police communications not only served the obvious function of better communication but that it also served as an effective force in police consolidation and in increasing the number and kinds of contacts among police agencies.

Several respondents noted during interviews that the purchase of computers and software brought information management in criminal

justice from the shoebox era to an era of far greater utility and sophistication. As one former SPA director put it,

> We were constantly criticized for spending money on equipment. On reflection, some of it was junk. However, much of it was absolutely necessary. For example had we not spent money on computers, software and computer training, we would have little of the timely data now available in this state to assist management decision making. And the payoff from these data-management expenditures is just now beginning and will snowball as people in the system become more familiar with their potential.

This view about continuing and emerging payoff was echoed by several respondents. Few seemed to doubt that the information-management revolution would have hit criminal justice even without LEAA; at the same time, the consensus was that it would have emerged much later and in a way that was far less likely to have provided for some coherence and coordination in developing data systems that met system-wide needs for information.[23]

Operational Programming: Nearly half of all programs listed by respondents can be classified as operational—that is, focused directly on the prime activities of criminal justice agencies. Included are crisis intervention programs, integrated criminal apprehension programs, criminal intelligence units, white-collar-crime programs, crime-prevention units, lower court case-handling programs, and so forth. Another 20% of the programs listed are management oriented and directed toward improved operations indirectly (most of these being programs to develop information systems). The emphasis given to operational programs no doubt reflects an interest in pointing out concrete or direct LEAA-program contributions to improving the handling of and the response to crime.

In 1979, the U.S. Senate Committee on the Judiciary explicitly rejected the idea that there was no LEAA program legacy at the state and local levels. Further, it implicitly recognized the legitimacy of variable crime-control goals by adopting a very flexible and substantively open criterion for locating this LEAA program legacy:

> The committee is convinced that the accomplishments of the LEAA program are real and should be recognized—accomplishments which, in many instances are substantial. It is further felt that there is a standard by which LEAA can be measured. That standard is the extent to which the experimental programs which

> LEAA funds have initiated have been accepted and replicated by various jurisdictions and have become a part of normal operational activities. By this standard, the LEAA program has been a success. . . . The nationwide assumption rate of more than 60 percent for LEAA programs is impressive and clearly indicative of the value of the program in terms of fostering permanent improvements in the criminal justice system.[24]

Although the committee points to assumption rate as the principal criterion, the 60% rate cited is an average for several previous program years (including the early years). In interviews we conducted in 1983, current and former SPA directors indicate that the assumption rate was closer to 80% in the later years of the program. Of course the assumption of program costs by state and local units of government is not hard-and-fast proof of positive program outcomes, and may partly reflect normal public-sector reluctance to terminate established programs, or to appear "soft on crime" by terminating what have been labeled "innovative" programs. However, as state and local resources have become increasingly pinched since the mid-seventies, the willingness of these levels of government to assume the costs of federally initiated anti-crime programs can be taken as one reasonable indicator of perceived program value—value as seen from the perspectives of these units of government apparently willing to commit scarce resources to continuation.

The National-Level View: Programs Meeting Effectiveness Criteria

By 1976, LEAA was heavily engaged in efforts directed at identifying and publicizing programs of "proven success"—programs that had been "demonstrated to affect crime or to improve system operations."[25] Under the auspices of the Office of Technology Transfer of the National Institute of Law Enforcement and Criminal Justice, three initiatives in particular were undertaken to achieve this: monographs, prescriptive packages, and exemplary projects. Later, these would form the basis for a March 1980 document entitled, "Programs Meeting Effectiveness Criteria."[26] This document was LEAA's and the Office of Justice Assistance, Research, and Statistics' last full-blown and formal effort to identify beneficial LEAA programs.

The monograph series served primarily an educational or thought-expanding function by highlighting common problems and discussing various program attempts at resolving them. The prescriptive packages,

assembled by Institute of Justice researchers, were reviews of previous research and projects and were an assembly of what were considered to be the most effective practices in particular areas of criminal justice (e.g., burglary control programs, managing criminal investigations, grievance mechanisms in correctional institutions, multi-agency narcotics unit manuals). Although recommendations appearing in both the monographs and the prescriptive packages were based on evaluation research findings, neither really focused on particular programs of proven success or merit. That function was reserved for the exemplary projects designation.

The intentions and procedures of the exemplary projects program was rather succinctly described in the Eighth Annual Report of LEAA (1976):

> The Exemplary Projects program is a systematic nationwide method of identifying, verifying, and publicizing the most effective criminal justice programs. To be eligible for consideration as an exemplary project, a specific program must demonstrate:
> - Goal Achievement: overall effectiveness in reduction of crime or an improvement in the operations and quality of the justice system.
> - Replicability: adaptability to other jurisdictions.
> - Measurability: formal evaluation data or other conclusive evidence of project achievement (minimum of one year's results).
> - Efficiency: demonstrated cost effectiveness.
> - Accessibility: willingness of project staff to provide information to other communities.
>
> The program may be submitted by state, local or private agencies and need not be LEAA-funded.
> The Office of Technology Transfer reviews the submissions and refers the most promising efforts to a private contractor for an objective analysis of the project's achievements and onsite assessment of program operation. The contractors' reports are submitted twice a year to an 11-member review board representing state criminal justice planning agencies as well as LEAA central and regional offices.
> Brochures and instructional manuals are prepared on each exemplary project. . . .[27]

These evaluation criteria are stringent, especially if fully applied. However, enough is generally known about the usual difficulties encountered in evaluating public programs and the special difficulties encountered with LEAA programming to conclude that there was no doubt some slippage in applying the criteria.[28] Some observers of the process of designating exemplary projects have suggested that some programs were given exemplary status as much for political reasons as for tightness of evaluation design and conclusiveness of research findings. Nonetheless, it seems clear that LEAA attempted to identify and to document, to the extent possible, programs with proven outputs and outcomes: The stated evaluation criteria were strong and the decision to hire independent outside contractors to conduct the assessments, while not guaranteeing objectivity, were certainly steps in the right direction.

By January of 1981, 35 projects had been designated exemplary by the National Institute of Justice. Titles and short descriptions of 34 of them were presented in an early 1981 publication of the National Institute of Justice; these are listed by title and date of exemplary project designation in Table 5-1.[29]

Five of the projects deal with victim and witness assistance; four are law enforcement-oriented and five are prosecution-oriented programs; five focus on adjudication and defense, four on corrections (three adult and one juvenile); seven fall into the juvenile justice area; two focus on community involvement, and two on alternative service delivery. Effects or outcomes attributed to these programs in the short descriptions varied. For example, it is reported that there were a higher percentage of convictions in cases handled through PROMIS than in cases not so specially managed; cost reductions in the provision of juvenile services are also reported for some programs (e.g., Project Crest and the 601 Juvenile Diversion Project); and increased clearance rates, convictions, and decreases in crime are claimed for others (e.g., the Hidden Cameras Project). Few would argue against any of these being attractive results, but the nature and magnitude of result is certainly varied from one program to another (e.g., from simple cost savings in one to reduction in crime in another). This was of course consistent with exemplary-project evaluation criteria, which indicated that improvement in system functioning was as legitimate a result as was impact on crime.

The exemplary-projects program was one attempt to document results—in this case through outside and independent assessment. But there were also internally conducted evaluations of programs, "evaluations" conducted as a part of normal LEAA monitoring functions

TABLE 5-1
THE EXEMPLARY PROJECTS

VICTIM/WITNESS ASSISTANCE:	
Child Protection Center—Special Unit, Washington, D.C.	January 1981
Sexual Assault Center, Child Victim/Witness Project, Seattle, Washington	October 1980
Witness Information Service, Peoria, Illinois	August 1979
Stop Rape Crisis Center, Baton Rouge, Louisiana	August 1978
Rape/Sexual Assault Care Center (R/SACC), Des Moines, Iowa	June 1976
LAW ENFORCEMENT:	
Hidden Cameras Project, Seattle, Washington	August 1978
Police Legal Liaison Division, Dallas, Texas	September 1975
Street Crime Unit (SCU), New York City Police	January 1975
Central Police Dispatch (CPD), Muskegon County, Michigan	January 1975
PROSECUTION:	
Major Violator Unit, San Diego, California	August 1979
Connecticut Economic Crime Unit, Chief State's Attorney's Office, Wallingford, Connecticut	August 1978
Major Offense Bureau (MOB), Bronx County, New York	June 1976
Fraud Division, King County (Seattle) Prosecutor's Office, Fraud Division, San Diego County District Attorney's Office	January 1975
Prosecutor Management Information System (PROMIS), District of Columbia	September 1973
ADJUDICATION AND DEFENSE:	
Pretrial Services Agency, District of Columbia	October 1980
One Day/One Trial Jury System, Wayne County, Michigan	January 1977
Creighton Legal Information Center (CLIC), Omaha, Nebraska	June 1976
Administrative Adjudication Bureau (AAB), New York State Department of Motor Vehicles	January 1975
The Public Defender Service (PDS) of the District of Columbia	February 1974
CORRECTIONS:	
Montgomery County Work Release/Pre-Release Center (PRC), Montgomery County, Maryland	August 1977
Ward Grievance Procedure, California Youth Authority	September 1975

Parole Officer Aide Program, Ohio Adult Parole Authority, Columbus, Ohio	September 1975
Community-Based Corrections Program, Polk County (Des Moines), Iowa	May 1973
JUVENILE PROGRAMS:	
Project CREST (Clinical Regional Support Team), Gainesville, Florida	August 1979
Community Arbitration Project, Anne Arundel County, Maryland	August 1978
Project New Pride, Denver, Colorado	January 1977
Community-Based Adolescent Diversion Project, Champaign-Urbana, Illinois	September 1975
Neighborhood Alternative Center (formerly 601 Juvenile Diversion Project), Sacramento, California	February 1974
Providence Educational Center (PEC), St. Louis, Missouri	February 1974
Neighborhood Youth Resources Center (NYRC), Philadelphia, Pennsylvania	May 1974
COMMUNITY INVOLVEMENT:	
Community Crime Prevention Program (CCPP), Seattle, Washington	January 1977
Volunteer Probation Counselor Program, Lincoln, Nebraska	January 1975
ALTERNATIVE SERVICE DELIVERY:	
Mental Health-Mental Retardation Emergency Service, Inc. (MCES), Montgomery County, Pennsylvania	August 1977
Citizen Dispute Settlement Program ("Night Prosecutor"), Columbus, Ohio	February 1974

as well as by the staff of the National Institute of Justice. Regarding all attempts at evaluation, but particularly with regard to those largely conducted internally, there seems little doubt that LEAA was well aware of the inherent difficulties of attempting to evaluate programs adequately. In June of 1977, LEAA published a "Program Results Inventory." It listed, among other matters, what it considered to be major program accomplishments for the 1975-1976 fiscal years. In the introduction to the listing, the problems encountered in assessing program accomplishments are clearly identified.

> Program results stated as outcomes or genuine impacts on the state of crime, or on the criminal justice system, are difficult to identify with certainty. It is frequently impossible to determine

> whether change should be ascribed to a particular program activity or to some other condition in a complex world. Additionally, a large portion of the LEAA budget has been spent on criminal justice systems improvements, many of which are difficult to assess in terms of their ultimate impact. That is, it is possible to report that a certain amount of training was done, educational standards achieved, information systems installed, or coordinated investigations undertaken, without being certain of the degree of impact these management improvements have had in the reduction or prevention of crime.[30]

Given these limitations, the 1977 Program Results Inventory lists eleven major programs or program areas for which it was considered that there was substantial evidence of system-improvement or crime-impact. Included were: Victim and Witness Assistance, Crime Prevention through Environmental Design, Operation Sting Anti-Fencing Units, Anti-Terrorism Program, Treatment Alternatives to Street Crime, Unification of State Court Systems, Economic Crime Project, Career Criminal Program, Model Procurement Code, Information Systems Technology Transfer, and PROMIS.

Obviously, there is not a perfect correspondence between this 1977 list of programs and those that came to be designated exemplary. This raises the question of whether the evaluation criteria used to identify programs for the 1977 list substantially differed from or were less rigorous than those used for exemplary projects. A review of supporting documentation for the eleven types of programs listed in 1977 shows a heavy reliance on the criteria of (1) cost savings, (2) amount of program activity (e.g., number of individuals arrested, convictions achieved, individuals treated, cases or complaints processed, etc.), and (3) dollar value of recovered property. No indication was given concerning the use of appropriate controls in conducting evaluations of these programs. Given the state of the art of LEAA evaluation prior to 1977, it seems likely that the rigorous evaluation criteria applied to the exemplary-program project were not applied in establishing the 1977 Inventory. To be both fair and clear, however, two different staffs with differing allegiances and bureaucratic placements were involved: staff of the National Institute of Justice administered the exemplary-projects process while staff of LEAA assembled supporting information for the 1977 Inventory.

When the Justice System Improvement Act was passed in 1979, its central feature was a requirement that expenditures of all program funds be restricted to 23 program areas (22 specified and one catch-all), and that any individual program to be funded had to have "proven effectiveness, or a record of proven success, or have a high probability of improving the functioning of the criminal and juvenile justice system."[31] In order to assist formula grant applicants, the Office of Justice Assistance, Research, and Statistics, with the assistance of LEAA, NIJ, and BJS, prepared a document that listed and briefly described 30 programs "which, based on research, evaluation or demonstration, have been found to meet the standards of proven effectiveness or record of proven success, and which fall within one of the 22 statutorily-specified program areas." As further noted in the introduction:

> Programs included on the list have been determined to be either proven effective or to have a record of proven success, as these terms are defined in the Act and the formula grant regulations. However, two additional and more limiting criteria have been used in the development of this document. First, programs are included only if there has been external verification (by either an evaluator or technical assistance provider) of objective measures of performance. . . .Secondly, no program has been included unless sufficient documentation describing the key features of the program is readily available.[32]

Listed also were an additional 19 programs whose "performance has not been fully validated and/or documented" but that were considered to have met the "standard of high probability." Table 5-2 lists all 49 programs.

As with previous LEAA-generated lists of effective programs, the summary descriptions for each program contained a brief statement of documented outcomes. The supporting documentation varied from program to program as to type of outcome criteria cited. For example, "demonstrated results" for ICAP fell into fourteen categories and included reduced costs, less delay, and increased arrests. However, the criteria and results reported for the program entitled "Legal Services to Prisoners" included only the following statement: "On the basis of successful implementation and results, the program has been institutionalized in Kansas, Georgia, Minnesota, Florida, Vermont, North Carolina, and Alabama." The skeptic may be left wondering about what results have been demonstrated.

Perhaps the last semi-official word about LEAA's development of

Table 5-2
Programs Meeting Effectiveness Criteria

PROGRAMS OF PROVEN EFFECTIVENESS OR HAVING A RECORD OF PROVEN SUCCESS	PROGRAMS HAVING A HIGH PROBABILITY OF IMPROVING THE FUNCTIONING OF THE CRIMINAL AND JUVENILE JUSTICE SYSTEM
Community Crime Prevention Program	Alternative Education (Juvenile Justice)
Project New Pride	Reduction of School Crime and Disruption (Juvenile Justice)
Project CREST (Clinical Regional Support Teams)	Managing Criminal Investigations (MCI)
Street Crime Unit	Police Resource Sharing
Integrated Criminal Apprehension Program (ICAP)	Commercial Security for Small Businesses
Commercial Robbery Reduction	Arson Prevention and Control
Anti-Fencing (STING)	Structured Plea Negotiation
Economic Crime Units	Alternatives to Pretrial Detention
Model Procurement Code	Juvenile Restitution
Administrative Adjudication of Traffic Offenses	Family Violence
Dispute Resolution—Neighborhood Justice Centers	Indigent Defense Programs
Community Arbitration Project (Anne Arundel County, MD)	Treatment and Rehabilitation for Addicted Prisoners (TRAP)
Career Criminal	Secure Care Units for Serious/Violent Juvenile Offenders
Juror Utilization and Management	Community Services Restitution
One Day/One Trial	Crime Analysis System Support (CASS)
Victim/Witness Assistance	Police Operations Support System Elementary (POSSE)
Witness Information Service	Jail Accounting Microcomputer System (JAMS)
Community Response to Rape	State Judicial Information System (SJIS)
The D.C. Public Defender Service (Washington, D.C.)	Training Programs
Treatment Alternatives to Street Crime (TASC)	
Work Release/Pre-Release Center	
Grievance Mechanisms in Correctional Institutions	
Corrections Standards	
Legal Services to Prisoners	
Rural Legal Information Center (LIC)	
Prosecutor's Management Information System (PROMIS)	
Offender-Based State Corrections Information System (OBSCIS)	
State Criminal Justice Statistical Analysis Centers (SAC)	
Free Venture Prison Industries	
Training Programs	

effective programs came in the fall of 1982 from Robert A. Diegelman, then Acting Director of the Office of Justice Assistance, Research and Statistics. He offered a list of programs that he felt had "demonstrated the potential impact of limited funds when carefully targeted and effectively used."[33] The programs listed were Career Criminal, PROMIS, ICAP, STING, TASC, and programs in the areas of victim and witness assistance, arson control, and community crime prevention.

For those who seek *scientific proof* about results, LEAA's attempts at evaluation and its various lists of "effective" programs will be disappointing. People having strong reservations about LEAA's being allowed any role in designating which of its programs are of "proven merit" may not accept their judgments regarding the beneficial legacy of specific LEAA programs. Realistically, the various programs listed by LEAA as "beneficial" vary substantially according to (1) the rigor with which they were evaluated, (2) intended outcomes, and (3) how well they have met their intentions.

However, the fact that the LEAA program was set up to pursue multiple goals, some of which were only instrumental, and that the resulting criteria used to measure them would have to be different are clearly reflected in these lists of programs. As pointed out by Daniel Glaser in the early 1970s, measuring the success or effectiveness of crime programs will be a stumbling block unless it is recognized that there are "multiple kinds of success, each with respect to a different goal."[34] As nearly as can be determined, the lists of programs contained in Tables 5.1 and 5.2 constitute a legacy of specific LEAA-funded innovations that, within the constraints imposed by necessarily limited evaluation designs, point toward improvements in pursuing multiple crime-fighting and system-improvement goals.

IV. The Intangible Legacy: Meta-Effects

An examination of previous assessments of LEAA (see Chapter 3) and a distillation of comments made in mail questionnaires and interviews (see Chapter 4) suggest that there is rather broad agreement about several LEAA-program meta-effects; these meta-effects take the form of substantial changes in basic or fundamental aspects of the criminal justice system between 1968 and 1983—changes for which there is strong, if not unanimous, *opinion* that LEAA is responsible. Below, we briefly identify them.

A Systems Consciousness

Before conscious and systematic attempts at cooperation could be undertaken, there had to be an understanding of and appreciation for the interdependence of criminal justice agencies and the interrelatedness of their various functions. There is a broad consensus that the LEAA program was successful in creating an enormous consciousness of criminal justice as a *system*. This was achieved through the funding of joint programming and cooperative projects, through the grant-planning process, and through a constant bombardment of our thinking with information about systemic implications of policies and programs. It seems clear enough also that consciousness about a criminal justice *system* was not just raised within the criminal justice community itself but among key governmental policy and decision makers as well.[35]

The effects of this consciousness-raising included a broadening of agency decision-making and policy-making perspectives to include consideration of the policy and operational domains of other agencies in the system. Organizational and managerial behavior that is more typical now than it was before LEAA includes: (1) more frequent attention paid by agency managers to the systemic implications of policies; (2) a greater incidence of cooperative programming among agencies within a given criminal justice component (e.g., multi-jurisdictional drug enforcement squads); (3) more programs of cooperation among agencies across criminal justice components (e.g., career-criminal programs); and (4) a higher incidence of meetings and consultations among managers from different components (e.g., the police, the prosecution, and the courts) to discuss common problems and to find common solutions.[36]

A More Open System

Closed systems tend toward atrophy. Open systems, especially those that consciously seek to increase beneficial exchanges with their environments, tend to be more dynamic and better able to cope with environmental demands and exigencies. In several ways LEAA prompted a greater degree of conscious and open exchange between the criminal justice system and its environment. For example, it caused the system to become more informed about and conscious of victims of crime and of crime itself. Victimization surveying was a major innovation that not only gave us more reliable national crime data, but also began providing rudimentary measures of citizen fear of crime

and citizen satisfaction with the criminal justice system. LEAA funds furthered innovations in victim-witness assistance as well as in victim compensation. In addition, LEAA-funded research provided information on the relationship between environmental design and incidence of crime, while its funded research on victim profiles helped to establish methodologies for identifying high-risk subgroups toward which programs of prevention and enforcement could be directed. LEAA also helped to open the criminal justice system to greater public scrutiny and visibility by insisting on citizen participation on planning boards, by encouraging the creation of community advisory boards, and by funding and promoting projects aimed at systematically assessing community needs. Further, LEAA contributed to and supported programs of community involvement in law enforcement and crime prevention (i.e., Neighborhood Watch, etc.). In so doing it helped develop and publicize the importance of citizen and system interaction and, thus, promoted in turn the concept of the open system.

Most clearly, however, LEAA helped focus public attention on the criminal justice system and, through its publicized research findings and press reports on both the accomplishments and the failures of its programs, served to educate the public about crime and the complexities of handling it.[37] Forcing a more conscious interaction between the system and its environment thus served to educate both the system and the environment to understand better the needs and constraints of both.

Increased Knowledge and Skills

LEAA prompted an information explosion in criminal justice that had three essential components to it. The first was popularization of the idea of criminal justice *research* having the purpose of systematically examining existing assumptions as well as discovering and evaluating new ideas. On the positive side, research helped to develop new ideas and, through systematic evaluation, establish their apparent benefit (e.g., developmental research and preliminary evaluations of the effects of the Integrated Criminal Apprehension Program).[38] Some of the information generated through research was "negative" in that it told us more about what didn't appear to work than about what did (e.g., saturation patrol is of dubious value,[39] current knowledge about and programs directed toward prevention and deterrence seem insufficient to reduce crime).[40] Although negative, such findings served as challenges to traditional "truths" in criminal justice, exposing many

of them as myths and leading in some instances to a reconsideration of program priorities and resource allocations.

Of course traditions die hard and many survive even in the face of evidence to the contrary (systems change slowly and with resistance). But the general process of subjecting traditional criminal justice beliefs to more rigorous forms of evaluation has often helped to introduce a greater amount of skepticism into the criminal justice system, resulting in a more systematic and sometimes public examination of established ideas and methods than was customary before the advent of LEAA. The skepticism and the challenges to traditional methods may, it is true, produce no immediate change in system procedures and priorities, but LEAA at least increased the momentum for change.

Second, LEAA prompted an explosion in criminal justice *education* and in college and university degree and research programs. The formal education levels of police and others in the system have greatly increased,[41] although corresponding advances in system performance are yet to be documented.[42] One apparently documented result, however, seems to be that the more highly educated are for a time at least less uncritically accepting of traditional criminal justice command structures and practices,[43] frequently providing the stimulus for review or re-evaluation. Although many college and university criminal justice programs established with the help of the Law Enforcement Education Program have since been discontinued, most continue to function and to educate future police, correctional officers, parole officers, and so forth.[44]

An ancillary aspect of establishing more college and university educational programs is that the number of faculty trained in and conducting criminal justice research has increased dramatically. At four-year and graduate institutions in particular, faculty reputation and job security depend not only on teaching but on active research. LEAA and LEEP, whether deliberately (which is doubtful) or accidentally (which is more likely), created a large and professional criminal justice research cadre. As a result, the amount of research and kinds of research being done expanded from pre-1968 levels and continue today in part because of the criminal justice education infrastructure expanded by the LEAA and LEEP programs.[45] Thus, the potential for new knowledge about crime and criminal justice being generated and the likelihood of continuing challenges being made to traditional ideas and programs remains strong.

Finally, LEAA contributed to the application of knowledge gained

through the information explosion by institutionalizing *training*. The funding of police officer standards and training councils and of methodologies to link training program design to tasks and job performance are examples.[46] Before 1968, there was little guarantee that police officers would have received basic training in law, due process, firearms handling, or first aid. Today, all police officers are expected to have had at least minimal training in all of these, plus, in many instances, specialty training in, for example, handling domestic disputes or developing management techniques. These programs currently appear firmly rooted and supported by state and local authority and revenues.

Admittedly, not all LEAA-funded research has proven valuable or of high quality; not all education and training programs have been of equal quality, and much remains to be done to demonstrate the value of the new programs. Nonetheless, a meta-effect and a meta-legacy of the LEAA program is the enormous expansion in the generation, transmission, and utilization of criminal justice information that continues today because of the research, training, and education infrastructures created by LEAA. Out of LEAA came the National Institute of Justice and the Bureau of Justice Statistics, which continue to fund research and to improve system statistics, not only at the national level but at the state and local levels as well.

Planning and Coordination Infrastructure

Although the requirement of comprehensive planning clearly had mixed results, mostly negative, given the fact it was not clearly understood and was manifested in excessive bureaucratization, the importance of planning was at least given vocal attention and support. Further, as reported in Chapter 4, agencies capable of doing systemic planning remain active in at least a third of the states, and as many as half the states may continue to fund a system-planning and coordination infrastructure.

Unsettling the System

Perhaps the most transcendent effect of LEAA was the unsettling of the criminal justice system, prompted by the LEAA-induced infusion of new ideas and new people into the system. LEAA shook the system up. The full effects of the shake-up will probably never be known, and whether anything was really permanently changed must, for the present at least, be more an article of faith than an established fact. Nonetheless, LEAA did help introduce many new ideas into criminal justice, sub-

jected the system to enormous amounts of both self-appraisal and external review, and helped to educate and to train the next generation of criminal justice agency managers and leaders (many of whom are just now assuming positions of responsibility and influence in the system). The true LEAA legacy, the greatest of its potential meta-effects, may be the next generation of system leaders it helped to shape.

Looking Back and Forward

This assessment began with the view that the LEAA program did not achieve all that its proponents hoped, but that clearly there was an LEAA legacy worth examination. This chapter has examined the constraints within which the program was forced to operate, and has noted the lessons that seem to be suggested. The legacy of "programs," seen both from national and state levels, has also been examined. And finally, LEAA-program meta-effects were identified. As noted, the LEAA program seems clearly to have been responsible for much innovation in criminal justice and for improving our knowledge of the complexities of crime. So, too, the knowledge of what worked and what didn't offers a guide for any future effort.

NOTES—CHAPTER 5

1. U.S. Senate, Committee on the Judiciary, *Law Enforcement Assistance Reform Act of 1979*, Report No. 96-142 (Washington, D.C.: U. S. Government Printing Office, 1979), p. 9.

2. James M. H. Gregg, "LEAA Important Part of U.S. Crime Control Effort," *LEAA Newsletter*, October/November 1978, quoted by Richard S. Allison, "LEAA's Impact on Criminal Justice; A Review of the Literature," *Criminal Justice Abstracts*, December 1979, pp. 608-609.

3. Austin Sarat, reported in U. S. House of Representatives, Committee on the Judiciary, Subcommittee on Crime, *Restructuring the Law Enforcement Assistance Administration* (Washington, D. C.: U.S. Government Printing Office, 1978), p. 251, quoted by Richard S. Allison, op. cit., p. 609.

4. Richard S. Allison, op. cit., p. 647.

5. Robert S. Diegelman, "Federal Financial Assistance for Crime Control: Lessons of the LEAA Experience," *The Journal of Criminal Law and Criminology*, vol. 73, no. 3, Fall 1982, p. 1001.

6. U. S. Senate, Committee on the Judiciary, op. cit., p. 320-325.

7. See, for example, Egon G. Guba, "The Failure of Educational Evaluation," *Educational Technology*, vol. 9, no. 5 (1969), pp. 29-38. For a general discussion of problems and requirements associated with program evaluation in the public sector, see Aaron Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis* (Boston: Little, Brown and Company, 1979). Also see Erwin Hargrove, "The Bureaucratic Politics of Evaluation: A Case Study of the Department of Labor," *Public Administration Review* (March/April, 1980), pp. 150-159.

8. See a general treatment of this point, in Samuel Walker, *Popular Justice* (New York: Oxford University Press, 1980), pp. 221-254.

9. For a discussion of such effect in the policy sub-system see, for example, Richard A. Staufenberger, "The Professionalization of Police: Efforts and Obstacles," *Public Administration Review* (November/December, 1977), pp. 678-685.

10. An inescapable conclusion from reading the great number of assessments of the LEAA program is that there was little agreement about what constituted waste. Aside from the obvious, such as funding for shooting shoes or riot-control armor-clad personnel carriers, one man's waste was often another's great benefit. Much of the charge of waste was, thus, often a matter of perspective.

11. For a general treatment of this point see, Daniel L. Skoler, *Organizing the Non-System* (Lexington, Mass.: Lexington Books, 1977).

12. For a general discussion of the problems inherent in applying systems analysis and other rational-analytic techniques from engineering fields to social science fields, including especially criminal justice, see Ida R. Hoos, *Systems Analysis in Public Policy: A Critique* (Berkeley, California: University of California Press, 1972). Also see Ida R. Hoos, "Systems Techniques in Managing Society: A Critique," *Public Administration Review* (March/April, 1973), pp. 157-164.

13. U. S. Senate, op. cit., p. 321.

14. *Ibid.*

15. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States*, 103rd edition (Washington, D.C.: U.S. Government Printing Office, December, 1982), Table 758, p. 461.

16. Interviews conducted by the author during the winter and spring of 1983 with current and former SPA directors.

17. For example, in 1970 LEAA initiated Pilot Cities; in 1972 under Jerris Leonard it initiated and emphasized Impact Cities; in 1973 under Donald Santarelli, Criminal Justice Standards and Goals became the new priority. Also see Thomas E. Cronin, Tania Z. Cronin, and Michael E. Milakovich, *U.S. v. Crime in the Streets* (Bloomington: Indiana University Press, 1981), p. 137. And see Advisory Commission on Intergovernmental Relations (ACIR), *Safe Street Reconsidered: The Block Grant Experience* 1968-1975 (Washington, D.C.: ACIR, 1977), pp. 43-44.

18. See Chapter 2, appendix.

19. These are views of Robert Diegelman, former acting administrator of OJARS, Robert Diegelman, op. cit.

20. During the 1983 interviews conducted by the author the point was also made that, for this reason, block grants had a higher assumption rate than did projects funded from discretionary-grant funds.

21. See, for example, ACIR, op. cit., p. 93.

22. *Ibid.*

23. For a comprehensive listing of integrated management information systems, many of which were developed through LEAA funding or technology transfer, see U. S. Department of Justice, Bureau of Justice Statistics, *1983 Directory of Automated Criminal Justice Information Systems*, National Criminal Justice Reference Service, 1983.

24. U. S. Senate, op. cit., p. 9.

25. Law Enforcement Assistance Administration, Office of Planning and Management, *LEAA Two-Year Evaluation Plan: FY'77-FY'78* (Washington, D.C.: LEAA, December, 1976).

26. Law Enforcement Assistance Administration, National Institute of Justice, and the Bureau of Justice Statistics, *Programs Meeting Effectiveness Criteria of Section 401(a) of the Justice System Improvement Act 1979* (Washington, D. C.: Office of Justice Assistance, Research, and Statistics, March 1980).

27. Law Enforcement Assistance Administration, *Eighth Annual Report* (Washington, D.C.: LEAA, 1976) p. 14.

28. For example, see Edwin W. Zedlewski, "Performance Measurement in Public Agencies: The Law Enforcement Evolution," *Public Administration Review* (September/October, 1979), pp. 488-493. Although not directly about exemplary-projects designations, also see John D. Waller, et al, *Developing Useful Evaluation Capability: Lessons from the Model Evaluation Program* (Washington, D. C.: U. S. Government Printing Office, National Institute of Law Enforcement and Criminal Justice, June, 1979).

