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# State Strategic Planning under the Drug Control and System Improvement Formula Grant Program

Terence Dunworth  
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U.S. Department of Justice  
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Prepared for the  
National Institute of Justice,  
Office of Justice Programs,  
U.S. Department of Justice

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## PREFACE

The research described in this report was supported by the National Institute of Justice, U.S. Department of Justice, under Grant No. 89-IJ-CX-0043. It presents the results from Phase I of an assessment of the Bureau of Justice Assistance Formula Grant Program that distributes federal aid to states for the purpose of addressing problems of drug related crime. The primary focus of the Phase I assessment is the federal-state relationship and the strategies that states must develop in order to receive federal aid. Phase II of the assessment, for which a separate report will be distributed later, will address the practices and procedures that states have used to manage their redistribution of federal funds to subgrantees.

The objectives of the Phase I assessment are as follows:

1. To describe the strategic planning processes that states have established;
2. To evaluate the content of the strategies that have resulted;
3. To report on state reactions and responses to the Program;
4. To make recommendations about ways in which the strategic planning function might be improved.

The report should be of interest to federal, state and local policymakers who seek insight into the contribution being made by federal grants-in-aid to the control of drug-related crime. In addition, federal and state practitioners who are involved with the day-to-day management of the program should find its observations and assessments useful. For the research community, the report extends the existing literature on program management and evaluation.

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## SUMMARY

### SCOPE AND OBJECTIVES OF THIS REPORT

In 1986 Congress established the Drug Control and System Improvement Formula Grant Program to provide federal aid for state and local drug control programs. Additional legislation expanded the program in 1988, and appropriations have increased steadily since then.

A primary component of the Formula Grant Program is the requirement that recipients — the 50 states, the District of Columbia, and five territories of the United States<sup>1</sup> — create a state strategy for combatting drug-related and violent crime. The strategy should be a comprehensive blueprint for dealing with the problem of drug control on a statewide basis. It should contain an empirical assessment of the nature and magnitude of the drug problem and its geographical distribution across the state. It should identify the approaches being taken to combat drug crime, and assess the resources that are available and those that are needed to implement those approaches. The strategy should specify plans for grant expenditures and explain how coordination between criminal justice, treatment and education efforts will take place.

Congress also required the Bureau of Justice Assistance, an agency established within the Department of Justice, to determine whether state strategies comply with Congressional mandates, and to award funds in the event of such compliance. The Bureau also issues regulations that govern strategy development, provides technical assistance to states, and performs general Program administration.

With support from the National Institute of Justice, RAND is conducting a two-part review of the Formula Grant Program. This document is the report for Part 1, and has the following objectives:

1. To describe the strategic planning processes that states have established;
2. To evaluate the content of the strategies that have resulted;

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<sup>1</sup>For simplicity, the term "state" is used in this text to refer to all recipients of Formula funds: the states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

3. To report on state reactions and responses to the Program;
4. To make recommendations about ways in which the strategic planning function might be improved.

This report focuses only on interactions between federal officials and state planners and on the development of the state strategies. It does not discuss state monitoring of local initiatives funded by the Program, local perceptions or initiatives, or the impact of the Program activities. In addition, it does not contain an analysis of state expenditures of Formula funds.

Although the scope of this report is substantively narrow, it is geographically comprehensive, incorporating the experience of all 56 recipients of formula grant funds. All recipients were contacted by telephone and surveyed by mail as a part of the Assessment. Site visits were also made to a number of states.

#### **PRINCIPAL FINDINGS**

**States have embraced strategic planning for drug control.** The strategies that states have produced under the Program meet federal requirements. This confirms the judgement of the Bureau of Justice Assistance, which has approved all state strategies since the Program began. Although there is considerable inter-state variation in the quality and scope of the state strategies, all states:

- produce a drug crime control plan of some kind;
- conduct needs assessments that, at the least, make an attempt to quantify the drug problem;
- designate strategic priorities that, to some degree, provide a strategic focus for spending Formula Grant Program funds;
- supply at least some of the information that BJA requires as a condition for strategy approval.

Furthermore, a large majority of states have come to view strategic planning as crucial to their drug control efforts. In general, states support the Program's strategic planning requirement. They emphasize that it forces them to consider goals, benchmarks, priorities, and the needs of various constituencies which might otherwise be ignored.

Moreover, there appears to be a growing trend towards state strategic planning for drug control that is independent of Formula Grant activities. This confirms further the importance which states attach to the planning function.

**State strategies are not comprehensive in the sense implied by the legislation.** The mandate that state strategies be "comprehensive" is clearly stated in the legislation and in BJA guidance concerning strategy development. There is to be discussion of all components of the criminal justice system; analysis of the needs and interdependencies of drug treatment, prevention, education, and criminal justice; and integration of the needs of various jurisdictions and geographic regions.

Few strategies meet these objectives fully. Most states focus on activities and expenditures of the Formula Grant Program, although Formula funds and projects generally comprise a small part of states' drug control efforts. Many strategies do not consider the totality of the criminal justice system. They typically ignore or minimize education and treatment. Few display a consistent, strategic approach capable of evolving over time and adapting to changing conditions. And even fewer relate the strategy to the actual distribution of scarce resources.

Several factors account for this. Most importantly, responsibility for producing the state strategy normally rests with criminal justice planners who have no gubernatorial or legislative mandate to integrate the activities of criminal justice, treatment, and prevention agencies within the state. Moreover, nearly all planners lack even basic information about local drug control activities in their state. Thus the preparers lack the authority and the knowledge to draw up plans broader than their own areas of expertise and influence.

There is also substantial uncertainty among the states regarding the extent to which the limits placed by Congress on Formula funds — for example, the limitation of expenses to particular purpose areas — are meant to apply to the strategy as a whole. Finally, some planners believe that incorporating non-criminal justice activities into the strategy is inappropriate. Given these conditions, it is not surprising that strategies fail to realize the goal of comprehensiveness that the Act establishes.

**Several of the federal mandates that govern strategy development are sometimes fulfilled incompletely.** Congress requires states to consult with criminal justice practitioners, treatment and education personnel, local elected officials, state legislatures, and the public during strategy development. Technically, most states meet the consultation requirements in full. Despite near-universal compliance with the letter of the legislation, however, consultations have met congressional goals in only a limited way. Typically —

although there are exceptions — criminal justice practitioners appear to have relatively meaningful input into strategic decisions. However, elected local officials rarely make a systematic contribution, the input of treatment and prevention officials is relatively marginal, and the impact of public and legislative review is usually small.

Some states meet certain other requirements — including those to discuss the coordination of drug control efforts, to designate regional areas of greatest need, and to coordinate efforts with the National Drug Control Strategy — with *pro forma* declarations. Still other requirements, especially regarding data collection, are met incompletely despite strenuous state efforts, due to limited resources and organizational obstacles.

**Opposing trends in state organization of drug control planning have emerged.** On the one hand, many states are conducting drug control planning at increasingly high levels of state government, and incorporating not only criminal justice but drug treatment and prevention. It is likely that states adopting this model will produce increasingly comprehensive plans in the future. At the same time, thirteen states have used the Formula Grant to decentralize drug control planning, by distributing Formula funds to localities upon the submission of *local* drug control strategies. This impedes the creation of comprehensive plans at the state level. Since the number of states interested in both centralization and decentralization appears to be growing, further polarization of state approaches is likely in the future.

The most significant manifestation of the trend towards centralization has been the creation, in twenty-three states, of state-level drug coordinators, often colloquially referred to as state “drug czars,” to conduct drug control planning. Such coordinators typically seek to integrate criminal justice, treatment, and prevention planning, and are often directly responsible to governors or other high-level policy generalists. Other agencies — drug “policy boards,” drug cabinets, etc. — have also been created in order to centralize planning.

Conversely, states adopting local strategy requirements have concluded that local jurisdictions should have the flexibility to adopt their own approaches to drug control. While these local plans may be comprehensive at a local level, the adoption of such a planning mechanism makes proactive, comprehensive state-level planning increasingly unlikely.

**Despite the variation in interstate planning procedures, states' planning decisions have several important commonalities.** States' funding intentions, taken from the tentative budgets which are part of the strategy submissions, show some striking similarities. In particular, a large number of states have embraced the multijurisdictional task force as the crucial component of state spending.

This confirms the widespread perception that the bulk of Formula funds have been used for law enforcement. However, the analysis also showed relatively strong state commitments to the correctional system and career criminal investigations. Areas which received the least attention — family violence and public housing — were generally programs for which Federal funds other than Formula Grant monies are available.

It would obviously be informative to compare states' budget plans with their actual spending decisions. While data on spending is collected by the Bureau of Justice Assistance, however, it was unavailable for analysis as a part of this study.

**States approve of the role played by the Bureau of Justice Assistance.** "BJA staff are always helpful and knowledgeable" is a typical comment. One respondent noted that BJA does "a fine job. [It provides] a good mix of direction and instruction, and not too much bureaucratic gobbledegook." States gave high overall marks both to the Bureau's technical assistance services and to its *Program Guidance*, which is released annually to guide preparation of the state strategy.

Their general approval notwithstanding, states made several suggestions when asked to discuss changes that the Bureau could make to Program administration. These included the following: increasing the number of opportunities for face-to-face technical assistance; increasing the technical assistance geared specifically to smaller states; and providing faster turn-around time on state requests for guidance regarding strategy development. Several states also suggested that the *Program Guidance* be revised to include more detailed instructions, especially regarding fiscal requirements, and to incorporate examples.

**State and federal perceptions of the program's fiscal constraints differ.** Several Congressional limitations on state use of Formula funds — especially provisions requiring local matching contributions and limiting the duration of funded projects — meet with severe objections at the state level. This appears to reflect the differing views of federal and state governments regarding the purpose of the Formula Grant Program. At the federal level, the Program is seen as a way to provide states with "seed money" with which they can create new, innovative, and ultimately self-sustaining programs, and as a stimulant for the infusion of non-federal funds. However, most states view Formula funds as a way to provide drug control services which would otherwise not be provided.



## PRINCIPAL RECOMMENDATIONS

**Maintain the Program's strategy requirement.** In the absence of any impact assessments of Program activities, the high levels of state approbation regarding Program administration suggest that wholesale reforms are not needed at this time. In particular, the state strategy requirement gets high marks from the states. The requirement has clearly led to a dramatic increase in the quantity, range, and sophistication of state drug control planning efforts; and states claim that this planning process has made a positive impact on their drug control activities.

**Clarify the goals of the strategy requirement.** It is crucial that Congress and the Bureau of Justice Assistance clarify the purpose of the state strategies. Are strategies to be plans for expending federal criminal justice funds on criminal justice functions, with little or no regard for other drug control activities in the health and education arenas? Or are they to be comprehensive drug control plans, in which use of federal crime control aid is but one element?

We make no recommendation regarding the resolution of this issue; both approaches have merit. We do, however, urge that the issue be resolved. Currently, strategies fall between the cracks of this approach; they fall short of comprehensiveness but expend significant energies and resources in the attempt to achieve it. Either states should be relieved of the burden of comprehensiveness, or what comprehensive entails, and why it is necessary should be more clearly explained.

If comprehensiveness is retained as an objective, strategy requirements should be modified by Congress or the Bureau of Justice Assistance to push states in this direction. Options for such changes include increasing coordination obligations for recipients of federal funds for treatment and prevention as well as for criminal justice; requiring states to submit comprehensive budgetary data; encouraging planning at higher levels of state government; and reducing the frequency of strategy submission.

**Some of the regulations which govern strategic planning should be modified.** Federal requirements for consultation with localities should be strengthened. Specific language should be adopted which requires states to supplement their current consultations with operational officials like police chiefs and prosecutors with the input of mayors, local legislators, and other generalists. States should also be required to consult with all local jurisdictions of a certain size relatively early in the strategy development process.

Although some form of data collection should remain part of the strategy mandate, current data collection requirements fail to meet the needs of either the states or the federal government. The Bureau of Justice Assistance should review the costs and benefits of requiring states to use standardized data forms when submitting data. It should also assess whether to reduce the number of required data elements.

We make no recommendation regarding the maintenance of federal fiscal requirements, such as rules which require matching funds and limit the duration of funded initiatives. In the event that these requirements are retained, however, we urge that Congress and the Bureau of Justice Assistance articulate more clearly that the Formula Grant Program is meant to provide "seed money," rather than to supplement state revenue. They should also explain the specific role of fiscal limitations in advancing this purpose. This is particularly desirable given the potential for Program funds to dry up sooner or later, as has occurred in the past with other similar programs.

**The Bureau of Justice Assistance should Improve Its Information management and reporting capabilities.** The Bureau currently lacks the ability to manage, maintain, and report crucial program information. Some of the Program's most important goals — coordination, planning, and learning "what works" — depend on effective information gathering, analysis, and reporting. The Bureau's current information management practices handicap both state planners and the agency itself.

The Bureau should take steps to improve the maintenance, accuracy, documentation, and usability of its current databases on state awards to local projects and on the progress of those projects. If the Bureau chooses to maintain its current database of state drug indicator data, this database will also require substantial revisions. Finally, the Bureau should improve its reporting on Project activities to the Congress, to other federal agencies, and to the states.

