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Department of Justice

STATEMENT

OF

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BEFORE

THE

SUBCOMMITTEE ON CRIME
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

CONCERNING

REAUTHORIZATION OF THE OFFICE OF JUSTICE PROGRAMS

ON

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Mr. Chairman and Members of the Subcommittee:

I welcome this opportunity to testify this morning on reauthorization of the Office of Justice Programs (OJP). As the Subcommittee is keenly aware, this area involves a number of important policy issues to which we are giving much thought. While we share the same objective-- to promote more effective criminal justice policies and practices throughout the entire country -- there have been some profound disagreements over the means to accomplish this end. As the Subcommittee is aware, the Administration has consistently sought termination of some programs administered by OJP. But as the Attorney General indicated in Congressional testimony earlier this year, the Administration seeks to reach a reasonable accommodation with the Congress so that we can continue to make progress in the areas of drug enforcement and prevention, as well as the myriad other vital area of criminal justice.

We, therefore, have been giving much thought to the best way for OJP to do its job effectively and efficiently. Along those lines, we are exploring several ideas and would like to share some of them with you today. I should state at the outset that these ideas are still tentative and that no firm decisions have been made. Especially, since our proposals for FY 1989 are currently under development in connection with the preparation of the 1989 Budget.

One such idea I would like to share with the Subcommittee today is that of the establishment of a unified OJP. We feel that this organizational change could increase the effectiveness and efficiency of OJP in these times of cut-back management. We feel that these goals might be accomplished by vesting the grant-making, personnel, and other authorities now scattered among several OJP components in the Assistant Attorney General. In essence, the organizational structure we proposed in Title VIII of the President's Comprehensive Crime Control Act of 1983 was the product of long and careful analysis of the activities carried out by the various components of OJP and reflected our best thinking at that time as to how to order these activities in the most rational, efficient and coordinated manner. While we recognize that the Congress rejected those proposals in enacting Public Law 98-473, we would suggest that they could be reconsidered so that the next Administration will not be confronted with the fragmented system with which we have had to work for over six years.

Need for Restructuring

The need for more effective law enforcement at all levels of government is critical and unassailable. But we also understand the severe limits on the Federal Government's ability to devote resources to this need.

A central component of a successful anti-crime strategy must be enhanced research (including statistics) and development (R&D). Grants to subsidize state and local enforcement and prevention activity should not substitute for innovative thinking about crime control. As documented so well in a recent report by the RAND Corporation, The Influence of Criminal Justice Research, by Joan Petersilia, "research has indeed helped shape the way criminal justice policymakers and practitioners think about issues, how they identify problems that need attention, which alternatives they consider for dealing with their problems, and their sense of what can be accomplished." The Petersilia study also notes the observation of eminent criminologist James Q. Wilson that "[t]he most important leadership role the [F]ederal [G]overnment can play in our decentralized system of criminal justice is to help develop and sustain the professional, rigorous, and nonpartisan analysis of ideas."

OJP was created for the purpose of putting the Department's major R&D agencies under a single administrative roof, while at the same time ensuring the independence of research work products and non-partisan handling of grant funds. Hence, the legislative compromises in 1984 and thereafter to confer grant-making and personnel authorities not only on OJP, but also on the Bureau of Justice Assistance (BJA), the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In short,

the four OJP bureau heads are to a extent independent. This system apparently was felt by the Congress to be necessary to protect the integrity of the programs administered by the bureaus. Despite the good intentions underlying the present structure, it frustrates an integrated and coordinated approach to national crime problems. More particularly, the ideal of coordination involving, for example, statistical research (by BJS) leading to further research (by NIJ or the National Institute for Juvenile Justice and Delinquency Prevention) which, in turn, yields hypotheses that may be tested in the field (through grants to state and local governments by BJA) is difficult to achieve. Coordination processes become cumbersome and accountability is difficult to enforce. Furthermore, there is an overlap in expertise from component to component because of the common issue area mandates.

With the expiration of several program authorities at the end of Fiscal Year 1988, this is an excellent opportunity to take another look at these organizational defects, while at the same time enhancing the Federal Government's capability to conduct criminal justice R&D programs.

The major features of a unified OJP structure could be as follows:

-- Revise the statutory authorities for BJA, BJS, NIJ, and OJJDP.

-- Transfer programmatic, grant-making, and personnel authorities now residing in BJA, BJS, NIJ, and OJJDP to the Assistant Attorney General for OJP. In addition, retain other statutory authorities, including those exercised through delegation, now residing in OJP. (This would include reauthorization of the Victims of Crime Act.)

We would suggest that fewer mandates for expenditures of funds for particular purposes be included. We will have several specific recommendations for changes in the expiring statutes at a later appropriate date.

-- Divide OJP -- administratively rather than by statute -- into a research component and a grant-making component. The precise organizational structure would be set by the Assistant Attorney General. We are confident that the scholarly integrity of research products can and would be maintained under a unified structure while the efficiency and quality of work product would be enhanced.

Benefits of Unification

Unification of OJP would help streamline management within the Department, conserve scarce financial and staff resources, and provide more continuity, focus, and coordination on criminal justice research (including statistics) and development issues of

national priority. More specifically, we believe unification could result in the following benefits:

-- The Assistant Attorney General would be more accountable to the Congress by exercising direct control over OJP. Currently, the Congress calls the Department to account for the actions of OJP components, but independent programmatic, grant-making, and personnel authorities are exercised by OJP components.

-- OJP could address pressing problems by concentrating in areas of national priority. Grants could be focused more to promote state and local innovation than merely to subsidize the on-going activities of entrenched entities which depend more upon political "clout" than quality and quantity of work product for their continued existence.

-- Unnecessary administrative layers within OJP would be eliminated as would duplication of expertise among OJP components.

-- Coordination among the criminal justice research and development (including grant-making) arms of OJP would be easier and less costly to achieve. Focused attention on national priorities would be realized more efficiently.

-- The scholarly integrity of research work products would be more easily ensured by the stricter accountability of the Assistant Attorney General for OJP activities.

In conclusion, I would like to stress that this is not a formal proposal at this time. Rather, it is a matter that is still under discussion within the Administration along with other possibilities. This proposal is indicative, however, of current thinking within the Department.

We would be pleased to work with your staff as to the details of OJP's reauthorization.

Thank you.