29. National Institute of Justice, *Exemplary Projects—Focus for 1982: Projects to Combat Violent Crime* (Washington, D. C.: National Institute of Justice, January, 1981). A short description of each exemplary project is contained in this publication.

30. Law Enforcement Assistance Administration, *Program Results Inventory* (Washington, D.C.: LEAA, June, 1977) p. ii.

31. Programs Meeting Effectiveness Criteria. . . , p. i.

32. Ibid, pp. iii-iv.

33. Diegelman, op. cit, p. 1006.

34. Daniel Glaser, *Routinizing Evaluation: Getting Feedback on Effectiveness of Crime and Delinquency Programs* (Washington, D.C.: U.S. Government Printing Office, 1973) p. 14.

35. For a development of a model relevant to this point, and an evaluation of LEAA activity regarding the issue up to 1975, see Eleanor Chelemsky, "A Primary Source Examination of the Law Enforcement Assistance Administration (LEAA) and some Reflections on Crime Control Policy," *Journal of Police Science and Administration*, vol. 3, no. 2, June, 1975, pp. 203-221.

36. For direct and indirect support of these points see, ACIR, op. cit., pp. 180, 181, 189, and U.S. Senate, op. cit., p. 322.

37. ACIR, op. cit., p. 189 and U. S. Senate, op. cit., p. 322. Also, for discussion about the widening of contact between criminal justice and nongovernmental and quasi-governmental groups during the LEAA period, see Report of a Panel of the National Academy of Public Administration (NAPA), *Criminal Justice Planning in the Governing Process: A Review of Nine States* (Washington, D. C.: NAPA, 1979) pp. B5-B7.

38. Although many claims, mostly positive, have been made about ICAP, published results of systematic evaluations of the program are scarce. At least one report seems to be in press, however, and may help to clarify the issue somewhat: William Gay, Tom Beall, and Robert Bowers, *An Assessment of the Integrated Criminal Apprehension Program in Four Cities* (in press). No firm information or conclusions are yet available from this assessment but preliminary indications are that results of ICAP will be shown to be mixed.

39. Theodore H. Schell, Don H. Overly, Stephen Schack, Linda L. Stabilo, *National Evaluation Program, Phase I Summary Report: Traditional Prevention Patrol* (Washington, D.C.: NILECJ, LEAA, U. S. Department of Justice, 1976). Also see George L. Kelling et al., *The Kansas City Preventive Patrol Experiment: A Summary Report* (Washington, D. C.: Police Foundation, 1974).

40. Marvin Wolfgang quoted by Edwin McDowell, "House Panel on Violent Crime Finds Experts Are Short on Solutions," *New York Times*, 15 January, 1978.

41. See, for example, Lawrence W. Sherman and The National Advisory Commission on Higher Education for Police Officers, *The Quality of Police Education* (Washington, D. C.: Jossey-Bass Publishers, 1978) pp. 37, 141.

42. See for example, John K. Hudzik, "College Education for Police: Problems in Measuring Component and Extraneous Variables," *Journal of Criminal Justice* (Spring, 1978). Also see Sherman, op. cit.

43. Kenneth E. Christian, *A Comparison of the Behavior Styles of College-Educated and Non-*

College Police Officers (unpublished dissertation, School of Criminal Justice, Michigan State University, 1976).

44. As of 1982, 567 institutions offered criminal-justice-related educational programs. See Jack R. Greene, Timothy S. Bynum and Vincent J. Webb, *Crime Related Education: Faculty Roles, Values and Expectations* (Joint Commission on Criminology and Criminal Justice Education and Standards, September, 1982), pp. 11-12. Also see Sherman, op. cit., p. 36, for figures on the number of LEEP-supported institutions and students from 1969 through 1977.

45. The Criminal Justice Periodical Index, Indexing Services of University Microfilms, published 254 pages of crime-related titles in 1975 and 406 pages in 1981. This speaks to the proliferation of criminal justice titles, if not to their quality.

46. See for example, National Criminal Justice Reference Service, *Police Job-Task Analysis: An Overview* (Washington, D. C.: NILECJ, LEAA, U. S. Department of Justice, November, 1978).

PRACTITIONERS VIEW THE LEGACY OF LEAA

Part I of this report emphasized the legacy of the Law Enforcement Assistance Administration (LEAA) at the state and local levels of government. Consistent with this focus and in order to acquire a basic understanding of the legacy at this level, five experienced practitioners were asked to express their views. Their description of the legacy impact focuses on four areas of criminal justice—police, corrections, courts, prosecutors—and one focuses on the general impact at the local level.

The views expressed in these articles are those of the authors and do not necessarily reflect the views of the National Criminal Justice Association, the U.S. Department of Justice which funded this study, or the author of this document, on the legacy of the LEAA.

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LEAA and State and Local Governments

Ernest E. Allen

"It's like the turtle in our backyard when we were little; we picked it up so many times, it finally died."[1]

So observed a Congressional staffer in reflecting upon the death of the Law Enforcement Assistance Administration (LEAA). Mourned by few and scorned by many, the target of Congressional wrath and incessant tinkering, stung repeatedly by editorial barbs, and the subject of widespread misunderstanding, the LEAA expired, having "run through 14 years, 5 Presidents, $7.7 billion",[2] and 8 administrators, including one period where there were 3 at the same time.

Local governments struggled to keep up with the changes, adjusting to amendments in 1971, 1973, 1976, and 1979 with the entire juvenile justice legislation attached to the program in 1974 and 1977. One grappled with volumes of administrative regulations, the seeming "issue of the month" approach to crime control and, of course, the intergovernmental intricacies and conflicts built into the LEAA funding mechanism.

Yet few felt the death of the LEAA more than America's cities and counties, particularly the large urban centers. A *New York Times* editorial noted that the tragedy is that the imminent death of LEAA is so much a part of our urban anguish. The cities, where crime hurts most, stood to gain the most from enlightened support for efforts to reform their criminal justice systems. Now the program, like the cities, is the victim of cash shortages and anti-inflationary budget slashing.[3]

It was unquestionably an era of national consciousness of this "urban anguish," of the high fear of crime in virtually every community, of a developing national law enforcement and criminal justice network—a constituency that included police officials, criminal justice practitioners, planners at all levels, private agencies involved with crime and delinquency issues, universities, research institutions, consultants, professional associations, etc. Congress declared that "crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively." The Omnibus Crime Control and Safe Streets Act further stated its avowed intent to "assist state and local governments in strengthening and improving law enforcement and criminal justice by national assistance."

President Johnson told Congress in a special message on February 6, 1967 that federal expenditures were necessary "to strengthen the

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system and to encourage the kind of innovations needed to respond to the problems of crime in America."[4] How then could the LEAA, only 14 years and $8 billion later, be allowed to die?

From the perspective of local governments, perhaps the causes of death are too many and too complex to classify. Yet it is clear that there are several primary causes including the widespread perception that the LEAA was preoccupied with exotic hardware; that its chief aim, covertly if not otherwise, was the "militarization of the police" and the attendant expansion of a national role in law enforcement; that the LEAA wasn't reducing crime; that it was a bureaucratic nightmare, causing state and local governments to be consumed with red tape; and that its grant delivery system was "caught halfway between the Great Society and the New Federalism[5]," providing the worst of both worlds, not to mention incessant conflict between and among the three levels of government over funding control and discretion. In addition, of course, there is the aforementioned "turtle theory"—i.e., that Congress tinkered the program to death.

As seen from City Halls and County Courthouses, let us quickly examine these elements:

(1) *Exotic Hardware*

Perhaps the issue that most directly reflected upon local governments was the hardware issue. These governments were placed on the defensive from the beginning regarding various highly publicized grant purchases: "the Ultimate Tank Patrol Car, the Shooting Shoe that supposedly could be fired when a policeman was otherwise disarmed[6]," "armored cars, power boats and anti-riot gear in small towns[7]," other "expensive riot control equipment such as tanks that now sit in police garages unused, wrist watches that take the pulse beat of on-duty cops to measure stress levels. . . ."[8]

When the program was not being criticized for "Star Wars" hardware, it was ridiculed for other "boondoggles", like the studies to determine why convicts want to get out of prison or to prevent police disability by improving the design of shoes.[9] The rebuttal that these expenditures were exceptions, not representative of the program as a whole, was largely disregarded. One problem was public relations, but alas, it must be acknowledged that there were conspicuous errors in judgement, not the least of which was the trumpeting of several Dick Tracy-type projects before Congressional Committees by the LEAA leadership.

Particularly in the early days, there was a preoccupation with hardware, but it must also be noted that in much of America the needs of law enforcement agencies were basic indeed. Perhaps, was the hardware itself sold too aggressively, and too little attention was paid to the fundamental changes it helped to produce in capacity, service delivery, efficiency, and professionalism.

(2) *The Militarization of the Police*

The intensity of the "law and order" issue and the volatile nature of the times combined unavoidably to make the LEAA a political symbol. Commentators expressed concerns that the LEAA "represented President Nixon's law and order machine, trampling on civil rights and beefing up police forces to suppress expressions of dissent as well as criminal activity."[10] Opponents of the LEAA argued that

> modernizing the police meant militarizing them . . . including uniforms and gear for SWAT teams now to be found not only in the urban ghettos but in bucolic rural settings, armed helicopters with night vision; ground to air communications; telescopic cameras, trained and equipped surveillance operatives, and intelligence collection of sundry sorts . . . retrievable by instant telecommunications . . . to block a recurrence of the civil disturbances, campus riots, antiwar demonstrations, all the upsetting events of the 1960s.[11]

Similar concerns hounded the LEAA program, particularly in the early years.

The subtleties of distinguishing between providing communications equipment to small rural law enforcement agencies, upgrading their capabilities and enabling them to provide quality law enforcement services, and providing communications for "Big Brother"-type purposes, proved too much for the program to overcome. Was it possible to upgrade law enforcement, to professionalize, to establish minimum standards, to introduce modern technology and scientific techniques, without risking the creation of a "police state"?

(3) *Crime Reduction*

The LEAA suffered because President Johnson's "War on Crime" did not reduce crime. In the 14 years of the LEAA Program, the number of serious crimes reported rose from 6,700,000 a year to 13,300,000, an increase of 99 percent. In a 1979 report of the U.S. General Accounting Office (GAO), it was noted that "at this time it would not be possible for GAO—or any other group for that matter—to determine whether the LEAA program overall has had any meas-

urable impact upon preventing, controlling, and/or reducing crime and delinquency."[12]

Local governments were victimized by political oratory, hyperbole, and unrealistic expectations. The law and order issue dominated political campaigns, with the Nixon White House, in particular responsible for fostering the national attitude that crime could be conquered.

When it became apparent that the expenditure of relatively modest sums could hardly impact so complex a social, cultural, and economic phenomenon as crime, "people wanted to know, what good was it?"[13] The LEAA administration and local criminal justice officials became defensive as well. Again, the LEAA leadership exacerbated the already tenuous situation by proclaiming that "crime is increasing at a decreasing rate."[14]

By the mid-1970's local governments were telling Congress that the purposes of the program essentially were to improve the system, not to reduce crime, stating that it would be "naive" to think that such a small appropriation could impact on crime. They promised only an improvement in system effectiveness.[15]

Even the LEAA's mounting pile of negative evaluations reinforced the difficulties of being judged on crime reduction. Victor Navasky, in the report of the Twentieth Century Fund, said that "LEAA has an identity problem," blaming much of the confusion on the agency's mandate. He argued that the goals of crime reduction and criminal justice system improvement imply a "profound difference in approach—the difference between the traditional hard line, punitive law enforcement agenda and a more adventurous criminal justice strategy."[16] The LEAA, in concert with state and local officials, attempted to bridge these differences with varying degrees of success.

(4) *Red Tape*

The LEAA was pummelled from all sides over the red tape and excessive bureaucracy issues. Alas, for better or worse, local governmental officials oftentimes led the charge, but were not alone.

Independent study groups comdemned the program as being overly bureaucratic and administratively top heavy. The Twentieth Century Fund found that ". . . most of LEAA's staff in Washington is involved in keeping track of the bureaucracy it created."[17] Local officials chafed over layered review processes, voluminous regulatory procedures and, of course, frequent changes and modifications.

The funding mechanism so vigorously debated in Congress and so

truly a creature of Congressional compromise was a frequent target of the evaluators and local officials as well. This hybrid mechanism created a decade-long conflict between federal, state and local governments over control issues and funding discretion. Atlanta Mayor Maynard Jackson told a Senate Subcommittee, "Restrictive state guidelines and policies force us into a position of spending most of our time . . . defending our programs, writing volumes of plans rather than doing planning, and responding to daily requests from SPA staff to justify our existence. I don't think that this is what the Congress intended in passing the Safe Streets Act."[18]

Local officials clamored for greater certainty, calling for block—grant-type funding to localities. Louisville Mayor Harvey Sloane testified to the Senate Committee that a block grant would facilitate "more effective utilization and expenditure of local resources," enabling local governments to "seriously address the question of long range planning in the criminal justice system." He added that

> the present input into the planning process . . . is at the bottom of a multi-layered system. Urban governments develop comprehensive plans, submit them to the State Planning Agency (SPA). The SPA, then approves or disapproves, in whole or in part, the programs and priorities identified by local government. This process in itself undoes whatever comprehensiveness there was in the local government plan, and provides in its stead a piecemeal package for localities, providing assistance for those areas which the SPA deems to be the priorities for local government.[19]

Other review groups called for the abolition of the block grant and its replacement by a kind of special revenue sharing.[20] For local governments, there was a pervasive sense of powerlessness. To the Advisory Commission on Intergovernmental Relations in 1976, this author observed that

> local governments across the country have gotten into trouble because they were enticed or induced to make applications in areas someone else thinks they need. As a result, you find that local governments are less than willing to assume the costs of the program later.[21]

The response to this compelling argument in my own state by one SPA board member was, "I don't see anybody choking you to take

this money." The attitude was not unique, and represented for local officials a severe shortcoming in the program—the perception that states "owned" the money.

In retrospect, a contributor to this conditon was that one expected to begin spending the money almost before the mechanism for planning and delivery was in place. Hard-pressed state and local governments viewed the federal government's largesse as manna. Daniel Skoler, then director of the LEAA's Office of Law Enforcement Planning, which processed block and discretionary grants, stated that when states learned of the Safe Streets money they "responded . . . with the zeal of ballplayers just offered cold beer."[22]

> What Congress envisioned was a process through which local requirements would filter up to the top and be put into one big mosaic by the SPA . . . Congress had confidence in local government; it also felt that the states would be strong enough to bring all these ideas together into a kind of meaningful plan.[23]

Local officials reminded state and federal officials that Congress said "crime is essentially a local problem," and state officials countered that Congress had mandated the states to build a balanced, coordinated plan of attack.

In too many sites, state-local relations deteriorated swiftly. Particularly evident was the conflict between the large urban areas and state governments. Questions regarding the adequacy of urban representation on SPA boards, the manner of selection, funding distribution, political influences, etc. dominated a growing national debate. Urban jurisdictions argued that the requirement in the legislation that the SPA "impact urban high-crime areas" required funding to be provided in amounts at least equal to the area's percentage of crime in the state. SPA's tended to utilize other criteria: population, criminal justice expenditures, or to retain total funding discretion, absent any kind of formula or equation.

In Kentucky and other states, urban planning agencies argued for "target allocations," guaranteed entitlements for which local officials could plan. The alternative was to submit a virtual "shopping list" from which the SPA could pick and choose, or in fact disregard altogether.

There were widespread urban concerns about political abuse. A Director of Public Safety in Gary, Indiana, states that "several times we've submitted proposals to the Indiana SPA that were identical to

ones from South Bend. The agency, which is dominated by downstate Republicans, will approve South Bend, but table us."[24] In other states, one could reverse the politics and fill in the blanks.

Intergovernment conflicts were not experienced solely at the city-state level. Also present in the system were various regional review mechanisms, including A-95 state clearinghouse review through councils of government, area development districts, or their equivalent. For example, it was cited that "a California city that develops a program must get it past five review hurdles before it comes up for final approval or disapproval by the California Council on Criminal Justice. These administrative layers absorbed $21 million of LEAA's total budget of $268 million in fiscal 1970."[25]

Interest groups, including the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and others argued forcefully and persistently to Congress that changes and accommodations must be made in the grant delivery mechanism to provide greater input and control by local governments in the decisionmaking process. It was argued that local governments should be "full partners in the planning area."[26]

In subsequent reauthorization periods Congress did make adjustments that amplified the role of local governments. The modifications were particularly responsive to the urban jurisdictions, and, in 1978, provided the opportunity to plan for and administer a "Mini-Block Grant." In many ways the intergovernmental conflicts of the early years, and to a lesser extent throughout the history of the program, weakened the support in Congress and perhaps hastened the demise of the LEAA.

A great deal was said and written in a negative sense about embarrassments, the conflicts and turf disputes, the red tape and bureaucracy, and the various "Rube Goldberg" reorganizations and configurations. Yet it is clear that the overwhelming consensus of units of local government was that the program was beneficial and did much to improve the quality of law enforcement and criminal justice throughout America.[27] Further, there were evaluators and study groups that noted the positive aspects of the program, and found ample basis for continuation as well as editorial writers who got past the "tanks and red tape."

Among the studies, few examined the agency and program in greater depth than the Advisory Commission on Intergovernmental Relations (ACIR) in its report *Safe Streets Reconsidered: The Block Grant Ex-*

perience, 1968-1975. The ACIR found the overall record of the LEAA program to be quite positive. This conclusion was reached based on the facts that the LEAA had provided elected officials and criminal justice professionals

> a greater appreciation of the complexity of the crime problem; a mechanism for coordinating efforts to control crime and improve the administration of justice; financial support for many activities that recipients otherwise would have been unable or unwilling to undertake; and a balanced pattern of funding distribution to jurisdictions having serious crime problems as well as among the functional components of the criminal justice system.[28]

Other commentators noted additional positive improvements, including improved professionalism of personnel; better data collection, recordkeeping and communications, first-time efforts at comprehensive planning; research that helped to "raise criminology from a second rate discipline to a major area of academic study"[29]; an advancement in the "public understanding of criminal justice out of kindergarten and through some primary grades"[30]; criminal code revision in many jurisdictions; court reform; prosecution of career criminals; new police techniques; and victim and witness programs.[31]

In 1968, Congress designed a program for innovation and demonstration, a program of relatively few dollars (less than 5 percent of the total criminal justice budgets of participating jurisdictions), but one that could serve a catalytic role in positive change. There were failures, but a demonstration program implies experimentation, and experimentation implies that some of the steps taken will not have the anticipated benefits.

The best measure of any program however, is the "before and after" examination. It is clear that law enforcement and the criminal justice system in 1983 are dramatically different and greatly improved in virtually every community in America as compared to 1968. These improvements have been experienced in cities and counties and on a regional basis. They have been felt in large urban centers and in small rural communities.

The changes and improvements that occurred are not in paraphernalia and James Bond-type gimmickry. The tank or the Dick Tracy-type hardware was the exception. A closer examination of local jurisdictions will show dramatic improvements in system capacity and professionalization; better and more aggressive law enforcement techniques and criminal justice system methods; increased public contact, cooperation, confidence and support; and improved criminal justice system planning and coordination.

In the following paragraphs, the "before and after" comparisons are briefly examined in an attempt to assess the real impacts and the real legacy of the LEAA program on local governments.

The Criminal Justice System—Its Planning and Coordination

Criminal justice planners have frequently cited the admonition of futurist Alvin Toffler: "Unless we attempt to solve society's pressing problems in the light of long term strategies, we will simply compound our crises, magnify them."[32]

It was with such a premise in mind that the profession of criminal justice planning was born. While the date of birth is difficult to ascertain, there is some basis for suggesting that the profession emerged in concert with the passage of the Omnibus Crime Control and Safe Streets Act.

Some, in fact, suggest that the criminal justice system, itself, was discovered in the mid-sixties during the period of public preoccupation with law and order, system analysis, and system approaches to all problems. Thus, it was logical for Congress to require a planned, logical approach to the control of crime and the improvement of the criminal justice system.

The system one discovered and sought to improve, however, was fragmented and resistant to change. Governmental efforts were complicated by the division of statutory and constitutional responsibility and by the pressure of voter demands for immediate solutions to our national crime wave.

The *New York Times* noted that "before LEAA, it was not widely recognized that criminal justice is a system," "a 'hydraulic system' in which solving a problem at one level (tougher sentences) may only displace it to another (crowded prisons)."[33]

In the early days of the program, all levels of government tended to view the crime problem in a very general, narrow and short term manner. Leadership was reactive, with solutions such as additional manpower and increased expenditure having appeal.

Yet, the problems remained and grew, while the approach of adding personnel was being discredited as a very expensive way to control crime. The constituency was becoming even more impatient, demanding not just crime control, but cost control as well. The local elected

official had a major dilemma: a community problem for which he had only limited legal responsibility but almost total public accountability, one that he could not spend to death, and one about which he faced an increasingly hostile constituency demanding action.

Fortunately, with the LEAA as the catalyst, something began to take place in much of America, and even with the death of the LEAA, it is still occurring. Governmental leadership began to heed the advice of Toffler, and a planned analytical approach to crime control and system improvement began to take place.

Criminal justice planning and coordination agencies, many of which had been preoccupied with the LEAA grant administration activities at the beginning of the program, began to develop, obtain, and apply knowledge. The tradition-bound criminal justice system began to change slowly, arduously and admittedly, not with uniformity; but in communities around the country, the system began to change.

Planners developed information, built a knowledge base about the nature, location and incidence of crime; about the operational efficiency of the system; and about the effects of intervention techniques. This knowledge provided local officials with the information and insight necessary to base policy and financial decisions on something other than the previous year's budget.

The emerging knowledge base served a critical role in the process of cutback management now being undertaken in virtually every community in this era of Proposition 13 and taxpayer revolt. Planning agencies helped local officials to ration criminal justice resources and expenditures. With the public demanding limits on expenditures and with demands for services increasing, government had to prioritize. The challenge across America was to do more with less, to ration the resources available, and to acquire the maximum benefit from them.

Planners cited and brokered to local officials the concept called, "Resources Backward Planning," articulated by former LEAA official, criminal justice planner and Watergate Special Prosecutor, Henry Ruth. This concept entails assessing what resources you have, identifying what additional resources are likely or possible, and then planning the application of those resources to the priority concerns of the community.[34] Planners helped to convene the actors of the criminal justice system to undertake such a process, entailing the rationing of both resources and expectations.

While there are good and bad examples of the ways in which criminal justice planning helped cities and counties respond to the challenge of

cutback management, it is clear that this period of scarcity in many ways, was, a boon for planning, and an opportunity to tackle the full range of local criminal justice problems and expenditures. This convenor role, largely put in place by the LEAA experiment, represents the first halting steps taken toward the true management of the criminal justice system.

There are many examples: The Ventura, California Regional Criminal Justice Planning Board analyzed "system-wide resource balance" by assessing the cross-system impacts of expenditure variations. The Denver, Colorado, Anti-Crime Council conducted a wide range of productivity studies for local government, including police patrol response, police court appearances, investigative productivity, jail population, youth diversion, court case scheduling, and neighborhood revitalization. The Toledo/Lucas County, Ohio, Criminal Justice Planning Unit performed a resource needs analysis, developed staffing patterns and, operating procedures, and analyzed court-ordered mandates for the planning of its new county jail facility. The Hennepin County, Minnesota, Criminal Justice Coordinating Council analyzed space needs in the county's juvenile, felony and municipal courts, as well as reviewed criminal justice agency budgets.[35]

The LEAA funds also supported the development of information and data systems critical to system management, including (PROMIS), now in place in prosecutor's offices around the country and the world; jail information systems to improve the management of detained populations; and crime analysis systems in use in police agencies and planning offices.

For the first time, an environment was created in which local officials started to "think" system. The Planning Board or Coordinating Council became the place where the leaders of the justice community could come together for dialogue, problem solving, information sharing and, almost secondarily, financial assistance.

Even in cities where the sole justice function was law enforcement, there was heightened appreciation that the Mayor's troops were only the front line in a truly complex and interrelated system. The appreciation of the complexity of the crime problem noted by the ACIR provided a perspective and realism in the crusade against crime. Local governments learned that crime could not be significantly affected unless the remedies developed took into account the interrelationships in a system that is neither a city, a county, nor a state system, but rather a multigovernmental partnership.

The LEAA initiated a planning process that set into place a mechanism for leading the orderly change of the system. Over the last 14 years, planners have provided information and knowledge for policy decisions; they have provided the essential data and analysis for the rationing process to occur; they have helped to measure and anticipate the effects across the system; and in some communities, they have even been given operational responsibility for certain systemwide functions. For example, the Toledo/Lucas County Criminal Justice Planning Unit operates the basic and in-service training program for the Toledo and suburban police departments, a regional information system and a metropolitan drug enforcement unit.[36] The Louisville/Jefferson County Criminal Justice Commission operates a metropolitan information network and administers a Task Force on Exploited and Missing Children, including police from area departments, and social workers and prosecutors working together as a team, with liaison personnel from the FBI, state police, southern Indiana law enforcement, and the University of Louisville.

The state of criminal justice, its traditional resistance to change, and its historic fragmentation made it inherently a non-system. Many of the success stories recited in preceding paragraphs, and the thousands more like them, were subtle and incremental as well as largely ignored by Congress.

During the LEAA years, the very term "planning" became disreputable, frequently characterized as unnecessary overhead. Any discussion of the planning process had to be fraught with carefully chosen euphemisms.

By 1978, however, harsh Congressional rhetoric was being replaced by action. Appropriations for planning were reduced over the next three years from $60 million to only $19 million, and even that amount was obtained through preexisting surpluses.[37]

The professional planning associations told Congress that the picture of the LEAA-supported criminal justice planning as grant—related overhead and dollar—flow bureaucracy was not accurate. By the late 1970's planning offices were not just influencing the five percent of the local justice budget that was federal in origin, they were providing information, research, coordination activities, technical assistance, and analysis, thereby enabling policymakers to ponder objectively for the time the effects of the other 95 percent.[38]

Nonetheless, planning was an easy target for a Congress bent on the death of the entire LEAA program. Yet, to a great extent, Congress

was mistaken. Pulling the plug did not kill the patient. The damage was extensive, but the new profession of criminal justice planning survived. Over the 14 year history of the LEAA program, the truly successful models of local criminal justice planning were those that became an institutional part of the government(s) for which they functioned. The survival rate is a tribute to the fact that meaningful planning, analysis, and coordination were taking place.

Research conducted by the National Association of Criminal Justice Planners (NACJP) indicates that from a high watermark of 514 local planning offices in June of 1978 until June of 1981 when the cuts were deepest, 52 percent had closed. Of this 52 percent, some were consolidated into other city or county agencies, or general purpose planning offices.

The NACJP report observed that "the original motivation for developing a planning capability comes to attention. If the unit's primary purpose was to comply with federal regulations, then there is no current local need. If local elected officials use planning and analysis as a tool for preparing themselves to make decisions and resource allocations, then that need still exists."[39]

A complication for planning agencies was that the federal cut of resources occurred at the precise moment in which local revenues were tightest. Yet planning offices survived through 1981. A profile of the survivors indicates that those that fared best served the largest jurisdictions and tended to serve single jurisdictions, rather than multijurisdictional regions. In single jurisdictions 72 percent of the offices survived, compared with 50 percent in multicounty regions. In jurisdictions with a population of 750,000 or more 93% survived. The NACJP concluded that "those areas most in need of criminal justice planning, i.e., the urbanized areas of the United States will continue to support and maintain this function."[40]

As of September 1983, 151 local planning offices remain in existence as separate, free standing criminal justice planning agencies. The incidence of merger and consolidation into other agencies has increased, and there have been total shutdowns as the impact of reduced revenues and a declining tax base has been felt. Of the 151 remaining offices, 67 (44.4 percent of total) represent the 142 largest jurisdictions. NACJP Executive Director, Mark A. Cunniff, observed that the decline of local criminal justice planning and the closing of agencies has apparently "bottomed out," leaving a core of agencies and experienced planners to build upon in the future.

Improvements in System Capacity, Techniques, and Professionalism

The picture of the criminal justice system of the 1960's does little to inspire confidence. Painted as an "uncoordinated patchwork of divided authority, poor communications and conflicting social and political goals,"[41] it could best be characterized as the criminal non-justice non-system. Rigid, traditional, and hostile to change, the system was subjected to widespread allegations of abusiveness, excessive violence, corruption, and ineptitude.

The police, as the front line of the system, were frequent targets of the critics. President Johnson's Crime Commission found the police to be "ill-trained and ill-equipped; about half had less than 12.4 years of education. Cooperation between police departments was almost nonexistent, save for routine operational necessities."[42]

The Kerner Commission cited "hostility between police and ghetto communities as a primary cause of the disorders surveyed by the commission."[43] In a period of turbulence and civil unrest, law enforcement had gained a widespread image of an "occupying army," a situation exacerbated by its historic character as "a white man's profession."[44]

President Johnson mandated the LEAA to "strengthen the system and to encourage the kind of innovations needed to respond to the problems of crime in America."[45] The LEAA suffered from criticism during its entire lifespan for failing to be innovative. Yet, 14 years later, one finds an impressive array of programs and system changes that were designed, tested, implemented, evaluated, and replicated in other sites (often without federal support), and that are still in place.

These innovations changed the criminal justice system, and included efforts such as community anti-crime projects, efforts to strengthen law enforcement agencies, police-community projects, anti-fencing projects, white collar crime units, speedy trial programs, court reform, alternatives to prosecution and pre-trial detention, prosecution of career criminals and victim-witness programs, defense counsel for indigents, drug dependent offender treatment, training for criminal justice personnel, criminal justice coordination, statistical systems, and many more. With the arrival of the Mini-Block, one began to see variations on the basic theme, as jurisdictions tailored program responses to the unique problems of their areas.

The LEAA changed the system and it changed a national "mindset." The emphasis upon system management and *prioritization* of

resources paved the way for innovations such as diversion, deinstitutionalization of minor offenders and youthful status offenders, community based corrections, alternative sanctions, and case screening. Its focal point, improved efficiency and productivity, led to operational changes in agencies that had not changed in decades. To attack the law's delay, a centuries' old condition, the LEAA supported the initiation of court administration, as well as management information systems.

In law enforcement, police deployment philosophies—time honored and rigidly adhered to—gradually changed as we tested call screening, solvability factors, data-based manpower and patrol allocation, and publicly challenged the historic reliance on preventive patrol.

Standards for manpower, agency operations, facilities design, and training were promulgated, tested, and applied. Localities demanded accountability from justice agencies with the development of performance measures and standards. Information systems linked system responses to data and analysis.

The 14 year track record is not uniformly positive, but it is apparent that significant progress has taken place. The LEAA set out to strengthen the system and to professionalize its personnel. To accomplish this goal, it supported innovation and various change strategies. A few areas of innovation that most dramatically impacted upon local governments are briefly examined here.

Education and Training

The Law Enforcement Education Program (LEEP) was the cornerstone of the effort. While it is a subject of serious debate in academic circles regarding whether the programs developed, offered, and met traditional academic standards, there can be no doubt that the LEEP raised the educational level of law enforcement and criminal justice personnel.[46]

By 1980, over $300 million had been provided to the nation's institutions of higher education. In 1966-67, before the advent of the LEEP, there were 184 programs in colleges and universities offering crime-related degrees. By 1980, the number had risen to an estimated 1,500.