## ACKNOWLEDGMENTS

For their guidance early in the life of this project and their continued commentary and help during it, our thanks go to the members of the project advisory board: Tim Bynum, Michigan; John Coffel, Texas; Nolan Jones, National Association of Governors; Don Rebovich, New Jersey; Jan Smaby, Minnesota; and Michael Vollmer, Georgia.

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The project would not have been possible without the willingness of planning staff from all Formula Grant recipient states to complete the lengthy and demanding questionnaire on which much of the project's findings are based. Our thanks go to all the people we cannot name who answered the questions we posed.

A draft report was reviewed by Peter Jacobson at RAND, Dave Hayeslip and Ed Zedlewski at the National Institute of Justice, and Bob Kirchner and Andy Mitchell at the Bureau of Justice Assistance. Advisory Board members also had input. The comments given to us were insightful and helpful, and led to clear improvements. As always, responsibility for any remaining problems is ours.

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## I. INTRODUCTION

### SCOPE AND OBJECTIVES OF THIS REPORT

In 1986, after a decade of increasing drug abuse, Congress passed the first Anti-Drug Abuse Act.<sup>1</sup> This Act authorized the Drug Control and System Improvement Formula Grant Program, a system of formula grants with which states were to fund state and local initiatives to fight the war on drugs. A second act, passed in 1988, expanded and amended the first.<sup>2</sup> Appropriations to fund program activities have been made annually since 1987.

A primary component of the Formula Grant Program is the requirement that recipients — the 50 states, the District of Columbia, and five territories of the United States<sup>3</sup> — create a state strategy for combatting crime deriving from drug trafficking and abuse.

The strategy should be a comprehensive blueprint for dealing with the problem of drug control on a statewide basis. It should contain an empirical assessment of the nature and magnitude of the drug problem and its geographical distribution across the state. It should identify the approaches being taken to combat drug crime, and assess the resources that are available and those that are needed for to implement those approaches. The strategy should specify plans for grant expenditures and explain how coordination between criminal justice, treatment and education efforts will take place.

Whether strategies comply with these provisions of the legislation is to be determined by the Bureau of Justice Assistance, the federal agency given responsibility for managing the program. Failure to comply constitutes grounds for diversion of formula grant funds away from the state government to local jurisdictions.

After the Bureau of Justice Assistance has approved the state strategy, states are authorized to make sub-grants to state and local agencies in accordance with program regulations. Agreements regarding subgrant scope and state monitoring of subgrantee activities are made between the state and the subgrantees. Then, individual subgrantees each begin their own activities and their expenditure of Program funds.

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<sup>1</sup>Pub. L. 99-570.

<sup>2</sup>Pub. L. 100-690.

<sup>3</sup>To avoid repetition of the cumbersome phrase "50 states, the District of Columbia, and five territories" throughout this report, we use the term "state" to identify all 56 recipients of formula grant funds — the fifty states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands — unless the context clearly indicates otherwise. Thus, the phrase "state strategies" refers to the 56 strategies that are produced each year.

The Formula Grant Program can therefore be viewed as having three phases. In the first phase, a federal/state interaction leads to the award of money to the states; in the second, interactions between the state and individual agencies leads to the selection and monitoring of subgrants; and in the third, individual subgrantees initiate drug control activities with Program funds.<sup>4</sup> These phases are shown in Table 1.1.

With support from the National Institute of Justice and the Bureau of Justice Assistance, RAND is reviewing elements of Phases I and II of the Program. The Phase I Assessment, for which this document is the final report, focuses on the federal-state relationship and the strategies that states must develop in order to receive federal aid. Phase II of the assessment, for which a separate report will be distributed later, will address the practices and procedures that states have used to manage their redistribution of federal funds to subgrantees.

Although the scope of the Phase I report is substantively narrow, it is geographically comprehensive, incorporating the experience of all 56 recipients of formula grant funds. It has four main objectives:

1. To describe the strategic planning processes that states have established;
2. To evaluate the contents of the strategies that have resulted;

Table 1.1

PHASES OF FORMULA GRANT PROGRAM ACTIVITY

	PHASE I		PHASE II		PHASE III
Bureau of Justice Assistance	----->	Designated State Agency	----->	State and Local Subgrantees	-----> Drug Control Activities

<sup>4</sup>Office of National Drug Control Policy, *Federal Grants to States* (Washington, D.C.: 1990), includes an initial phase, which it calls "federal/federal," in which funds are made available to BJA for distribution to the states through the federal budget mechanism. See pp. 10, 12-14.

3. To report on state reactions and responses to the Program;
4. To make recommendations about ways in which the strategic planning function might be improved.

The organization of the report follows these objectives. Chapter II is a discussion of the specific regulations which the federal government imposes on Program activities. Chapters III and IV describe the state strategy development process and the strategies themselves. Chapter V presents state assessments of the Program. Our conclusions then follow in Chapter VI.

In the remainder of this chapter, we examine the context within which the Formula Grant Program came into existence in the mid-1980s, its historical antecedents, and the methodology adopted for this study.

#### **THE GENESIS OF THE FORMULA GRANT PROGRAM**

The rapid growth of illicit drug use during the first half of the 1980s, capped by the onset of what many consider to be a crack cocaine epidemic in the middle of the decade, created issues of enforcement and control that challenged the existing organizational structure of American law enforcement in at least three important ways.

First, the increase in drug use, trafficking and related crime simply added to existing problems. Non-drug crime, such as robbery, burglary, and theft, did not diminish as drug offenses increased. Instead, non-drug crime in most areas of the country tended to increase at the same time that the illicit drug trade mushroomed. The inevitable result was that local law enforcement resources, already fully committed in most jurisdictions, became even more strained.

Second, although local law enforcement agencies bore the primary responsibility for bringing the criminal aspects of illicit drug use under control during the early 1980s, the criminal elements responsible for the supply of drugs to any given geographic area proved to be unusually difficult for local law enforcement agencies to control. This was because much of the supply of illicit drugs was managed by interstate and international organizations. Consequently, city police departments found themselves dealing with distribution networks whose primary assets were either invisible or located beyond local jurisdictional boundaries. In addition, even the local element of drug distribution organizations seemed to be resistant to law enforcement activities. In most jurisdictions, for instance, street dealers who can be identified and arrested tend to be quickly replaced from a seemingly inexhaustible pool of alternates.



Third, the drug problem has a demand side as well as a supply side. The sale, purchase and consumption of illicit drugs are consensual and have no victim, at least in the normal sense of the term. As a result, supply side law enforcement, even when effectively performed, has had limited impact on the demand elements that make trafficking a potentially profitable enterprise in the first place. Demand may be temporarily suppressed through the deterrent effects of enforcement that targets users, but longer term changes seem likely to depend on other approaches, such as treatment and education. This inevitably brings non-law enforcement agencies into the drug control picture, and allows the ordinary administrative cleavages between the different agencies that deal with the problem to impede progress.

Together, these factors suggested that the approach to combatting crime that had become the norm during the early 1980s — almost total dependence on local efforts with little or no federal involvement — would prove to be inadequate to the task of controlling the sale and use of illicit drugs. Funding at both state and local levels was already committed to pre-existing functions; local agencies lacked the jurisdictional range to deal effectively with the problem; and no mechanism existed for coordinating and integrating the diverse activities of the enforcement, health, and education agencies that would almost certainly have to be involved.

These circumstances, combined with a growing public demand for a national response to the problem, led a majority of the nation's policy makers to the view that a high level of federal involvement would be needed for effective prosecution of the war on drugs. This involvement, it was believed, would have to do more than simply emphasize or enhance the normal federal law enforcement role, played by agencies such as the Federal Bureau of Investigation and the Drug Enforcement Agency. What was needed was a program of activities designed to stimulate state, county and local level cooperation and coordination that the rapidly deteriorating situation on the streets of the country demanded.

Congress responded by passing the Anti-Drug Abuse Act of 1986. Among other things, this act authorized a formula based program of federal aid to state and local governments in three main areas — criminal justice, treatment, and education. In 1988, Congress passed the second Anti-Drug Abuse Act, which amended and expanded the formula grant program and also created the Office of National Drug Control Policy.

Annual funding levels for the criminal justice, health (ADMS), and education (Drug-Free Schools) programs are shown in Table 1.2.

The criminal justice area of the legislation has two components — a formula grant program and a discretionary fund. Administration and management of both of these were given to the Bureau of Justice Assistance (BJA hereafter). The formula grants are distributed by BJA to the states for subsequent award to operational agencies at state, county, and local levels. The discretionary fund consists of categorical grants awarded directly to agencies that submit winning applications in response to requests for proposals put out by BJA.

## **THE ANTECEDENTS OF THE FORMULA GRANT PROGRAM**

### **The Safe Streets Act and the Law Enforcement Assistance Administration**

The Formula Grant Program was not the first program of federal assistance to state and local criminal justice. An earlier program, authorized by the the Safe Streets Act of 1968, was put in place during the Johnson Administration. The program is usually referred to by the name of the agency — the Law Enforcement Assistance Administration, or LEAA — that was created in the Department of Justice to administer the program's activities.

In the early 1970s, as crime became an increasingly potent issue in American politics, LEAA and its programs became a flagship of the federal anti-crime effort,<sup>5</sup> and its budget increased dramatically. By the Program's fourth year, LEAA's outlays were over \$1 billion (in 1988 dollars); and by 1976, they were close to \$2 billion (1988 dollars).<sup>6</sup>

Even as appropriations grew, however, Congress began to require that states set aside increasingly large portions of their block grant money for specific purposes.<sup>7</sup> These "set-asides" resulted from complaints by jurisdictions, such as cities, and sectors of the criminal justice system, such as the courts, that they were being shortchanged by SPA funding decisions;<sup>8</sup> but the set-asides in turn reduced SPA discretion and were derided as a "creeping categorization" of the block grant program.<sup>9</sup>

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<sup>5</sup>Twentieth Century Fund Task Force on the Law Enforcement Assistance Administration, *Law Enforcement: the Federal Role* (New York: McGraw-Hill Book Company, 1976), pp. 5-6. The task force report is on pp. 3-24; the rest of the volume consists of a background paper by Victor S. Navasky and Darrell Paster. All future references to Navasky and Paster refer to this paper.

<sup>6</sup>*Budget of the United States: Fiscal Year 1974*, p. 249; *Budget of the United States: Fiscal Year 1978*, p. 309.

<sup>7</sup>See for example Pub. L. 91-644 (Omnibus Crime Control and Safe Streets Act of 1971).

<sup>8</sup>Navasky and Paster, p. 32.

<sup>9</sup>Advisory Commission on Intergovernmental Relations (ACIR), *Block Grants: A Comparative Analysis* (Washington, D.C.: October 1977), pp. 18-28.

Table 1.2

STATE AND LOCAL ASSISTANCE GRANTS UNDER THE ANTI-DRUG ABUSE ACTS

Federal Fiscal Year	BJA		ADMS <sup>a</sup>	Drug-Free Schools
	Formula	Discretionary	Formula	Formula
1987	\$178	\$46	\$209	\$161
1988	56	14	200	191
1989	119	31	280	287
1990	393	50	477	461
1991 <sup>b</sup>	423	50	512	498
1992 <sup>c</sup>	405	50	512	498

<sup>a</sup>These figures are for the drug portion of Alcohol, Drug Abuse, and Mental Health Services only (excluding both alcohol and mental health). Source for figures through 1990: Office of National Drug Control Policy, *Federal Grants to States*, p. 5.

<sup>b</sup>Estimates. Source: Bureau of Justice Assistance; Office of National Drug Control Policy, *Federal Grants to States*, p. 5, and Office of National Drug Control Policy, *National Drug Control Strategy 1991: Budget Summary*.

<sup>c</sup>1992 Budget Request. Source: *1992 Budget Request of the President*; Office of National Drug Control Policy, *National Drug Control Strategy 1991: Budget Summary*.

Broader criticisms were also heard: that the Program's mandate was unclear to the state agencies charged with implementation; that LEAA's leadership was ineffective; that new initiatives were embraced without sufficient forethought and then discarded prematurely; and that no mechanisms existed for evaluating the success or failure of programs.<sup>10</sup> Several scholars have also suggested that LEAA proponents had an unrealistic expectation that a well-funded effort to improve the criminal justice system could "defeat" the problem of crime.<sup>11</sup>

<sup>10</sup>ACIR, *Safe Streets Reconsidered: The Block-Grant Experience 1968-1975* (Washington, D.C.: January 1977), pp. 193-203; Twentieth Century Fund, pp. 13, 17, 22; Richard S. Allinson, "LEAA's Impact on Criminal Justice: A Review of the Literature," *Criminal Justice Abstracts*, December 1979, pp. 619-620, 637, 643.