In 1960 only 20 percent of America's law enforcement officers had any college education. By 1975, the number had risen to 46 percent, with as many as 100,000 students per year receiving LEEP support. Estimates are that the total number of students who received LEEP

support may reach 1 million. In addition, LEEP impacted all parts of the justice system. While two-thirds of those receiving LEEP support were police officers, the other one-third included correctional officers, court support personnel and preservice students.[47]

The LEAA was also spending significant amounts on specialized training. Police officers were trained in areas as diverse as fleet management and investigative hypnotism. They learned advanced investigative techniques and the fundamentals of management and administration. Five Criminal Justice Training Centers, established at leading colleges and universities, offered training in areas such as crime analysis, evaluation, program development, and planning. Specialized training was provided through professional associations, governmental interest groups, national consultants, and experts of all types. Training kept local officials up to date on the "state of the art," and provided information on program models, research findings, etc.

There are many examples of ways in which jurisdictions linked training to direct peformance. In Kentucky, the LEAA dollars were used to establish a 15 percent salary supplement for all local police officers whose agencies met minimum standards, including basic and in-service training, and educational incentives. The Kentucky Law Enforcement Foundation Program Fund (KLEFPF), now entirely supported by state revenues, made local law enforcement more attractive, improved salaries, guaranteed quality training in a standardized fashion, and as a result, improved law enforcement dramatically in Kentucky. Similarily, the national emphasis on education and training has improved and professionalized criminal justice dramatically.

Minorities in Law Enforcement

A key issue in the Safe Streets Act debate was whether federal involvement would provide leverage over local and state hiring practices. Barely 15 years ago, a U.S. Senator queried Attorney General Ramsey Clark as to "whether LEAA would require grant recipients to have a ratio of police personnel according to race . . . Would you be able to say under this bill, 'You have got to have 50 percent of your policemen colored, otherwise you get no money'?"[48]

As a result of such concerns, the LEAA was prohibited from conditioning grants upon the adoption of quota hiring, etc., although subsequent legislative amendments enhanced its authority. The Department of Justice tried and some gains were made. Certainly, more

blacks, hispanics, and women are in American law enforcement today than ever before, and in individual areas, the gains were significant.

Over its first five years, there was a 23-percent increase in black officers in the nation's five largest cities.[49] The LEAA efforts in training and recruitment are at least partially responsible for "lowering the level of hostility between the police and young people, particularly blacks . . . especially . . . in cities such as Oakland and New York."[50]

The lack of more dramatic progress may be attributable to a lack of more direct power and to previously expressed concerns about Washington having too much authority over local law enforcement. The LEAA's role was assistance and it did endeavor to foster changes in attitudes and practices. While there are positive factors to report, and the composition of the system is very different 14 years later, the record is mixed.

Law Enforcement Modernization

Modernization occurred in local police departments through concepts such as Team Policing, Managing Criminal Investigations, and the Integrated Criminal Apprehension Program (ICAP). The LEAA upgraded communications with regional systems developed in rural areas, which allowed small agencies to communicate with each other and with state police, and with urban systems, which enhanced officer safety and communication through portable hand-held radios.

The sophisticated use of crime analysis was a dramatic deviation from decision making based on history and habit. Forms of crime analysis such as computer mapping were used in areas such as Santa Clara County, California; Denver, Colorado; and St. Louis, Missouri; as well as for targeting resources on specific areas and crimes and improving overall efficiency.[51]

Modernization techniques changed the face of American law enforcement and produced genuine cost savings. In the ICAP alone, as reported in a 56-city evaluation, the analysis time for offense reports was reduced, the report forms were consolidated, and the overtime costs were reduced through improved deployment, manpower allocation and beat structure changes. The role of the patrol officer was expanded, and the patrol force manpower on the streets increased by as much as 55 percent.[52]

The LEAA supported police innovation in many other areas, such as testing variations in fleet management, providing street legal ad-

visors, improving evidence collection and analysis, creating specialized units to target specific criminal activity, and supporting the creation of a wide array of intergovernmental task forces and strike forces dealing with organized criminal activity in narcotics, fencing stolen goods, auto theft, arson, etc.

Aggressive Law Enforcement

"If you want to catch a fish, you have to think like a fish." Those words of an old friend and former LEAA Official, H. Paul Haynes, represent an evolving attitude in the 1970s. At that time, criminal technology often outpaced system technology, and research showed that many traditional techniques and approaches had little relevance to crime control. The LEAA dollars, thus, became a primary source of support for aggressive, non-traditional crime control techniques, and the track record was astounding.

The American police took to the streets and sought out crime in creative ways. The New York Police Department's Street Crime Unit, widely replicated around the country, averaged 3,500 arrests a year—85 percent of which were for felonies and 91 percent of which resulted in convictions.[53]

The Sting operations captured national attention. At the time of their evaluation in 1980, these operations had accumulated over $269 million in savings and recovered stolen property, had spent approximately $7 million in buy money, and had resulted in over 80,000 people being charged.[54]

In addition, Seattle's Hidden Camera project produced a clearance rate for business robberies of 68 percent, twice the normal rate, with 48 percent of the robbers identified, arrested, and convicted—two and one half times the normal rate.[55] Decoys, targeted alarms, buy money, "fronts," etc. become vital elements of the police operation.

Criminal Justice and the Citizen

The concept of prevention in public safety is certainly not new. Fire prevention has become a part of our vocabulary. Yet, the history of crime prevention in this country has been limited and spotty. With the creation of the LEAA, America virtually unearthed crime prevention, much as it discovered the criminal justice system. There was a compelling logic in trying to treat the complex phenomenon of crime

systematically and it was thought to be infinitely easier to deal with crimes if they were prevented from occurring in the first place.

With this simple foundation, crime prevention appeared on the American scene, fostered by the LEAA. Using the British as a model, specifically their training school at Stafford, the National Crime Prevention Institute (NCPI) at the University of Louisville was established in 1971. This act demonstrated a national commitment, emphasizing police training, and ultimately led to the establishment of a formal crime prevention effort in virtually every community.

Since its creation with LEAA funds, the NCPI has trained 15,000 people, of whom an estimated 12,000 were police officers from all 50 states and from 12 foreign countries.[56] Across the country, crime prevention units came into being, and police were trained in the techniques and began to apply the principle of "opportunity reduction." Police training and education broadened and proliferated.

By the mid-1970s, largely through the efforts of Congressman John Conyers of Detroit, a separate pool of funds had been created for citizens' crime prevention activities at the neighborhood level. With LEAA support, crime prevention became a part of the fabric of American life: In Salt Lake City, a coalition of minority and ethnic groups counselled child abusers; in El Paso, the widely replicated "Crime-stoppers" program provided televised reenactments of serious local crimes with rewards offered to citizens providing information; neighborhood block watch groups were started, now operating in over 25,000 communities and neighborhoods; a citizen's anti-arson campaign was successful in Providence, R.I.; citizen patrols were established in Detroit neighborhoods; in Louisville, neighborhood groups conducted a "court watch," monitoring neighborhood crimes, crimes against the elderly; in rural areas, such as the region around Greenville, Mississippi, farmers engraved machinery to stop thefts; and in Runnells, Iowa, a community group helped with address signs to guide police and fire services in emergencies.[57]

Crime prevention evolved over the 14 years of the LEAA. Its focus was broadened from its early emphasis on locks, lights, and hardware to include community organizational activities, public-private partnership development, youth development, etc.

The LEAA funded experimentation with the concept of "crime prevention through environmental design" and Oscar Newman's "defensible space." Grant funds supported efforts to improve the physical

design and layout of structures, parks, neighborhoods, and other public areas. This linkage between physical environment and crime prevention has been tested in many communities and remains a strong component of community planning today.

Crime prevention was one of the most visible activities funded by the LEAA. Yet, crime prevention, 14 years later, has reached a period of crisis. Practitioners have had to alter their approaches now that the federal money is gone.

The challenge is to continue the activities without incremental resources. In cities and counties, law enforcement is no longer the purveyor of direct services, no longer doing crime prevention to people. The neighborhood now "owns" its own program and tailors it to its unique needs. The crime prevention officer has become a technical assistant and expert. Increasingly, mayors and county executives are mandating broader training so that every officer can be a "crime prevention officer." Like other LEAA innovations, crime prevention has changed and matured. Unlike the LEAA, it survives.

Finally, LEAA spearheaded the "discovery" of crime victims. In our concern about constitutional protections, the presumption of innocence for the defendant, oftentimes we allowed the victim to be put on trial, inconvenienced, or worse, to be forgotten or ignored.

A robbery victim in 1979 said, "When any exposure to law touches your life, you become different. I felt very lonely and very much at sea with the whole business of pursuing justice. I felt more vulnerable in court than I had on the street. I felt weaker, I felt more helpless. I felt like an oddity who had no right to be there.[58]

The LEAA helped us respond to the cries of victims, supporting the establishment of centers for victims of specific crimes like rape and spouse abuse. These projects proved to be the beginnings of systemwide efforts, leading to legislative reform, private sector action, and the like.

As the criminal justice system became aware of the plight of victims and witnesses through intense media attention and television specials like "Cry Rape," victim assistance projects were established in prosecuting attorney's offices around the country. These units provided services such as property return, social service referral, reception centers, witness notification, escort services, and transportation.

Victim advocacy groups were formed, bringing under scrutiny the full range of American law and procedure. These steps should insure, at least, that the victim is not revictimized by the system.

The Legacy

For units of local government, the legacy of the LEAA is change. Criminal justice agencies are very different today compared to those of the 1960s. The personnel are better trained, better educated, better equipped, better informed almost instantaneously, and are more professional. Our techniques are grounded in sound managerial practices. Decision making is more often a product of data-based analysis and reason. In sum, today's agencies are more representative of and more responsive to the total community.

The projects and innovations planted by LEAA live on, despite the death of the LEAA. Eighty percent of the LEAA-funded projects which stood to be continued by units of local government, were actually carried forward, and are in place today.[59]

From these innovations and from attendant research, the LEAA leaves behind a vast array of information both on what works and what does not.

The testing of concepts supported by the National Institute of Justice, the development of exemplary projects, and the performance of evaluation designed to challenge basic concepts and measure impact and effectiveness have modified historic approaches to crime control. The LEAA helped to probe and test the effects of preventive patrol, to examine the crime-related impacts of targeting prosecutorial and police efforts against "career criminals," test the relative successes and failures of community-based alternatives to prison for selected offenders, and to try a wide array of prevention and intervention techniques for youth.

Due to the LEAA, there has been an increased understanding of crime and the manner in which the system responds. The LEAA leaves behind living models of applied research, and hundreds of tested and evaluated experiments awaiting replication. The Louisville Police Department's Street Crime Unit is a legacy of the New York experience and a legacy of the LEAA, even though it never received a nickel from the federal government. There are many other examples. Career Criminal Bureaus, for example, are in place across the country, in offices that received LEAA funding and in many more that did not. Local governments have taken advantage of the LEAA-tested software to update management information systems that would interface with other parts of the criminal justice system. The LEAA-supported research studies and publications have led to changes in policy and procedure in myriad areas, including expanding the investigative role

of beat officers, victim consultation and support in the system, offender classification and screening, court administration and information flow, and many others. The continuing impacts of the LEAA are staggering.

There is the legacy of planning and coordination, the network left behind to continue the fight to make a non-system a system. The network of LEAA programs has led to increased system accountability and has generated information systems to measure system performance.

Finally, from a local perspective, there is the "Federalism Legacy." Even with 14 years of conflict, arguments over decision making and control, the LEAA experiment proved that shared and coordinated decision making does work. Particularly in the waning days of the program, when localities became "full partners" in the process, the animosities began to diminish and cooperation was more evident.

For the future, local governments still need help. One can no longer afford innovation, if being innovative means incremental costs. Much research and experimentation are necessary, as is training at all levels. The LEAA produced important systemic changes; yet, without the ability to test new concepts and the financial assistance to support change, it must be acknowledged that the risk of "back-sliding" is significant.

The federal government can and must be a leader, working with state and local governments to test new concepts and foster continuing change. A lesson of the past for any future program is that local governments must be equal partners—entitlement status is essential. Yet, reflecting the intergovernmental nature of the system, any new federal anti-crime program must be built upon intergovernmental processes and decision making.

The criminal justice system is far better today than it was 14 years ago, although still fraught with problems and inefficiencies. Cities and counties continue to grapple with these problems and struggle to improve the system.

In April of 1980, the *New York Times* commented that "though LEAA may be allowed to die, the need for help against crime will not."[60] The legacies of the LEAA across America are programs that have produced positive, cost-effective change.

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51. Cushman, *op. cit.*
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LEAA AND THE POLICE*

Cornelius J. Behan

The 1960s saw state and local government institutions, including the police, faced with major challenges coming from far outside their traditional arenas. The established politico-economic structure was being sorely tested and strained as increased social awareness prompted movements (e.g., civil rights, ecology, free speech) that shattered traditions and overturned the status quo.

The youth culture "revolution" also challenged existing family and societal mores and attitudes towards war, drugs, and sex in all parts of the country. The police were not prepared to handle the crime and disturbances (street crime, drug-related crime, and riots, for example) that accompanied these major shifts in American culture. In fact, the police perceived a new and unwonted permissiveness as the cause *sine qua non* of the rising crime rate and the erosion of law and order.

Divided among thousands of independant agencies, police leadership was tradition-bound and not in touch with other criminal justice disciplines or academia. Most police administrators, influenced by the Depression and World War II, were used to gradual change. In the context of the events and new concerns of the Sixties, preserving the status quo was a natural response.

There were some progressive stirrings, however, within the profession. A handful of chiefs of police were making major changes in police management and operations; some college graduates were entering the field; a few junior (community) colleges were adding police science programs to their curriculums; and one state (California) had created a commission to establish standards for the selection and training of police officers.

The climate for accelerated change and professional advancement was right when rising crime and increasing civil disobedience highlighted the inability of the justice system to deal effectively with these problems. Widespread concern made this a national issue, and the

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"war on crime" became another pennant attached to the Great Society's far-reaching standard. The vast fiscal resources of the federal government were therefore directed at state and local justice agencies through the medium of the LEAA. The police became one of the major beneficiaries of this largesse.

While a substantial amount of Safe Streets Act monies was directed at law enforcement, it still amounted to only a small fraction of what state and local government entities were routinely expending for police functions. It took time for local police to understand and work within the LEAA structure. The LEAA did, however, have a beneficial effect on policing. Its legacy is that it "opened the door" for the police profession. "Outsiders," such as academic researchers and consultants, were allowed to review and callenge the way the police operated. The LEAA environment facilitated interaction between the police and other components of the criminal justice system; the concepts of cooperation, coordination, and collaboration were introduced and have taken tenuous root in the police management style. At the same time, the LEAA fostered the acceptance of citizen input and involvement with law enforcement activities and goals, and afforded police agencies the opportunity for critical introspection. All of these led to significant advances for the profession.

Reactions Towards the Safe Streets Act Bureaucracy

The police were not prepared for the monies that flowed out of the Omnibus Crime Control and Safe Streets Act of 1968, nor for the administrative hierarchy eventually created to handle the requirements of comprehensive criminal justice planning, innovative programming, and block grants.[1] Police agencies had little or no experience with grant programs. Only a handful of police agencies received monies during 1965-1968 from the Office of Law Enforcement Assistance (OLEA), the agency administering the first federal aid program designed to improve state and local law enforcement and criminal justice efforts.[2]

Initially, the police viewed the Safe Streets Act and the LEAA with suspicion. There was a reluctance to consider, much less accept, federal support. The International Association of Chiefs of Police (IACP) passed a resolution in 1965 against "any attempted encroachment by the federal government into state or local government in the law enforcement field."[3] Police feared not federal dollars *per se*, but the possible creation of a national police force or the assumption of control

of state and local law enforcement by the United State's Attorney General.

Even after the LEAA was in operation and the monies flowing to state and local justice agencies, the police had several problems with the program. A major issue was the requirement that the State Planning Agency (SPA) administer the LEAA funds. Most police administrators felt the monies should come directly to their agencies. The police saw the SPA as an unnecessary instrument between their agencies and grant money, and as a politically illegitimate force whose priorities in funding block grants did not meet police agency needs.[4] This reaction varied, however, depending upon the type of police agency[5] and the way the SPA perceived its role. For example, the SPA that performed comprehensive criminal justice planning as a form of agency advocacy (i.e., assuring a fair allotment to each police agency) and assumed a role of grants advisor (i.e., helping police prepare successful applications) was viewed in a more positive light than one the police saw as using the planning process to control the state criminal justice budget or to disrupt the status quo.[6]

Another difficulty facing police was the LEAA's objectives. The SPAs understood that the LEAA was to provide state and local governments with a comprehensive criminal justice planning capacity along with funds to support innovative, pilot, and demonstration criminal justice programs.[7] However, few police were interested in innovation (it disrupted the status quo); moreover, few police or other criminal justice agencies had any experience in comprehensive criminal justice planning. Exacerbating this lack of experience were the continuous changes in the LEAA's planning guidelines. The LEAA vacillated from system improvement, to crime-specific planning, then to standards and goals, and back to its original focus.[8] The switches came quickly and seemingly arbitrarily, with little preparation or instruction. Each placed the SPAs, the regional and local planning units, and criminal justice agencies under excessive pressure to accommodate. On the positive side, the planning effort exposed police agencies to the fundamentals of planning, even though the skills developed were primarily in "grantsmanship," i.e., the ability to obtain and administer grants successfully.

Another very sensitive issue with the police was the LEAA's enforcement, as a condition of grant compliance, of various acts—e.g., Intergovernmental Cooperation Act, Freedom of Information Act—whose requirements were appended to the Safe Streets Act.[9] Most

resistance was directed at the Civil Rights Act and the Equal Employment Opportunity (EEO) Act.[10] Some police agencies (e.g., Chicago and Philadelphia) were denied funding until they came into compliance; others moved too slowly or failed to show good faith in hiring minorities. An IACP survey found many agencies believed that the LEAA should not enforce the EEO guidelines as a condition of funding.[11]

Nevertheless, the police came to understand the LEAA funding process and effectively garnered funds during the early years of the Safe Streets Act.[12] The distribution of federal funds to local police agencies now enjoys widespread acceptance.[13]

Receiving most of the monies in the early years, police directed the funds primarily at hardware (e.g., riot equipment, communications equipment) and traditional police programs (e.g., police training). This early emphasis was supported by the President's Commission on Law Enforcement and the Administration of Justice and by the general assumption that high technology would provide exciting and quick breakthroughs in crime control.[14]

An IACP survey[15] found that the larger police agencies (i.e., those in cities with populations of over 500,000) and state police agencies had a more positive attitude towards the LEAA and the Safe Streets Act than did smaller police agencies. This fact can be attributed to the success these agencies had in securing funding. These same agencies were also more often represented on the SPA Supervisory Boards and therefore had more input into the decision making process.[16]

The police reaction towards local planning bodies, including both Regional Planning Units (RPUs) and local Criminal Justice Coordinating Councils (CJCCs) in localities with populations of 250,000 or more, depended upon the power they had in the decision making process. The larger agencies felt adequately represented and enjoyed good communication, perceptions not shared by the smaller agencies.[17] In fact, the police had more representation on local planning units than did other criminal justice agencies. This was particularly noticeable in 43 percent of the CJCCs, which assigned police the planning responsibility for the LEAA funds.[18] Although usually limited to writing grants and monitoring projects, large city police departments were active in the planning process.

In response to criticisms that the police were receiving more than their fair share, were improperly handling funds, and were spending too much on hardware, Congress subsequently modified the Safe

Streets Act and forced the LEAA into a more categorical allocation of its funds. At the same time, the LEAA began its High Impact Anticrime Program,[19] directing discretionary monies to high crime communities and those with the highest expenditures for criminal justice. Strong urging by the National League of Cities (NLC) and the United States Conference of Mayors (USCM), which wanted local communities to receive the block grants themselves,[20] was partially responsible for the change in focus.

As a result, the LEAA had to allocate more funds to other justice agencies. The potentially adverse effect of this on police funding was offset, however, by discretionary funds going to high crime areas.

INNOVATIONS PROMOTED BY THE LEAA

The LEAA introduced a number of changes to the police profession through the block grant, discretionary grant, and National Institute of Law Enforcement and Criminal Justice (NILECJ) programs.[21] Yet, one must admit that very few changes were truly innovative, and even fewer can be classified as experimental or research-oriented. This should come as no surprise. Police organizations are complex and hierarchical, with formal, rigid structures. They are not likely to innovate.[22] Furthermore, because agencies operate at different levels of development, what would be innovative for one police agency (i.e., "different from the way we have always done it") may already have been institutionalized in another police agency.[23] Police organizations are independent, parochial, and do not subscribe to any form of national accounting. It is illustrative to note that nobody knew how many police agencies existed in the United States prior to the creation of the LEAA.[24] The fact is that the LEAA accelerated the professional advancement of individual police agencies.

Given this state of affairs, the major impacts the LEAA had on the police profession can be divided into three areas:

- Management and Administration;
- Operations; and
- Technology.

Management and Administration

Through the LEAA, police agencies were given an opportunity to go beyond the traditional organizational and management tenets laid

down by August Vollmer, O. W. Wilson, Bruce Smith, Sr., and others.[25] Directly or indirectly, the LEAA allowed many police administrators to continue their education, obtain new experience by working on projects, and visit and observe other agencies. The LEAA monies provided travel for on-site review of projects and for conferences and seminars that many professionals knew to be needed prior to the LEAA. The information-sharing encouraged by the LEAA brought police executives together to exchange ideas and to develop innovations as never before.[26] These practical experiences fostered a new openness in styles of police management as did the LEAA's introduction of outside consultants. These consultants exposed police executives to external and objective reviews, inspections, and recommendations which often led to the implementation of new and different ideas.[27]

During the LEAA decade, more police agencies underwent management surveys than during any other comparable period of time. The trend continues today,[28] although not to the same magnitude since funds have ceased to exist. Basically, the LEAA had a positive impact on the general areas of planning and analysis, resource management, and human resource development.

Planning and Analysis. While planning units were not an innovation in police agencies,[29] their acceptance and use before the LEAA's birth was sporadic. The LEAA caused a near-universal acceptance of the need for planning and analysis expertise. Several states (e.g., Illinois) had block grants directed towards the formation of such units. In other states, police developed or recruited planning and analysis skills through their involvement in the local comprehensive criminal justice planning process.[30] Still others found these skills necessary for the effective implementation and operation of programs such as the Integrated Criminal Apprehension Program (ICAP),[31] organized crime and intelligence units, and crime prevention.[32]

Resource Management. A police agency's major resources and costs are personnel. The LEAA funded a number of projects aimed at the improvement or better management of police agency resources, including, for example:

- Patrol Emphasis Program (PEP);[33] a forerunner of ICAP,
- Managing Criminal Investigations (MCI);[34] and
- Managing Patrol Operations (MPO).[35]

The LEAA's NILECJ series of "Prescriptive Packages"[36] and the

"National Evaluation Program"[37] also provided documentation on how to manage resources more efficiently.[38] More sophisticated resource allocation methods, such as the Patrol Car Allocation Method (PCAM)[39] and Hypercube[40] were developed and introduced on an experimental basis.[41] Keying in on early results by the National Commission on Productivity (NCP),[42] the National Institute of Justice (NIJ) funded a major effort in 1974 addressing police performance and productivity.[43]

Not all police agencies involved in or experimenting with those programs institutionalized them,[44] but some did. The Differential Police Response Program (DPRP)[45] has enjoyed substantial acceptance. A recent survey[46] revealed that 74 percent of police agencies serving populations of 50,000 or more used some form of response other than dispatching a field unit to the call for service. This type of "alternative response" was rarely formally recognized or institutionalized prior to establishment of the LEAA.

Human Resource Development. The LEAA had a profound effect on police recruitment, selection, training, and personnel administration. The increased number of states creating Police Officer Standards and Training (POST) Commissions can be directly identified with the LEAA's support, usually through block grants from the SPAs. The POSTs established statewide selection criteria standards and also mandated the number of hours and subjects taught for basic, or recruit training. While many larger police agencies already exceeded those standards, the POSTs ensured that all police officers within a given state met minimum selection and training qualifications.

Indirectly, the LEAA had a major impact on the hiring of female and minority officers by requiring all subgrantees, including police agencies, to comply with EEO regulations.[47] More directly, the LEAA funded the National Urban League, Inc. for the Law Enforcement Minority Manpower Project (LEMMP), which produced a series of handbooks directed at hiring minorities.[48] Even with the best of intentions, however, police agencies were frequently singled out for discrimination suits because any absence of minorities or females among the ranks was readily discernible.

The LEAA also helped to introduce state-of-the-art personnel practices. Among the most visible changes were those affecting promotions and employee assistance. Assessment Centers, uncommon to police prior to the LEAA, became an acknowledged personnel technique in the promotional process. Likewise, the new awareness of employee

stress, as fostered by the climate of the LEAA decade, encouraged the establishment of in-house psychological services in some police agencies.

A significant and substantial part of the Safe Streets Act directly relating to human resources development was the LEAA's Law Enforcement Education Program (LEEP). From the outset, the LEAA became the mechanism by which the oft-stated need "for all police officers to have higher education"[49] could be addressed. The LEEP was allocated $274.75 million (1969-1977)[50] to provide small grants to in-service employees of criminal justice agencies, as well as "forgivable" loans to students who later joined a criminal justice agency. These LEEP monies substantially increased the attainment of higher education by sworn police personnel. In 1974, for example, almost 100,000 *more* police officers could claim some college education than could those in 1970.[51] While there has been some concern expressed about the quality of the education gained,[52] one should not discount the benefits that have accrued and will accrue to police agencies whose personnel gained higher degrees through the LEEP. Education *per se* is not a magic "change agent," but the fact remains that there is now a large cadre of college-educated officers who have already risen to the top of their organizations or who will eventually assume the top policymaking positions. These officers may cause and encourage subordinates to engage in research and innovation, and should openly value higher education, which was *not* the case before the LEAA and the LEEP. Educational requirements have already been incorporated into police personnel policies through incentive pay and criteria for promotions.[53]

Operations

The LEAA spawned a plethora of programs directed at police field operations. Many were little more than refinements of existing tactics and cannot be classified as "innovative." For example, police agencies prior to the formation of the LEAA had already employed special stake-out teams, specialized uniformed tactical units, and suspect surveillance. Nevertheless, with the advent of funds and the availability of technology, many police agencies implemented operational programs that otherwise would not have been considered. A number of early programs were aggressively hardware-oriented: riot equipment, mobile command posts, helicopter units, and surveillance equipment are examples. This hardware focus brought smaller agencies up to the standards already attained by larger police agencies. In particular, the role of aircraft in police operations was highlighted. While not every agency that purchased and operated helicopters kept them once federal funds ran out, the LEAA's experiment in this area proved that aircraft can have a very effective role in police operations.[54] Resource management programs, such as MPO and MCI, may also be classified under the LEAA's impact on police field operations. Their challenge to traditional police operations, however, has not been universally accepted—one decade cannot hope to supplant the "experience" of a century.

In the final analysis, the LEAA played a major role in the productivity of police operations, as exemplified by the ICAP, and in the development of specialized units and operations.

Integrated Criminal Apprehension Program. The ICAP evolved from several individual research efforts sponsored by the NILECJ and from operational programs sponsored by the Office of Criminal Justice Programs (OCJP).[55] Early forerunners of the ICAP were the Kansas City (Missouri) Police Department studies which examined the following:

- The value of random preventive patrol (the Preventive Patrol Experiment, 1972); and
- The impact of response time on arrests, witness availability, and citizen satisfaction (the Response Time Analysis Study, 1973).[56]

These studies, coupled with further LEAA research efforts directed at assessing patrol operations[57] and criminal investigations,[58] led to *directed patrol*. Some LEAA-sponsored programs that began to shape the ICAP were as follows:

- Community profiling (San Diego Police Department, 1973-1974);[59]
- Directed Deterrent Patrol (New Haven, Connecticut, Police Department, 1974);[60] and
- Split Force Experiment (Wilmington, Delaware, Police Department, 1975).[61]

Paralleling these programs were the LEAA's new interests in crime-specific planning, crime analysis research,[62] and crime prevention.[63]

The result of these thrusts was the LEAA's PEP which involved 16 police agencies in 1976.[64] In 1977, the PEP was placed under the Comprehensive Career Criminal Program[65] and renamed ICAP. Four-

teen more police agencies were added in 1978.[66] The ICAP is both the building block and the umbrella for integrating a variety of components, including, but not limited to, the following:

- Managing Criminal Investigations;
- Major Offender Program;
- Improved warrant service;
- Differential Police Response Program;
- Directed patrol;
- Crime analysis;
- Improved police records/automated systems;
- Officer performance evaluation; and
- Personnel development.

Specialized Units and Operations. The LEAA impact on police is most visible today in the number of specialized units and operations now institutionalized. These units engage in preventive and/or suppressive crime activities, as illustrated by the following:

- Richmond (Virginia) Police Department's "Hit" Team;[67]
- Denver Police Department's Special Crime Attack Team (SCAT);[68]
- South Bay, California, Multijurisdictional Burglary Team (now known as the Career Criminal Apprehension Unit);[69]
- Seattle Police Department's Hidden Cameras Project;[70] and
- New York City Police Department's Street Crime Unit (SCU).[71]

A very popular operational program was the LEAA's "Sting," whose official title was the Property Crime Program. An anti-fencing program, aimed at the redistribution system of stolen property, "Sting" resulted not only in the successful arrest and conviction of significant numbers of street-level career criminals, but also in the recovery of large amounts of property.[72] Started in 1974, by 1979 "Sting" netted over $206 million in savings and recovered property, of which 90 percent was returned to the rightful owners.[73] An integral part of "Sting" was the use of federal agents, usually from the Federal Bureau of Investigation (FBI), as partners with local police officers.

Some other operational units that were developed with LEAA funds included the following:

- Hostage Negotiation Units;
- Special Weapons and Tactical Units (commonly referred to as "SWAT Teams") or Quick Response Units; and
- Organized crime/intelligence units.

In addition, various strike forces involving federal and/or other state/local units aimed at narcotics, criminal conspiracies, and auto theft (among others) were supported by the LEAA.

Technology

The LEAA provided police agencies with the wherewithal to pursue an expansion of technological resources. The detractors of the LEAA often cited as a major fault the apparent fixation on gadgetry as the tool for "solving the crime problem."[74] This interest in "blue sky" technology, not surprisingly, was engendered by the technological success stories of the National Aeronautical and Space Administration (NASA) and the Department of Defense (DOD).[75] The impetus towards the need for up-to-date and effective technological resources was initially given by the President's Commission on Law Enforcement and the Administration of Justice report on technology[76] and further supported by a series of conferences at the Law Enforcement Science and Technology Center of the Illinois Institute of Technology's Research Institute.[77] The latter promoted many innovative ideas with questionable practical applications. Fortunately, the least practical hardware promotions did not, in general, become part of the police arsenal of technological resources.

The three major areas where technology became of vital support to police were in communications, information systems, and crime laboratories.

Communications. In the early LEAA years, monies brought fresh resources to many areas of police operations that had been too long underfinanced, including the communications area. Approximately $143 million were spent on police telecommunications by the LEAA between July 1973 and January 1975.[78] Ninety percent of the SPA directors have stated that Safe Streets Act funds seem to have had the greatest impact on police communications.[79]

Probably the most important technological advance was the small (i.e., handheld) walkie-talkie, which allowed patrol officers to have instant communication with the police communications center. Knowing the availability of federal monies, the communications industry was spurred to innovation. At the same time, police officials recognized that purchasing this equipment freed officers from reliance on their car radios. Officers with walkie-talkies were easily contacted for calls for service, were more accessible to citizens because they were not bound to their cars, and felt safer.

Another LEAA initiative was the upgrading of police command

and control systems. A large number of states and many localities completed plans for areawide telecommunications systems.[80] The move towards a single emergency number—911—stimulated the establishment of central emergency communications centers (or 911 centers), which were most often funded by Safe Streets Act monies.[81] The LEAA and the federal government actively encouraged local authorities to establish 911 systems in both urban and rural areas. As of 1977, over 665 jurisdictions had 911 systems.[82] For example, the NIJ funded a major 911 project in Alameda County, California.[83] Many 911 centers used computers to support their operations using computer programs such as the following:

- Computer-Aided Dispatch (CAD);[84]
- Automatic Vehicle Location (AVL);[85] and
- Automatic Vehicle Monitoring (AVM).[86]

The importance of police communications was such that it was a major area of study under the LEAA's Law Enforcement Standards Laboratory (LESL) Center for Consumer Product Technology operated by the National Bureau of Standards.[87]

Information Systems. Accurate and timely information is the lifeblood of a police agency. The LEAA helped formulate information systems, develop electronic expertise, and foster an awareness of computers and their application to the information needs of police. The LEAA sponsored the System for Electronic Analysis and Retrieval of Criminal History, or Project SEARCH, a nationally representative group of criminal justice experts that concentrated its efforts on technical issues affecting police nationwide. Project SEARCH guided the establishment and centralization of identification bureaus in each state, national and statewide computerized files on wanted persons and property, and the collection and dissemination of criminal statistics. These computerized systems allowed virtually all police agencies access to files necessary for effective operations. The NIJ continued support for improvements and refinements to these national and statewide systems through, for example, the Interstate Identification Index (III, or Triple-I) demonstration project. In fact, the Attorney General's Task Force on Violent Crime has recommended that the FBI should actually put the Triple-I into operation.[88]

The Safe Streets Act monies and the LEAA hastened the entry of police agencies into the computer age, although this is not to suggest that the police did not go through the same growing pains as did other

industries facing the electronic revolution. In the 1974 survey of police agencies serving populations of 50,000 or more, 56 percent of the agencies reported using computers.[89] A review of Project SEARCH's 1980 computer directory indicates that even more police agencies today are using computers and many are extending computer applications further.[90] The LEAA funded the design of systems and the development of application software to automate information needs in support of programs such as ICAP and MCI. Some of the packages developed include systems such as the Police Operations Support System, Elementary (POSSE),[91] the Crime Analysis System Support (CASS),[92] and the Investigative Management Information Support (IMIS).[93]

Now, with the rapid evolution towards smaller, cheaper, and more powerful computers, this LEAA experience will most certainly encourage the acceptance and utilization of this new technology by police agencies.

Crime Laboratories. The operational improvements envisioned by the LEAA for police agencies included upgrading the area of criminalistics, i.e., crime laboratories. Before the Safe Streets Act, police agencies relied on FBI laboratories, or on a state or local major police agency's crime laboratory. These, however, were overwhelmed by the demand, particularly with narcotics cases. With the LEAA's assistance, states developed crime laboratory master plans; some decentralized their facilities while others upgraded already-established centers. Many laboratories gained new, state-of-the-art equipment. This increased attention saw the development of a forensic certification program.[94] Now, more detailed and quality evidence examinations are conducted with the not-surprising result of more effective prosecutions.[95]

THE LEAA'S LEGACY, WITHOUT THE LEGACY, AND SUGGESTIONS FOR THE FUTURE

It should be reiterated that many of the projects discussed above were not truly innovative in the sense of breaking new ground or making radical changes in the way police function. For the most part, these projects skimmed the surface, only refining techniques and procedures. At best, a relatively large number of police agencies were provided the opportunity to become involved in or acquainted with new programmatic interests.

What makes this experience especially frustrating is that these programs have not undergone the penetrating evaluation necessary to

determine their effectiveness or impact. The LEAA's tenure was simply too short to allow its resources to be directed at this critical analysis. In fact, one might argue that the overabundance of monies spawned mediocrity in project design and implementation because the LEAA's "pot of gold" was seemingly inexhaustible: the necessary competition among grantees based on excellence of project design and soundness of innovative ideas was curtailed by the LEAA's largesse.

The LEAA may be defunct now, but its programs must still undergo rigorous evaluation. More fundamentally, however, a critical assessment of the "whys of policing"—the police mission, role, and goals and objectives—must be undertaken even before the evaluation of the "how to's" of policing—the LEAA-sponsored programs.

Absent this necessary evaluation these projects and initiatives, determining the LEAA legacy from the police perspective, and what might have happened without the LEAA, is admittedly a subjective exercise dependent upon experience, awareness, and an historical grasp of the police profession. However, the LEAA's legacy and its ramifications clearly encompass at least four major areas: (1) the advancement of policing; (2) the introduction of the concepts of cooperation, coordination, and collaboration; (3) the involvement of citizens; and (4) the institutionalization of police professionalism.

The Advancement of Policing

Police agencies, like other organizations, have relatively short periods of advancement when the status quo is seriously challenged, changes occur, and new programs are implemented. These periods are then followed by longer ones, or plateaus, during which little constructive development occurs (i.e., the status quo is maintained and the "caretaker" mentality takes over). Without outside stimuli, only a handful of police agencies would take leadership roles in shaking the status quo and taking steps to improve police management and operations.

The LEAA's Legacy. Before the LEAA, changes in police status quo were often prompted by widespread local publicity about an unacceptable activity or scandal. With the establishment of the LEAA, the outside stimulus for change was the availability of funds from the Safe Streets Act. One needs only to look to the relative absence of response by police agencies to the findings and recommendations of the Wickersham Commission, or the President's Commission on Law Enforcement and the Administration of Justice, to recognize the pro-

found "push" given by the LEAA to the advancement of the police profession.

Through the LEAA, a number of the recommendations of the President's Commission were acted upon, as described earlier. More importantly, research challenged some of the longheld assumptions, or myths, of policing (e.g., random patrol prevents crime, or police "solve" crimes). Some of the outstanding professional advancements are as follows:

- Producing an extensive body of knowledge of existing, experimental, and evaluative programs and results, and the creation of the first library (the National Criminal Justice Reference Service[96]) to house this material and make it available to police and other criminal justice agencies;
- Attracting academicians, researchers, consultants, and others to the study of police and criminal justice issues; and
- Allowing many police agencies the opportunity to improve their operations and to stimulate the interest of police administrators in innovation and managerial risk-taking.

Without the Legacy. A few programs—perhaps even some innovative ones—might have sprung up as a result of the President's Commission, the National Commission on the Causes and Prevention of Violence, and other studies.[97] It is inconceivable, however, that the vast majority of programs undertaken with funds from the Safe Streets Act would have ever reached fruition without these funds. Most assuredly, the NIJ research studies that questioned police traditions would not have been considered, much less undertaken. Traditional police parochialism would have doomed any exchange or acceptance of new program information or ideas. The resistance to outside scrutiny would have continued, and closed doors would still be confronting researchers had not the LEAA changed the criminal justice climate.

Suggestions for the Future. Bluntly speaking, the police profession needs continuous provocation from the outside if it is to move forward. Research needs to be fostered so that findings can be translated into operational programs. Demonstration projects need to be designed, tested, and evaluated so that appropriate model programs can be disseminated and implementation encouraged. This requires a willingness to take risks and more resources, or at least reallocated resources, neither of which state and local governments, or police agencies have in great supply. Only a larger organization, such as the federal gov-

ernment or a national foundation, can provide the impetus for taking risks and the resources to accelerate the development of the police profession. More specifically, areas that should be addressed include developing police executive leadership; improving the bridge between the police, academia, and research; making technology transfer and replication more effective;[98] continuing to expand and refine the existing body of knowledge about policing and criminology; and improving the education of police officers.

The Introduction of the Concepts of Cooperation, Coordination, and Collaboration

It has long been questioned as to why justice agencies cannot work more closely together, and why police cannot pool resources to attack the crime problem more effectively. Our democratic heritage, institutions, and process account, in large part, for these difficulties. Baldly stated, there is no criminal justice *system* per se, despite the pervasiveness of that term. The "system" is made up of many varying individual and organizational philosophies, beliefs, goals, and objectives. Some of these postures are antithetical simply because of the adversarial nature of the justice system. Consequently, built into this so-called system is a ready-made difficulty for functionally disparate justice components to see any one issue from a common perspective. Like private industry's system of dynamic tensions, wherein competition is perceived as improving the product and benefitting the consumer, the criminal justice system's "competition" benefits a democratic society. Practically speaking, however, the dynamic tensions of the criminal justice system's components often result in internal rivalries for limited resources and discretionary powers.

This basic dilemma is further exacerbated by the structural division of the system at different levels of government (i.e., municipal, county, state, and federal), each level having different constituencies and priorities. The police environment is even less conducive to interagency cooperation and coordination, since agencies are not only insular in their viewpoints but also are diffuse in geographical location, function, and placement in the governmental hierarchy. These factors, coupled with rule-and-regulation mindsets, tend to make police approach problem-solving from a unilateral perspective.

There has always been cooperation among justice agencies, but usually only when it was in the best interest of each agency. Cooperation suggests working together, but respecting the other party's prerogatives

and powers—in short, respecting the other's "turf." Coordination, on the other hand, suggests working in accommodation with another party; in essence, each party willingly works around the other. The highest level of this kind of relationship is collaboration, where the extra step is taken to commit to a joint venture, to give up part of one's autonomy or prerogatives for the greater good, and to accept responsibility for results. Neither coordination nor collaboration has been traditionally accepted by police agencies or the justice system.

The LEAA Legacy. The LEAA was a major force in breaking down some of the more provincial or narrow-minded attitudes within policing. Successful programs funded by the Safe Streets Act that required police agencies to work together generally were those directed at functions outside of the mainstream of police operations, those that involved new or additional operations not ingrained in the organization, or those that did not threaten major internal power bases. Examples of such "cooperative" successes are consolidated emergency communications centers,[99] "Sting" programs,[100] and strike forces such as Metropolitan Enforcement Groups and Multijurisdictional Teams.[101]

The LEAA's penchant for comprehensive criminal justice planning also contributed to an environment conducive to increased interagency coordination. Because of the composition of the various planning bodies (SPAs, RPUs, and CCJCs), police had the opportunity to view crime problems from a broader perspective. At times, the police were also able to observe how their programs impacted on other components of the justice system. When this occurred, it sometimes led to negotiated modifications, as when police and prosecutors in Jefferson County, Colorado, sat down and collaboratively laid out arrest and prosecution standards (with allowances for agreed-upon discretion) that required each agency to yield certain traditional prerogatives.[102]

Without the Legacy. Organizational parochialism can only be mitigated by the imposition of power or the availability of opportunity. Without the LEAA, police agencies would still be confronting their crime problems from a limited perspective. It is also probable that most police agencies would still be addressing only one aspect of a problem, an approach that occasionally creates more difficulties for other agencies without materially effecting a solution.

Suggestions for the Future. The future achievements of the police has to rely heavily on the profession's ability to cooperate, coordinate, and collaborate with other justice agencies and the public. Fortunately, in jurisdictions that have retained SPAs, RPUs, or CJCCs, there are

still continuing endeavors to approach problems and issues from a systemwide vantage. The experience of these jurisdictions in comprehensive criminal justice planning and in problem-solving through coordination is still providing the impetus for constructive change. A good example of this approach is Maryland's newly developed Repeat Offender Program Experiment (ROPE).[103]

Recent efforts in "cutback management" spurred by the adverse economy of the late 1970s and early 1980s, forced police agencies into non-traditional options and arrangements, some involving other police or criminal justice agencies. Much of this "push" came at the direction of the "person with power"—the administrator, manager, or elected official heading the local jurisdiction. Coordination and collaboration, however, should not be limited to times of plentiful funds, such as in the LEAA years or, conversely, to times of restricted funds such as today. These two management principles should be an integral part of the police attack on crime problems and criminal activities.

Fostering coordination and collaboration is not easy. Nevertheless, only a concerted effort among agencies to coordinate and collaborate will bring real meaning to the term "criminal justice *system*." More attention must be focused in the future on issues such as the following:

- Conducting comprehensive problem-solving that involves all those affected by the problem;
- Opening the operational environment and actively seeking input from outside agencies;
- Assessing present approaches and programs relating to criminal justice issues to determine their relative efficacy (e.g., are objectives and priorities in order, or is there a need to reconstitute the agency's objectives or reorder the agency's priorities?);
- Undertaking some innovative approaches to support coordination and collaboration, such as applying project management techniques to interagency and interdisciplinary issues; and
- Providing the leadership to bring this about.

The Involvement of Citizens

For many years, the police told citizens to leave law enforcement to the duly appointed and trained professionals. In part, this was a reaction against the vigilante "justice" meted out in the Old West; it was also the logical product of the turn of policing towards the "legalistic style."[104] The decade of LEAA, however, saw police administrators turning to the public and admitting that they, the police, could not shoulder the burden alone—citizens needed to help.

Prior to the LEAA, crime prevention had not been practically applied within police agencies, although it was consistently included in the mission statements of police organizations. In practice, crime prevention was elusive and was often understood as the product of other, traditional police practices (e.g., good arrests deter criminals; patrolling in marked cars prevents criminal activities, etc.). At one phase in the development of policing, crime prevention was synonymous with police youth bureaus. It was not until the LEAA decade that police agencies became involved with citizens in developing programs directed at reducing opportunities for crime.

The LEAA Legacy. The LEAA had always maintained a strong posture in crime prevention, from its original charge[105] to the formation of the Office of Community Anti-Crime Programs as a result of the Crime Control Act of 1976.[106] The LEAA helped foster citizen involvement in several ways. One major thrust was the funding of what is now known as the traditional "crime prevention package." Among these packages are citizen crime reporting,[107] operation identification,[108] security surveys,[109] and citizen patrol projects.[110] Now, the police community generally accepts and endorses these types of programs,[111] and has made them part of the police repertoire of citizen-based crime prevention programs under the umbrella of Neighborhood Watch.[112] The LEAA also funded a number of states to coordinate and provide technical assistance to local jurisdictions' crime prevention efforts.[113]

The National Crime Prevention Institute at the University of Louisville, Kentucky,[114] and the Texas Crime Prevention Institutes (the National Center for Community Crime Prevention and the Center for Juvenile Crime Prevention) at Southwest Texas State University in San Marco, Texas,[115] were established and made operational with LEAA money. These institutes continue to teach crime prevention principles and provide training in various crime prevention techniques to police officers and community organizations.

The need for crime prevention was the focus of an LEAA-sponsored program of publicity and publications. At the urging of the AFL-CIO and the FBI, the Office of Justice Assistance, Research and Statistics teamed with the Advertising Council, Inc., and the National Council on Crime and Delinquency to develop and establish the National Citizens' Crime Prevention Campaign, now under the guidance of the Crime Prevention Coalition. This effort produced the McGruff "Take

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a Bite out of Crime!" campaign and the design and preparation of many of the brochures and other publications that support local crime prevention activities.[116] As late as 1979, the LEAA was committed to citizen involvement in crime prevention. At that time, it instituted the Office of Community Anti-Crime Programs aimed at involving grass-roots community and neighborhood organizations in active crime prevention.[117]

Another citizen-oriented program with a much different focus encouraged volunteers to work with police agencies.[118] Of particular note was the cooperative venture of the National Retired Teachers' Association and the American Association of Retired Persons, which encouraged retired persons to volunteer to work for police agencies as crime analysts.

Without the Legacy. Only a few police agencies would have felt the need or desire to mount a campaign enlisting citizen involvement with the agency or with crime prevention, had the LEAA not been created. The community service officers or community liaison officers "invented" after the riots of the 1960's most probably would have served only temporarily in a superficial capacity. It is doubtful that major police agencies (e.g., Detroit, Michigan) that were forced to lay off or fire hundreds of police officers would have thought it important to staff a major crime prevention function. Without the LEAA, citizen participation in law enforcement would probably have been limited to statutory mandates (e.g., minimum security devices laws).

Suggestions for the Future. The LEAA's programs only scratched the surface of the issue of citizen involvement with the police. A comprehensive review and assessment of the role of police in the community needs to be undertaken. For example, the LEAA sponsored several studies on the role and relationship of private security firms and the police;[119] these need to be further refined and formulated into policy and procedure. At the same time, what the public can expect or demand from government, and what the roles (i.e., accountability and responsibility) of the public and private sectors should be in assisting law enforcement, are also issues that need study.

Many police management decisions are made today without the full knowledge of their impact on the public. The police need better communications with the public to inform them of the rationale and impact (e.g., financial, social, etc.) of traditional and innovative police policy and procedures. The public, on the other hand, must be educated on

its responsibility towards law enforcement and crime prevention, as well as the effect on police when public support is not forthcoming.

Finally, many crime prevention programs still require scientific evaluation. One must assess their efficacy, because most have been accepted and endorsed by police only on an intuitive ("I *know* this works") basis.

The Institutionalization of Police Professionalism

The term "profession" refers to an occupation requiring advanced study in the field and having a growing, unique, and codified body of occupational knowledge that is subject to investigation and verification.[120] The police profession requires a uniform set of standards to ensure efficiency, effectiveness, and accountability. During the LEAA's tenure, a number of endeavors were directed at preparing such standards. (A pre-LEAA effort was sponsored by the American Bar Association.)[121] Another requirement is a mechanism by which new research and evaluation results are made known and incorporated into police educational programs.

The LEAA Legacy. While the doubting Thomases of this world would say policing cannot be recognized as a profession, the LEAA decade did allow efforts to achieve this distinction. It is unfortunate that police generally resist examination by researchers. However, a small but significant number of critical evaluations were produced in important areas such as the police use of force and women in policing, while some police administrators actually opened their departmental operations for research and experimentation.

A major milestone in the LEAA's comprehensive criminal justice planning was its sponsorship of the National Advisory Commission (NAC) on Criminal Justice Standards and Goals.[122] Given to the states for voluntary replication, where practical, the national recommendations were translated into workable standards and goals by only a few states. Nevertheless, this venture offered police agencies *some* measures by which to compare their organizations and operations. Later, the LEAA went a step further and funded a police accreditation project.[123] This volunteer program should contribute significantly towards improving the level of police professionalism.

The LEAA supported the development of other institutionalizing standards, such as the IACP's Technology Assessment Program Information Center (TAPIC) for researching and testing police prod-

ucts.[124] Also important was the LEAA's establishment of security and privacy standards for criminal justice information systems. States were directed to enact statutes addressing the collection, storage, and dissemination of information, especially criminal history information.

Another major stimulus in raising police professionalism was the funding provided to states to develop POSTs. Many POSTs promulgated mandatory selection and training standards which visibly upgraded the quality of police officers. Apart from the LEEP, the LEAA funded a number of police management training programs and was the moving force behind a resurgence of police executive training courses, many of which are still in operation today.

The LEAA and funds under the Safe Streets Act also created an environment for the establishment and proliferation of numerous professional police associations, among which may be listed the following examples:

- The Police Executive Research Forum (PERF);
- The National Organization of Black Law Enforcement Executives (NOBLE);
- The Police Foundation (established by a multimillion dollar grant from the Ford Foundation);
- The National Advisory Commission on Higher Education for Police Officers; and
- The National Association of College Police Training Officials.

These associations, coupled with previously-existing associations (e.g., IACP), form the nucleus for a concerted movement to continue the upgrading of police professionalism.

Without the Legacy. There was already interest in, and action taken towards, the improvement and institutionalization of standards for police professionalism before the LEAA. Had the LEAA never existed, some progressive police agencies would have responded to the American Bar Association's (ABA) recommended standards. For example, one or two POSTs already existed before the LEAA and training was a generally accepted way to increase police professionalism. These efforts would have continued, but in the LEAA's absence, their progress would have been much slower. Without the LEAA, the notion of accreditation would still be in its infancy, and only a few additional

POSTs would have been created. Worst of all, the concept of higher education for police officers—as a step in improving police agencies—would still be a novelty had not mainstream police culture acquiesced to the national trend towards higher education.

Suggestions for the Future. Much remains to be done regarding upgrading and institutionalizing standards for police professionalism. Efforts must be redoubled to complete those initiatives begun by the LEAA in this area. Some of the specific issues to which resources must be directed can be listed as follows:

- Obtaining universal acceptance of, and compliance with, accreditation standards, which should be continuously refined, improved, and enlarged;
- Upgrading POSTs and making them more solvent (a POST must provide the necessary technical assistance and monitoring to ensure that all police agencies meet or exceed minimum standards; POSTs should be made self-sustaining through statutory provision of revenues from criminal and traffic fines);
- Upgrading police education through the adoption of recommendations proposed by the National Advisory Commission on Higher Education for Police Officers, or similar types of recommendations (concentration should be on pre-service education);
- Reassessing and upgrading in-service police training, particularly supervisory and command training programs; and
- Involving the public and private industry in gathering support for the concept of policing as a profession.

LEARNING FROM THE LEAA EXPERIENCE

Without question, the LEAA had a positive impact on police agencies. One cannot ignore the fact, however, that there were some negative dimensions as well. We must learn from our LEAA experience.

First, the LEAA taught that one cannot simply throw money at a problem as complex as crime and expect immediate results. The LEAA experience highlighted the necessity for *realistic* expectations and *firmly-defined* goals. "Making an impact on crime" is not only difficult

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but perhaps even impossible for police agencies; it should never have been publicized as the LEAA goal. The solution to crime, in fact, involves all of society. Those who evaluated the LEAA lost sight of the fact that the police do much more than "fight crime."

Second, money alone cannot change organizations, philosophies, and traditions deeply ingrained in organizations and individuals. Changing an organization cannot be done overnight; even implementing a single program may sometimes require years of planning, developing, testing, implementing, and evaluating. This is a cycle that the LEAA ignored. Only frustration can ensue when the funding source and the recipient, in this case police agencies, are not working together to achieve the same goals.

Although it is true that crime is basically a state and local responsibility, the way in which crime affects the fabric of society makes it a national problem. The LEAA and the Safe Streets Act funded many police projects that have been adopted by police agencies and have had a major impact on police activities in the United States. Now, in 1983, three years after the LEAA's funding ceased, police agencies seem to be retrenching and developing a "siege mentality"—that is, fighting to keep what few state and local resources they have. Traditionally, police agencies have declined to take risk because they have always been essentially conservative organizations. Now, after the LEAA experience, taking risks and the possibility of failure loom large on the horizon of markedly reduced resources. In light of the limited success criminal justice agencies have had in reducing crime, retrenchment by police agencies can hardly be viewed as a good omen.

From the police perspective, there are two roles the federal government should play: one of leadership, the other of financial support for research, development, and testing of model programs. Unfortunately, one cannot and should not expect the federal government to provide the level of support it has previously offered the police and the entire criminal justice system. The federal government should provide leadership, however, and a limited amount of support to assist police agencies in their search for innovative ways to perform what some see as constantly expanding tasks.

Local and state police agencies cannot reasonably be expected to take on the perceived risks associated with experimentation and development of new programs and methodologies. Federal leadership, however, should, and can, take on this aspect of police advancement.

Footnotes

1. Malcolm M. Feeley and Austin D. Sarat, *The Policy Dilemma: Federal Crime Policy in the Law Enforcement Assistance Administration* (Minneapolis; 1980), p. 54; Advisory Commission on Intergovernmental Relations (ACIR), *Safe Streets Reconsidered: The Block Grant Experience 1960-1975* (Washington, D.C.; 1977), pp. 17-19.

2. ACIR (see note 1), p. 32.

3. ACIR (see note 1), p. 10.

4. International Association of Chiefs of Police (IACP), *A Study of Police Executive Attitudes Towards LEAA* (Gaithersburg, MD; 1977), p. 11.

5. For example, state police were more in favor of the SPA establishing the priorities; larger local police agencies usually had membership on the SPA Supervisory Board.

6. Feeley and Sarat (see note 1), p. 76.

7. ACIR (see note 1), p. 52.

8. ACIR (see note 1), p. 2; Feeley and Sarat (see note 1), pp. 85-87.

9. ACIR (see note 1), p. 45.

10. "A significant part of the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968 involves the relationship between crime, law enforcement, and social unrest. This concern for community relations makes the equal employment obligations of criminal justice agencies and practitioners critical. It is the basis for the LEAA equal employment opportunity programs which require that the makeup of the population served must be reflected in the equal employment opportunity effort of a grantee." National Institute of Law Enforcement and Criminal Justice (NILECJ), *Affirmative Action in the Criminal Justice System* (Washington, D.C.; 1979), p. 2.

11. IACP (see note 4), p. 39.

12. However, not all police agencies received funds from the LEAA. In a survey sample of 1,619 police agencies, 18 percent reported they did not directly receive funds from the LEAA. The majority of these police agencies were small, had fewer than 25 employees, and had not asked for any federal funds (as opposed to having been turned down). IACP (see note 4), pp. 3, 6, 12.

13. However, there are even now a handful of stalwart chiefs of police who have never accepted federal monies. See note 12.

14. Richard S. Allinson, "LEAA Impact on Criminal Justice: A Review of Literature," *Criminal Justice Abstracts* (December 1979), pp. 616-617.

15. IACP (see note 4).

16. Patrick R. Anderson, *An Examination of Published Evaluations and Their Relationship to Legislative Activity Regarding the Law Enforcement Assistance Administration* (Florida State University, unpublished dissertation; 1981), p. 21.

17. IACP (see note 4), pp. 16-17.

18. ACIR (see note 1), p. 66.

19. The High Impact Anticrime Program was directed at eight cities and required them to tackle specific crime problems rather than functional areas (e.g., police, courts, corrections). See ACIR (note 1), p. 39; Allinson (note 14), p. 640.

20. Anderson (see note 16), pp. 121, 166-167, 258.

21. The NILECJ is now the National Institute of Justice (NIJ).

22. Feeley and Sarat (see note 1), p. 89.

23. For example, the Oakland, California, Police Department had established a Crime Prevention Unit directed at target-hardening in the early 1960's; New York State was developing its statewide criminal information system ("NYSIIS") before LEAA; and some police departments had automated (or were in the process of automating) their police records.

24. In 1980, there were 13,414 general purpose police agencies. The Bureau of Justice Statistics now prepares the National Justice Agency list, which is a master file of names and addresses of criminal and civil justice agencies in the nation; it is periodically updated by the Census Bureau. Bureau of Justice Statistics, *Justice Agencies in the U.S.—Summary Report 1980* (Washington, D.C.; 1981), p. 71.

25. Traditional police organizational and management tenets involved the application of the scientific analysis and principles approach (e.g., Luther Gulick's POSDCORB administrative process formula) and rational efficiency, while heavily stressing formal organization and structure (see Luther Gulick and L. Urwick, eds., *Papers on the Science of Administration* (Institute of Public Administration; New York; 1937), *passim*). Modern police administrators, however, are abiding more closely to tenets such as "social efficiency," which requires a greater political awareness to meet citizen demand for quality government service; the open organization, which promotes an informal structure and the involvement of workers in decisionmaking; and awareness of environmental factors, such as new technology, population growth, urbanization, and automation.

26. For example, see Project SEARCH, discussed on page 15.

27. Consultants were instrumental in assisting police agencies in the allocation and distribution of patrol and investigative forces based on workload and performance criteria; advocating the establishment of planning units and crime analysis functions; and applying psychological and psychiatric expertise to police problems such as crisis intervention, hostage negotiation, and employee assistance, among many other consulting activities.

28. For example, the consulting services offered by various state Police Officer Standards and Training (POST) Commissions (e.g., California, Florida, New York) or the Commission on Accreditation for Law Enforcement Agencies (CALEA).

29. Police agencies in the larger cities had some form of "planning and research" unit before the LEAA but in some cases, the unit was merely window-dressing. The more progressive agencies, including New York City; Los Angeles and Oakland, California; St. Louis and Kansas City, Missouri; Chicago; and Cincinnati, did have effective planning research units before the LEAA.

30. ACIR (see note 1), p. 66.

31. "The Integrated Criminal Apprehension Program (ICAP) is an innovative approach to management and integration of police service and delivery. In the 30 cities where the program has been implemented to date, the ICAP has achieved impressive results: increased patrol apprehension by 31 percent, increased case filings by 18 percent, and attainment of an 85 percent 'hit' rate on wanted and warrant bulletins." Law Enforcement Assistance Administration (LEAA), *LEAA 11th Annual Report Fiscal Year 1979* (Washington, D.C.; 1980), p. 5.

32. Minnesota Crime Prevention Center, *Crime Analysis for Crime Prevention* (Minneapolis; 1978).

33. The Patrol Emphasis Program (PEP) began in 1976 with discretionary grants to sixteen police agencies. The initial focus of PEP was the enhancement of anticrime efforts by supplementing the patrol force with formally established crime analysis and crime prevention units. See William G. Gay, Thomas M. Beall, and Robert A. Bowers, *Evaluation of the Integrated Criminal Apprehension Program: Final Report* (Washington, D.C.; 1983), p. 2.

34. Managing Criminal Investigation (MCI) began in 1976 when five police agencies were awarded grants by the NIJ (see note 21). MCI was intended to increase the efficiency of the investigative function by improving five police components: initial investigation; case screening;

managing the continuing investigation; police-prosecutor relations; and the investigative monitoring system. Ilene Greenberg and Robert Wasserman, *Managing Criminal Investigation* (NILECJ, Washington, D.C.; 1979), pp. 4-5. See also, John E. Eck, *Solving Crime: The Investigation of Burglary and Robbery* (PERF; Washington, D.C.; 1983).

35. Managing Patrol Operations (MPO) was a result of a number of research and evaluation studies relating to patrol operations, sponsored by the NIJ (see note 21). In 1978, the NIJ began a field test in three agencies to determine if calls for service and directed activities should have equal priority and if the calls for service response should be handled alternatively so that additional resources could be allocated to directed activities. The MPO involves six components: differential response strategies; patrol allocation; directed patrol activities; crime analysis; MCI (see note 34); and monitoring systems. J. Thomas McEwen, *Managing Patrol Operations Field Test: Final Evaluation Report* (Alexandria, VA; 1982), pp. 1-6.

36. "Prescriptive Packages" were a series of handbooks sponsored by the NILECJ. These "packages" were designed to provide criminal justice administrators with operating guidelines in important program areas.

37. The National Evaluation Program was sponsored by the NILECJ to provide criminal justice policymakers with sound information (e.g., costs, benefits, limitations) on the effectiveness of various programs and approaches.

38. This documentation was provided in reports such as *Managing Criminal Investigations* (1975); *Traditional Prevention Patrol* (1976); *Crime Analysis in Support of Patrol* (1977); *Improving Patrol Productivity* (2 vols., 1977); and *Neighborhood Team Policing* (1977). See also, note 48.

39. Patrol Car Allocation Model (PCAM) is a computer program to analyze policy questions related to determining the number of patrol cars needed on duty at any season of the year, day of the week, and hour of the day, in each geographical command. The PCAM program tells an agency how to match its actual allocation to these needs, consistent with the overall manpower, calls-for-service performance desired, shift organization, and dispatching policy. Jan M. Chaiken and Peter Dormont, *Patrol Car Allocation Model: Executive Summary* (New York City Rand Institute; New York; 1978), p. 1.