<sup>11</sup>Robert F. Diegelman, "Federal Financial Assistance For Crime Control: Lessons

Despite such criticisms, several successes have been attributed to LEAA. These include the sponsorship of research, the growth of innovative programs, and progress towards increasing the efficiency, effectiveness, and professionalism of local criminal justice systems.<sup>12</sup>

Nevertheless, in 1977, LEAA's appropriations began what would become a steady decline. By the early 1980's, the Program had been all but discontinued.<sup>13</sup>

#### **LEAA and the Formula Grant Program**

The demise of LEAA notwithstanding, the Anti-Drug Abuse Acts of 1986 and 1988 adopt two key features of the LEAA program. First, like LEAA funds, Formula Grant Program allocations flow to states under a modified "block grant" mechanism; second, each state is required to produce a strategy before federal funds are awarded.

The block grant approach to funding lies between the extremes of highly specific categorical grants on the one hand and general, no-strings-attached revenue sharing on the other.<sup>14</sup> It is designed to provide states with relative fiscal certainty by distributing aid based on a statutory formula; to allow states substantial flexibility in determining expenditures within the federally-determined functional area; and to retain some federal oversight of state activities while limiting federal administrative, reporting, planning, and

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of the LEAA Experience," *Journal of Criminal Law and Criminology* 73:3, 1982, pp. 1000-1004. See also Eleanor Chelimsky, "A Primary-Source Examination of the Law Enforcement Assistance Administration (LEAA), and Some Reflections on Crime Control Policy," *Journal of Police Science and Administration* 3:2, 1975, p. 210; and Malcolm Feely and Austin Sarat, *The Policy Dilemma: Federal Crime Policy and the Law Enforcement Assistance Administration, 1968-1978* (Minneapolis: University of Minnesota Press, 1980), pp. 133-148.

<sup>12</sup>Diegelmann, pp. 1004-1007; Allinson, pp. 645-648.

<sup>13</sup>A line item for LEAA last appears in *Budget of the United States: Fiscal Year 1980*, p. 447. Beginning in 1981, the criminal justice assistance was the function of a variety of agencies within the Department of Justice. For levels of criminal justice assistance throughout the 1980's, see *Historical Tables: Budget of the United States Government Fiscal Year 1990, op. cit.*, pp. 75-77.

<sup>14</sup>A more thorough discussion of the federal grant process, and the pros and cons of different approaches, can be found in ACIR, *Improving Federal Grants Management: The Intergovernmental Grant System* (Washington, D.C.: February, 1977) and ACIR, *Block Grants: A Comparative Analysis*. See also Wallace E. Oates, ed., *Financing the New Federalism: Revenue Sharing, Conditional Grants, and Taxation* (Baltimore, MD: Johns Hopkins University Press, 1975); and Richard P. Nathan et al., *Where Have All the Dollars Gone? Implications of General Revenue Sharing for the Law Enforcement Assistance Administration*, prepared for the National Institute of Law Enforcement and Criminal Justice (Washington, D.C.: U.S. Department of Justice, December 1967).

other requirements to the minimum amount necessary to ensure that national goals are being accomplished.<sup>15</sup>

The strategy requirement of the Anti-Drug Abuse Acts also emulates the provisions of the LEAA program. Under LEAA, states were required to file an annual "comprehensive statewide plan for the improvement of law enforcement throughout the State."<sup>16</sup> Receipt of the state plan by LEAA was a prerequisite for the award of any further assistance.<sup>17</sup>

Though the strategy currently required by the Formula Grant Program is restricted to drug and violent crime control, while the LEAA plans were to cover all aspects of criminal justice, they have similar objectives. First, a strategy requirement creates a strong incentive for states to *plan* their criminal justice expenditures. Second, it provides a mechanism for federal input into state criminal justice activities, in the form of federal review of the annual strategy submission.

#### METHODOLOGY

The Formula Grant Program is too recent to have yielded an extensive scholarly literature, though several new publications treat specific issues which have arisen.<sup>18</sup> However, this report shares several methodological, as well as substantive, issues with

<sup>15</sup>ACIR, *Block Grants: A Comparative Analysis*, p. 6.

<sup>16</sup>Pub. L. 90-351, Title I, Part B, Sec. 203.

<sup>17</sup>Pub. L. 90-351, Title I, Part B, Sec. 301b.

<sup>18</sup>The primary such publication is the Office of National Drug Control Policy's 1990 *Federal Grants to States* (Washington, D.C.: December 1990). This report, which defends the block grant mechanism, uses statistics gathered from federal agencies to describe the expenditure of criminal justice, treatment, and education block grant funds. In addition, the National Conference of Mayors has released two reports, based respectively on surveys of forty-two and thirty cities, which document some urban areas' dissatisfaction with their participation in the Formula Grant Program. National Conference of Mayors, *The Anti-Drug Abuse Act of 1986: Its Impact in Cities One Year After Enactment* (Washington, D.C.: October 1987); and National Conference of Mayors, *Controlling Drug Abuse in America's Cities: A 30-City Survey on the Implementation of Anti-Drug Abuse Act Block Grant Programs and on Local Drug Control Efforts* (Washington, D.C.: September 1990). The results of the Mayors' surveys have also been used in the secondary literature in discussions of the Formula Grant; see for example John Haaga and Peter Reuter, "The Limits of the Czar's Ukase: Drug Policy at the Local Level," *Yale Law and Policy Review* 8:1, 1990, pp. 36-74. Local participation in strategy development, problems of rural states, and the character of multijurisdictional efforts have also been the topic of various government reports. See respectively Select Committee on Narcotics Abuse and Control, *The Drug Enforcement Crisis at the Local Level* (hearing), (Washington, D.C.: May 1989); General Accounting Office, *Rural Drug Abuse: Prevalence, Relation to Crime, and Programs*, (Washington, D.C.: September 1990, pp. 36-48; and James Coldren *et al.*, *Multijurisdictional Drug Control Task Forces 1989*, (Washington, D.C.: Bureau of Justice Assistance, May 1990).

earlier studies of LEAA, stemming from the national scope of the research and its focus on widely diverse bureaucratic practices.<sup>19</sup> The methodology which was adopted is a hybrid of the techniques used by previous studies.

The Phase I report methodology has three components:

- Review of all strategy submissions
- On-site observation of the planning process in five states.
- A mail survey of all states and territories which participate in the program.

**Review of Strategy Submissions.** The review of state strategies had three purposes. First, it characterized the strategies themselves. Second, it served as the initial source of information on state organization, state funding mechanisms, and specific state and local concerns. Finally, the strategies were used to focus on those states and issues to be considered in greater depth later in the assessment. All FY89<sup>20</sup> and all but one FY90 strategy were reviewed in the course of this process.

**On-Site Observation on the Planning Process.** Conducting on-site examination of planning activities in several states corresponds to a similar emphasis in the major assessments of LEAA. The amorphous nature of much of state planning activity demands such a technique. In addition, specific, qualitative, and open-ended information gathering allowed the early identification of issues and areas of inquiry that should be included in the survey of all formula grant recipients.

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<sup>19</sup>The literature on LEAA's accomplishments and problems is dominated by three broad categories of studies: full-blown evaluations of LEAA activities; analyses of expenditures of LEAA funds; and qualitative assessments of the LEAA "experience." Evaluations of LEAA include Advisory Committee on Intergovernmental Relations (ACIR), *Making the Safe Streets Act Work: An Intergovernmental Challenge* (Washington, D.C.: September 1970); Twentieth Century Fund Task Force on the Law Enforcement Assistance Administration, *op. cit.*; ACIR, *Safe Streets Reconsidered: The Block Grant Experience 1968-1975*, two volumes, *op. cit.*; and Malcolm Feely and Austin Sarat, *op. cit.*

Studies which emphasize the flow of LEAA funds include United States General Accounting Office, *Overview of Activities Funded by the Law Enforcement Assistance Administration* (Washington, D.C.: November 1977) and Edward J. Clynch, "The Spending of Law Enforcement Assistance Administration Block Grants by the States," *The Justice System Journal* 2, pp. 157-168. For a narrower analysis, see Peter Haynes, "Measuring Financial Support for State Courts: Lessons from the LEAA Experience," *The Justice System Journal* 11:2, Fall 1986, pp. 148-149.

For various assessments of the "lessons" of LEAA, see Allinson, *op. cit.*; Chelimsky, *op. cit.*; and Diegelman, *op. cit.*

<sup>20</sup>This and all subsequent references to fiscal years refer to the federal fiscal calendar.

To facilitate this process, a Project Advisory Board was convened in December 1989. Advisory Board members included representatives of Georgia, New Jersey, Michigan, Minnesota, and Texas. The National Institute of Justice, Bureau of Justice Assistance, and the National Governors' Association were also represented. The Advisory Board conducted in-depth discussions of member states' experiences, activities, and concerns; general program activities and concerns were also on the agenda. The Advisory Board meeting served as the basis for setting the agenda for on-site investigations of five states.

The relatively low number of site visits, and the need to visit states that varied along several parameters, made a random selection of states infeasible. Instead, sites were selected in consultation with the Advisory Board, the National Institute of Justice, and the Bureau of Justice Assistance. Site visits were made to California, Georgia, New Jersey, Montana, and Texas.

In each site, state level personnel involved in planning for the control of drug crime were interviewed. Where appropriate, meetings were also held with treatment and prevention officials, officials involved in other drug planning and coordination activities, and state policymakers. The range of these interviews, described in Table 1.3, was allowed to vary according to each state's individual circumstances.

Site visits were supplemented by less intensive contact with planners in other states, at conferences and other meetings. RAND staff attended two of the three regional BJA "cluster conferences" early in 1990, as well as other gatherings of state planning officials. Presentations describing the Assessment and its current status, which were made at each of these conferences, were used to solicit additional information and opinions from states about the design and content of the survey.

Table 1.3

INTERVIEWS CONDUCTED DURING SITE VISITS

	CA	GA	MT	NJ	TX
Formula Grant Program Agency Director		x	x	x	x
Formula Grant Program Agency Staff	x	x	x	x	x
Other State Drug Planning Officials	x	x			
Treatment and Prevention Officials	x	x	x		x
State Policymakers			x	x	

Meetings were also held with the Bureau of Justice Assistance throughout the Assessment. In-person meetings with BJA personnel were held in December 1989, June 1990, and December 1990. These were supplemented by regular contact and exchange of information by telephone, facsimile, and mail.

**Survey of States and Territories.** All state participants in the Formula Grant Program were surveyed by mail.

Use of a survey methodology raises several difficulties. Feely and Sarat, whose study of LEAA rejected surveys in favor of total reliance on interviewing techniques, note two basic problems. First, they feel that the utility of systematic sampling of states is compromised by state planning agencies' "high turnover, frequent reorganization, shifting emphases, and non-comparability of functions among those holding similar official titles."<sup>21</sup> Second, surveys are, in their view, unlikely to successfully categorize states into distinct models of planning, due to the extent of interstate differences, their fluid nature, and the constant evolution of attitudes and activities even within state agencies.<sup>22</sup>

The first of these concerns — turnover and reorganization — does not appear to be relevant to the Formula Grant Program, at least up to the present. State agencies and their personnel have been relatively stable. In addition, the sampling problem cited by Feely and Sarat does not pertain, since the survey population included the universe of states, rather than a subset. And the lack of even basic information regarding state planning procedures and attitudes to the Formula Grant Program suggested that a survey could make a valuable

<sup>21</sup>Feely and Sarat, p. 7.

<sup>22</sup>Feely and Sarat, p. 7.



contribution even if categorization of states into a relatively small number of planning models turned out to be infeasible.<sup>23</sup>

The survey addressed five topics:

- Institutional and administrative arrangements for drug control planning services;
- Preparation of the Formula Grant Program strategy;
- Planners' knowledge of state drug control planning conducted independently of the Formula Grant Program;
- Subgrant procedures and awards;
- State evaluations of the Bureau of Justice Assistance, the authorizing legislation, and the effectiveness of the Program.

The response rate was high. All but one of the 56 Formula Grant recipients returned the survey. What they said in each of the five areas is discussed in the remainder of this report. A copy of the survey is appended to the report as Appendix A.

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<sup>23</sup>The combination of case study and mail survey is the basis for the methodology of ACIR, *Making the Safe Streets Act Work: An Intergovernmental Challenge* and ACIR, *Safe Streets Reconsidered: The Block Grant Experience 1968-1975*.

## II. THE STRUCTURE AND REQUIREMENTS OF THE FORMULA GRANT PROGRAM

### AWARDS TO STATES

BJA determines each state's annual grant level by applying a modified population-based formula to the total allocation for the Formula Grant Program. There is a "base" amount — \$1 million for each recipient in 1990 — and an additional amount determined by population.<sup>1</sup>

Grants vary widely from state to state. In 1990, California, the largest state, received \$39.4 million, nearly twenty-five times as much as Wyoming, the smallest state.

The total program allocation also varies from year to year. Because FY87 funds were released late in the year, FY88 grants were relatively small. A dramatic increase in funding took place in FY90, when the Program's allocation more than tripled.

Total allocation levels by state and year are listed in Table 2.1.