40. The Hypercube Queuing Model is a computer program that calculates selected performance measures of emergency service systems, i.e., police, fire, and medical. It is especially useful for assisting police and emergency medical agencies in designing response districts for their mobile vehicles. Richard C. Larson, *Hypercube Queuing Model: Program Description* (New York City Rand Institute; New York; 1975), p. iii; *Executive Summary* (New York City Rand Institute; New York; 1975), *passim*.

41. These two models, along with "Schedule/Plan" (a microcomputer package that designs officer work schedules), were field-tested under the LEAA's auspices in Albuquerque, New Mexico; Charlotte, North Carolina; and Sacramento, California. See McEwen (note 35).

42. The Urban Institute, *The Challenge of Productivity Diversity: Improving Local Government Productivity Measurements and Evaluation, Part III—Measuring Police-Crime Control Productivity* (Washington, D.C.; 1972).

43. Jerome Needle, *Police Performance and Productivity Measurement System* (NIJ; Washington, D.C.; 1981). See also, Joan L. Wolfle and John F. Heaphy, eds., *Readings on Productivity in Policing* (Police Foundation; Washington, D.C.; 1975).

44. Based on the results of an evaluation of ICAP, it was found that "another factor limiting the ICAP potential was the general failure to integrate ICAP activities with departmental routines. The purpose behind many ICAP program activities was to forge or improve the links between various departmental operations." Gay *et al.* (see note 33), p. xxii.

45. The Differential Police Response Program (DPRP) was tested by NIJ in three police agencies. The major goal of the DPRP is the development of a system which classifies and categorizes calls so that those requiring rapid mobile response receive priority while other calls are handled

by other methods (e.g., telephone, mail-in, appointment for future contact). See Marcia Cohen, "Operators Facilitate Correct Police Response," *County News* (August 1, 1983), p. 6.

46. Police Executive Research Forum (PERF), *Survey of Police Operational and Administrative Practices* (Washington, D.C.; 1981), p. 46, table 35.

47. Lawrence M. Moore and Jeffery A. Schwartz, "Minority Employment in Police Services: A Management Analysis for Police Departments," *Western City* (November 1976), pp. 13-14, 28. See also, Bill Brousseau and Carol Klein, *Affirmative Action/Equal Employment Opportunity in the Criminal Justice System: A Selected Bibliography* (NIJ; Washington, D.C.; 1980), p. 49. See also, NILECJ (note 10).

48. L. H. Reynolds, *Project LEMMP (Law Enforcement Minority Manpower Project): Final Report* (New York; 1974), p. 95.

49. An explanation of the historical factors leading to LEAA is discussed in Lawrence W. Sherman and the National Advisory Commission on Higher Education for Police Officers, *The Quality of Police Education* (Washington, D.C.; 1978), pp. 30-35.

50. Sherman *et al.* (see note 49), p. 36.

51. Sherman *et al.* (see note 49), p. 37.

52. Allinson (see note 14), pp. 638-639.

53. A survey conducted by PERF found that 12.3 percent of police agencies required some college education at the entry level and that 15.3 percent required college educations of the command officers; over 50 percent of the agencies offered some incentive pay for successful college work. See PERF (note 46), pp. 38-39.

54. C. Robert Guthrie, "Helicopter vs. Fixed Wing: A Comparison," *Journal of California Law Enforcement* (January 1974), pp. 131-139.

55. Gay *et al.* (see note 33), p. 1.

56. Thomas J. Sweeney, "The Simple Origins of the ICAP Complex," *Law Enforcement News* (December 28, 1981 *et seq.*). Kelling *et al.* call into question two widely accepted hypotheses about patrol: (1) visible police presence (random patrol by marked police cars) prevents crime by deterring potential offenders; and (2) the public's fear of crime is diminished by such police presence. While this study has been criticized on methodological grounds, the results challenge one of the basic assumptions in policing. See George L. Kelling *et al., The Kansas City Preventive Patrol Experiment: A Summary Report* (Police Foundation; Washington, D.C.; 1974). A later study, limited to Part I crimes, examines response time in terms of: (1) the time citizens take to call the police; and (2) the time it takes the police to respond to service calls. The study found that the amount of time it takes citizens to call police frequently exceeds the amount of time it takes the police to respond. These results suggest that efforts by police to expedite response to calls for service (e.g., 911 Centers, Computer-Aided Dispatch (CAD)) may not have the desired impact. See T. Pate *et al., Police Response Time: Its Determinants and Effects* (Police Foundation; Washington, D.C.; 1976). See also, Marvin Van Kirk, *Response Time Analysis: Executive Summary*, vols. I-II (Kansas City (Missouri) Police Department; 1978); William Spelman and Dale Brown, *Calling the Police: Citizen Reporting of Serious Crime* (PERF; Washington, D.C.; 1983).

57. William G. Gay, Theodore H. Schell, and Stephen Schack, *Improving Patrol Productivity* (Washington, D.C.; 1977), 2 vols.

58. Peter W. Greenwood, Jan Chaiken, and Joan Petersilia, *The Criminal Investigation* (Santa Monica, CA; 1977); Stanford Research Institute, *Enhancement of the Investigative Function* (Washington, D.C., 1973), 3 vols.

59. Community-oriented policing replaced the random patrol with a set of directed patrol activities that focus on specific problems faced by the community. See John E. Boydstun and Michael E. Sherry, *San Diego Community Profile: Final Report* (Police Foundation; Washington, D.C.; n.d.).

60. Officers were dispatched to undertake preplanned patrol activities to reach specific objectives. These were called "D-runs" and were prepared by a central staff unit. See J. Kenney, *Directed Deterrent Patrol: An Innovative Method of Preventive Patrol* (New Haven (Connecticut) Department of Police Service; 1974).

61. The patrol division was divided into two components: the "Basic Force" responded to calls for service; the "Structured Force" was responsible for directed crime prevention activities and did not respond to calls for service. See James M. Tien, J. W. Simon, and Richard C. Larson, *An Alternative Approach to Police Patrol: The Wilmington Split Force Experiment* (Public Systems Evaluation, Inc.; Cambridge, MA; 1977); see also, Michael F. Cahn and James M. Tien, *An Evaluation Report of an Alternative Approach in Police Response: The Wilmington Management of Demand Program* (Public Systems Evaluation, Inc.; Cambridge, MA; 1980).

62. See, for example, George A. Buck *et al., Police Crime Analysis Unit Handbook: A Prescriptive Package* (Washington, D.C.; 1973); G. Hubart Reinier *et al., Crime Analysis in Support of Patrol* (Washington, D.C.; 1977).

63. Sweeney (see note 56); see also, Gay *et al.*, (note 33).

64. Gay *et al.*, (see note 33), p. 2.

65. LEAA's Comprehensive Career Criminal Program was targeted at repeat offenders, with primary emphasis on prosecution.

66. Gay *et al.*, (see note 33), p. 3.

67. Richmond was one of eleven jurisdictions in Virginia that established programs (operational units) directed at robbery and/or burglary. Various strategies and tactics were used, including: increased crime-specific overt patrols in selected areas; surveillance and stake-outs (including cameras and nightscopes); aggressive patrol; civilian dress patrol; and portable alarm systems. See John S. Smock, *Virginia Division of Justice and Crime Prevention, Hit Program Evaluation Handbook: Executive Summary and Evaluative Findings*, 3 vols. (Arthur Young and Co.; Washington, D.C.; 1975).

68. Denver's Special Crime Attack Team (SCAT) was developed as a result of the LEAA's High Impact Anticrime Program (see note 19). The team was directed at burglary and robbery offenses using such techniques as uniformed tactical patrol, covert area surveillance, stake-outs, and surveillance of suspects. See Stephen Schack *et al., Improving Patrol Productivity*, Vol II: *Specialized Patrol* (NIJ Prescriptive Package; Washington, D.C.; 1977).

69. The South Bay Multijurisdictional Program (South Bay C-CAP) serves eleven participating jurisdictions within Los Angeles County. It was established in 1975 and has operated under several programs concentrating on the identification and apprehension of serious offenders and career criminals, primarily burglary and drug offenders. Most of the investigations involve the use of some form of undercover surveillance.The South Bay C-CAP is now part of the state-funded California Career Criminal Apprehension Program. See Office of Criminal Justice Planning, *California Career Criminal Apprehension Program: First Annual Report to the Legislature* (Sacramento, CA; 1981).

70. In 1975, the Seattle Police Department installed cameras in 75 commercial establishments that had been identified as high-risk robbery locations. When a robbery occurs, police immediately retrieve the film, develop prints, and distribute them to officers within hours to aid in the identification, apprehension, and prosecution of robbery suspects.

71. The Seattle and New York City projects were included in the LEAA's 37 Exemplary Projects. The Exemplary Projects Program was a systematic method of identifying outstanding criminal justice programs throughout the country; the program verified achievements and widely pub-

licized them. See National Institute of Law Enforcement and Criminal Justice (NILECJ), *Exemplary Projects: A Program of the National Institute of Law Enforcement and Criminal Justice* (Washington, D.C.; 1979), p. 1. The New York City Police Department's Street Crime Unit (SCU) has been highly successful in using stake-outs, "old clothes" patrol, and decoys to combat street crime in high-crime areas of the city. See Andrew Halper and Richard Ku, *New York City Police Department Street Crime Unit: An Exemplary Project* (NIJ; Washington, D.C.; 1975).

72. Robert A. Bowers and Jack W. McCullough, *Assessing the "Sting:" An Evaluation of the LEAA Property Crime Program* (Washington, D.C.; 1982), p. xi.

73. LEAA (see note 31), p1 5.

74. Allinson (see note 14), pp. 622-623; ACIR (see note 1), pp. 23, 39.

75. Kent W. Colton, *Police and Computer Technology: A Decade of Experience Since the Crime Commission Summary* (Washington, D.C.; 1979), p. 2; see also, my discussion herein under "Operations."

76. President's Commission on Law Enforcement and the Administration of Justice, *Technology* (Washington, D.C.; 1967).

77. Three symposia were held in 1967, 1968, and 1969. See S. A. Yefsky, ed., *Law Enforcement Science and Technology: Proceedings of the First National Symposium on Law Enforcement Science and Technology* (Chicago; 1967); S. I. Cohn, ed., *Law Enforcement Science and Technology: Proceedings of the Second National Symposium* (Chicago; 1968); S. I. Cohn and W. B. McMaiton, *Third National Symposium of Law Enforcement and Science and Technology* (Chicago; 1970).

78. Colton (see note 75), p. 2.

79. ACIR (see note 1), p. 93.

80. Allinson (see note 14), p. 628. One of the LEAA's Exemplary Projects was Central Police Dispatch (CPD) in Muskegon County (Michigan) which consolidated the radio dispatch services of nine law enforcement agencies. See NILECJ (note 71), p. 13.

81. The universal emergency number was a recommendation of the President's Commission on Law Enforcement and the Administration of Justice. See also, Roger W. Reinke, *911, The Emergency Telephone Number: A Handbook for Community Planning* (Executive Office of the President, Office of Telecommunication Policy; Washington, D.C.; 1973).

82. Bureau of Justice Statistics (BJS), *Directory of 911 Emergency Communication Number Centers* (Washington, D.C.; 1980).

83. The NIJ's "Dial 911 Universal Emergency Telephone Number System" pilot project (begun in 1976) implemented selected routing and automatic telephone number identification. See also, Scott W. Hovey, Jr., *Study for Alameda County (CA) 911* (Washington, D.C.; 1974).

84. Computer-Aided Dispatch (CAD) allows the information obtained from a complaint or request for police service to be entered into a computer which assigns a case number; records the time; verifies the address; determines the area of law enforcement responsibility and which police units are available; and identifies if there have been any prior complaints at the address. The computer allows instant monitoring, updating of status changes, and maintains the record.

85. Automatic Vehicle Location (AVL) gives dispatchers knowledge of where vehicles are located. AVL systems use various location techniques, including: dead reckoning systems, which make use of the odometer to measure distance travelled, and the gyrocompass to measure travel direction; and proximity systems, which use specially-equipped "signposts" with transmitters to identify a vehicle's location as it passes. See R. L. Fey, *Automatic Vehicle Location Techniques for Law Enforcement Use* (Washington, D.C.; 1974).

86. Automatic Vehicle Monitoring (AVM) systems provide real-time location and status information for each vehicle in the system. Typically, the AVM would include a display of the area map (presented in several scales) showing cars, including their identification numbers, in their proper positions. See Richard C. Larson and K. W. Colton, *Evaluation of an AVM System*

Implemented Citywide in St. Louis (MO): A Summary Report (NIJ; Washington, D.C.; 1978). The CAD System was readily accepted and institutionalized by agencies which could afford it; AVL and AVM were not accepted. See Colton (note 75), p. 32.

87. National Bureau of Standards, *Law Enforcement Equipment Technology: Communication Systems Guide* (Washington, D.C.; 1978).

88. The Interstate Identification Index (III, or Triple-I) will be a decentralized system whereby the FBI's National Crime Information Center (NCIC) will provide an index of criminal history records maintained by states of those persons arrested in the states. Those states inquiring will be notified of the existence and location of the records. See U.S. Department of Justice, *Attorney General's Task Force on Violent Crime: Final Report* (Washington, D.C.; 1981).

89. Colton (see note 75), p. 10.

90. SEARCH Group, Inc., *1980 Directory of Automated Criminal Justice Information Systems* (BJS; Washington, D.C.; 1980).

91. POSSE is a generalized computer software system developed to aid local law enforcement agencies in their normal, daily operations by increasing the accessibility, timeliness, and accuracy of available data. POSSE is still undergoing refinement to operate on low-cost microcomputers and will ultimately handle the information needs of 75 percent of the nation's police agencies. LEAA (see note 31), p. 15. See also, Bill Cady, "Developing a Data-Processing Capability," *Law Enforcement News* (April 26, 1982 *et seq.*); Sweeney (note 56).

92. CASS's primary objective is to improve the crime analysis capabilities in police agencies by performing such functions as crime pattern detection, crime/suspect correlation, target profiles, exception reporting, crime trend forecasting, and resource allocation studies. See Samson K. Chang *et al., Crime Analysis System Support: Descriptive Report of Manual and Automated Crime Analysis Functions* (Gaithersburg, MD; 1979).

93. IMIS was developed to support the case management aspects of the MCI program, including case assignment, status and disposition, investigator/unit assignment and performance, and the preparation of management reports.

94. See Joseph L. Peterson, *Forensic Science Certificate Program* (Chicago; 1979).

95. See Joseph L. Peterson, *Utilization of the Forensic Sciences in Police Investigations: A Review of the Literature* (Washington, D.C.; 1982).

96. The National Criminal Justice Reference Service (NCJRS) is a project of the NIJ, with additional support from the National Institute of Juvenile Justice and Delinquency Prevention. NCJRS has been fostering the exchange of information and creating channels of communication within a growing community of users. Some of the programs include: Selective Notification of Information (SNI); reference services; document loan; and microfiche, among others.

97. William L. Tagoya, "Needs Assessment: Key to Organizational Change," *Journal of Police Science and Administration*, 2 (1983), p. 303.

98. The LEAA has been charged with the replication of successful projects by the Safe Streets Act (*viz.* Section 519(1)(D)). See LEAA (see note 31), p. 71. The NIJ also established the Office of Development, Testing, and Dissemination which attempted to transfer research results into programs that could be adopted by operational agencies.

99. "It appears that LEAA has been most successful in promoting coordination where, as in the case of communication systems, it does not threaten to disrupt established agency operations or power positions." Allinson (see note 14), p. 629.

100. See Bowers and McCullogh (note 72).

101. Metropolitan Enforcement Groups (MEGs), aimed at narcotics and dangerous drugs, sought to identify and arrest persons engaged in the trafficking of narcotics and dangerous drugs through the coordination of law enforcement resources on a multijurisdictional basis. See Gerald R. Rossler, "MEG Cooperation on a Multijurisdictional Basis," *Police Chief*, 44 (1977), p. 35. The

LEAA supported the concept of Multi-Agency Narcotics (MAN) Units and funded the preparation of a "how-to" manual. See Manuel R. Garza, *Multi-Agency Narcotics Unit Manual* (NIJ Prescriptive Package; Washington, D.C.; 1976).

102. Nolan Brown, *Crime and the Analytical Sciences: Arrest and Prosecution Standards in Colorado's First Judicial District*, address to the conference "New Partnerships: A Response to Crime (Washington, D.C.; September 1981). See also, Nolan Brown, *Arrest and Prosecution Standards for the First Judicial District* (mimeograph; Golden, CO; rev. 1982).

103. ROPE's premise is that, through improved systemwide coordination, repeat offenders will be identified, apprehended, adjudicated, and sentenced more effectively. ROPE is presently operational in five Maryland subdivisions. See Sally F. Familton and Kai R. Martensen, *Repeat Offender Program Experiment (ROPE): Guidelines and Programmatic Alternatives* (Maryland Criminal Justice Coordinating Council; Towson, MD; 1982).

104. James Q. Wilson, *Varieties of Police Behavior: The Management of Law and Order in Eight Communities* (Cambridge, MA; 1968).

105. The original Safe Streets Act of 1968 explicitly identified crime prevention as one of its missions: "(to) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals" (Title 1, section 3); "Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement and criminal justice agencies" (Part C, Grants for Law Enforcement Purposes, section 310(b)(3)).

106. "The Office of Community Anti-Crime Programs (OCACP) was established by the Crime Control Act of 1976 to provide technical assistance, award grants disseminate information and coordinate groups in crime prevention efforts designed to mobilize communities and citizens in combating crime problems in both urban and rural America." LEAA (see note 31), p. 16.

107. ". . . Projects were designed to encourage citizens to report suspicious activity and crimes to police;" Allinson (see note 14), p. 634. See also, Leonard Bickman *et al., Citizen Crime Reporting Projects* (Washington, D.C.; 1977). Some observers noted that while LEAA was charged to reduce crime, it also inaugurated and funded programs designed to detect and report a higher proportion of crimes actually being committed.

108. Allinson (see note 14), pp. 631-632. See also, Institute of Public Program Analysis, *Operation Identification: Assessment of Effectiveness* (Washington, D.C.; 1975).

109. Allinson (see note 14), pp. 633. See also, National Institute of Law Enforcement and Criminal Justice (NILECJ), *Citizen Security Surveys* (Washington, D.C.; 1976).

110. Allinson (see note 14), pp. 633-634. See also, Robert Yin *et al., Citizen Patrol Projects: National Evaluation Program, Phase I, Summary Report* (Washington, D.C.; 1977).

111. IACP (see note 4). Community education and crime prevention programs were rated high as having some impact on communities. These LEAA programs had the highest score of non-internal programs.

112. Neighborhood Watch involves a small group of residents who meet to talk about crime prevention measures and who then agree to take individual action in looking out for each other. Police agencies help these groups organize and provide technical assistance in undertaking various crime prevention programs. See Office of Justice Assistance, Research and Statistics, *Got a Minute? You Could Stop a Crime*, and *How to Protect Your Neighborhood* (brochures on crime prevention prepared for the Crime Prevention Coalition).

113. A number of states have established crime prevention coordinating bodies under such titles as Crime Watch. See National Criminal Justice Association, *Discussion Paper: National Criminal Justice Crime Prevention Initiative for State-wide Programs* (prepared for conference in Philadelphia; April 1983). James L. Lockard *et al., Directory of Community Crime Prevention Programs: National and State Levels* (Washington, D.C.; 1978), pp. 37-71.

114. Lockard *et al.* (see note 113), p. 25.

115. Lockard *et al.* (see note 113), pp. 18, 30.

116. National Citizens' Crime Prevention Campaign, *A Guide to Action* (Advertising Council, Inc.; Rockville, MD; 1979).

117. The Office of Community Anti-Crime Programs has funded 160 projects mobilizing between 100,000 and 200,000 citizens in prevention activities. "Several projects have produced dramatic crime reductions which range from 30 to 60 percent in target neighborhoods. In virtually all projects, there has been a steady improvement in relations between the police and the community." LEAA (see note 31), p. 17.

118. "Older Volunteers' Skills Aid Police," *Modern Maturity* (Oct-Nov. 1982), p. 10.

119. See LEAA, *First National Conference on Private Security Proceedings* (University of Maryland, College Park, MD; 1975); National Private Security Advisory Council, *Law Enforcement and Private Security Sources and Areas of Conflict* (Washington, D.C.; 1976).

120. Patrick V. Murphy, "Police Policies Deserve Public Debate," *Baltimore News American* (July 14, 1983).

121. American Bar Association Project on Standards for Criminal Justice, *The Urban Police Function* (New York; 1972).

122. The National Advisory Commission (NAC) on Criminal Justice Standards and Goals began work in October 1971. It involved a number of panels which produced six volumes of standards and goals in 1973. One volume was directed at police. Because many of the recommendations of the blue-ribbon NAC panels were too controversial for the LEAA to support or mandate, they were offered to the states as models, but the LEAA made it clear it would not impose these recommendations on the states. Allinson (see note 6), p. 627; ACIR (see note 1), p. 40.

123. The Commission on Accreditation for Law Enforcement Agencies (CALEA) was formed in 1979, with representatives from the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), the National Sheriffs' Association, and the Police Executive Research Forum (PERF). The CALEA has drafted and approved 1,012 standards covering everything from administrative procedures to adherence to state laws. The standards are a means for police agencies to conduct a full assessment of their range of activities. The standards are a management tool for improving agencies and identifying weaknesses needing technical assistance. See Commission on Accreditation for Law Enforcement Agencies, *Commission Update*, 23 (July 1983). See also, William T. Dean, "Accreditation for Law Enforcement Agencies," *The Police Chief* (September 1980), pp. 12-13

124. TAPIC is part of the NIJ's Technology Assessment Program (TAP). TAPIC is concerned with assessing technologies and products in five broad areas: communications and electronics; forensic science; security systems; transportation; and weapons and protective products. TAP integrates the efforts of the NIJ, IACP, and the Law Enforcement Standards Laboratory (LESL) of the National Bureau of Standards (NBS). Normal Darwick, *Testimony before the U.S. House of Representatives Judiciary Committee, Subcommittee on Crime*. See also, International Association of Chiefs of Police (IACP), *The Technology Assessment Program: Findings from a Decade of Technological Research* (Gaithersburg, MD; 1981).

LEAA and the Courts

Geoff Gallas

A Bad Beginning

An understanding of the initial legacy of the Law Enforcement Assistance Administration (LEAA) for state courts is well informed by the origins of the national war on crime. It took some seven or eight years after the passage of the Safe Streets and Omnibus Crime Control Bill of 1967-1968 for the state courts to come to terms with the LEAA. Future troubles were clear in an early (1965) statement by then President Lyndon Johnson. In Johnson's words the proposed effect of the war on crime was not only the reduction of crime but also its "banishment." As documented elsewhere (See Chapter 1), the national debate did consider the states' role in exercising their independent police powers. In deference to state's rights and responsibilities, and with the perceived excess of earlier Great Society categorical grants in mind, conservatives in the U.S. Senate sought to limit federal control and bureaucratic red tape. Seventy-five percent of the LEAA funds would be channeled directly to the states via block grants using State Planning Agencies (SPA's). In addition, control of the LEAA was to be placed in an administrative "troika" to stop any potential federal takeover of crime fighting under the direction of the then Attorney General Ramsey Clark. What resulted was an administrative tangle that took years to unravel. Some problems inherent to the scheme and the overblown expectations created by it surfaced quickly: irregularities in the use of federal "funny" money in several states; congressional and public disillusionment as crime rates continued to climb; intrastate squabbling as state and local authorities fought for control of federal dollars; constant reorganization and restaffing as the SPA's attempted to balance their responsibilities to provide comprehensive planning, funding of action programs, and systemwide coordination. As an artificial transplant in the state body politic, the SPA's struggled for acceptance and to build internal competence. Less obvious at first was the lack of congressional care in thinking about the effect on state judicial systems of an infusion of federal money controlled largely by state and federal executive branch personnel. This oversight was compounded even by the immediate positive effects attached to the LEAA's founding: increased public awareness of the crime problem and a clear sense among criminal justice workers long separated by

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political, administrative, and ideological differences of the need to work as a "system" to solve the now nationalized problem of crime.

Within judicial and some academic quarters, it was and is an article of faith that courts do not exist to fight crime or even to promote an efficient system for disposing of criminals. For evidence, one needed only review the concerns expressed in the Declaration of Independence, the provisions written into the United States and state constitutions to insure judicial independence, and the Federalist Papers. For example, consider the purpose of many programs later funded and supported by the LEAA: unified state systems, merit selection of judicial officials and their education, improved jury management to insure representativeness, elimination of private bail bondsmen, professional court management, modernized technology, automation, and personnel practices. These mechanisms were designed, in theory, to insulate judicial operations from the public and local political pressure for immediate, publicly approved solutions to crime and/or individual crimes and criminals. Conflicts over the judiciary's role in crime fighting were not new, they were ingrained in the nation's constitutional, common law, and statutory framework.

With the founding of the LEAA, an understanding of the legitimacy of this conflict and its meaning became unnecessarily blurred for legions of crime fighters—federal, state, and local. In one article written in the early 1970's and published in amended form in 1974, the issues raised by the LEAA for the independence and neutrality of local trial courts were outlined by a young political scientist under the provocative title, "Will the Urban Trial Courts Survive the War on Crime?"[1] Carl Baar expressed in academic and normative terms what many judges and responsible court managers were already thinking and talking about: courts should not be seduced by the joint pressures of federal money and the rising concerns about crime and judicial inefficiency. In order first to persist as independent, neutral, and detached overseers of the application of the law to the facts, and second to maintain their political and organizational significance, trial courts must be more than merely administratively proficient. Courts must become more efficient but they need to maintain a normative divergence from other actors and agencies as well as a power orientation toward them. Efficiency in court operations, as in any other organization, is only a functional means to more substantive ends. In practical terms, there were debates about the definition and control of data bases, the monitoring of time standards for processing of incarcerated defendants,

the recruitment, testing and selection of judicial branch employees, case calendaring practices and the organization, supervision and function of pretrial-release agencies.

The initial legacy of the LEAA for the courts was therefore a legacy of neglect for the judiciary's historical constitutional role. Viewed first as a processing point and second as an outdated hurdle in need of repair, the state courts received considerably less positive attention from state and federal LEAA officials than other system components. Resourceful court officials, however, saw the vast potential of federal funds as innovation money. For the seduction to be mutual, the terms of the relationship between the LEAA and the courts required redefinition.

Judicial Recognition

In August of 1974, following an earlier resolution passed in 1973 by the Conference of State Court Administrators (COSCA), the Conference of Chief Justices and COSCA each issued resolutions that focused upon the inequities and deficiencies of the current system of the LEAA court funding. The resolution of the Chief Justices expressed appreciation for the availability of funds "without an attempt to impose mandatory federal standards upon State Court Systems." They found in addition, however,

> "serious structural and procedural defects, . . . which . . . have . . . placed state court systems in the arena of competition with executive agencies . . . which competition is destructive of the separation of powers doctrine and the independence of state judiciaries, and which competition also fosters the exertion of political pressures on state judges."

Further the Chief Justices found "shocking" that the courts share of LEAA funding was only 5.12 percent in the fiscal year 1973.[2] The COSCA and the Chief Justices therefore joined together to urge Congress to amend the LEAA Act so as to provide reasonable and adequate augmenting funds to State court systems under an arrangement ". . . in keeping with our tripartite concept of government." In response, the Special Study Team of LEAA Support of the State Courts was funded under the Criminal Courts Technical Assistance Project at The American University. Issued in early 1975, the report's Foreword began:

> Separate and unequal. This is the cruel status in 1975 of most of

the state courts in relation to the support shown by the Law Enforcement Assistance Administration.[3]

Fieldwork in the four states of Arizona, California, Georgia and Wisconsin provided a general framework for describing the process through which block grants reached most state court systems. Subsequent recommendations focused primarily on the structure of the state court administrative office, the state planning office, and applicable federal legislation. The report was finalized after briefings, first, to an advisory committee and the LEAA representatives, and second, to the Administrator of LEAA, Richard Velde. The report contained sweeping recommendations calling for an increased judicial planning capacity both independent to and within the existing SPA's for greater judicial representation on criminal justice planning boards (approaching one-third of their membership) and, obviously, for increased levels of court funding by the LEAA. Since there was no existing standard definition of "courts," no recommendation about the appropriate level of funding or analysis of existing funding was possible.

The LEAA response was immediate and salutary.[4] There were changes in the LEAA legislation (PL 94-503) and in the related activities of the national and in-state program directors and staff. The maintenance of judicial independence, broad-based statewide judicial planning, and increased achievement of adequate funds for the courts were facilitated by placing responsibility for state judicial plans in the hands of judicial planning committees (JPC). These committees were composed mostly of judicial members as LEAA regulations requiring non-judicial defense and prosecutorial representatives were removed. By 1977, some 28 states had such committees, and several others achieved the desired effect in the absence of a formal committee. While the SPA's could still fund projects not recommended by the JPC or its surrogate, and while meaningful planning processes were still a rarity, the new LEAA legislation required "adequate" court funding as a precondition of the approval of a state plan and a minimal amount of money for court planning staff support ($50,000). In addition, a national project was funded with discretionary funds (State Court Planning Capabilities Project) within the newly created and largely LEAA-funded National Center for State Courts.[5] In a related grant under the direction of the Council of State Governments, an effort was made to define judicial planning and describe how it had been working in various jurisdictions.[6] Ten years after the original LEAA

legislation, at least 33 states had some sort of formalized planning with 25 enjoying the services of a designated staff component. Almost all of these activities were the direct result of LEAA funds. As several studies indicated[7], the creation of the JPC's, even given added staff support, was no guarantee that planning was highly developed or that staff work was adequate, but by 1977 a new era of relationships between the Courts and LEAA was evident. This development should be instructive to future legislative generations of federal support for state court improvement.

What Was Accomplished: The LEAA Perspective

As to be reviewed later, no one knows for sure how much money was spent by the LEAA to improve and develop state judicial systems. It was probably between $300 million and $350 million of the total $8 billion allocated to LEAA, for LEAA staff, and national discretionary and state block grants. Beginning in the late 1970's, LEAA officials sought to summarize what had been accomplished.[8] Generalizing liberally from these and other materials, one learns of three major areas of achievement:

- state court unification relating to overall court system organization and structure;
- trial court performance—for example, in the areas of delay reduction, jail overcrowding and pretrial detention and jury management; and
- educational and technical assistance.

Historically, and still today, statewide court reform via the unified court system ideal is the single most important organizing concept in the field of judicial administration.[9] Briefly stated, it involves four major ideas: consolidation and simplification of court structure, centralized rulemaking, centralized management, and centralized budgeting and state financing.[10] As cited above, the idea has a long history and strong support in the early literature. With the availability of LEAA funds to spur its acceptance through national commissions, conferences, study projects, technical assistance and seed money, there has been an organizational revolution. At least 20 states[11] have substantially remodeled the structure of their state court systems since 1970, a truly phenomenonal development. Few empirical generalizations are possible about the actual effects of unification however.[12] This

is true for two primary reasons. First, the goals of unification (equity, uniformity, accountability, economies of scale, flexibility in the utilization of resources, and accessibility) are complex and probably impossible to assess in any straightforward way. Second, few states have actually accomplished the full textbook ideal of court unification. It is fair to conclude, however, that, in many states, judicial systems now exist as systems where only loose confederations were in evidence before. Perhaps this act of creation is both the crucial goal and the effect of unification, once the reform rhetoric and self-serving testimonies are stripped away. It is fair to conclude that the LEAA funding was the spur to state court creation in many jurisdictions. In the early 1970's, it was the only reliable, immediate-action-oriented reform goal at which money could be aimed, and aimed it was.