### THE PLANNING MANDATE

A central aspect of the Formula Grant Program is that states must prepare a drug control strategy in order to receive their grant awards.<sup>2</sup> Moreover, this requirement is not a general, undefined planning mandate. Specific provisions constrain both the process of strategy development and the content of the strategies. Some of these regulations have governed strategy development since the Program's inception under the Anti-Drug Abuse Act of 1986. Others were introduced by the 1988 Act or have been imposed, with statutory authority, by the Bureau of Justice Assistance.

The specifics of the strategy requirement are designed to meet three major goals:

1. To stimulate comprehensive drug control planning at the state level;
2. To promote coordination among state drug control agencies;

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<sup>1</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 506, as amended. The "base" amount was \$500,000 in the 1987-1989 grant cycles. Beginning in 1990, the base was set at \$500,000 or .25% of the total grant, whichever is larger. American Samoa, Guam, and the Northern Mariana Islands are considered to be one state for the purpose of grant allocation: each then receives a fixed percentage of their total award.

<sup>2</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 503(a)(1).

Table 2.1

FORMULA GRANT AWARDS BY STATE, FY87-90 (\$K)

State	FY 87	FY 88	FY 89	FY 90	TOTALS FY 87-90
Alabama	\$ 2,996	\$ 957	\$ 2,018	\$ 6,593	\$ 12,564
Alaska	823	560	695	1,704	3,782
Arizona	2,478	874	1,759	5,755	10,866
Arkansas	1,964	768	1,388	4,260	8,380
California	16,866	3,544	10,782	39,676	70,868
Colorado	2,506	869	1,725	5,498	10,598
Connecticut	2,470	860	1,693	5,405	10,428
Delaware	886	571	739	1,890	4,086
Florida	7,555	1,817	4,969	17,842	32,183
Georgia	4,210	1,189	2,813	9,653	17,865
Hawaii	1,154	620	903	2,488	5,165
Idaho	1,124	613	871	2,358	4,966
Illinois	7,660	1,803	4,805	16,857	31,125
Indiana	3,913	1,121	2,556	8,580	16,170
Iowa	2,290	822	1,553	4,860	9,525
Kansas	2,021	778	1,420	4,397	8,616
Kentucky	2,813	921	1,885	6,080	11,699
Louisiana	3,282	1,008	2,158	7,011	13,459
Maine	1,222	632	941	2,634	5,429
Maryland	3,226	1,004	2,186	7,303	13,719
Massachusetts	4,114	1,158	2,676	9,035	16,983
Michigan	6,141	1,532	3,919	13,613	25,205
Minnesota	3,103	975	2,078	6,873	13,029
Mississippi	2,122	796	1,476	4,568	8,962
Missouri	3,622	1,072	2,397	8,012	15,103
Montana	1,013	592	801	2,088	4,494
Nebraska	1,497	680	1,092	3,177	6,446
Nevada	1,081	609	874	2,428	4,992
New Hampshire	1,119	616	893	2,470	5,098
New Jersey	5,194	1,360	3,352	11,538	21,444
New Mexico	1,400	667	1,058	3,047	6,172
New York	11,539	2,505	7,125	25,459	46,628
North Carolina	4,383	1,214	2,884	9,854	18,335
North Dakota	925	577	750	1,899	4,151
Ohio	7,169	1,713	4,508	15,820	29,210
Oklahoma	2,549	873	1,716	5,418	10,556
Oregon	2,168	804	1,512	4,769	9,253
Pennsylvania	7,852	1,841	4,936	17,386	32,021
Rhode Island	1,101	610	866	2,345	4,922
South Carolina	2,578	881	1,773	5,729	10,961
South Dakota	939	580	764	1,962	4,245
Tennessee	3,456	1,042	2,304	7,676	14,478
Texas	10,662	2,382	6,740	23,999	43,783
Utah	1,521	688	1,124	3,297	6,630
Vermont	832	561	704	1,749	3,846
Virginia	4,042	1,153	2,694	9,207	17,096
Washington	3,237	1,003	2,187	7,339	13,766
West Virginia	1,702	716	1,250	3,551	7,219
Wisconsin	3,464	1,040	2,287	7,622	14,413
Wyoming	816	557	682	1,642	3,697
American Samoa	522	504	188	718	1,932
Washington DC	889	571	731	1,831	4,022
Guam	574	514	285	1,169	2,542
N Mariana Islands	512	502	97	353	1,464
Puerto Rico	2,530	869	1,724	5,485	10,608
Virgin Islands	567	512	539	1,129	2,747
TOTALS	\$178,400	\$55,600	\$118,845	\$395,101	\$747,946

SOURCE: Office of National Drug Control Policy, Federal Drug Grants to States, pp. B-2--B-9.

3. To guide state strategic decisions.

Specific requirements associated with each of these objectives are listed in Table 2.2.

A discussion of the three areas now follows.

### Encouraging Comprehensive State Drug Control Planning

The 1986 Act requires states to develop an annual state "strategy for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances."<sup>3</sup> In another formulation, "the strategy should serve as a comprehensive blueprint for the coordination of drug and violent crime control efforts ... within the state."<sup>4</sup>

Table 2.2

## MAJOR FEDERAL PROVISIONS GOVERNING STRATEGY DEVELOPMENT

### *Promoting Comprehensive Planning*

Strategies must document scope of state drug and crime problems, current control efforts, resource needs, and current priorities. Strategies must designate regional "areas of greatest need." States must collect data elements designated by BJA. Strategies must be made available for public review and comment. State legislatures must approve strategies.

### *Promoting Coordination*

States must consult with criminal justice practitioners, treatment and education officials, and elected local officials. Governors are encouraged (not required) to constitute Drug and Violent Crime Policy Boards. Strategies must document plans for coordination among agencies.

### *Guiding State Decisionmaking*

Subgrants are limited to purpose areas designated by the Acts. Strategies must analyze their relationship to priorities of the National Strategy. Strategies must incorporate "user accountability." States are encouraged (not required) to emphasize multijurisdictional efforts. BJA has the right to reject unsatisfactory strategies.

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SOURCES: Anti-Drug Abuse Act of 1986; Anti-Drug Abuse Act of 1988; U.S. Department of Justice, Bureau of Justice Assistance, *Drug Control and System Improvement Formula Grant Program: Application Kit 1989* (Washington, D.C.: December, 1988); U.S. Department of Justice, Bureau of Justice Assistance, *Drug Control and System Improvement Formula Grant Program: Program Guidance 1989* (Washington, D.C.: December, 1988).

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<sup>3</sup>Pub. L. 99-570, Sec. 1303(1).

<sup>4</sup>U.S. Department of Justice, Bureau of Justice Assistance, *Drug Control and System Improvement Formula Grant Program: Program Guidance 1989* (Washington, D.C.: December, 1988), p. 19. (henceforth *Program Guidance 1989*.)

The meaning of "comprehensiveness" is elaborated in a number of ways. The 1988 Act requires that states include descriptions of their drug problems, current state resources, resource needs, and a statement of the state's drug control priorities.<sup>5</sup> States are also required to designate geographic regions "of greatest need"<sup>6</sup> and to collect and analyze quantitative data, designated by BJA, which bear on their strategic decisions.<sup>7</sup> To ensure that the state strategies reflect broad government policy, strategies must also be approved by the state legislature.<sup>8</sup>

#### Promoting a coordinated approach

"Turf wars," endemic to competing bureaucracies, are especially grave in the case of drug control initiatives, where federal, state, and local criminal justice agencies jockey for resources and influence not only among themselves but with drug treatment and education programs as well. These other agencies may not only have different structures but different goals, methods, criteria for success, and time horizons. Yet the nature of the drug problem strongly suggests that inter-agency cooperation rather than competition is needed if progress is to be made. In an attempt to promote such cooperation, Congress and the Bureau of Justice Assistance have built several specific provisions into the regulations governing strategy development:

- Consultation with treatment and prevention agencies, criminal justice practitioners, and local elected officials is required during criminal justice strategy development.<sup>9</sup>
- States must include in the strategy document specific plans for inter-agency coordination during the subsequent implementation of the strategy.<sup>10</sup>
- Governors are encouraged to establish Drug and Violent Crime Policy Boards to serve as a tool for communication and coordination across different levels of government, different components of the criminal justice system, and different agencies.<sup>11</sup>

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<sup>5</sup>Pub. L. 100-690, Subtitle C, Part I, Sec. 503(a)(1).

<sup>6</sup>Pub. L. 100-690, Title VI, Subtitle C, Sec. 506(b)(2). See also *Program Guidance 1989*, p. 20.

<sup>7</sup>Pub. L. 100-690, Title VI, Subtitle C, Sec. 503(a)(8); *Program Guidance 1989*, p. 23.

<sup>8</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 503(a)(4).

<sup>9</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 503(a)(1)(G).

<sup>10</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 503(a)(1)(G); *Program Guidance 1989*, p. 22.

<sup>11</sup>*Program Guidance 1989*, p. 13.

### Guiding State Decisionmaking

Like all block grants, the Formula Grant Program is meant to allow states to use their knowledge of local conditions to target funds effectively. However, state discretion is constrained in three ways.

First, states must use federal funds in designated areas. The 1986 Act established seven broad program categories; the 1988 Act replaced these with twenty-one.<sup>12</sup> The categories range from multi-jurisdictional task forces to educational programs such as DARE. A full description of the twenty-one areas is provided in Appendix B.

Second, states are required to address federal priorities in the state strategy. They must analyze the relationship of state goals to the National Strategy,<sup>13</sup> and include provisions for assuring "user accountability."<sup>14</sup> States are also strongly urged to pursue multijurisdictional projects.

In addition, the Act contains a mechanism for review of each state strategy by the Bureau of Justice Assistance. Approval must be given before funds are released. Provisions are made for direct funding of local projects if state strategies are judged unsatisfactory. As an alternative, BJA can establish special conditions for an award, which direct a state to proceed in a particular fashion.<sup>15</sup>

Despite these constraints, the legislative provisions regarding strategy content in fact allow states significant flexibility. The 21 program areas within which sub-grants are authorized are so broad that a home can be found for almost any kind of criminal justice project. And the fact that the ONDCP National Strategy is not binding means that it neither requires nor bars any particular kind of activity.

The review and special condition mechanisms, by contrast, have the potential to limit state discretion dramatically. However, the potential has not been realized; BJA has never rejected a state strategy and special conditions are relatively rare. Nevertheless, the possibility of strategy rejection may give states an incentive to balance their own needs with perceived federal priorities.

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<sup>12</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 501(b).

<sup>13</sup>Preparation of this strategy was mandated along with the Formula Grant Program by the Anti-Drug Abuse Act of 1988. See Pub. L. 100-690, Title I, Subtitle A, Sec. 1003(b). The Office of National Drug Control Policy has produced three strategies to date, in September 1989, January 1990, and February 1991.

<sup>14</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 503(a)(10).

<sup>15</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 505.

## FEDERAL RULES GOVERNING PROGRAM OPERATION

In addition to the planning requirement, the federal government limits states' use of the funds they receive. Table 2.3 lists the most important of these fiscal restrictions. These restrictions are intended to prevent states from approaching the Formula Grant Program as ordinary revenue sharing, by emphasizing the role of Formula Grant funds as "seed money" with which states can develop successful projects and as a resource for learning "what works."

The specific fiscal requirements are discussed in more detail below.

**Administrative funds.** States are limited by law to 10 percent of their total grant for non-subgrant expenditures. These "administrative" activities include strategy development, programmatic monitoring, and reporting as well as traditional administrative activities.<sup>16</sup> In FY90, when total allocations more than doubled, BJA requested states to hold administrative costs to 5 percent.<sup>17</sup>

**Pass-through.** The anti-drug abuse legislation guarantees local agencies a minimum proportion of formula grant funds. This amount — known as the "pass-through" — is proportional to the share of overall criminal justice expenditures borne by local jurisdictions in each state.<sup>18</sup>

Table 2.3

## FEDERAL RULES GOVERNING STATES' USE OF FORMULA GRANT FUNDS

States must "pass through" a minimum percentage of funds to local agencies.

No project may be funded for longer than 48 months.

Recipients must provide 25% cash match for all federal funds.

States may not use federal funds to supplant existing monies.

States must limit administrative expenses to 10% of grants. (They are encouraged to limit administration to 5%.)

States must submit strategies and award local subgrants within specified time limits.

States must plan to monitor and evaluate subgrant activities.

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SOURCES: Anti-Drug Abuse Act of 1986; Anti-Drug Abuse Act of 1988; Program Guidance 1989; Application Kit 1989.

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<sup>16</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 504(b).

<sup>17</sup>United States Department of Justice, Bureau of Justice Assistance, *Drug Control and System Improvement Formula Grant Program: Program Guidance 1990* (Washington, D.C.: November, 1989). (henceforth *Program Guidance 1990*.)

<sup>18</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 506(b)(1). Pass-through is calculated using

Once states have determined their administrative expenditures, states must apply the pass-through ratio to the remainder of their total allocation. They must then make at least that amount available for subgrant projects operated at the local level. The balance, at state discretion, can be used to support projects housed within state agencies or additional local-level initiatives.