Alabama was a showcase state for the LEAA. Between 1973 and 1977, some $2 million in discretionary funds were spent. In addition, undocumentable sums of block grant funds were paid for technical assistance, outside training, implementation studies, and new administrative positions. After passage of a constitutional amendment approved by the voters in 1973, there was a creation of a centralized state court structure, a state Department of Court Management, new Rules of Civil Procedure, a Comprehensive Criminal Code, a Juvenile Code, Rules of Appellate Procedure, Rules of Judicial Administration, and a Code of Professional Responsibility for attorneys. The Alabama courts are now largely state rather than locally funded, the previous 400 trial courts have been reduced to a three-tiered system, and rulemaking power is lodged in the Supreme Court, not the state legislature. Structure, organization, and funding follow closely that recommended by national standards and commissions—commissions and standards funded by LEAA. Without the seductive power of the LEAA dollars and the leadership of the then Chief Justice and now Senator Howell Heflin, this type of sweeping reorganization and symbolic victory would have been difficult to contemplate much less accomplish. The experience in many other states is similar.

The actual, demonstrated impact on trial—court performance is more apparent and more the stated goal of the LEAA funding in three other areas: delay reduction, jail overcrowding and pretrial detention, and jury management. Unlike the prescriptive-standards-driven unification thrust, reforms here began in an admitted knowledge void at best, and a sea of myths at worst. Since the focus was actual day-to-day operations, intervention necessarily had to be tailored to real

problems within a real time frame. While clearly self-serving, the LEAA's program brief on court delay published in July 1980 is instructive.[13] Action to be taken waited for, and was rooted in tedious research and relatively carefully construed demonstration projects in Miami, Florida, Dayton, Ohio, Houston, Texas and in several cities in the state of Rhode Island. Unlike unification, which promises success and demands compliance, the initial focus was research[14] to "kill the myths" and develop "promising" answers. Court officials on the trial and state level were instructed to form committees, define and analyze their problems with reliable statistics, set goals, implement changes, and establish a permanent monitoring and control system. While it is recognized that concerns for uniformity and equal protection demand statewide reporting and accountability, the problem is clearly focused on trial courts, their actors, leadership, and peculiar situations. Locals need to believe and have faith but they also need perspective and the benefits of well-digested experience from other jurisdictions. Led by recognized experts, teams from 46 states attended court delay workshops. The effort was to build a network that connected national, state, and local personalities, and perspectives. Research and demonstration projects focused on a core organization problem and an on-going activity-case management and showed that while problems are common from court to court, solutions often were not. Outside evaluations[15] concluded that there is no one best or permanent solution to court delay reduction, it remains an ongoing management responsibility.

In the jail overcrowding and pretrial detention area, as described in a 1981 LEAA publication,[16] a similar cycle is described: problem documentation and research from 1973-1977 resulting in the publication, of among other sources, *Instead of Jail.*[17] Based on this digested experience, demonstrations and tests of "central intake" and "citation release" occurred linking local organizations to organizations to federal resources and national contractors (American Justice Institute, the Pretrial Resource Center, National Institute of Corrections Jail Center, American University Technical Assistance Project and INSLAW, which developed a model generic information system based on work in Portland, Tucson, Orlando, Santa Cruz, Louisville, and New Brunswick, New Jersey). While standards were developed, the means for controlling the pretrial jail population were found to rest on policy decisions and effective administration, usually at the county level of government. It is recognized that local judicial systems must gain a clearer understanding of their jail population. With this in mind, an

independent organization (Denver Research Institute) was contracted to analyze the creation of new pretrial services, their impact on daily jail populations, the performance at the LEAA headquarters, and the documentation of nine case studies. The evaluation showed that local jails can reduce jail populations and the lengths of stay without increases in the failure-to-appear and rearrest rates of those released.

The experience with improved jury management shows a similar pattern. The effort began with research and central capacity building, which were built into the Jury Utilization and Management Demonstration Program (1976-1979) in 18 courts and later the Jury Usage and Management Incentive Program for other courts. These jurisdiction-specific activities were supplemented by seminars (Jury Usage and Management Program) with participation from all 50 states and later included instruction of state and local personnel to do their own training using a program manual (Instructor's Guide) and a Methodology Manual for Jury Systems to guide local problem solving. From these seminars and publications, the word could be spread on an innovation—the One Day/One Trial—developed in Houston in cooperation with the National Aeronautics and Space Administration (NASA), but without LEAA funding. The national contractors have included Bird Engineering, University Research Corporation, the Institute for Court Management, and the Center for Jury Studies, now an established division of the National Center for State Courts.

Education and technical assistance were built into efforts to bring about state court unification and improved trial court performance. The target was the personal development of judicial system personnel and the more localized management issues. Judges and court administrative personnel have reaped the benefits of training and education through the National Judicial College, the Institute of Judicial Administration, the American Academy of Judicial Education, the American Bar Association's (ABA's) appellate judge training, the Institute for Court Management, and the National Center for State Courts. In addition, there were national, statewide, and local seminars, symposiums, and even programmed instruction. Technical assistance came from (among others) the National Center for State Courts, the American University's Technical Assistance Project, the Center for Jury Studies, the American Justice Institute, and the Pretrial Services Resource Center. It is fair to assume that, with rare exceptions, these types of organizations and the services they provide would not have been available except for LEAA.

State court unification depended on the normative standards developed and marketed with LEAA funds. Court delay reduction, jail overcrowding and pretrial detention, and jury management were systematically addressed as a result of capacity and knowledge building funded almost entirely by LEAA. A massive education program for all levels of court personnel, and including every conceivable topic, commenced in the early 1970's and continues today due to the initial availability of LEAA funds to pay for faculty, program development and coordination, marketing, and participant tuition, travel, and lodging. Technical assistance, whether related to education or context-specific problem solving, became commonplace in courts where it was unheard of until the early 1970's. Knowledgeable observers often point to a study begun in 1968 and concluded in 1970 (Court Management Study of the District of Columbia Courts) as the *first* real consulting job in the field of court management. Even given numerous false starts and more than one overblown claim of success, the activities are impressive in scope and depth.

As time went on, the LEAA-funded interventions became much more dependable. While it was, and is, a mistake to assume that the existence of a program or a reform means there was a program impact, the LEAA became, by the mid to late 1970's, the major and often the only source of money to spur innovation and experimentation in state courts.

Practitioner Viewpoints and Evaluations

Having made moves to repair its early relationship to state courts, LEAA's money flowed more easily and abundantly to courts by 1978. State courts now not only accepted federal aid but had become dependent on it. While still suffering with its early reputation, the late 1970's saw much better LEAA management, increased staff competence and, as outlined earlier, more reliable and thoughtful interventions. Unfortunately, however, the doubters remained and now they were in Washington both at the leadership of the Department of Justice and in the Congress. Within Justice, the Office for Improvement in the Administration of Justice funded a recently retired and highly respected state court administrator, Ralph Kleps, to undertake an examination of the nature and extent of state use of LEAA funds for court projects from 1968 to 1978. Kleps' major conclusion was not neutral: "... LEAA has been the single most powerful impetus for

court improvement during the study period and significant judicial changes have resulted in many states."[18]

The Kleps report was based on a review of data from 31 of the 50 states, including indepth information from six: Alabama, California, Georgia, New Jersey, New York, and Washington. Analysis was confined to "true court projects, narrowly defined," and explored whether federal controls followed federal dollars. A careful analysis of its spending in the six states revealed that, with the exception of New York, the vast majority of money spent was block, not discretionary, funds and, with the exception of California, a disproportionate share of the money was spent at the state, not the local, level. State-level projects were clearly designed both to build up the state's capacity to operate often newly created state court systems and to aid local courts in their efforts to improve local administration. While previously the level of LEAA support for state courts had been placed at $715 million,[19] Kleps estimated that no more than $229 million had been spent. Quite obviously, neither existing LEAA reports nor state-based management information permitted an accurate or uniform way of calculating how much had been spent, for what sort of projects, or to what effect. Even in the six states extensively studied by Kleps, the record was difficult to recreate. Detailed written reports were gathered for 25 states beyond the 6 in the extensive indepth study population, and this information was extrapolated in the remaining 19 jurisdictions that could not or did not participate in the study. While Kleps found improvements in official LEAA reports about court spending beginning in 1976, there were still serious limitations involving fragmentary reports, confusion over coding, and lack of uniform reporting. The categorization of grants was difficult, even as to the locus of an award (state versus local), and there were often differences between the LEAA printout and the state report for particular grants. Taking the six-state study group as a whole, Kleps found that the state courts report total LEAA spending as only 28 percent of that recorded by the LEAA. That is, on average, some 72 percent of the reported LEAA spending for courts did not fall within the state court's working definition of court funding. In states with a concentration of national organizations, such as Colorado, Illinois, Nevada, and New York, state LEAA reports included grants made for national studies and educational programs.

Despite these problems, and that interview and questionnaire data revealed some programs were forced into the states on the basis of "mandated federal standards" . . . derived from the LEAA's "standards

and goals" project(s) . . .," Kleps reported "widespread support" for continued federal funding of the state courts. In spite of serious internal management problems, such as "diffused responsibility for the allocation of funds, procedural complexities, the paperwork avalanche, and frustrating delays, the state courts desired the continuance of federal funding. In Kleps' words, "they frequently provide the only funding that is available for the educational, research and demonstration projects that state courts believe to be essential." In New York, Georgia, and Idaho there was, however, serious consideration of refusing to participate in the LEAA grant programs. In 1977, Idaho decided to phase out any further reliance on the federal funding of its courts system.

In an effort to supplement published and official reports about the LEAA, this author conducted a brief survey of over 140 court administrators, court clerks, directors of juvenile probation (located largely under the judiciary in Washington state), and other state court administrative personnel. The respondents were participants at five conferences or seminars conducted in the Spring and Summer of 1983 by the author. Two of the programs were national seminars conducted by the Institute for Court Management (ICM) in Colorado and Alexandria, Virginia; one was an ICM program conducted in California with mostly California participants; and two others were in state, state-sponsored programs in Texas and Washington. Each of the 131 usable questionnaire respondents provided answers to four questions: (1) LEAA's effect on the improvement of the criminal justice system, (2) the LEAA's effect on the improvement of the court systems, (3) the LEAA's effect on our understanding of the justice system and the difficulties of reform and, (4) a listing of the three major accomplishments of the LEAA. The first three questions were forced choice on a six-point scale, and the last one asked for an open-ended response. The respondents are largely employed as managers in trial courts, but no claim obviously is made for the absolute validity or representativeness of the responses. Nevertheless, the results are worth reporting and discussing.

While over half of the respondents (59 percent) thought that LEAA had a positive effect on the improvement of the criminal justice system, less that half (41 percent) believed that the LEAA positively affected improvements of the court systems. In accordance with these attitudes, 50 percent of these court management workers reported that the impact of the LEAA on court improvement was less than that on the criminal

justice system as a whole irrespective of whether they were positive or negative about LEAA's impact. Forty-five percent believed that the impact of LEAA on the system was the same as on the courts, and 5 percent reported that LEAA had more impact on courts than on the criminal justice system as a whole. Among the 50 percent who thought that LEAA's impact on the system was greater than that on the courts, almost 67 percent were positive about the LEAA's impact on the criminal justice system. Of these positive respondents to LEAA's systemwide impact, 61 percent went from being positive about the LEAA's impact on the system to negative about its impact on improvements in court systems. One viable interpretation is that the LEAA's bad beginning with the courts and its continual reputation as a "cop shop" influenced its reputation as late as 1983. Interestingly, some 65 percent of all the respondents felt positively about the statement, "As a result of LEAA, we now have a better understanding of the justice system and the difficulties of reform."

As shown in Table I, responses on the three major accomplishments of the LEAA are informative as well. Just over one half (52 percent) of the respondents mentioned the category of Education/Personal Development through seminars, conferences, and formal university

TABLE I

Type of LEAA Accomplishment As Categorized	Percent of Respondents Who List One of Three LEAA Major Accomplishments
Education/Personal Development	52
Special Projects and Studies Not Otherwise Available	34
Law Enforcement Improvement	30
Regional Planning Coordination Among Various System Components	27
Research and Evaluation	20
Negative/Hostile (p.f. Provide Jobs for Unemployables etc.)	18
Automation/Info Systems Technology	17
Increased Public Awareness	10
Facilities/Equipment	8
National Standards	5
Other	20

courses; the next most frequent entry, with 34 percent of the respondents, was grouped in a category labeled Special Projects and Studies not Otherwise Available to local and state jurisdictions.

It is striking that these court-employed individuals remember and value most those LEAA accomplishments relating to their personal education, technical assistance and seed money, with law enforcement improvement close behind. Fewer value the research and evaluation that enriches education and hopefully, informs technical assistance. Fewer still mention automation, technology, facilities, and national standards. This argues not for less research and technology, but for more education and technical assistance. In the court area, at least, what was accomplished in the eyes of street level managers and their staff had little to do with technology or facilities (hardware). What was valued most was the increased opportunities for learning and, judging from the written comments, learning that could be and was translated into effective action.

Candid Assessments and the Future

Any respectable analysis of the LEAA must mention the obvious: there is only meager concrete evidence that anything worked. Programs often were funded without any empirical support. Federal and State efforts to evaluate programs often were too late to permit adequate documentation much less controls. Not unexpectedly,[20] subsequent evaluation frequently indicated that many programs did not, and perhaps could not, meet their objectives, given the nature of the system, its actors, and the difficulties of reform.[21] As numerous commentators[22] have pointed out, criminal justice and court reform often began with an act of faith. In the short-term, faith was tested always by direct experience and sometimes by rigorous evaluation. In the long-term, if evaluation occurred, there was commonly a declaration of partial success but rarely any loss or even severe lessening of faith in the possibility and desirability of reform and improvement. Why?

Reformers and approved critics share common hopes, assumptions, and agenda. Implicity or explicitly they believe that the overall political system, of which courts are a part, is a mutual benefit society.[23] However flawed, it exists to serve the public interest, to attack "problems in common," and to coordinate a learning process. Neither failure, criticism, nor an increasingly matured appreciation of the difficulties of attacking the always intractable problems of human association should be deterrents from seeking solutions and making improvements.

The lesson therefore to be learned from the LEAA experience is not that federal money cannot help state courts improve, but that one must always recognize, first, the desirability of actual and, second, the nature of the enterprise.

Spending money does not mean problems are solved, but not spending guarantees that they will not be. The end of liberalism need not dictate the end of federal spending aimed at domestic improvements in the states. Ninety-eight percent of all court cases are state court cases, and action on them profoundly affects "life, liberty and the pursuit of happiness." The federal government has a legitimate interest and responsibility for state court systems. For example, it would be impossible to calculate the impact of the federally imposed 55 MPH speed limit, but it is absolutely certain that it generated a workload for the state courts as well as revenue collected by the courts for state and local government.

"Education/personal development," the LEAA impact most valued by the 131 administrators whose attitudes are reported here, is not easily evaluated particularly in terms of its direct relationship to improvement of state court systems. It is argued here, however, that education, together with the availability of federal money, changed the environment in which many courts operate. On the basis of an earlier study,[24] this author concluded, for example, that a minimum of 70 percent of the 450 new positions with the title "court administrator" or "director of the executive office of the court(s)" that were created from 1969-1975 were funded initially by LEAA funds. This development, like the thrust for state court unification, resulted directly from this changed environment. While some unfortunately claimed more for these sorts of symbolic developments than appropriate, these developments are indicators of change. While difficult to evaluate precisely, these indicators suggest strongly that LEAA positively effected both the administrative outlook and capacity of many state court systems.

Nevertheless, the early history of LEAA did feature administrative confusion, sloppy internal controls, and a failure to recognize the practical and political necessity to give attention to program evaluation. For this there can be no real excuse. After LEAA was more realistically chartered, and better organized, led and managed, the federal government through LEAA did assist responsible and component state court efforts to improve the system. At the beginning, the LEAA's charter and organization forced it to be naive and arrogant. The demand of

immediate results led to naivete about the difficulties of reform, the ease of program implementation, and the desirability of certain popular but untested reform proposals. Arrogance toward state courts and state court personnel was the result of an ideology of fighting crime and of improving the overall efficiency of criminal justice within a crime-fighting ideology. An organizational structure that featured executive branch control of state planning agencies compounded these problems. It is testimony to the resourcefulness and personal interest of federal and state officials that things improved as time went on.

Following a hard-hitting 1975 study of LEAA support for state courts, changes were made. Court representation on state planning boards as well as funds directed toward courts were increased. The courts were given staff support to plan programs and new legislation (PL 94-503) required "adequate" court funding as a precondition of approval of a state plan. While no state plan was ever rejected for reason of inadequate court funding (or for any other reason for that matter),[25] the initial imbalance between state courts, and state and federal LEAA representatives and state and local executive branch personnel was corrected. More important, the field of court management has left an era that featured simpleminded formulas and prepackaged panaceas. It can no longer be reasonably argued that the courts are good or bad based on a quick review of their formal organization, method of financing, or the arena in which judges and other court personnel are appointed and retained. It became widely understood that case disposition time cannot be reduced simply by adding judges. Plea bargaining was no longer believed to be inherently good or bad or the direct result of rising caseloads.

The often heard aphorism, "judicial administration is not the sport of the shortwinded," may now have taken on a new meaning. It is not enough to wear down the opponents of court reform as Arthur Vanderbilt did in the forties and fifties in New Jersey. Reform is now understood to be difficult due more to the collective benefits of stability, the perceived need to protect quality in the existing system, inappropriately programmed behavior, resource limitations, and the accumulation of unofficial and official constraints on daily behavior than to the intransigence, self-interest, and stupidity of reform opponents.[26]

Against difficult odds, it also has become clear that courts, like other organizations, can be changed.[27] Change results, in part, because resources are imported and concentrated wisely, official constraints are lifted, unofficial constraints are loosened and ameliorated, structure

and, more importantly, daily work processes and relationships are changed, unorthodoxy is recruited, effective performance is rewarded, and insiders are exposed to new ideas.

Due to federal assistance, experimentation was expanded, and communication between and within state courts has been heightened. The positive change in the environment featured new ideas (some of which made sense, and others that did not), an expanded and more informed community of interest, and an increased knowledge and well-digested experience base. This, together with the availability of new resources, produced incentives and an ability to experiment.

The future availability of these needed improvements remains uncertain despite pending federal legislation (e.g., the State Justice Institute Act being sponsored by Senator Heflin). Some good activities and programs are presently still funded through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the National Institute of Justice (NIJ) research monies, and the related programs at the Bureau of Justice Statistics (BJS). These funds are very small compared to the problems that cry for attention, and yearly, the representatives of the OJJDP, NIJ and BJS might fight for survival in the current environment. Because the funds are not targeted to courts, many problems inherent to the LEAA's bad beginning with state courts are resurfacing. There is an understandable but unfortunate ideology that again favors fighting crime and increasing the efficiency of the system. Few court representatives have effective input into the research proposals of projects to be funded by the OJJDP and NIJ. Consequently, resources are directed toward executive branch priorities, particularly problems associated with fighting crime, treating, punishing, deterring, and housing criminals. It is proper that these programs are funded. It is improper that judicial-system-related projects are left without a reliable federal constituency. All parts of the justice system suffer at present, but what meager funds remain are not generally allocated to a state court improvement.

Some positive efforts at improving the court and judicial system remain viable through state and private funding of the LEAA legacy in the National Center for State Courts, the National Judicial College, the Pretrial Resource Center, and the Institute for Court Management, among others. Some promising support for civil justice improvement is found, for example, in the National Institute Dispute Resolution funded by the Ford Foundation, and the Institute for Civil Justice at the Rand Corporation. Still there is the spectra of failing support for

court improvement. Fewer people are doing less work than before. It should not be so, and there are lessons in the past for the necessary reintegration.

As outlined with respect to court delay, reduction of jail overcrowding and pretrial detention, and jury management, many, but certainly not all, of the lasting and reliable incentives for improved performance in trial court performance came from national, discretionary, categorical grants. Less money could have been spent to greater effect and with less bureaucracy by eliminating the overly complicated state and local planning board concept. While the theory was good, old-fashioned American federalism, the practical result was often unnecessary and trivial organizational politics and wasted overhead. Funds aimed at the entire criminal justice system have a target that is too large and amorphous. Ironically, this large target leaves out a large part of the work of the state courts civil litigation.

If experience is a guide, one must conclude that a theory that finds that the effects of federal funds will be maximized by the states working separately on problems they deem important will surely be defeated by provincialism, inadequate knowledge, and petty politics. A theory of federalism that dictates block funds administered through state planning agencies will experience the same fate only compounded by competition and/or neglect from executive branch personnel. While proportional funding for each state based on population, caseload, number of congressional seats, etc. can be argued on the basis of equity, it cannot be justified on the basis of what has worked best in the past, or on the realities of developing reliable guides to action given the present state of knowledge. While state courts have and would continue to draw viable, approachable and existing organizations for research, technical assistance and education, it is unlikely that the states would independently fund such efforts over the necessary time period and for the necessary activities.

Assuming the reader accepts the possibility and desirability of state court improvement through the infusion of federal dollars focused on state court problems, the most sensible approach is a program of national discretionary funds to support research, planned demonstrations, nationally based education, and seminars. This conclusion emerges powerfully out of the experience reported here. Here, as elsewhere in social life, well-digested experience is always a more reliable guide to action than untested theory, however attractive or logical.

It is experience and the politics of experience that have dictated the

definition of purposes and structure of the State Justice Institute Act. This bill recognizes both the immediate (limited federal funds) and long range (an effective organization) problem. The solution to the immediate problem is simple: more funding. The current legislation provides $20 million the first year and $25 million the second and third years. The solution to the long-range issue is more problematic. As presently constructed, the State Justice Institute Act features four major important ideas. First, the Institute would be an independent organization governed by an eleven member Board of Trustees appointed by the President with the advice and consent of the Senate. Seven members would come directly from the state court—six state judges and one court administrator drawn from names sent to the President by the Conference of Chief Justices. Four board members would be direct Presidential appointees. The Board would recruit and select an Executive Director. Second, funding for state court improvement would be made directly from the Institute to state courts or others working on behalf of the state courts. The layers of bureaucracy are few and the Institute would be a small developmental and coordinating agency not a direct service provider. Third, any funds directly allocated to any state court would have to have the approval of the state's supreme court or its representative, and the state shall be held accountable for project funds. Fourth, there shall be no limitation on expenditure of funds between improvement of civil, criminal, or juvenile operations. Interested observers must hope that, under the Board's supervision, competent staff could provide leadership, concentrate resources wisely, design adequate internal controls, and avoid "advocacy" and "expediency traps." Focus is best kept on the problems originating at the local, operating level (the trial court); the need for research; the careful evaluation of funded projects, especially demonstration programs; and the freest possible exchange of ideas and proposals in Institute-funded seminars. While one can easily quarrel with details, it is obvious that both the successes and the failures in the now past LEAA era have been well considered by the drafters of the Heflin legislation.

In summary, it is concluded here that the state courts need and deserve a continuing source of federal funding for experimentation, coerced learning, desired education, presently unavailable or expensive technical assistance, and steering toward problem-solving through rigorous evaluation and comparative research that no state court would or could undertake for itself. In the past, federal funding has promoted

these ends on a larger scale than at present and can safely be predicted to do so again in the future.

Footnotes

1. Carl Baar (1974), "Will the Urban Trial Courts Survive the War on Crime?" in *The Potential for Reform of Criminal Justice*, Herbert Jacobs (ed), Sage Publications.

2. In actuality, as will be reported later, the figure was lower—probably around 2-3% at most. The Chief Justices were relying on LEAA printouts that included spending for Prosecution and Defense among other things.

3. See John F. X. Irving, Henry V. Pennington and Peter Haynes (1975), *Report of the Special Study Team on LEAA Support of the State Courts*, Criminal Courts Technical Assistance Project, The American University, Washington, D.C.

4. See in general Peter Haynes (1977), *Judicial Planning: The Special Study Team Report: Two Years Later*, Criminal Courts Technical Assistance Project, The American University, Washington, D.C.

5. For one example of the work produced see Russell Wheeler (1976), *Planning in State Courts*, National Center for State Courts. By 1979, The National Center had received $25,000,000 in LEAA funding.

6. Jag C. Uppal and R. A. Brun (1976), *Judicial Planning in the States*, Council of State Governments.

7. See notes 5 and 6 *supra* and Carl Bianchi (1977), "Comprehensive Planning and Judicial Planning Program for the Hawaii Court System," Criminal Courts Technical Assistance Project, The American University, Washington, D.C., and *Safe Streets Reconsidered: The Block Grant Experience 1968-1975* (1977), Advisory Commission on Inter-government Relations, Washington, D.C.

8. *LEAA Program Brief: Information Guide for Funding Agencies, Judicial Branch Personnel, Bar Associations and Others Interested in State Court Improvement: State LEAA, Adjudication Division.* "White Paper" (1977), Adjudication Division: Law Enforcement Assistance Administration. These materials were supplied to the author together with informative commentary by James C. Swain, formerly Director, Adjudication Division, LEAA.

9. The single best source about the concept is found in Larry Berkson and Susan Carbon (1978), *Court Unification: History, Politics and Implementation*, NILECJ. A more recent and critical assessment can be found in Thomas A. Henderson, Cornelius M. Kerwin, Neal Miller, Randall Guynes, Hildy Saizow, Robert C. Grieser, and Carl Baar (1983), *The Significance of Judicial Structure: The Effect of Unification on Trial Court Operations*, National Institute of Justice. For a short summary see Thomas A. Henderson and Cornelius M. Kerwin (1982), "The Changing Character of Court Organization" 7 *Justice System Journal* 3.

10. For an excellent summary see Larry Berkson (1973), "Unified Court Systems: A Ranking of the States," 3 *Justice System Journal* 3.

11. Categorization is difficult given definitional questions. See Berkson and Carbon note 9 *supra* for developments up to 1978.

12. See Henderson et al, note 10 *supra.*

13. *Court Delay Reduction* (1980), LEAA Program Brief, LEAA, Adjudication Division.

14. See Thomas Church et al (1978), *Pretrial Delay: A Review and Bibliography*, National Center for State Courts; Thomas C. Church et al (1970), *Justice Delayed: The Pace of Litigation in Urban Trial Courts*, National Center for State Courts, Ernest C. Friesen et al. (1978). *Arrest to Trial in Forty-Five Days*, Whitter Justice Institute; Ernest C. Friesen et al (1979), *Justice in*

Felony Courts: A Prescription to Control Delay, Whitter Justice Institute and Larry L. Sipes et al (1980), *Managing to Reduce Delay*, National Center for State Courts.

15. John Paul Ryan et al (1981), "Analyzing Court Delay Reduction Programs: Why Do Some Succeed," 63 *Judicature* 58.

16. Jail Overcrowding and Pretrial Detainee Program (1981), LEAA Program Brief, LEAA, Adjudication Division.

17. American Justice Institute (1977), *Instead of Jail*, NILECJ, LEAA. For an update see American Justice Institute (1983), *The Jail Overcrowding Program: A Report on Its Origins, Experiences, Findings and Results*, NIJECJ, LEAA.

18. Ralph N. Kleps (1978), *Federalism and Assistance to State Court Systems 1969 to 1978*, Federal Justice Research Program Office Improvements in the Administration of Justice, U.S. Department of Justice.

19. See Daniel J. Meador (1978), "Are We Heading For a Merger of Federal and State Courts?" 17 *The Judges Journal* 19.

20. This is the general rule in most evaluations. For explanations in the general literature good sources are Pressman and Wildavsky (1978), *Implementation*, University of California Press and Chen and Rossi (1980), "The Multi-Goal, Theory-Driven Approach to Evaluation: A Model Linking Basic and Applied Social Science" 59 *Social Forces* 106.

21. For particularly good treatments see Raymond Nimmer (1978), *The Nature of System Charge: Reform Impact in the Criminal Courts*, American Bar Association; Malcolm Feeley and Austin Sarat (1980), *The Policy Dilemma: Federal Crime Policy and the Law Enforcement Assistance Administration* 1968-1978, University of Minnesota Press, 1980; Phillip Dubois (ed) (1982), *The Analysis of Judicial Reform*, D.C. Health and Company; and Phillip Dubois (1982), *The Politics of Judicial Reform*, D.C. Health and Company.

22. See note 21 *supra* and Malcolm Feely (1983), *Court Reform on Trial*, Basic Books; Geoff Gallas (1979), "Court Reform: Has It Been Built on An Adequate Foundation?" 63 *Judicature* 18; and Cronin, Cronin, and Milakovich (1981) *U.S. v. Crime in Streets*, Indiana University Press.

23. For a further explanation see Charles E. Lindblom (1982), "Another State of Mind" 76 *The American Political Science Review* 1 (APSA Presidential Address, 1981).

24. Geoff Gallas (1977), *The Ethics, Politics and Administration of the American Judiciary Toward a Substantive Perspective*, University of Southern California.

25. See Cronin, Cronin, and Milakovich, note 22 *supra*.

26. See for example references cited in notes 14, 15, 21 and 22 *supra*.

27. This was the case in the areas of court delay, jail overcrowding and pretrial detention and jury management. See notes 17 and 26 supra and Kasunic (1983), "One Day/One Trial: A Major Improvement in the Jury System," 67 *Judicature* 2.

LEAA AND PROSECUTION

Robert M. Morgenthau

The Law Enforcement Assistance Administration (LEAA) had a significant impact on the ability of local prosecutors' offices to conduct prosecutions of both street and white collar criminals. During the 1970's, in a period of rapid increases in crime and arrests and fiscal crisis in local government, the LEAA provided local prosecutors' offices with millions of dollars in federal funds. This money was used by local prosecutors to create and experiment with new methods of prosecution, to expand staffs to cope with increased caseloads, and to create a salary structure that permitted prosecutors' offices to hire and retain competent, experienced lawyers. The cumulative result of the availability of these monies was a substantial improvement in the quality of prosecution. During 1982 and 1983, crime rates have been decreasing. In the opinion of local prosecutors, the improved quality of prosecutions was made possible initially by LEAA grants.

The New York County District Attorney's Office was a beneficiary of LEAA funds in the 1970's and many LEAA programs were piloted in the New York County District Attorney's Office. A history of LEAA programs in New York County provides insight into LEAA's legacy to prosecution nationwide. What follows is an analysis of the LEAA-funded programs of New York County.

Major Felony Program

The first program implemented in New York County under LEAA funding was the Major Felony Program (MFP) which was started up in 1972. In the MFP, the manner in which serious felonies were assigned for prosecution was substantially altered, the size of caseloads was reduced, preliminary hearings were bypassed by direct presentation of evidence to Grand Juries, and the time in which cases were prepared for trial was reduced from several months to several weeks. The MFP proved a success and many of the ideas first tested out in the program were later applied to all felony cases prosecuted by the New York County District Attorney's Office.

Prior to the implementation of the MFP, non-homicide felony cases were handled by a series of attorneys who worked on a small portion of the case and then passed the case on for further work in an assembly-line fashion. Before scheduling a case for arraignment on the indictment

in Supreme Court, all the work done on the case was handled by junior assistants. This meant that a felony case was initially screened and written up by one junior assistant, a different junior assistant conducted the preliminary hearing, and another junior assistant presented the case to a Grand Jury. This procedure was ineffective and inefficient. Junior assistants lacked the experience to evaluate cases properly; evidentiary weaknesses were often not detected early enough to remedy; long delays occurred in the disposition of cases because they appeared many times on the calendar as each assistant familiarized himself with the case; and witnesses had to be interviewed several times. The weaknesses in this system of assignment were compounded by the fact that the Office confronted a burgeoning caseload in the early 1970's as crime and arrests in New York County skyrocketed. The result was excessive plea bargaining and inappropriately lenient sentences. Between the method of assignment of cases for prosecution and the heavy caseloads, serious felony cases were not receiving adequate attention.