Pass-through applies only to aggregate state expenditures. There is no requirement that any given local jurisdiction receive an amount proportional to its individual share of total state outlays. In fact, it is clear from the federal requirement to designate geographic "areas of greatest need" that the level of expenditure of any locality is not expected to determine its share of Formula Grant funds.

**Four-year rule.** No project may receive more than 48 months of Formula Grant funding.<sup>19</sup> This rule is meant to create an incentive for states to cancel unsuccessful programs and redesign successful ones to be self-supporting. In FY90, Congress allowed a twelve-month extension for certain multijurisdictional projects.

**Match.** States and/or localities must provide a "cash match" for all funded programs, paying a portion of program costs from their own resources.<sup>20</sup> This requirement is meant to ensure that the localities will not create programs simply to obtain federal money, and will have a stake in programs' success and efficiency. To date, the match has been 25 percent of total project cost; Congress has twice postponed an increase to 50 percent, scheduled for FY90, at least until the FY92 grant cycle.

**Supplanting.** States must certify that neither federal nor matching funds displace funds that would otherwise have been allocated to drug control.<sup>21</sup>

**Time limits.** The 1988 Act established time limits within which certain formula grant activities must take place. States are required to submit strategies within sixty days of the enactment of BJA's annual appropriation; and they are required to rule on local applications for subgrants within forty-five days of receipt. Timeline rules also govern BJA's review of the state strategies.<sup>22</sup>

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the Bureau of Justice Statistics' survey of criminal justice expenditures. The numerator is the sum of criminal justice expenditures by local agencies within the state; the denominator is the sum of all criminal justice spending within the state (state plus local). The pass-through was held constant for the FY87-FY89 grant cycles, and updated for FY90. The Bureau of Justice Statistics expects to update again for the FY92 cycle. For a more complete explanation of the pass-through calculation, as well as the current pass-through ratios, see Sue A. Lindgren, "Justice Variable Pass-Through Data, 1988," (Washington, D.C.: Bureau of Justice Statistics Technical Report, Office of Justice Programs, February 1990).

<sup>19</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 504(f).

<sup>20</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 504(a).

<sup>21</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 503(a)(3).

<sup>22</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 508.



**Monitoring and Evaluation.** States must include a monitoring and evaluation component in their state strategies. Monitoring is required in order to assure state management of the grant once awarded, both fiscally and programmatically.<sup>23</sup> Monitoring is also a prerequisite for evaluation, which is meant to identify successful approaches that could be transferred to other jurisdictions.<sup>24</sup>

#### **FEDERAL PROGRAM GUIDANCE**

In order to communicate federal requirements to the states, the Bureau of Justice Assistance distributes Program Guidance and application materials at the start of each grant cycle. These materials summarize grant requirements and provide a format for state submissions.

For the FY89 grant cycle, the Guidance was heavily revised in order to incorporate the many changes made by the Anti-Drug Abuse Act of 1988.<sup>25</sup> Since BJA issued a single pamphlet in FY90, designed to do no more than supplement the FY89 materials, this section focuses on the earlier year.<sup>26</sup>

The FY 1989 materials consist of two parts: the *Program Guidance*, which provides general information about the program and its requirements, and the *Application Kit*, which provides additional general information, more detail on fiscal requirements, and copies of required forms. The *Guidance* and *Kit* are often referred to together as the "Program Guidance;" we will follow this convention here.

The Program Guidance has three goals:

1. To communicate specific legislative requirements which must be met in order to receive funds;
2. To elucidate the requirement of "strategic planning" and other legislative provisions which are vague or unclear;
3. To provide a structure for applications which assures compliance and maximizes quality.

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<sup>23</sup>Pub. L. 100-690, Subtitle C, Part I, Sec 503(a)(7), 520. Monitoring is the focus of Stage 2 of this study.

<sup>24</sup>See United States Department of Justice, National Institute of Justice, *Evaluating Drug Control and System Improvement Projects: Guidelines for Projects Supported by the Bureau of Justice Assistance* (Washington, D.C.: August 1989).

<sup>25</sup>*Program Guidance 1989; Application Kit 1989.*

<sup>26</sup>*Program Guidance 1990.*

The Guidance faithfully meets the first of these goals. It lists requirements, organized by topic, in language which largely parallels that of the Acts. This paraphrase is supplemented by explanations of fiscal provisions common to all federal grants.

The Guidance does not, however, define the strategy requirement beyond the relatively vague parameters defined by the 1986 and 1988 Acts. The structure which BJA provides for the strategy, in an Appendix to the Guidance entitled "Development of a Statewide Strategy," adds no detail to the legislation. It suggests chapter headings — description and analysis of the state's drug and violent crime problems, current activities, resources needs, and statements of priorities — which are identical to the areas listed by the 1988 Act.

This approach may stem from a desire to preserve the state flexibility essential to a block grant, even at the expense of clarity and uniformity. Rather than define the specific components of strategic planning in the *Program Guidance*, BJA relies on its other legislative powers — to review the strategies, to mandate data collection, to develop Program Briefs which describe the goals and characteristics of innovative programs, and to suggest modes of organization — to guide strategic planning.<sup>27</sup>

As a consequence, many state planners are themselves unsure about the form and content that strategies ought to exhibit in order to comply with the legislation and BJA guidelines. This aspect of the strategic planning process is elucidated below in Chapter IV.

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<sup>27</sup>Pub. L. 100-690, Title I, Subtitle C, Secs. 505, 503(a)(8), 521.

### III. THE FGP STRATEGY DEVELOPMENT PROCESS

Since FY87, the first operational year of the formula grant program, each state has submitted an annual state strategy. Creating a statewide strategy is not a trivial matter, and these submissions represent a significant investment of state resources, energy, and effort in drug control planning.

In the beginning, difficulties existed because many states had limited criminal justice planning capability. The state level planning agencies that had flourished under LEAA had either been disbanded or severely reduced when LEAA funding dried up in the early 1980s. In addition, anti-drug abuse planning was more complex than that required by LEAA because it required, at least in principle, the incorporation of agencies and functions outside the criminal justice sphere. Nevertheless, each state has created a strategy development capability that complies with federal guidelines for the Formula Grant Program.

In general, strategy development consists of three main components: establishing planning capability; conducting a needs assessment; and constructing procedures for making sub-grant awards. In each of these three areas, there is substantial inter-state variation. Planning organizations vary in their makeup and mandate. Consultation is emphasized in some states, minimized in others. Data collection and analysis may be sophisticated or rudimentary. Funds may be distributed through open competition or by central direction. Together, these differences make strategy development a quite different enterprise from state to state.

#### ESTABLISHING PLANNING CAPABILITY

Unlike the Safe Streets Act, the Anti-Drug Abuse Acts do not dictate the creation (or reempowerment) of state planning agencies for criminal justice. Instead, any state agency may be designated by the state to manage the Program.<sup>1</sup> Three different types of agencies (FGP Agencies hereafter) have been given formula grant responsibilities:

- service agencies, such as Departments of Community Development or Justice, for which the FGP planning function is an addition to existing responsibilities;

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<sup>1</sup> Pub. L. 100-690, Subtitle C, Part I, Sec. 507.

- traditional criminal justice planning agencies;
- policymaking offices specifically created to manage the state's war on drugs.

These decisions, summarized in Table 3.1, reveal significant differences in state approaches to planning.<sup>2</sup>

### Service Agencies

Sixteen states selected agencies whose primary function is provision of services, not planning. Ten designated Departments of Safety; six designated Departments of Justice or Offices of the Attorney General. A small number selected operational agencies within these departments, such as the state police.

Table 3.1

### TYPES OF STATE AGENCIES RESPONSIBLE FOR THE FORMULA GRANT PROGRAM

SERVICE (16)	PLANNING (28)	POLICY- MAKING (9)	OTHER (2)
Alaska	Alabama	Iowa	Arkansas
Colorado	Arizona	Kansas	Oklahoma
Hawaii	California	Maryland	
Idaho	Connecticut	Minnesota	
Maine	Delaware	Nebraska	
Mississippi	Florida	Oregon	
Missouri	Georgia	S Dakota	
Nevada	Illinois	Utah	
New Hampshire	Indiana	US Virgin Isles	
New Jersey	Kentucky		
New Mexico	Louisiana		
N Dakota	Michigan		
Vermont	Montana		
Wyoming	New York		
Am. Samoa			
Puerto Rico			

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SOURCE: RAND Survey of States and Territories.

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<sup>2</sup>Two states among the survey respondents do not fit readily into this categorization. Arkansas gives FGP responsibility to its Department of Finance and Administration; Oklahoma gives it to its District Attorneys' Council.

These agencies tend to develop their planning capabilities from scratch. They also have different relationships with other parts of the criminal justice system than agencies whose sole mandate is planning. Consequently, they may be more sensitive to local operational problems and concerns. However, they may also be more likely to have predispositions for or against particular types of activities and subgrantees.

### **Planning Agencies**

Twenty-eight states have made a criminal justice planning agency responsible for the program. Seventeen expanded planning agencies that already existed. The remainder created new planning agencies that were essentially of the LEAA type.

Designating pre-existing agencies has tended to create continuity between FGP strategies and the LEAA plans which preceded them, though the extent of this continuity varies. In Georgia, for example, the Director of the Criminal Justice Coordinating Council was also part of the leadership "during the LEAA days." In Montana, by contrast, the staff involved in the Formula Grant Program is largely new, even though the SPA maintained its organizational identity throughout the 1980s.

### **Policymaking agencies**

A third approach is taken by nine other states, which locate responsibility for the FGP in agencies or gubernatorial offices for which policymaking is a primary responsibility. Six created state "drug czar's" offices, often modelled after the Office of National Drug Control Policy. Three others locate responsibility for the Program in their governor's office without the participation of a "drug czar."

Agencies of this type tend to see the Program as part of the spectrum of drug control services; all consider issues outside criminal justice. Moreover, their strategies put relatively more emphasis on the interrelationships between various aspects of the drug control system.

### **CONDUCTING A NEEDS ASSESSMENT**

An understanding of needs is crucial to any strategy, and the Act mandates that strategies include discussions of the scope of the state's drug problem, current resources, and resource needs.

This is difficult for a number of reasons. Much important information about drug markets — such as the total amount of drugs consumed, or drug distribution patterns — is unknown. Other information — such as levels of drug-related property and violent crime — is

not systematically compiled at the state level, though it may exist in police, prosecutor and court records.

Moreover, numerous criminal justice, health, and prevention agencies conduct simultaneous initiatives attacking various aspects of the drug problem. This can make assessing current drug control activity as difficult as assessing the drug problem itself.

Despite these difficulties, states invest considerable energy in needs assessment. They gather national, regional, and local data; and they consult or survey experts and interested parties. The state strategies typically present the results in considerable detail.

### **Data Collection and Analysis**

Good plans need good information. Data collection, therefore, is a key element of strategy development, and the Act authorizes BJA to specify types of data that states must collect and submit.<sup>3</sup> This provision has two objectives. First, it is meant to encourage the use of quantitative data in strategic decisionmaking. Second, BJA hopes to standardize data collection across states.

Currently, BJA requires states to complete fourteen data forms annually, as listed in Table 3.2.<sup>4</sup> States unable to meet the data requirements are asked to certify that they are attempting to remedy this deficiency.

Though states invest considerable effort in data-gathering they meet the requirements only partially. No state completes every entry in every BJA data form; all but nine states leave at least one data form completely blank. Most often, states provide totals but are unable to break data down by the required categories. The availability of data also varies considerably by type; while all but one state provides some data on arrests, fewer than half provide data on drug-related school incidents and fewer than three-quarters on drug dispositions. Other states restrict data to outcomes of projects funded with Formula Grant funds.

State responses to the RAND survey identified three primary reasons for this situation: computerized information systems at state and local levels are inadequate or totally lacking; significant differences exist between state and BJA data categories; and lack of jurisdiction over data sources tends to interfere with state-level data gathering.

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<sup>3</sup>Pub. L. 100-690, Subtitle C, Part I, Sec. 503(a)(8).

<sup>4</sup>States are also asked to submit brief prose descriptions of levels of drug availability, changes in drug of choice, regional variations in drug use, and involvement in drug trafficking by organized crime.

Table 3.2

STATE RESPONSES TO THE DATA COLLECTION REQUIREMENT

	Number of states providing at least partial data	Average dif- ficulty of obtain- ing data <sup>a</sup>
1. Drug related deaths, emergency room incidents, accidents	37	2.22
2. Drug related school incidents, disciplinary actions	20	2.77
3. State and local drug arrests	51	1.50
4. State and local drug arrests made with federal cooperation	38	2.00
5. State and local drug case dispositions	38	2.26
6. State and local drug convictions	37	2.07
7. State and local drug sentences	43	2.26
8. Sentence length for drug-related offenses	33	2.19
9. State and local treatment resources and utilization	45	1.80
10. State and local drug removals	44	1.86
11. State and local marijuana eradication	47	1.72
12. Non-drug asset seizures and forfeitures	45	2.05
13. Number and manpower of state and local drug control units	44	1.49
14. State and local arrests, dispositions, and sentences for violent crimes	42	1.84

SOURCE: Program Guidance 1989, pp. 28-35; RAND survey of States and Territories. Fifty-two states responded to this question.

<sup>a</sup>Numeric scale from 1 (not at all difficult) to 3 (very difficult).

Eight states note that state and local agencies simply lack information systems to track required data, and that the federal government cannot gather these data simply by asking criminal justice planners to collect them. Some of these states argue that federal officials should mandate data collection by state and local police, courts, and correctional institutions.<sup>5</sup> In the absence of such a mandate, local criminal justice agencies are sometimes uncooperative with state requests for information.<sup>6</sup>

Even sympathetic agencies are unlikely to agree to adjust existing information systems simply in order to meet BJA's data collection requirements.<sup>7</sup> Existing systems often fail to capture all the distinctions requested by BJA<sup>8</sup>, especially since many of BJA's categorizations differ from those in use in the Uniform Crime Reporting program and other federal databases. Illinois, Iowa, North Carolina, and Virginia also note that BJA's categorizations can also differ from categories defined by state legislation, making standardization by federally defined categories unreasonably difficult.

Information systems' other limitations also create difficulties. States which can provide arrest and disposition figures may have no way to identify cases as "drug-related."<sup>9</sup> Others which have this capability for arrests lack a statewide case-tracking capability, making disposition and sentencing data impossible to produce.<sup>10</sup>

Still other data elements cause special problems because they are outside of the jurisdiction of criminal justice planners.<sup>11</sup> States describe data on drug-related hospital and traffic events and drug-related school incidents as especially hard to come by. School incident data presents special problems. Thirty-eight states call it "very difficult" to obtain; four specifically request that the school data requirement be dropped, one calling it "nearly impossible." Curiously, however, states seem to find obtaining data on the drug treatment system relatively straightforward.

Their difficulty in completing BJA data forms notwithstanding, most states have incorporated significant levels of data collection into strategy development. In fact, nearly all states report data on topics not required by BJA. Table 3.3 lists some of these data elements. Most common among additional data are drug price and purity estimates, data on drug treatment, data on inmate populations, and youth survey results.

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<sup>5</sup>Kansas, Kentucky, South Dakota.

<sup>6</sup>Kansas.

<sup>7</sup>Colorado.

<sup>8</sup>Arkansas, Pennsylvania.

<sup>9</sup>Arizona, Mississippi.

<sup>10</sup>1989 Strategy for Louisiana, p. 8.

<sup>11</sup>South Dakota.



Table 3.3

DATA INCLUDED IN STATE STRATEGIES IN THE ABSENCE  
OF A FEDERAL REQUIREMENT

AIDS/HIV prevalence (AZ, Guam)  
Airport usage data (HI)  
Alcohol-related data (HI, PA, RI, American Samoa)  
Alien registration (Northern Mariana Islands)  
Arrestee and inmate drug use (MS, OK, DC)  
Arrestee characteristics (NE, NM, TN)  
Case processing time (SD)  
Criminal justice referrals to treatment (AL)  
Drug price and purity estimates (AZ, CO, DE, FL, HI, ID, IL, IN, IA, LA,  
ME, MI, NH, NY, NC, OR, PA, RI, SD, UT, VT, WV, WI, DC, Guam, PR, US  
Virgin Islands)  
Drug treatment admissions and utilization (FL, IL, IN, LA, MT, NE, NV, NJ  
OH, OR, PA, RI SC, UT)  
Drug use by arrestees in major cities (AL, IL, LA, TX)  
Forensic services (AL, AK, LA, MD)  
Infants exposed to drugs (IL)  
Length of incarceration vs. sentence length (CO)  
Poison control center calls (UT)  
Population projections (CO, Puerto Rico)  
Prison capacity (PA)  
Projected treatment needs for parolees (CO)  
Public opinion surveys (AZ, MT, OH, SC)  
School drop-outs (Northern Mariana Islands)  
Shock trauma data (MD, NM)  
Size and characteristics of prison and jail population (CT, IL, LA, MT,  
NE, NC, ND, OR, PA, SD, WI)  
Surveys of state youth attitudes and practices (CO, DE, FL, GA, IA, HI, MD,  
MT, NJ, ND, OR, RI, UT, VT, Guam, Northern Mariana Islands, US Virgin  
Islands)  
Tourism (Northern Mariana Islands)  
Trends in non-drug offenses (CA, NC, RI, SD, VT, WA, WY)  
Victims' surveys (MT)

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SOURCE: 1989 and 1990 state strategies, RAND Survey of States and  
Territories. This list is illustrative and should not be viewed as  
complete.

Several states also break down required data by additional categories of their own choosing. Roughly half of all states supplement statewide data with regional figures, broken down by city or county. Others discuss arrests and conviction data for persons receiving treatment,<sup>12</sup> for juveniles,<sup>13</sup> and broken down by ethnic group;<sup>14</sup> asset seizures by seizing agency or calendar quarter;<sup>15</sup> and treatment admissions by drug type.<sup>16</sup>

Only three states suggest that any additional data elements or categories be made mandatory. Suggestions include requiring data on criminal justice expenditures, and expanding data requirements on the parole and probation systems, drug seizures, and inmate populations. Two other states suggest that BJA provide states with optional data categories. Several others note that data appropriate for one state is unlikely to be relevant to all.<sup>18</sup>

### **Consultations Mandated by the Act**

The legislation requires states to consult with criminal justice practitioners, treatment and education personnel, local elected officials, state legislatures, and the public. All recipients report doing this, to some degree. Some states consult with other groups as well.

The consultations have three major purposes:

- To provide information on state needs
- To solicit a range of opinions on what areas should be identified as state priorities
- To notify interested groups of the content of the state strategy, and, in the case of the state legislature, to secure approval.

In addition to these major goals, it is hoped that encouraging diverse input will help to create a broad base of support for strategy implementation.

Technically, most states meet the consultation requirements in full. All states report consultation with criminal justice officials; all but three consult with treatment and education personnel; all but six consult with local governments. All make provisions for legislative and public review of the strategy.

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<sup>12</sup>Alaska.

<sup>13</sup>Connecticut.

<sup>14</sup>Idaho.

<sup>15</sup>California.

<sup>16</sup>Montana.

<sup>17</sup>Maryland, District of Columbia.

<sup>18</sup>Alabama.

Despite near-universal compliance with the letter of the legislation, however, consultations have met their goals in only a limited way. Typically — although there are exceptions — criminal justice practitioners appear to have relatively meaningful input into strategic decisions. However, the input of treatment and prevention officials is more marginal, elected local officials rarely make a systematic contribution, and the impact of public and legislative review, if it exists at all, is usually small. This implies that these requirements could be dropped with little impact on the current strategies.

**Consultations with criminal justice.** All FGP agencies report that their consultations with criminal justice officials are “useful.” The focus of these consultations is on gathering information and opinions. Therefore, all states make contact with criminal justice practitioners early in the strategy development process.

Just under one-half of the strategies describe systematic efforts to contact local agencies. Contact in the remainder, though less formal, is usually substantial, consisting of invitations to speak at public meetings or the inclusion of practitioners on committees or on local drug policy boards.<sup>19</sup>

Thirty-two states survey criminal justice agencies by mail. Typically, these surveys involve all police departments and sheriffs in the state; district attorneys and judges are also frequently included. Parole, probation, and community groups are included somewhat less frequently.<sup>20</sup>

The primary purpose of these surveys is to gather information on local perceptions of needs and priorities. This is usually done by asking local officials to rank priority activities, either from among the twenty-one program areas or from a state-developed list of drug control functions.<sup>21</sup> At least six states also use a mail survey for data collection, asking localities for information on local conditions and activities. Alaska conducted three surveys: one of police chiefs to gather data; one of school principals and superintendents, both to gather data and to measure support for the DARE program; and one asking community leaders to describe their recommendations and perceptions as well as to supply information on local conditions.<sup>21</sup>

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<sup>19</sup>See for example 1989 Strategy for Mississippi, p. 1.

<sup>20</sup>Some states include the text of these surveys in their strategies. Examples include Arkansas's survey of state and local officials (1990 Strategy for Arkansas, pp. A1-B7); Oklahoma's District Attorney Survey (1989 Strategy for Oklahoma, Appendix B); West Virginia's Legislative and Drug Control and Violent Crime surveys (1989 Strategy for West Virginia, pp. 112-120).

<sup>21</sup>1989 Strategy for Alaska, pp. 27, 74ff, 80ff, 87ff.

**Consultation with treatment and prevention.** All but three states report consultation of some kind with treatment and prevention agencies. However, the consultation varies in quantity, quality, and consequence. Predictably, the extent to which it is seen as fruitful depends largely on the personal relationships that exist between criminal justice planners and treatment and prevention officials.

In a few states, the relationship is close. As drug problems have mounted throughout the nation, a growing number of treatment, education, and criminal justice officials alike have begun to embrace openly the concept that non-cooperative efforts are doomed to failure. This realization has the potential for enhancing both strategy development and broader policy and planning efforts in states where it is predominant.

In states where this view has led to the appointment of a drug coordinator or similar policymaking agency to manage the Formula Grant, cooperation with treatment and prevention officials occurs as a matter of course. In Utah, for example, an agreement was established which required schools to provide the FGP Agency with data on drug-related school incidents as a condition of receiving Drug Free Schools money under the drug education block grant.<sup>22</sup> Good relationships are not confined to such states, however. In New Jersey, where cooperation and integration has become an explicit component of state drug policy, enforcement and prevention officials have worked closely in a variety of contexts.<sup>23</sup>

However, this is far from a universal circumstance. More common is the situation in which criminal justice planners believe that the inclusion of treatment and prevention in the strategy is at best unnecessary and at worst undesirable, or in which their efforts to coordinate with treatment and prevention are seen as falling on deaf ears.

Such views are often attributed to a perceived lopsidedness in the federal requirements imposed on the three major grant programs established by the Anti-Drug Abuse Acts. To obtain criminal justice formula grant funds, extensive and comprehensive planning is mandated. By contrast, the planning requirements of the Alcohol, Drug Abuse, and Mental Health Services (ADMS) treatment block grant and the Drug-Free Schools block grant are minimal.

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<sup>22</sup>1990 Strategy for Utah, p. 52.

<sup>23</sup>See for example New Jersey Department of Law and Public Safety, *Drug Free School Zone Enforcement Guide* (Trenton: 1988), which was issued under the imprimatur of both the state Attorney General and the Commissioner of Education.

For example, ADMS has no required application form, and only three pages of instructions. The Drug Free Schools application is longer but is only required once every three years, with minor annual updates in interim years. Further, state administrators of the health and education block grants are neither required to participate in the development and implementation of the formula grant strategy that goes to BJA, nor to develop strategies of their own. Criminal justice planners claim that this works as a disincentive to cooperation.

Yet, criminal justice planners are required to consult with the administrators of the other two programs as the criminal justice strategy is developed, and they are urged to coordinate criminal justice projects with health and education activities. In a few states, criminal justice planners believe that their health and education counterparts consider the Acts to give health and education agencies a right to a share of the criminal justice Formula Grant money. They find this particularly frustrating given that the health and education block grants are both larger than the criminal justice formula grant.

To many criminal justice planners, these Congressionally-imposed conditions make no sense. Either, they argue, the health and education block grant programs should be subject to the same planning requirement as criminal justice — or at least be required to cooperate with the criminal justice plan — or criminal justice should be relieved of the necessity to “consult and coordinate.”

In conclusion, it is clear that consultation and coordination with treatment and education agencies varies substantially from state to state. In a small number, it is frequent, comprehensive, and affects strategy development in important ways. In most others, the consultations taking place — just enough to satisfy the conditions for obtaining formula grant money — produce little or no detectable result. In general, very few states integrate activities under the ADMS and Drug-Free Schools block grant into the criminal justice strategy, even in a theoretical sense, and almost none make funding decisions that reflect an integrated mode of decision-making.

**Consultation with localities.** Forty-nine states report consultations with local government. Usually, these involve participation by mayors, police chiefs, county commissioners, city councilmen, sheriffs, and other local officials on Drug Policy Boards or other criminal justice committees. Other states incorporate local views by requesting the submission of local drug control strategies.<sup>24</sup>

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<sup>24</sup>These strategies are discussed in more detail below.

According to state officials, many cities do participate in strategy development. However, the most commonly heard view from the cities themselves is that they do not influence policy decisions. A number of big cities claim that they were not consulted at all.<sup>25</sup>

These complaints are not necessarily inconsistent with the high level of compliance with the local-contact requirement. State planners often consult with local operations officials, especially police chiefs and sheriffs, rather than with the executive planning staff in cities and counties. Local consultation may involve relatively low levels of input and/or relatively few jurisdictions. Moreover, when not all cities are included, state planners do not always consult the most populous or those with the "biggest" drug problem.

External politics also interferes with effective coordination with localities. States say that cities sometimes ignore or rebuff states' overtures; cities in turn may feel that state invitations to participate are overly limited, or that their input is likely to be ignored. Recent calls for replacing or supplementing block grant funds with direct grants to cities may have complicated this problem. So has the perception, at both the city and state level, that big cities are unlikely to receive grants large enough to justify the level of effort needed to win an award and satisfy federal and state monitoring/reporting requirements after the award has been received.