The MFP changed this. The idea behind the program was to take a substantial percentage of the most serious non-homicide felony cases and assign an experienced assistant to each case at its inception, with the assistant handling every aspect of the case, from the initial screening through sentencing. This method of assignment was called vertical prosecution. Additionally, because the MFP caseloads were small, assistants were able to present evidence directly to a Grand Jury, bypassing the preliminary hearing which is not a prerequisite to indictment in New York State, and were ready for trial on the date that an indictment was calendared in the Supreme Court for the defendant's arraignment. By adopting a system of vertical prosecution and reducing assistants' caseloads, MFP was able to obtain dispositions that realistically reflected the seriousness of an offender's conduct and sentences that fit the crime and the criminal. MFP also succeeded in conserving prosecution, court, defense, police and correctional resources by reducing the number of court appearances required in each case. Statistics on dispositions and timing measures of MFP cases for the period from July 1, 1976 to June 30, 1976 reflect the program's success. Of the 523 pleas entered in the MFP cases during this period, 80 percent were to the indictment of one count down, and 98 percent were to the felony charges. Of the 590 sentences imposed during this same period of time, 77 percent were state prison sentences. The median time between arrest and plea was only 88 days.

Perhaps the MFP's most important contribution was that it proved that vertical prosecution was more effective and efficient than the assembly-line system of prosecution. By proving this new method of prosecution in a small scale program, the MFP paved the way for a total reorganization of the New York County District Attorney's Office. In 1976, the Office adopted a vertical system of prosecution for all felony cases. Today in New York County, instead of a felony case being handled by inexperienced assistants in several bureaus as the case moves through the system, one assistant is responsible for each case from inception to conclusion. Vertical prosecution has greatly improved the Office's efficiency and effectiveness in felony prosecutions and has been adopted by many prosecutors' offices around the country.

Early Case Assessment Bureau

For many years, it was the practice in New York County to assign the youngest and least experienced assistants, often only a few months out of law school, to the Complaint Room where the initial screening and evaluation of criminal charges takes place. Such young assistants often inadequately assessed the quality of evidence in a case and sometimes drafted inappropriate charges. It was commonplace for assistants to adopt uncritically felony arrest charges even where there were indications that the police overcharged where misdemeanor charges would have been appropriate. It was also commonplace for young assistants to fail to recognize evidentiary weaknesses at an early enough point in time so as to be resolved by further investigative work. Often too, serious cases were not properly identified.

In 1975, in an effort to remedy this situation, the LEAA funded the establishment of the Early Case Assessment Bureau (ECAB). This Bureau consisted of several senior trial lawyers who screened all felony arrests coming into the office. If they determined that a felony arrest merited presentment to the Grand Jury, they drafted the initial charging papers and directed, where necessary, additional paper work. Wherever possible, the ECAB assistants arranged for the direct presentation of cases to the Grand Jury, a practice that was applied to all serious felonies by the MFP. The felony arrests that would eventually be reduced to misdemeanors were assigned to junior assistants. The experienced ECAB assistants also declined to prosecute during initial screening and evaluation of charges in cases where the evidence did not support any charges. After the District Attorney's Office was

reorganized on "vertical" lines in 1976, the "ECAB" concept was incorporated into the reorganization.

Currently, the ECAB is staffed each day by one senior supervising Assistant District Attorney (ADA), five experienced ADA's and six junior ADA's. The supervising ADA reviews each arrest as the officers arrive in the Complaint Room, directing the misdemeanor arrests to the junior ADAs and assigning the felony arrests to the appropriate experienced ADA's for screening and preparing of complaints.

A felony complaint is prepared in all felony arrest cases for which action by a Grand Jury is appropriate. Those cases are assigned for all purposes to the ADA who screens the case. In the Complaint Room, that ADA determines a date for the presentation of the evidence to a Grand Jury and arranges for the appearance of the appropriate police officers and civilian witnesses. The assigned ADA also directs the officer to conduct any additional investigation that may be necessary, orders medical records and other laboratory reports pertinent to the case, and requests that the Witness Aid Services Unit arrange transportation or other required services for the crime victim and witnesses in the case.

The Sex Crimes Prosecution Unit

The Sex Crimes Prosecution Unit (SCPU) was established with LEAA funding in 1974. This specialized bureau evolved from recognition that sex crimes pose unique problems for both prosecutor and victim. Prior to the creation of the unit, violent sexual felonies resulted in a lower rate of conviction than other major crimes. It was believed that the application of more time, specialized knowledge, and understanding of the psychological consequences to the processing of these cases would result in an increase in the number of prosecutions and convictions as well as in a reduction in the amount of emotional strain on the victim. The Unit has achieved highly satisfactory results. For example, overall conviction rates have consistently averaged over 80 percent. This compares favorably with the overall conviction rate in cases not involving a sexual assault. In a typical year, the Unit will screen 600 cases, 124 incidents will be presented to grand juries, and 90 indictments will be returned, many of which will contain multiple charges.

Today, the SCPU remains an important part of Office operation. Recently, the Unit has duplicated its early success in prosecuting sex offenders to include the prosecution of cases where the victim and

defendant are acquaintances. Historically, these cases were either not pursued or, at trial, resulted in acquittals. Today however, the Unit is successful in this area with approximately 40 percent of its total caseload representing cases where the victim and defendant are known to each other. The federal grant from the LEAA enabled the District Attorney's Office to demonstrate that such a specialized unit can positively affect the prosecution of such sensitive and serious cases. Equally important, the Office's experience has caused the spread of this concept across the nation.

Career Criminal Program

The Career Criminal Program (CCP), which began operation in 1975, has received national acclaim for its effectiveness. The Program targets cases of repeat offenders for special, speedy prosecution by a cadre of experienced attorneys. The program recognizes that a very large percentage of serious crimes is committed by a relatively small percentage of the criminal population. The program concentrates on the prosecution and incapacitation of that small but dangerous force.

A profile of the typical New York County career criminal reveals that he has a record of 14 prior arrests, 6 misdemeanor convictions, and 1 felony conviction and more likely than not, is on bail, parole, or conditional release on another case. More than 60 percent of the defendants have a pending case at the time they are charged with the crimes for which they were referred to the program. Most of the career criminal arrests are for violent crimes. Many are surprisingly young and have extensive juvenile records.

The CCP has proved its effectiveness in maximizing resources for the prosecution of defendants who repeatedly victimize society. Although no longer funded by the LEAA, the CCP continues as a specialized unit in the District Attorney's Office devoting its energies to the prosecution of this hard core group of recidivist criminals. Through the years, this program has maintained a consistently excellent record of prosecutorial performance. Currently, the percentage of pleas to the top count is close to 70, the conviction rate is above 90 percent for all defendants accepted for prosecution, almost 80 percent received state prison sentences with maximum terms of three years or longer, and 51 percent receive sentences of five years or longer.

The establishment and maintenance of this essential program would not have been possible without funding from the LEAA. In addition, the monies provided a basis to begin learning about the characteristics

of repeat offenders. The teachings to date reveal the need to concentrate on the increasing number of younger, more violent and more active career criminals. Similarly, the need for prosecutors to gain access to juvenile records and thereby help identify the career criminals has been made apparent by the LEAA—funded experience.

Comprehensive Video Recording Project

The LEAA provided funds to the District Attorney's Office in 1979 to establish an innovative program in information recording—the Comprehensive Video Recording Project (CVRP). This unit utilizes the most modern videotape technology as an aid in the prosecution of many of the Office's most serious and complex cases.

Videotape is used to record statements by defendants for later introduction in court, to record conditional examinations of witnesses who may be unavailable for trial, to provide a visual record of events such as crime scenes and to assist in the training of legal staff in the Office. Recently, the Video Unit began taping post-crime scenes—scenes taped at a later date which duplicate the weather and lighting conditions at the time of day that the crime occurred. These tapes are used by ADA's to corroborate prosecution witnesses, rebut defendants' claims, and visually demonstrate a defendant's actions. In one case, a post-crime scene videotape showed how a burglar entered an apartment through a bathroom window. In another case, a video technician, from a helicopter hovering over Central Park, taped the escape route of a defendant in a murder case. In a third case, a color videotape, using still frame and slow motion effects, demonstrated the explosive power of various types of fireworks. Before the introduction of videotape in the Office, the methods used to record a witness' or defendant's statement were by hand or on a stenotype machine. These notes were then transcribed into a typewritten statement. Throughout this process there were numerous opportunities for a mistake to be made in both the recording and transcribing of these statements. Now, however, video makes it possible to replicate exactly what was said, how the questioning was conducted, and the physical appearance of the defendant. As might be expected, this ability to graphically reproduce the scene in question has helped to eliminate the issue of whether the defendant's statement was voluntarily made. Before the use of video, this was a common area of attack for all defendants who had made statements. Prior to the introduction of video, the Office did not possess the capability to maintain permanent records of crime scenes. The use of

videotape in crime scenes has vastly improved the ability of the Office to prepare and process cases. In addition, the use of video in conjunction with the Office's training program has provided the legal staff with invaluable practical experience in effective prosecutorial procedures.

Spanish Language Program

In September 1977, with funds from the LEAA, the Office established a Spanish Language Program (SLP) in order to increase the ability to communicate with victims and witnesses whose only or primary language is Spanish. The Program is composed of bilingual assistants, investigators, and paralegals. The SLP staff is also available to translate documents and letters, to interpret, and to contact witnesses and perform interrogations for other staff in the Office. The SLP has enabled the Office to communicate effectively with victims and witnesses which, in turn, has resulted in greater participation of Spanish-speaking witnesses in the criminal justice system.

Furthermore, by reaching into the Hispanic community to encourage people to report crime and inform Hispanic citizens of the efforts of the Office to provide assistance to them, the fear of crime has been reduced.

Misdemeanor Trial Program

The Misdemeanor Trial Program (MTP) which began in the Fall of 1979, has given the Office the much needed capability to try serious misdemeanor cases. Since the average person is more likely to be a victim of the purse snatcher or petty mugger than of a murderer or rapist, the MTP has provided the Office the resources to give these cases the serious treatment they deserve. Most importantly, by pursuing these matters diligently, those crimes that have the most direct effect on the quality of life in the City can be reduced. Before the MTP,—only 164 misdemeanor trials were completed—despite the fact that over 80,000 cases entered the system. This lack of trial capacity meant that most misdemeanors were disposed of by a plea bargain or were dismissed during the long wait for a trial. Although technically misdemeanors, many of these cases involved physical harm to the victim or the use of weapons. In many cases, the defendant had an extensive record of similar crimes. For example, the average MTP defendant had a criminal history of 22 prior arrests. Thus, these cases, both

because of the nature of the offense and the character of the defendant, are anything but unimportant matters.

Through the MTP, the LEAA provided funds for additional attorneys to bring serious misdemeanor cases to trial. The program's success was immediate and apparent. Approximately 43 percent of the defendants convicted in prosecutions conducted by attorneys in the MTP receive jail terms of six months or more, and 70 percent of the defendants receive sentences of confinement. In addition, while 76 percent of these defendants plead guilty to the top crime charged, those who demand a trial are convicted at a rate of 78 percent. Following these guilty verdicts, 72 percent of the defendants received the maximum one year sentence and an additional 14 percent received jail sentences in excess of six months.

Witness Aid Services Unit

Obviously, cases cannot be prosecuted without cooperating witnesses. Thus, the Witness Aid Services Unit (WASU), funded initially by the LEAA in 1979, has provided a vehicle for facilitating the appearance of civilian witnesses and meeting their needs as they confront the criminal justice system. Equally as important, it has helped to insure the humane and courteous treatment all victims deserve.

Some of the major accomplishments of the Unit have been the staffing of reception centers for victims and witnesses on seven days a week, the delivery of comprehensive services to the victims and witnesses in Manhattan where none existed before, the reduction of processing times to two hours for civilian witness cases, a 100 percent increase in the volume of property released to victims, and the development of a program to provide thorough and timely information to victims and witnesses concerning their rights, potential remedies, and various criminal justice procedures. Most importantly, the WASU was instrumental in establishing a workable court appearance notification component designed to alert civilian witnesses of their attendance at court proceedings. This system has proved effective at drastically reducing the number of unnecessary court appearances by civilians. In fact, most witnesses are now necessary at only 3 percent of the court dates. This service not only has proven to be absolutely essential to the adequate management of witnesses, but also has enabled the criminal justice system to begin to treat victims and witnesses with appreciation and respect.

Organized Crime Prosecution Project

Racketeering, and organized and white collar criminal activity present special difficulties for local law enforcement. Not only is the defendant particularly elusive, but the investigations are lengthy, requiring a large expenditure of effort by both attorneys and investigators. Unfortunately, these investigations are both complex and enormously costly. Without the Organized Crime Prosecution grants, effective prosecutions by the Office in the areas of racketeering and corruption would not be possible. The City had all it could do just to devote its prosecutorial resources to combat street crime. Without the LEAA's help, serious investigations into police corruption as well as investigations leading to charges of corruption among personnel of the civil team of the State Supreme Court, bribery in connection with the construction of the Albany Mall, and corruption in the State Department of Law, could not have been undertaken. Failure to undertake this work not only would have reflected poorly on the local law enforcement effort, but also would have caused an expansion of organized crime's grip on New York City.

Consumer Protection Bureau

Historically, consumer protection complaints have been virtually ignored by police investigators. Whether this is due to the fact that the Police Department is oriented more toward fighting street crime or by the fact that consumer fraud involves sophisticated schemes not easily thwarted by traditional methods, the result nevertheless has been devastating for numerous victims who had no place to turn. The Consumer Protection Bureau (CPB) gave the Office the capacity to investigate and successfully prosecute consumer frauds perpetrated against New York City residents and visitors. Establishing a viable case in this area requires extensive investigating, gathering substantial evidence, and tracing witnesses to distant states. Sometimes a single complaint from a citizen can trigger an investigation. At other times, the formal investigation is initiated by the District Attorney, as when a pattern emerges from the body of the complainants the Consumer Protection Bureau receives on a daily basis. In either case, prosecution costs are significant.

Since the inception of the program, prosecutions have been initiated across the spectrum of consumer frauds. Included in these cases have been odometer rollbacks by used car dealers, double billing on credit

card purchases by a Times Square photography store, rent gouging by landlords, and the sale of counterfeit watches. The most recent success of the Bureau has been in the housing area. Late in 1981, a major effort was undertaken to investigate and prosecute landlords and their hired confederates who coerce and terrorize tenants into vacating their homes. The shortage of housing encourages some landlords to victimize their tenants in order to reap the maximum profit from their real estate. So far, the investigation has resulted in the arrest of landlords, contractors, and real estate brokers, and involves several different properties.

Pimp Prosecution Project

The LEAA provided funds in early 1979 for the Pimp Prosecution Project (PPP). The importance of focusing resources in the prosecution of the pimp has been made clear from experience in narcotics law enforcement. There is now little doubt that the affect of prostitution is great enough to ruin otherwise stable neighborhoods and to alter the overall quality of life in the City. Only by eliminating those at the top who reap the major profits can law enforcement hope to control and minimize this problem.

Due to a lack of resources, the District Attorney's Office generally did not become involved in the prosecution of a pimp until after an arrest was made. In addition, the assistant who was assigned a case against a pimp usually did not have the necessary time to devote to the case or the expertise in this difficult area of the law. The LEAA funded program changed this, and the existence of a specialized unit withir. the Office has proved to be effective. The combination of experienced ADA's with the time and financial support needed to develop an indepth prearrest investigation has enabled this Office for the first time to build consistently strong cases against pimps.

Leviticus Project

An association of 14 agencies from 7 states, called collectively the Leviticus Project (LP), was formed in late 1978 to coordinate the investigation of illegal activities related to the coal industry. In 1980, New York City joined the project which promoted the coordinated investigation and prosecution of crimes ranging from murder and theft of heavy equipment in states where coal is extracted, to the complex organized defrauding of individual investors and institutions which occurs in large financial centers in member states. The agencies participating in the Project are linked by a computerized information system containing a growing base of information about criminal enterprises in and around the coal industry.

One principal focus of the Project is the widespread syndication of fraudulent tax shelter investment in coal mining ventures. In such fraudulent ventures, no coal is mined, but since investments in coal mining receive highly favorable tax treatment, a substantial amount of tax revenue is needlessly lost. Also, funds of investors are diverted by these ventures away from the market for legitimate investment. The LP investigators have uncovered evidence that hundreds of such fraudulent schemes have been syndicated in recent years, most of them in New York. Estimates of the resulting loss of tax revenue generally run from $5 to $10 billion. Through the activities of the Leviticus Project however, a significant portion of these lost monies has been recovered.

Bureau of Planning and Management

Using funds from the LEAA, the Office established the Bureau of Planning and Management (BPM) in 1974. This Bureau was instituted to provide an internal management consulting staff that could perform analyses and make recommendations on organizational structures, staff responsibilities, and office-wide operations.

Since 1974, the Bureau has conducted numerous studies involving various courtroom and prosecutorial functions, as well as management analyses of support staff personnel, fiscal operations, and other staff and service areas. Recommendations encompassed organization structure, work flow and staffing patterns, manual and automated systems development, spacing planning, records management, cost analysis, and utilization of office equipment and statistical reporting systems.

The Bureau has recently developed and implemented a comprehensive, automated data base designed to give timely and accurate information to the legal managers of the Office. This research component has greatly assisted the Bureau in conducting numerous short-term and long-term research studies on the criminal use of guns, the reasons for dismissals, and the juvenile crime rate. The Bureau has also been instrumental in developing proposals for the funding of new programs.

Prosecutors Management Information System

In the last several years, the Office has restructured the way in which it collects, stores and disseminates information. Before 1977, these functions were done entirely by hand. The system was inefficient,

led to inaccuracies and made it impossible to retrieve information in any useful form. Modern technology has changed all that.

In 1976, under a grant from the LEAA, the Office began to develop the Prosecutors Management Information System (PROMIS). By 1978, the system contained current information about every active case in the Office. As soon as a case comes into the Office, information about the case is entered into the computer. From then on, each time there is a change in the status of the case, the new information is entered immediately into the computer. By using the computer terminals in the Office, an attorney can learn immediately the relevant facts about the case.

Conclusion

In sum, the LEAA grants provided to the New York County District Attorney's Office since 1972 have proved to be essential to the Office's operations. Even during a period of severe cutbacks at the local level, the Office has been able to fund important investigations and increase its prosecutorial staff. Most important, however, without the help of the LEAA, those experimental programs that were tried and proved a success never would have been undertaken. The innovative work made possible by the LEAA lessened the impact of the bulk of the crime problems faced by prosecutors in the 1970's. As a result, the LEAA has placed local prosecutors in a position to deal effectively with the challenges of the 1980's. This is the true legacy of the LEAA—a legacy that should not be forgotten, but rather repeated.

LEAA And Corrections

Robert L. Smith

Over the years, the efforts of the federal government to assist the states have been made on an *ad hoc* basis by a variety of agencies. Rarely has the assistance focused on the area of corrections; more often, this area was but one of a number eligible for assistance under a particular program.

The efforts of the federal government have been significant in the amount of dollars expended and, no doubt, in their impact on corrections at both the state and local levels. Yet, it was not until the establishment of the Law Enforcement Assistance Administration (LEAA) that corrections began to have a special identity at the national level, an identity that was given greater clarity with the establishment of the National Institute of Corrections from Part E monies in 1971 and as a separate federal agency in 1974.

The Beginning

The LEAA was spawned in the civil turmoil, conflict, disorder, and bloodshed that characterized much of the 1960's and 1970's. It was the product of an emerging social consciousness about the poor, the elderly, and minorities that legislatively expressed itself in a "War on Poverty," a "Civil Rights Act," a "Peace Corps," expanded work programs for youths and adults administered through the Department of Labor, and Supreme Court decisions that focused on the rights of individuals. The Nation was at war with itself, and the government was struggling to find solutions for poverty, crime, and public disorder. Only a small part of the larger social issues and of crime and criminal justice processes were raised to a position of increased public visability, if not interest. Corrections and its problems shared that new-found spotlight, and as with other major social problems of the time, government intervention and support were seen as appropriate remedies for the many problems associated with the field of corrections.[1]

During the 1970's the federal government made the greatest financial contribution to state and local criminal justice and corrections in its history. Out of the turmoil and fear of the 1960's came new funds for programs, funded in rapidly increasing amounts during the early 1970's. These funds seemed to diminish in the late 1970's, particularly in relation to the changes in public attitude toward the government's

ability to make significant changes in problems like poverty and crime. As the public lost faith and confidence, and as the federal establishment began to encounter increasing deficits, total federal resources for corrections also declined. This change in public and governmental attitudes contributed to the demise of the LEAA and to many good programs. The LEAA was also destroyed by those who had benefitted the most—the various components of the criminal justice system that wanted a larger share of the available federal dollars to compensate for declining revenues at home. Internal conflict and disagreements, objections to an agency that was seen as having too quickly become bureaucratic and out of touch with the field, exacerbated the attacks on the LEAA by friends and foe alike. The critics behaved as if the Washington Office of the LEAA had direct responsibility for the expenditure of 100 percent of its appropriations rather than of the 15 percent in discretionary dollars under the control of the national administration. Criticism of the LEAA was directed almost entirely at the "central office" thereby ignoring all of those at the state and local levels who had set their own priorities for the expenditure of block-grant monies. A great deal of the negative reactions of the LEAA would have been more appropriately directed at those who were making the rules and setting the priorities for expenditures locally; however, to accept this responsibility meant also accepting the responsibility to explain to the Congress why crime had not decreased and the streets were not safe. Obviously, then, the failure had to be found in the way the LEAA managed the programs rather than with local choices about how 85 percent of the money was shared and spent by those who controlled the block-grant system.

By late 1979, the LEAA had few friends and an increasing number of critics. Wise politicians did not need controversial programs that lacked public support or had a constituency that was in conflict with itself and its benefactor. So, like many other important, but short-lived programs, the LEAA and its large commitment of federal dollars for corrections passed into history.

The Past As Prologue

Corrections, as in many federal programs that preceded the LEAA, was not a major focus of the Omnibus Crime Control and Safe Streets Act of 1968—which authorized the establishment of the LEAA. It was an "implication" discovered by creative bureaucrats interested in corrections in the original Act and a specific provision added in the

TABLE 1
THE LEAA CORRECTIONAL EXPENDITURES AS A PERCENT OF TOTAL EXPENDITURES[2]

1969-1980

Year	Total Expenditure	Corr. Expenditure	Percent of Total
1969	$ 60,000,000	$ 4,801,000	8.0
1970	267,937,000	58,850,000	22.0
1971	528,954,000	194,291,000	36.7
1972	698,723,000	226,679,000	32.4
1973	855,366,000	265,253,000	31.0
1974	870,675,000	251,442,000	28.8
1975	895,000,000	250,000,000	28.0
1976	810,700,000	250,000,000	30.8
1977	753,000,000	225,900,000	30.0
1978	647,250,000	194,175,000	30.0
1979	646,488,000	193,946,000	30.0
1980	486,463,000	143,939,000	30.0

Source: National Institute of Corrections.

1970 amendments. The 1968 legislation was designed to "improve and strengthen law enforcement," an understandable goal born of earlier political debates by presidential candidates. By 1970, however, the congressional mandate came to include "activities of corrections, probation or parole authorities, and programs relating to the prevention, control of, reduction of, juvenile delinquency or narcotic addiction." The concept was further broadened in 1973 when the Congress specified that the states' comprehensive plans must address "custodial treatment of suspects, offenders and institutional and non-institutional rehabilitative measures." The addition of Part E of the Omnibus Crime Control Act of 1970 was the turning point for corrections, for it enabled those working in the field to share in the federal monies being made available to state and local jurisdictions to curb crime (See Table 1 for the dollar value of this change).

As is often the case, new monies or enhanced levels of funding encouraged new vendors to enter the market for the delivery of correctional services. Corrections had not previously been a recognizable discipline but had been fractionated within different agencies and at different levels of government and jurisdictions. Given this environment, it is not surprising that corrections' monies were initially directed to funding projects in law enforcement, in the private agencies and

organizations, and in profit-making corporations that provided speciality services like management and fiscal services. Self-help groups, residential facilities, and counselling services all came to recognize that they provided assistance that could be interpreted to be correctional services. Even colleges and universities began to offer college study programs for prisoners in custodial facilities. All of these new and creative interests in corrections were triggered by LEAA monies.

In a very important sense, there had never been the wealth of services available to both accused and convicted offenders that existed during the first half of the 1970's. Jurisdictional and status distinctions became blurred; pre-trial diversion programs and services for the accused came under the increasingly comprehensive definition of programs that could be brought under the auspices of correctional services. The results were predictable. Each faction or vested interest group began to struggle for its fair share of available correctional monies. Client planning, resource management, and other deliberate techniques for assessing financial and programmatic needs were sacrificed for more practical political means of determining who got what and how much.[3]

For correctional officials to be successful in this new political marketplace they had to compete with innovative and sexy projects that commanded equal attention with those being offered by more skillful vendors of program ideas. For corrections, many of the needs were practical and traditional—i.e., more manpower, better educational programs for offenders, and improved living space for prisoners and working space for employees. In the spirit of the artificial competition set up for allocating dollars, the desire to win became more important than the substance of the proposal. The result was a proliferation of many new programs that did little to help in the formulation or support of a long-range correctional plan. Two- and three-year projects came and went, and longer ranged program development suffered.

In part, the political struggle for funds was a consequence of the inability of the discipline to clearly articulate what the business of corrections included, but in greater part, the struggle was made possible by the legislation itself—legislation that called for the establishment of a separate and new entity to plan for the entire criminal justice system.[4]

The concept of systems planning in criminal justice was born of the earlier work completed by the *1967 Presidential Commission on Law Enforcement and the Administration of Criminal Justice*.[5] Participants in this earlier effort recognized the relationship between various components of the criminal justice system which was a series of relationships impacting on one another in significant ways. The concept of system suggested that through careful and coordinated planning more-effective solutions could be found for criminal justice problems. In essence, careful consideration and evaluation were required of the entire system and not just of the component parts.[6]

The application of systems' theory to criminal justice and the recognition of the need for a mechanism to coordinate planning was both a positive contribution and the seed for the LEAA's eventual demise. Although the purposes of criminal justice may be the same, the individual goals of each of the component parts are not necessarily complementary or even indifferent to the other. Each part of the system must, and does, give primary allegiance to the value of its own operation and therefore is committed to surviving and growing stronger.

In viewing criminal justice in its entirety, the area of corrections usually was third or fourth, sometimes even lower in the priority of total criminal justice interests. Certainly, no component of criminal justice is more sensitive to the consequences and actions of all of the units that precede it than is corrections—the repository for the actions of all of the units ahead of it within the system. To know that relationships exist, however, and to be able to do something about changing them through the help of others are different issues, both substantially and theoretically.

The LEAA saw systems planning as the core of its mission, and this commitment to a more rational approach to criminal justice practices did create new relationships between old adversaries and new organizations that bypassed the traditional political structure in the interest of allocating block-grant funds. It was the LEAA's insistence on the tactical versus a general application of planning that made planning fail rather than operate as intended. Self-interests were too demanding, with the result that given new conditions and lower funding levels, planning was at the top of the list, or nearly so, of sacrifices that could be and were made.

Reactions to the LEAA

The field of corrections has historically been slow in becoming aware of or involved in federal programs that offer resources to state and local governments. In part, this is due to the removal or distance from the political processes that create these resources, and, in part, to their struggle to survive on a daily basis—a struggle that does not encourage

a longer-term view that incorporates alternative resources and programs.

Most correctional agencies became aware of the Omnibus Crime Control Act of 1968 only after it became law. The initial thrust of the Act, as previously stated, was to improve and strengthen law enforcement. The potential impacts of the *1967 Presidential Commission Reports on Law Enforcement and the Administration of Criminal Justice*[7] recommendations and the 1968 Crime Control Act on the field of corrections were not initially obvious or clear to correctional administrators; but, they soon became aware of the opportunities present under the Act, particularly as federal dollars began to pour into the new program. This awareness resulted in the 1970 amendments that added Part E to the legislation and established correctional improvement as a legitimate interest and concern of the Congress and the federal government.[8]

Between 1968 and 1970, however, planning structure consistent with the initial legislation had already been put in place to disperse block-grant funds and even some discretionary monies. On those early planning commissions, which were supposed to be representative bodies charged with distributing funds, correctional representatives were greatly outnumbered or, in some cases, not even represented. In one large western state, it took over five years to get a probation officer on the state commission. Corrections viewed the state planning commission with some of the same suspicions they held for other units of state and federal government. Corrections agencies viewed these commissions as extensions of state administration. In almost every way, the new planning structure was superimposed on the more familiar political relationships and channels that existed prior to the 1968 Act. Correctional representatives had to learn how to "play the new game of planning," a game that did little to lessen the suspicions and frustrations of those who felt themselves outsiders to the new system of federal assistance.

The staff of the state planning commissions expanded rapidly, creating in many state and local jurisdictions an entirely new category of civil servant, known as planners. These new civil servants further interpreted the rules and regulations handed down by the LEAA's regional and national offices—rules and regulations that were seen as adding more red tape to an already elaborate bureaucratic process. Outsiders, including corrections, saw a new bureaucracy with rules and regulations that protected the planning agency, its staff, and commission without necessarily improving the comprehensive planning called for or the immediate action required to deal with the many problems faced by corrections. In fairness to the staff and administrators of these programs, although they were caught up in the political process, they often handled themselves and the grantees they were to represent fairly and reasonably.

To compete, an entire new industry grew up within corrections. Comprehensive planning, coordination and cooperation were the predominant rhetoric that everyone had to learn in order to get their programs funded. Correctional agencies began to add planning specialists, and others who were good at writing grant proposals and at engaging in grantsmanship activities on behalf of their agencies. Although the dollar level was not always high, it could amount to as much as 5 percent of an operating budget in a large state and up to 30 percent in a smaller state.

The LEAA was seen as the biggest and almost only game in town. Everyone wanted to be a part of it. Even though the total dollars granted to any one agency were relatively small in relation to their total operational budget, it was, nevertheless, the source of "new program monies"—programs that others already were operating or programs that were thought to be desirable because of belief, tradition, or popularity. In consequence, these programs became the new program efforts that the LEAA legislation demanded and that the federal and state staff encouraged.

In the larger states, the LEAA was a new source of funds for programs that were wanted but could not be funded through the usual channels. In some of the smaller and more rural states, the LEAA was almost singularly a political entity, but one that contributed to a substantial upgrading of correctional practices. The needs of these jurisdictions were sufficiently great and immediate so that, politics or not, funds went to those areas of correctional services that desperately needed them. The politics of the LEAA varied—new players were added, but in the end, those who had previously shaped correctional policy continued to do so, but functioned instead as players in the new game of obtaining and dispersing LEAA funds for programs within the states.[9]

Initially, the correctional staff took the LEAA seriously about planning and cooperation. Later, however, the program came to be regarded less seriously when federal money was seen as no more than an extraneous source of funding. Corrections continued to be primarily

funded by state and local jurisdictions. Unfortunately, for some jurisdictions, the need to obtain new program dollars overshadowed the *inconsistency* of the *actions* they were agreeing to carry out. For the sake of a few immediate dollars corrections agencies sometimes changed policies and/or operations that were inconsistent with the traditional ways of doing business. A few hundred-thousand dollars came to dictate how millions of local dollars would be spent. For those involved, considerable anger and hostility continued throughout the life of the program. The LEAA representatives trying to enforce previously held agreements were seen as dictatorial federal employees interfering with the reasonable conduct of business. For the financially hungry, the temptation of federal dollars was almost too great to ignore.