BJA encourages states to provide copies of the strategy to local governments.<sup>26</sup> However, this provision appears to have had little effect. Localities which receive the strategy often view it as a *fait accompli* over which they have no control; and some localities have claimed that they do not receive copies of the strategy at all.<sup>27</sup>

**Legislative Review.** Most states submit their strategies simultaneously to BJA and to the state legislature for its approval. Legislatures are deemed to have approved the strategy if they do not notify BJA to the contrary within thirty days. This is the usual practice. In short, legislative review is generally *pro forma*, and approval is almost always automatic.

Legislatures have a more important impact during the planning process itself. This occurs through a variety of mechanisms. Seventeen states include individual legislators on Drug Policy Boards. In Arizona, a Joint Legislative Oversight Committee was convened,

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<sup>25</sup>National Conference of Mayors 1987, pp. 13-14; National Conference of Mayors 1990, pp. 17-19.

<sup>26</sup>*Program Guidance 1990*, p. 10.

<sup>27</sup>National Conference of Mayors 1990, pp. 17-18.

with oversight and reporting responsibilities;<sup>28</sup> in Washington, the staff of the state's Senate Judiciary Committee is invited to Drug Policy Board meetings.<sup>29</sup>

**Public Review.** The Act requires states to provide the public with the opportunity to review and comment on the state strategy. Although forty-two states report doing so, only twenty-five believe that the process is even "moderately" useful.

Two techniques are used to fulfill this requirement: public hearings and media announcements. Most of the states which have successful public hearings often solicit the testimony of public officials in advance and then open the floor to the public. With a few exceptions, however, ordinary citizens make limited contributions.

When opportunities for the public to review strategy drafts are publicized in the media, the announcements are usually placed among the official notices in local newspapers' classified sections. These efforts sometimes do not result in even a single response. States that report more extensive media use, including announcements on local television news, also report very low levels of public interest.<sup>30</sup>

#### **MAKING SUB-GRANT AWARDS**

One of the central functions of the strategy is to guide the distribution of states' Formula Grant allocations. Determining the way in which funds will be distributed is therefore an essential ingredient of strategy development.

States have developed three basic mechanisms for making subgrant decisions:

1. *Discretionary.* States invite local and other agencies to apply for subgrants. Awards are then made based on the relative merit of applications received.
2. *Directive.* States determine subgrant awards using criteria other than applications.
3. *Formula.* States create a formula which determines allocations to local areas.

Most states combine a discretionary and directive approach. These states first determine their priorities — certain of the twenty-one areas, certain types of jurisdictions, or certain areas of emphasis — and then issue requests for proposals that address these priorities. Some will not consider non-priority applications at all.<sup>31</sup>

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<sup>28</sup>1989 Strategy for Arizona, pp. 11-12.

<sup>29</sup>1989 Strategy for Washington, p. 4.

<sup>30</sup>1990 Strategy for Guam, p. 4.

<sup>31</sup>See for example 1990 Strategy for Massachusetts, p. 2; 1989 Strategy for Nebraska, pp. 2, 53.

Other states use a more purely directive approach. For example, some states fund regional task forces in such a way as to ensure complete coverage of the state. No formal competition between these projects takes place.

Finally, a growing number of states use formulas to distribute subgrants. Thirteen states have now adopted this technique. These states are listed in Table 3.4.

Formulas are typically based on one or more of the following factors: population, indicators of the size of the drug problem (e.g., emergency room visits, arrests), and the availability of resources within a jurisdiction. Subgrant recipients may vary; Tennessee makes formula-based awards to metropolitan areas, California to counties, Florida to cooperative groups of county- and city-level agencies, and Louisiana to multi-county regions.

Some states combine formulas with discretionary or directive techniques. California and Tennessee, for example, distributed only a portion of their FY90 grants on a formula basis. California distributed the remainder as continuation grants to projects it had funded before adopting the formula approach. Tennessee distributed its remaining funds on a discretionary basis.

Formula systems often require that beneficiary localities, especially county and multi-county regions, develop and submit local strategies. By imposing this requirement, states extend the principle that local officials are the most competent to plan for local problems from the state to the local level.

States impose several requirements on local strategies to assure comprehensiveness, effectiveness, and coordination. Most are quite similar to the conditions states themselves must meet to obtain federal funding. Counties are encouraged to form local Policy Boards,

Table 3.4

STATES REPORTING USE OF FORMULAS TO DISTRIBUTE SUBGRANTS

California	Louisiana	Rhode Island
Colorado	Mississippi	Tennessee
Florida	Nevada	West Virginia
Kentucky	New York	Wisconsin
	Ohio	

Source: RAND Survey of States and Territories



solicit participation of various types of drug control agencies, and describe their needs, priorities, and initiatives to be implemented in their local plan.<sup>32</sup> States also pass on other federal requirements to local planners: local plans, for instance, are confined to the twenty-one areas.

Like BJA, almost all FGP agencies which require local strategies reserve the right to reject unsatisfactory local strategies. Also like BJA, however, no state has reported that it has ever exercised this right, preferring cooperation with localities, requests for revision, and use of "special conditions" to correct problems.

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<sup>32</sup>Florida requires the first two, California the last.

#### IV. THE SUBSTANCE OF THE STATE STRATEGIES

In this chapter, three topics are examined. First, the scope of the state strategy submissions is reviewed and the extent to which strategies can be considered comprehensive and strategic is assessed. Then, the type of programs that states planned to fund is analyzed. Finally, the extent to which coordination has been established between planning for the BJA strategy and other planning efforts, at both the state and federal level, is reviewed.

##### THE SCOPE OF STRATEGIC PLANNING

Summarizing the scope and character of state strategies is not a straightforward matter. There is considerable inter-state variation in organizational characteristics, magnitude and nature of the drug problem, and approaches to the task of strategy development. Therefore, there are exceptions to any general description of the strategy submissions.

Nevertheless, three basic characteristics of the strategies are sufficiently common to warrant examination.

1. Despite the efforts of state planners, strategies are not comprehensive in the ways envisioned by the Act.
2. Though the strategies are in technical compliance with BJA requirements that drug control priorities be established, the notion of "priority" means different things to different states and so has different consequences for the plans.
3. While many strategies are the result of thoughtful and thorough planning, most fail to articulate a broad, strategic approach to the control of drug related crime.

A discussion of the reasons why these characteristics are prevalent follows.

##### Comprehensiveness

The *Program Guidance* explicitly states that "the strategy should serve as a comprehensive blueprint for the coordination of drug and violent crime control efforts within the state."<sup>1</sup> States are instructed to include priorities for all major components of the

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<sup>1</sup>*Program Guidance 1989*, p. 19.

criminal justice system, goals in the areas of drug treatment and prevention,<sup>2</sup> and a discussion both of Formula funds and of "other state, local, and private resources."<sup>3</sup>

These guidelines echo the statutory provisions of the Anti-Drug Abuse Acts, and go well beyond the requirement to consult across agencies that was discussed in the last chapter. However, the same factors that limit the scope and utility of consultation also inhibit the comprehensiveness of programmatic planning. The result is that state strategies are not comprehensive in the ways envisioned by the legislation.

For example, twenty-three FGP agencies limit their mandate solely to criminal justice. Only about half of all strategies contain more than a cursory discussion of treatment; only about three-fifths mention prevention.

Several factors account for this.

First, responsibility for producing the BJA strategy most commonly rests with criminal justice planners who have no gubernatorial or legislative mandate to integrate the activities of the state's criminal justice, treatment, and prevention agencies. Thus, the preparers lack the authority and the knowledge to draw up plans broader than their own areas of expertise and influence.

Second, states receive mixed messages regarding strategy scope. Though comprehensiveness is stressed by the legislation and by BJA, the strategy functions primarily as a grant application for Formula funds, and planners are asked to detail their planned expenditures within the twenty-one program areas established by the Act.<sup>4</sup> In fact, failure to do so comprises grounds for denial of federal funding. This virtually guarantees that planning attention will be devoted to those areas. Since the 21 areas are largely limited to criminal justice and are therefore not comprehensive in the sense that the term is used in the legislation, the plans that focus on them are not comprehensive either.

Third, criminal justice planners hold the view that incorporating non-criminal justice activities into the strategy is inappropriate. As shown in Table 4.1, FGP agencies that are closer to the implementation of criminal justice initiatives are more likely to maintain this position. For instance, nearly two-thirds of service agencies report that they view both drug treatment and drug prevention as outside of their mandate. Only one-third of planning agencies share this view; and the remaining two-thirds tend to retain a strong criminal justice orientation when discussing health and prevention. Policymaking agencies, by contrast, view their mandate much more broadly.

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<sup>2</sup>*Program Guidance 1989*, p. 22.

<sup>3</sup>*Program Guidance 1989*, p. 22.

Table 4.1

TYPE OF FGP AGENCY AND STRATEGY SCOPE

Reported Scope of Strategy	Type of FGP Agency		
	Service Provider %	Planning Agency %	Policy Making %
Limited to Criminal Justice	63	33	0
Criminal Justice and Treatment	0	15	0
Criminal Justice and Prevention	13	7	22
Criminal Justice, Treatment, and Prevention	25	44	78
Number of States	16	27	9

Fourth, strategy developers often have little or no information about treatment and prevention activities that are going on in their state. They also often lack information pertaining to criminal justice projects that are part of normal local operations, and to special projects funded by sources other than the Formula Grant Program — e.g., the BJA Discretionary Grant Program and the Drug Elimination Program of the Department of Housing and Urban Development — even though such projects entail precisely the type of activities that are candidates for funding by state planners.

Given these conditions, it is not surprising that strategies fail to realize the goal of comprehensiveness that the Act establishes.

**Identifying Priorities**

BJA operationalizes the strategic planning mandate by requiring states to set three types of strategic “priorities:” among the twenty-one program areas; among geographic areas of greatest need; and among techniques for enhancing interagency coordination.<sup>4</sup> Funding decisions are then meant to reflect these priorities.

Both the legislation and the BJA *Program Guidance* take the meaning of the term “priority” to be self-evident. However, a variety of interpretations are made by the states.

<sup>4</sup>*Program Guidance 1989*, pp. 20-22.

One approach takes "priorities" to mean a list of rules that govern the distribution of Program funds. Subgrants are then usually limited to the selected priority areas.

Another is to view priorities as funding guidelines, rather than as strict rules. For these states, the strategy serves to inform localities of state preferences and areas of interest. Applications in any area are entertained; but projects which address priorities are at a relative advantage in grant competition. The extent of this advantage depends on the state.

A third approach is to maintain no direct connection between priorities and funding. Instead, priorities only provide a general policy context for FGP funding decisions. This often occurs because planners lack authority to make binding decisions, and must share control of Formula Grant funds with other agencies, the Governor, or the legislature. In such cases, politics and other agendas compete for influence with the priorities that are enumerated in the strategy.

Despite these differences, most states (47) establish priorities among the twenty-one areas. Most do so by simply listing the program areas they have selected. A few enumerate more general priorities encompassing several purpose areas. Twenty-two states rank their selection in order of importance.

However, only twenty-nine states identify geographic areas of greatest need within the state. Of the remainder, many do not address geographic issues at all. Maine and Oklahoma explicitly reject the requirement, claiming that geographic ranking is counterproductive.<sup>5</sup> Several other states, including Iowa, Michigan, North Carolina, and North Dakota, identify "areas of greatest need" in general terms but avoid designating specific locations.<sup>6</sup>

A number of state strategies seem simply confused about the requirement to designate areas of greatest need. Some states make no distinction between requirements to designate programmatic and regional priorities, and repeat their programmatic priorities under the heading "areas of greatest need," while establishing no regional priorities.

All states include a general discussion of priorities for coordination. These discussions are vague, however, never exceeding a few pages, and often consisting of a few paragraphs. Most simply note the existence of Policy Boards and other bodies, and certify that coordination is a focus of state concern.

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<sup>5</sup>1989 Strategy for Maine, pp. 24-25; 1989 Strategy for Oklahoma, p. 83.

<sup>6</sup>1989 Strategy for Iowa, p. 52; 1989 Strategy for Michigan, pp. 18-21; 1989 Strategy for North Carolina, pp. 68-69; 1989 Strategy for North Dakota, pp. 46-47.

## Strategic Approach

Crucial to any assessment of the strategy requirement is a simple question: is "strategy" a misnomer for the state strategy submissions? Even accepting the limits on strategy scope and priorities that are discussed above, it should be asked: to what extent do state planners develop a "strategic" approach to dealing with the problems that they view to be in their domain?

Some strategies are unquestionably strategic. Not only are priorities set, but funding decisions are explicitly related to one or more guiding principles and to the demands imposed by scarce resources. A few examples, which are not exhaustive, will illustrate the point.