Given these conditions, a love-hate relationship emerged between LEAA representatives and the correctional constituency. This ambivalent relationship was nurtured by both the comprehensive planning requirements of correctional programs and a new organizational entity that was not always seen as sympathetic to corrections or its problems. The rapid expansion of the correctional planning programs in the early years brought many bright young professionals into a field in which they were inexperienced and unprepared by prior work experience for the responsibilities assigned. Even the best Director of a State Planning Agency (SPA) could be undercut by a new, relatively young, often professionally limited staff person who was assigned to the corrections area. Given the problem of a new and rapidly expanding agency, correctional staff only knew they were dealing with individuals who not only seemed to have little understanding of their problems, but an extensive knowledge about administrative red-tape in its place.

Under these conditions, it is not surprising that comprehensive planning, as originally envisioned, did not occur, or at least did not occur in the manner expected. State planning commissions, with only rare exception, were grant review boards arguing and debating the merits of projects for the purpose of making funding decisions alone. In this sense, the planning body was seen as a force to be reckoned with in the same sense as any other political body. One sought allies, made deals, and tried to make an impressive presentation on behalf of his or her project.

The state planning commissions had been assigned an impossible task. Even when presented with the facts, the most conscientious board could not fully understand or know the implications of all of the various programs operated by the competing agencies. The boards were given

only fragmented information on which to judge a new and unknown planning concept and its overall significance.

Other structural issues clouded the local corrections official's perceptions of the LEAA. There was the inconsistency of unstated and unrecorded policy decisions; and there was the inconsistency of programs over time; and finally, there was the constant change of central administration officials in Washington. In an unpublished report in the Spring of 1979, an administrative reviewer wrote as follows:

> LEAA has never had a comprehensive corrections' policy.
> Offices have pursued their own areas of interest independently of each other.
> Administrative turnover has been disruptive of the development of programs and policies.

The same report goes on to add that state and local correctional personnel had long been aware of these deficiencies and that experience had shown the following:

> Overall policy objectives were not clearly defined.
> The division of resources between improvement of existing programs or the introduction of innovative programs had not been established.
> Proportional funding between community and institutional corrections had not been determined.
> Award decisions were not always, or even often, based on known effectiveness of programs or reliable knowledge of needs in the area funded.
> There was no planning for the smooth transition or even continuity from research to action.
> Various units within the office charged with correctional responsibilities did not communicate with one another or share information about common interests in projects.
> Office staff charged with project review, consultation and coordination seldom had the chance to carry out their assigned duties effectively.
> There was little adherence to the legislative mandate emphasizing community corrections.
> Consistent planning was weak to non-existent.[10]

The lack of any real policy direction for corrections by the LEAA provided the states with the opportunity of doing pretty much what

they deemed to be appropriate at any given time. Although both the national and state offices did develop more definitive guidelines about project grants—i.e., who, how long, under what circumstances—they did not develop substantive goals toward which all state and local correctional agencies could move or long-range goals for the projects that were funded. The result was a kaleidoscope of attractive projects and activities that might or might not complement one another. By and large, correctional personnel saw the LEAA and its leadership as an organization relatively easy to manipulate because of the agency's own confusion about what corrections should be in the total spectrum of criminal justice.

The LEAA was seen as a vehicle for obtaining some of the better things in life without too much commitment to the vague and changing goals espoused by some of the staff of the agencies overseeing the corrections programs. Obviously, from the standpoint of critics in corrections, the LEAA's greatest failing was to recognize the unique and special problems of corrections and allocate even higher levels of funding to those projects that corrections agencies thought important—projects that might not be innovative but that would improve the housing, care, and safety of both correctional staff and their programs. Innovative and experimental projects, as attractive as they often were, did not resolve the more fundamental issues of antiquated facilities, excessive workloads, different commmitment practices, or the various fragmented correctional activities and resources. From the standpoint of the critics in corrections, the LEAA's failing was in generating expectations that were too great in a service whose problems were even greater.

During the life of the LEAA, corrections agencies learned to exploit available resources and to avoid the discomfort of early experiences associated with comprehensive planning, innovation, and increased effectiveness that were seen as obligations under the terms of the program. These agencies learned to redirect their anger for unnecessary red tape and poor leadership from the local level to Washington, where the repercussions were likely to be less disasterous.

In summary, corrections saw the LEAA as the primary financial resource almost to the exclusion of other more important federal programs. The state planning directors were seen as new kinds of bureaucrats, while the new planning groups were nothing more than new political units with whom corrections had to be familiar and cooperative. Comprehensive planning, while an interesting idea, was never

to be taken too seriously since it could interfere with the more important self-interests of organizations.

Correctional personnel generally do not see themselves as effective in dealing with the public or politicians. Yet, before the LEAA's demise, corrections agencies had captured 30 percent of the agency's annual discretionary expenditures. Even so, they still felt they had not received a fair share of the total dollars appropriated over the life of the entire program. Success came late for corrections and the lean, early years were not easily forgotten.

The frustration and anger over having taken the LEAA too seriously in the early years made it easy for some correctional leaders to join the critics that emerged in the later 1970's as funding began to fade and priorities for funding changed once again. Those correctional administrators who had also cricitized the LEAA before the Congress also offered praise for the leadership that the LEAA had shown in the development of advanced practices and expansion of many needed programs.

The LEAA Leadership

The leadership that the LEAA did offer the field of corrections was best demonstrated in its discretionary program. This was the one area in which the national and regional offices of the LEAA had direct control over the expenditures of funds, and 15 percent of the annual appropriation reserved for this purpose. In spite of ambiguous policies, administrative turnover, and legislative revisions, certain major areas and programs did emerge. A sustained interest was shown in several program areas throughout the years. For example, training for corrections personnel was funded consistently until 1975 when the National Institute of Corrections (NIC) took over the function. Some of the programs that receive large proportions of the funds administered under the discretionary program included the following: probation and parole, housing, industrial and other institutional programs; the development and use of advanced practices criteria for architectural design; and in the final four years, construction and renovation of facilities.

In reviewing the history of the LEAA one is struck by the implicit policies reflected in the funding practices—policies that were never clearly or consistently articulated but are illustrated by the following examples:

- Funding new prison construction was discouraged in favor of renovations needed to implement advanced correctional practices.
- Standards development was strongly advocated and funded.
- Innovative ideas for community-based corrections were encouraged and alternatives to incarceration projects were funded.
- Rehabilitation was the basic goal of both research and action programs.
- Incapacitation was a continuing research interest.
- Deterrence and retribution were given little or no attention by either research or action programs until the 1980's.
- Administration and management of correctional programs emerged as a dominant interest in the final years of the agency with only the research arms continuing an interest in offender-oriented efforts.
- Deinstitutionalization and alternative programs continued to be a priority under the Juvenile Justice and Delinquency Prevention Act from 1974 on.

Each of these areas of interest has varied radically over the years. The variations were due to differing interests by different administrations, increased legislative involvement, and a shift in the public attitude away from rehabilitation to incapacitation. For example, community corrections programs were heavily funded in the earlier years but decreased by over 80 percent during the 1978-1979 period.

Institutional programs were not funded in the beginning, but by 1978 were funded more generously than community corrections programs, with the exception of probation and parole programs. Administrative programs accounted for as much, if not slightly more, of the 1979 expenditures as those spent on institutional programs for both facilities and facilities support. Table 2 presents four sample years showing a shift in policy emphasis from institutional facility and facility support (bricks, mortar and program) and community corrections (probation, parole, half-way houses, alternatives, etc.) to administrative grants (systems improvement, organization, standards, etc.). During the life of the LEAA it is reported that slightly over $1 billion was spent on the construction or renovation of physical facilities at the state or local level.

TABLE 2
DISCRETIONARY GRANT AWARDS TO CORRECTIONS FOR FOUR SAMPLE YEARS
(Percent)

	Program Emphasis		
Year	Institutional	Community	Administrative
1972	31	60	15
1975	47	19	34
1977	44	12	44
1979	46	8	46

Source: Derived from National Institute of Corrections.[11]

Funding for all three categories of corrections continued to change even after 1979. The awards for those in the administrative category seemed to be gaining slowly at the expense of the other two, particularly the community effort.

The rejection of an overall corrections plan by the administration discouraged any program continuity. As a result, there were years during which no discretionary money was given to some mandated parts of corrections programs, even at the expense of completely losing those programs—e.g., the halfway house program was dropped completely in 1977. In the previous years, two offices within the LEAA had given out more than $2 million for programs in this category.

At the local level, block-grant monies were being used for a variety of valuable and sometimes experimental programs. Workload and performance studies were carried out in a number of state and local jurisdictions; correctional training centers were established in virtually all 50 states; management development programs came into being; standards implementation followed development; accreditation began; correctional industries received a new look and emphasis; volunteer programs were expanded; contract services for halfway houses, and medical and psychiatric counselling increased; caseloads were reduced both in and out of institutions; work furlough programs were expanded; improved informational systems were developed and subsequently funded by many jurisdictions; violence control programs and special offender programs were developed and subsequently funded by many jurisdictions; violence control programs and special offender programs were developed for a wide range of problem clients, particularly drug abusers; administrative support was enhanced, and accounting and

record systems improved; recreational and work programs were enhanced; and physical facilities in some jurisdictions were improved slightly by using knowledge of advanced practices developed by the LEAA through their A-95 state clearinghouse program. These developments were gradual and spotty. Yet, they were symbols and new departures suggesting the possibility of better and more-effective practices.

At the research level, the area of corrections was being forced to reevaluate practice in the light of increasing knowledge. The correctional practitioners were learning a new search strategy for information. Even negative research findings that had disasterous results for some cherished beliefs contributed to the knowledge of improved correctional practices. Examples are numerous and would include the questioning of reduced caseloads, the value of various treatment modalities, the cost-effectiveness relationships between different levels of custody and treatment, to mention only a few.

Again, at the national level, the LEAA was making significant contributions in a variety of areas even though it was operating under five different political administrations—(Johnson, Nixon, Ford, Carter and Reagan). There were unprecedented increases in jail and prison populations as well as a substantial change in the attitude of the public and the government regarding corrections and its traditional ways of doing business. Some of the examples include comprehensive planning, advanced architectural practices, training, the corrections standards and accreditation programs, legal services to prisoners, treatment alternatives to street crime, the free venture prison industries program, the jail accounting micro-computer system program, the offender-based information system, guidelines for parole and probation decision making, inmate grievance procedures, health care delivery, correctional programs for women, the development of various treatment alternatives, deinstitutionalization efforts by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the establishment of the NIC.

Of all of the above efforts, those that promise the greatest long-range or continuing impact on corrections include training, standards development, accreditation, parole and probation guidelines, improved information systems, and the funding of the National Institute of Corrections.

Millions of block-grant dollars have been directed toward the training of correctional personnel and developing training capacities at the state and local levels. At the national level, $394 million was spent on

training between 1968 and 1978. Of the $274 million committed to personnel training, over 15 percent went to corrections during this period. For support of institutional training in organizations such as colleges and universities, over 12 percent of $120 million was spent for corrections.[12] In addition to these expenditures, the NIC has spent over $30 million for training since it was established in 1971, under monies for Part E of the Crime Control Act.

The uneven distribution of training funds between corrections, the police, and the courts is a reflection of two things: the differences in the number of personnel working in each of these fields and the fact that, in the early 1970's, in total numbers, correctional employees tended to have attained higher levels of formal training than those in law enforcement. This was particularly true in professional classes or, in the case of the police, those included in the ranks of lieutenant or above. The LEAA changed this, probably, in part at least, as a result of the organizational structure put in place to administer the LEAA in 1968.

Since those early days of the program, correctional training has begun to shift its emphasis from technical or treatment skills to the development of management and leadership skills. While it was true that correctional personnel in the professional service areas were college graduates, they had not necessarily been prepared to be managers of large multimillion-dollar organizations. The nature of a correctional agency today, like many other service organizations of an earlier period, is far more complex and politically sensitive than it was even 10 years ago. This changed environment requires a different kind of leadership than that of the 1950's and 1960's. The LEAA's early investment in the development of correctional personnel and highly trained administrators has set the stage for the improved management of the field of corrections in the future. Hopefully, the change will be as great and as positive as it has been for the area of law enforcement. While it is true that there is no direct relationship between training and improved performance, training, like research, is diffuse in its consequences and, like research, is cumulative in its results. Training is the basis for the more efficient and more effective use of correctional resources in the future.

In early 1970, the LEAA began a program directed at determining standards and goals for the entire the criminal justice system. The rationale behind the effort was to help various elements of the criminal justice system make explicit the goals and objectives deemed necessary

to effective and efficient programs and services. It was believed that making the system more rational in terms of decision making would make it more efficient and more effective. As early as 1971, the LEAA had convened a number of different groups in the field of operations, research, and planning to find out how they would improve the criminal justice system. As a consequence, in October of 1981, the National Advisory Commission on Criminal Justice Standards and Goals was established. The Commission appointed 12 task forces to develop standards and goals for every facet of criminal justice system operations.

The work of the Commission culminated in the National Conference on Criminal Justice sponsored by the LEAA in Washington, D.C. in January of 1973. The publication of the Commission's reports provided a major national stimulus for the analysis of operational practices in all subsystems of criminal justice. Programs were initiated to encourage state and local governments to analyze the standards proposed in the light of their own special needs and unique circumstances. The impact of the program was significant in that it stimulated corrections to review traditional programs in the light of performance standards and to seek reasonable and effective alternatives for programs that could not stand the scrutiny of a standards review.

This single program probably contributed more to the improvement of corrections than any other single program undertaken by the national government. It layed the ground work for the further development of professionally determined standards and goals for corrections and ultimately led to the establishment of a formal accreditation process. The fact that the LEAA had systematically reached out to the states to assist them in undertaking this reassessment of practice made it virtually impossible for any state or locality to remain untouched by the exercise. The mix of citizens, professionals, and politicians in the reassessment process also insured that changes would occur.

Standards have become the measure of professional services in corrections. Although laggardly when compared with other professions, corrections at last came of age in establishing the degrees and the levels of requirement, excellence, and attainment for services and care required by a professional service. This would not have happened without the help of the LEAA.

In 1974, the Commission on Accreditation for Corrections was created through a grant from the LEAA to the American Correctional Association. The plan for the Commission was based on a two-year

"Self-Evaluation and Accreditation Project" funded earlier by the Ford Foundation. The Commission provided a mechanism for the application of standards and a process to determine whether or not standards were being met. Since 1974, the Commission on Accreditation for Corrections, using trained professional evaluators, has accredited over 300 correctional agencies with over 90 prisons and over 500-related correctional facilities and programs. The standards used for the accreditation are based on those developed and revised by the American Correctional Association under grants provided by the LEAA and later by the NIC.

While regarded as controversial by some, no other formal and objective system exists by which trained professionals can evaluate current practices in the light of accepted standards. Tangential gains have also been made in the development of a common language for compliance with standards, for measures of physical and program adequacy, and for the development of a forum within which old practices can be questioned and new ones proposed. Standards development and accreditation can, and probably will in a direct way, do more to move corrections forward in the future than any other single effort funded by the LEAA.

Unlike law enforcement, corrections has been slower to make use of modern technology to improve practices. Yet, in recent years, considerable progress has been made. The Offender-Based State Corrections Information System (OBSCIS) program is a classic example. This program assists in the development of information systems that support corrections' systems decision making for operations and planning. The OBSCIS is a model state-level information system under concurrent development in over 30 states to provide correctional agencies with improved operational and administrative information while also supporting overall, integrated national reporting and analysis capabilities. Funded and supported by the National Criminal Justice Information and Statistics Service (now known as the Bureau of Justice Statistics), this unit of the old LEAA also provided leadership in the development of the Jail Accounting Microcomputer System, the Probation Management Information System and the Corrections Data Analysis Management System and other similar efforts demonstrating the use and value of modern technology for correctional operations.

In the same sense, research projects supported by the National Institute of Law Enforcement and Criminal Justice, now the National Institute of Justice (NIJ), have affected correctional practices for the

good. The development of parole decision guidelines, guidelines for bail, classification technology, and the National Study of America's Prisons and Jails mandated by the Congress are only a few of many examples. But, as important as some of the work in the area of technology transfer and research has been, the portion of the total dollars spent has been relatively low for the area of corrections. While the percentage of NIJ funds spent on corrections has varied by year, it has generally ranged between 4 and 5 percent. In 1971, 15.3 percent of research funds went to corrections, and in 1978, 30.1 percent went to corrections—the two highest years in the history of the NIJ.

Of all of the many contributions that the LEAA has made to corrections probably none has more lasting significance than the establishment of the NIC in 1971 from Part E monies. This single gesture did more than establish a new identity at the federal level, it elevated the corrections profession to a practice worthy of its own center for research, training, and program development. It laid the foundation for the continued development of a profession and for correctional leadership.

On December 6, 1971, at the first National Conference on Corrections, the United States Attorney General, John Mitchell, announced the establishment of a National Corrections Academy. He indicated that the Academy could be "the most effective single means of upgrading the profession." The Attorney General outlined three major functions: manpower development and training, development of correctional policy recommendations, and research and evaluation directed at improving correctional knowledge and practice. The Academy was to serve, "as a national center for correctional learning." The LEAA and the Bureau of Prisons were given the responsibility of making the Academy operational in the shortest possible time.

Conceptually, the Academy was not to have a narrow trade school orientation. It was viewed as a center of advanced learning for correctional managers and leaders working with the help and interest of a much wider range of professional and academic experts. The Academy was seen as a collegial center where a wide variety of interests and knowledge were brought together by professionals working in a collaborative relationship with the Institute's management. Goals seen as appropriate to the Academy's mission included (1) developing a larger sense of professionalism in corrections, (2) drawing other professional groups into closer relationship with correctional planning and practice, (3) keeping the community at large informed and involved

in the activities of corrections, and (4) establishing close working relationships with national and state correctional agencies.

The five main functions for the Academy, later to become the NIC, were training, technical assistance, policy and standards development, and financial assistance for programs that enhanced knowledge and program development.

During the consideration of the Juvenile Justice and Delinquency Prevention Act of 1974, the Senate Judiciary Committee amended the bill to incorporate provisions for the establishment of NIC. The amendment was substantially the proposal outlined by the Attorney General in his message to correctional leaders in 1971. The amendment was passed by the Senate, agreed to by the Conference Committee, and was enacted by the House and Senate in August of 1974. The NIC became a reality on September 7, 1974, when the Juvenile Justice and Delinquency Prevention Act of 1974 was signed into law by the President.

Thus, the ground work was laid for a permanent program at the national level that would give corrections the attention, leadership, and information it needed to become a strong professional service. Yet, the establishment of an institute, per se, was almost too late. It was born at a time when the LEAA was reaching its peak in appropriations, but ready to begin a downward spiral in support. Jails and prisons, although known to be in bad condition, had not begun to feel the critical pressures generated by offender populations in excess of 415,000. Whatever the critical mass necessary to gain the public's attention to a problem, it had not happened. Corrections and the control of convicted offenders were about to become a political football to be kicked around by virtually everyone, including law enforcement, as an explanation for the continuing street crime. Financial support for a new agency committed to improving conditions for criminals and those working with them did not come easily or in large amounts. Nevertheless the NIC did survive, and its appropriations did increase from $3 million in 1975 to $10 million in 1982 and 1983.

On the other hand, the fact that the NIC has not grown significantly in staff (e.g. 32 personnel) or budget has contributed to its survival. Supported financially in the early years and philosophically in subsequent years, the NIC was able to learn from the experiences of the LEAA.

Limited size and money required that the NIC be responsive to clientele and not political whims. Unable to purchase large corporate

technical assistance and advice, the NIC learned to provide many direct services itself rather than through vendors. Direct service by staff enhanced the knowledge of operations and the people administering the corrections programs, thereby continuing a close working relationship among them. Innovation in organizational structure and methods for service delivery generated a Jail Center and a National Academy of Corrections wherein the best individuals from the private and public sectors can be brought to provide training to over 5,000 correctional practitioners each year. Most importantly, since funds have always been limited, grantsmanship and the problems of block-grants that plagued the LEAA have not been a serious problem for the NIC, thereby protecting the agency from much of the political pressure experienced by the LEAA.

The NIC program today spends approximately $4 million to train correctional leaders, managers, and those who train others. An additional $4 million is spent for direct and indirect technical assistance to state and local correctional agencies. The balance of the budget is reserved for evaluation procedures and operations. By agreement, research was determined to be the primary responsibility of the NIJ with the NIC restricting its limited resources to action research efforts or cooperative venture with the NIJ. The LEAA experience clearly demonstrated the disadvantages of being too large, and hence politically vulnerable, and of administering block-grants to state and local jurisdictions.

The Difference for Corrections

Without the infusion of LEAA monies over the past 10 or more years, corrections would not have a professionally developed set of standards used by the courts in litigation and by correctional professionals working to improve practice. Accreditation, one of the very significant LEAA contributions, would not be a reality today! Caseloads and casework would undoubtedly be the continuing theme used to argue for improvements in service rather than workloads and the development of excellence in facilitative programs like education, on-the-job training, health, and recreation. Research knowledge would continue to be limited, with only a few of the nation's universities and colleges showing an occasional interest in these "nonprofitable" areas of inquiry. Data about the numbers of offenders confined in prisons and jails would be unknown or in the process of being collected. The magnitude of the national prison problem would be unknown, except

for a few states with marginal information systems. Jails would still be among the problems best left undiscovered and undiscussed instead of problems that cities and counties have learned to address. The American Correctional Association, the National Sheriff's Association, and other similar professional organizations would probably be less developed and less involved in national policy issues than they are today. There would certainly be fewer planners, and comprehensive planning and coordination would not have the prominence or attention they have today. There would be fewer trained personnel at all levels in corrections, particularly at the managerial and administrative levels, if the LEAA had not existed. Moreover, the NIC and its National Academy of Corrections undoubtedly would be continuing matters for discussion at the next National Conference on Corrections—a conference that would have to be funded through private sources since corrections would still not be a matter of compelling national interest.

The Needs and Goals for the Future

One of the primary difficulties with the recent legislation to save the LEAA was that it proposed doing more of the same when more was not what was needed. There is an assumption that money from a federal agency necessarily generates creative impulses in those seeking the funding. One of the lessons of the LEAA is that innovation without consolidation and stability results in short-lived projects of questionable value. There is no question that millions of dollars can generate change, but whether that change is positive and desirable is seldom asked before the funding. There is also little evidence from the LEAA experience that innovations were really innovations; they were more often than not an old and favorite idea dressed up to meet the "innovative requirement" for funding.

The problems and the knowledge about those problems are sufficiently great that any new version of the LEAA should be organized and empowered to assist in their resolution. For example, the overcrowding of prisons and jails has become endemic in this country. Help in assessing the problem and its causes may permit some jurisdictions to change normal practices and laws in favor of more reasonable and cost-effective approaches for handling the serious and dangerous criminal offender. Such assistance may not require vast federal expenditures since much can be provided by technical assistance designed to help local jurisdictions resolve the problems themselves. On the other hand, a federal program to relieve overcrowding through

construction requires billions of dollars, even if federal dollars were matched by state and local government. In effect, however, how such problems are defined greatly determines the solutions to be pursued. That knowledge is also a legacy of the LEAA experience.

Any organization that hopes to approach problem-solving in the manner described above must operate on the basis of some clearly established policies and guidelines that are both articulated and understood by all of the parties involved, including those administering the program. The lack of a consistent policy and continuity of purpose and function contributed largely to the demise of the LEAA and will do so again for any agency that does not have a clear and reasonable goal that can be achieved.

There is much to be said for the organizational model generated by the legislation creating the NIC. That is to say, the Advisory Board for the National Institute has as its major duty the policy recommendation under which the agency functions. This simple, yet effective, innovation in legislation relieved a federal agency from much of the bureaucratic and political static associated with providing immediate and responsible help, without undue delay, to a specific clientele. The specificity of the clientele is another plus for such an agency. If the world is your client and if resources are limited, then some clients are going to be ignored or treated poorly.

The basic assumptions of any continuing organization established to aid corrections should be considered very carefully by those drafting the legislation. The Omnibus Crime Control Act assumed the general population to be the primary determinate for the amount of rewards granted under the Act. Although politically wise, the population is not necessarily a reasonable base for funding jurisdictions with correctional problems. For example, the Southern States have, on the average, the lowest per-capita expenditures for prisons and jails and often the poorest conditions of confinement. On a population basis, funding would be less because fewer persons live within these parts of the country. One might consider whether funding should be based on the size of the problem, on the appropriateness of practices (based on some recognized standards), on the ratio of persons incarcerated in relation to the number of felonies committed, or, again, on population only? Should local jurisdictions be rewarded for good or poor practices? These and similar questions are at the heart of the policies that a successful agency must explore if it hopes to improve correctional practices or unsatisfactory conditions.

Effective significant change is less a question of money than it is a clearly understood agreement of what one plans to accomplish and how. If the basic assumption is that someone elses problem needs to be solved, then no matter what is done the probability of failure is great and the financial cost substantial. If, on the other hand, the basic assumption is that those who have problems can solve them with practical help, then the probability of success is enhanced and the commitment to large capital expenditures is decreased.

State and local jurisdictions still require substantial help from the national level. This help should be offered as a priority that reflects a clear national policy. Practical assistance in the form of technical aid should head the list. Training supervisors to be better correctional managers should be a close second, but it should be recognized that such training does not necessarily equate with leadership which is the quality and skill most needed.

Finally, and reluctantly, to make up for 100 years of neglect, a funding mechanism should be instituted and designed to help local and state jurisdictions upgrade some of the antiquated custodial facilities. The use of available federal dollars should be restricted, however, to insure that they are not used merely to expand non-felony bed capacity in existing institutions. Essentially, federal money should be reserved for planning and architectural assistance for advanced design—i.e., lowest levels of security consistent with the public safety. No funds should be available for land acquisition, since it is a minimal requirement that every jurisdiction can and should be required to meet if it plans to participate in the program. Less than this level of involvement tends to make it a federal project and not a local effort assisted by the federal government. Construction should be associated with immediate need; hence, those projects with court-ordered status would have the highest priority for immediate assistance. The sheer population of inmates should not be a primary criterion for funding, although it might be used to establish some ratio focuses on need, such as felony convictions in relation to total population. Funding should be in the form of subsidized, low-interest loans based on the annual rate of inflation. The federal government should make no more profit on the loan than is consistent with the value lost in purchasing power through inflation. Monitoring, grant/loan approval, and standards setting should be organizationally separated from the fiscal allocation and financial audit functions. The first three functions, standards, program monitoring, and loan approval should rest with

the correctional entity given the responsibility for the management of the program, and the second set of activities should be performed by a federal agency already having accounting and payment procedures in place, such as the Department of Commerce, for example. A program and an agency like that described above should be authorized to spend up to, but not more than, 7 percent of the appropriated funds for operations in any given fiscal year. Expenditures for operations in excess of 5 percent would have to be justified on the basis of increased direct services to clients. An annual budget of $25 million for technical assistance, $15 million for training, and $10 million for the development of information, policy, and research should be the annual budget for ongoing programs.

The facilities assistance and improvement program should be limited to one 10-year period, after which time it would terminate. The only funds for the first year should be those reserved for initial planning and startup. Appropriation levels should be $1 billion for the second year of the program. The appropriation for the third year should be $2 billion to fund local planning efforts, with succeeding years adding $3 billion per year for a total of $24 billion over the 10-year life of the program. Any applicant participating in the program would have to complete his or her project within three years of receiving a construction loan or forfeit any claim on the federal funds so that they could be released to others. While this level of funding would do little to expand capacity, it would help upgrade and improve a substantial number of correctional facilities considered to be unconstitutional because of physical conditions.

The Legacy

The legacy of the LEAA is greater than many would admit. It has taught much about the appropriate role for the federal government in state and local corrections programs. It has shown that realistic expectations can be met in a way that is less controversial than previously has been tried. There is a significant role for the federal government in helping state and local correctional jurisdictions to become better if that role is not confused with mandates, control, distance from those who have the problems and bureaucratic exercises contributing little, and, in the end signifying nothing.

During its short lifetime, the LEAA funded over 500,000 projects at the state and local levels. About 175,000 of these projects were, in one way or another, correctional projects. No agency can spend $2.2

billion for corrections in a 12-year period without leaving both an impact and a substantial void when it no longer exists. Yet, the important parts of the LEAA's legacy for corrections are not necessarily related to the dollars spent nor to the success of any given project or series of projects. The significant contributions of the LEAA to corrections have been and will continue to be in the areas of learning, political awareness, standards and a sensitivity to the importance of public opinion and the sharing of information. Corrections programs used to hide their activities, successes, and services from the public. The LEAA experience taught correctional personnel and others a great deal about what comprehensive planning was and was not. It also taught state and local agencies the dangers of becoming too big too fast by promising achievements that could not be attained.

The legacy that remains for corrections is considerably more positive than those left by other federal programs. The LEAA, although less than effective in many areas, had more successes than many critics are willing to admit and more failures than its supporters will agree to. Previous sections of this chapter have outlined a few of the gains made by corrections programs in the areas of advanced used of technology for information, administration, and decision making. The development of an accreditation and standards program has and will continue to change the face of corrections significantly throughout the nation. The development of and support for training are changing the nature of contemporary corrections practices, particularly the skills and expectations of those who must carry out correctional programs during the unparalleled times promised for the 1980's and 1990's.

The LEAA helped corrections agencies learn how to approach problems differently, use information more effectively, and program more realistically. The LEAA raised the expectations and the skills of those responsible for making achievements in the field of corrections. Their early and later works have substantially contributed to the increased professionalization of corrections, and, in the case of the NIC, have actually created a place and organization where further development can occur.

The LEAA's legacy is not to be found in the success of individual projects that continue to operate without federal funds, but in the ideas, opportunities, and mistakes the agency presented during its existence. The corrections profession may or may not have had its fair share of the total dollars expended, but no one can say that it did not have the chance to explore the rich number of ideas and opportunities

made available by the LEAA while it existed. As a result, correctional programs and procedures will never be the same. In sum, the LEAA changed correctional practices for the better.

Footnotes

1. Smith Robert L. and Allen F. Breed, "Of Compelling National Interest." *Corrections Today*, Summer Issue, 1982.

2. *Ibid.*

3. Blackmore, John "In the Last 15 years Community Programming has expanded at a rapid rate. Has the movement had a real Impact on incarceration rates? Will it die along with its rich uncle, LEAA?", *Corrections Magazine*, October, 1980, pp. 4-14.

4. Smith & Breed. *Op Cit.*

5. *The Challenge of Crime in a Free Society* (Washington, D.C.: A Report by the President's Commission on Law Enforcement and the Administration of Justice, Government Printing Office, 1967).

6. *Ibid.*

7. *Ibid.*

8. *A Proposed Statement of Policies for the Guidance of LEAA Efforts in the Field of Corrections* (Washington, D.C., Advisory Committee of the Corrections Policy Working Group unpublished paper), March, 1979.

9. *Ibid.*

10. *Ibid.*

11. *Ibid.*

12. *Ibid.*

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