Alaska notes that its first state strategy had a dual focus: the belief that cooperation and coordination in the Anchorage area would provide the basis for ample statewide intelligence, and the principle that centralized drug units should be made available to communities throughout the state on their request.<sup>7</sup> Subsequent strategies assess the continued relevance of these principles and add new ones; the 1989 strategy, for example, focuses on remedying "the lack of drug enforcement efforts on the demand side" through a variety of interventions.<sup>8</sup>

In Connecticut, State Office officials determined that the increased number of offenders with drug problems was likely to make further law enforcement programs at the local level ineffective in the absence of new treatment resources. A strategic focus on community corrections and treatment was therefore adopted, and successfully lobbied for in meetings with local law enforcement groups.<sup>9</sup> The 1989 Illinois strategy makes a different substantive choice, arguing that the "interests of the state will best be served if the limited funds available are primarily concentrated on the enforcement of state and, as appropriate, federal laws."<sup>10</sup> South Carolina argues that "no single answer" is appropriate, and therefore plans to distribute funds to treatment and education programs as well as enforcement.<sup>11</sup>

The "strategic" nature of many state strategies, however, is more difficult to analyze. Most states confine their descriptions of strategic approach to two components: a list of broad goals and sometimes vague "implementation plans,"<sup>12</sup> and a list of program priorities.

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<sup>7</sup>1989 Strategy for Alaska, pp. 30-31.

<sup>8</sup>1989 Strategy for Alaska, p. 28.

<sup>9</sup>1989 Strategy for Connecticut, pp. 1-2.

<sup>10</sup>1989 Strategy for Illinois, pp. i-ii.

<sup>11</sup>1990 Strategy for South Carolina, p. 68.

<sup>12</sup>A format for enumerating goals is suggested in *Program Guidance 1989*, p. 22.

As noted, the latter may be a subset of the twenty-one areas, or a list that combines several areas into broader groups. These strategies lay out no explicit guiding principles, fail to analyze the trade-offs between various programs, and do not explicitly relate their priorities to the states' most pressing needs.

It does not necessarily follow, however, that the failure to convey a sense of strategy in the document submitted to BJA is the same as a lack of strategy in actual decision-making. It should be remembered that strategy submissions are due within 60 days of the appropriation of funds by Congress. Normally, this means that BJA must receive them in late December or early January. In order to meet this deadline, they are often written under extremely tight timetables, and it is common for them to be produced before state planning and decision-making for the year to which they apply has been finalized.

In short, in a number of states, the state strategy comes into being before the state's strategic thinking is concluded. The effect is that most strategies simply do not allow an assessment of whether they are "strategic" or not. It is likely that the quality of states' strategic planning, like so many aspects of the strategy development process, varies widely. However, the strategy documents themselves are an inadequate basis from which to characterize this variation.

#### **STATE FUNDING DECISIONS**

BJA asks states to relate their strategy presentation to spending decisions by including a budget plan as part of the strategy. This plan, known as the "Attachment A," asks states to list their anticipated allocation of their Formula Grant among the 21 purpose areas.

Attachment A information can be seen as the concrete manifestation of the state strategy, since the form embodies the state's plan for allocating scarce resources among competing objectives. At the very least, the description of the relationship between strategic priorities and spending which the Attachment A provides is a crucial element of the strategy presentation.

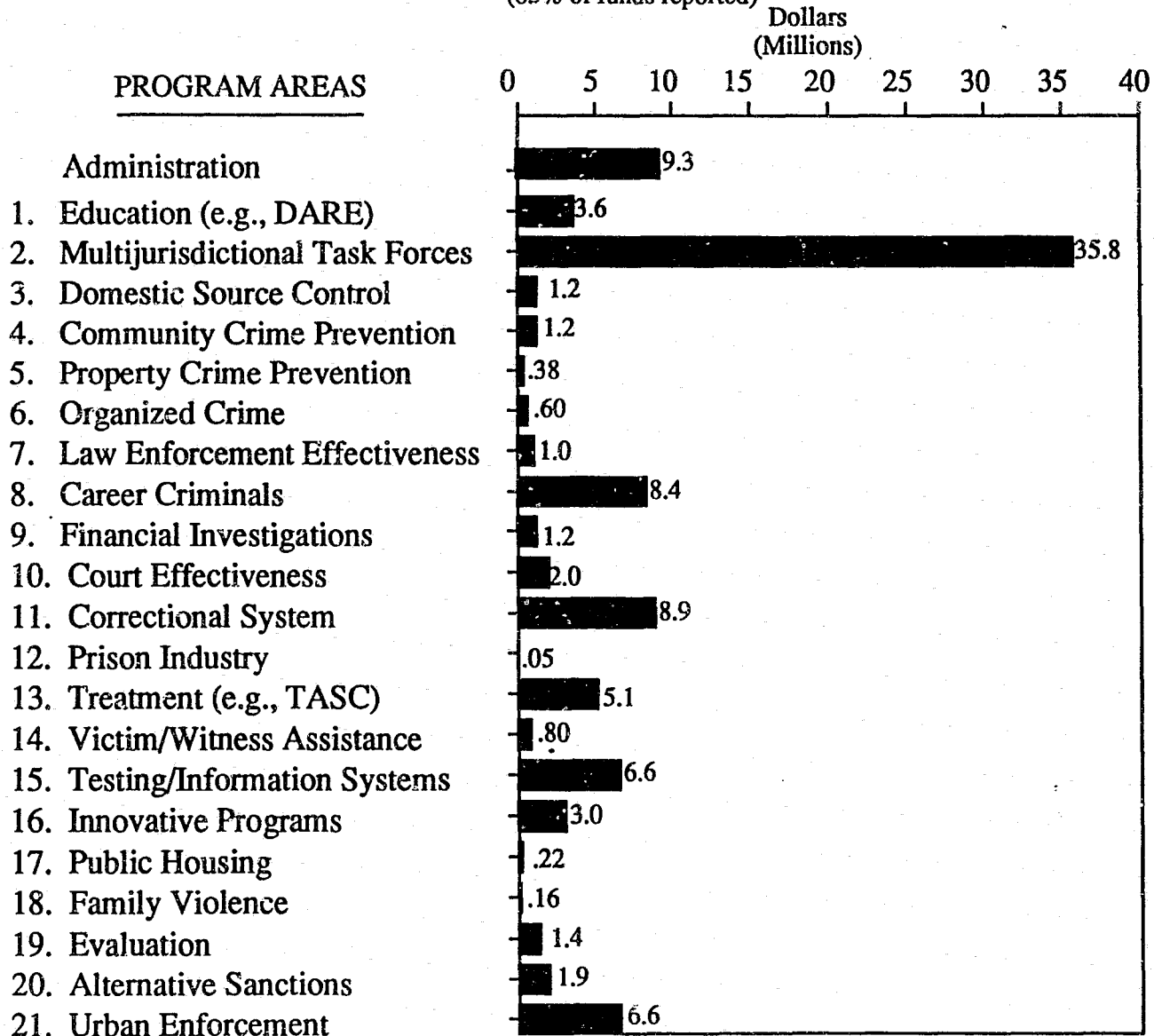
Table 4.2 represents the aggregate allocations described in the FY89 Attachment A's.<sup>13</sup> In a rough fashion, this distribution represents the aggregate of the state "strategies," the sum of states' weighting of their various priorities. However, several considerations make interpretation of the Attachment A data less than straightforward.

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<sup>13</sup>The allocations shown represent approximately 85% of the total \$119 million FY89 Formula Grant Program. Of the remaining 15%, approximately \$12 million are the allocations for Arkansas, Nebraska, Oregon, and Texas, for which 1989 Attachment A's were not available. The remaining \$6 million was either omitted by states or assigned to multiple purpose areas (see below).

**Table 4.2. Planned State Allocations to Program Areas, FY 1989**

(85% of funds reported)



SOURCE: FFY 1989 State Strategies



First, some states did not complete their Attachment A fully or accurately. In these cases, allocations may have summed to less than the total award, or funds were listed as "undetermined" or assigned to multiple purpose areas.<sup>14</sup>

Second, several purpose areas overlap. Multijurisdictional task forces (area 2), for example, often engage in street-level urban enforcement (area 21) and in crime prevention (areas 4 and 5). Innovative programs (area 16) can usually be categorized under other areas as well. In such cases, states simply designate purpose areas arbitrarily.

Third, the breadth of individual purpose areas allows considerable variation at the local level. Many programs in the same purpose area are very different. This makes it difficult to compare state strategies by comparing their Attachment A's; and it makes the aggregation shown in Table 4.2 a less complete description of state decisions than it would be had purpose areas been more narrowly defined.

Fourth, several changes that occurred in FY90 made Attachment A analysis particularly problematic for that year. First, the tripling of Formula Grant funds gave states a large new pot of money for which plans had not been made in earlier years. In addition, there was an increased use both of formulas to assign funds to regions or counties within a state and of local planning requirements.<sup>15</sup> Since such local plans are normally not due in state offices until well after the state plan is due at BJA, decisions made by the former cannot be included in Attachment A statements submitted by the latter. For this reason, the analysis of Attachment A data in this report is restricted to FY89. This obscures whatever changes were made in state allocation decisions in the FY90 grant cycle.

Despite these problems, some dependable conclusions can be drawn from Table 4.2. It clearly illustrates a very strong commitment to multijurisdictional task forces. Over one-third of reported funds were used for this purpose. The rise of multijurisdictional task forces is both the Formula Grant Program's most direct effect on local drug enforcement practices and the most obviously shared commitment of the state strategies.

Table 4.2 also shows a relatively strong commitment to the correctional system and career criminal investigations, and the relatively lower priority of family violence and public housing programs. Several states note that the latter areas receive funding from programs other than the Formula Grant.

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<sup>14</sup>In these cases, BJA uses special conditions and reporting requirements to ensure its eventual receipt of data on state expenditures.

<sup>15</sup>States which use local formulas to distribute subgrants are California, Colorado, Florida, Kentucky, Louisiana, Mississippi, Nevada, New York, Ohio, Rhode Island, Tennessee, West Virginia, and Wisconsin. See Table 3.4.

It would obviously be informative to compare state plans for expenditures, as reflected in Attachment A reports, with actual spending decisions, as reflected by data on the individual projects that Formula Grant funds support. Information on projects is provided to BJA by states on Individual Project Reports (IPR's). However, cleaned and verified versions of these data were not available during this study. BJA is now in the process of verifying the IPR information, and plans to analyze it in the near future. This will provide a valuable supplement to the Attachment A analysis.

## **COORDINATION WITH OTHER PLANNING EFFORTS**

### **Coordination with the National Strategy**

State planners are required "to incorporate the recommendations from the National Drug Control Strategy into their state strategy with an emphasis on street-level enforcement, planning and designing court facilities, alternative sentencing, user accountability, and drug testing."<sup>16</sup>

Most states meet the requirement in a technical sense. To a large extent, however, the compliance is perfunctory. For example, similarities and differences between the two strategies may be listed, but there is little visible effort to adjust state plans to national objectives.

In response to the RAND survey, one state writes, "The National Strategy *cannot* be directive. States and localities must decide on approaches. We need state strategies and a federal strategy in order to have a national strategy."

Such frustrations are exacerbated when state planners disagree with the national priorities. The state described above also commented, "[My state] strongly objects to the [National] strategy's requirement that states' receipt of Drug Control and System Improvement Grant Funds be conditioned upon implementation of non-germane programs such as drug testing."

Still other states bemoaned the duplication among BJA and ONDCP demands for information. Several ask that the two agencies coordinate their requirements so that they might provide required information only once.

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<sup>16</sup>*Program Guidance 1990*, p. 2. In FY89, before the release of the first National Strategy, states were asked instead "to describe the relationship of drug control efforts within the state to the national efforts and ... provide input for modification of the National Drug Control Strategy." *Program Guidance 1989*, p. 23.

### **Coordination with Other State Planning Activities**

Nearly all states engage in drug control planning and coordination activities which are both independent of the Formula Grant Program and whose scope and involvement far exceed the demands of the Anti-Drug Abuse Acts. These activities need not and usually do not conform to federal planning guidelines. Therefore, the strategy development process mandated by the Anti-Drug Abuse Acts must adapt to the wider state planning context. This has the potential for creating synergistic, creative planning; but it also can lead to duplication and waste.

Almost every state has an agency or commission whose responsibilities for drug control planning are broader than planning for Grant; many have more than one. Table 4.3 shows the prevalence of three types of agencies: Drug and Violent Crime Policy Boards; state drug coordinators' offices; and other drug commissions. These bodies, which engage in a variety of activities, are discussed in the first three subsections below.

In the course of these planning activities, twenty-four states also produce state drug control plans in addition to the strategy developed for the Formula Grant Program. These plans are discussed in the final subsection.

**Drug and Violent Crime Policy Boards.** Forty-four states report establishing a Drug and Violent Crime Policy Board. However, the BJA suggestion that the Board "be responsible for the development of the state strategy and facilitate coordination within the state"<sup>17</sup> is rarely taken.

Nationwide, only four Boards have responsibility for producing the criminal justice strategy.<sup>18</sup> The remainder perform a variety of other functions. Thirty-one consult with FGP agency staff regarding program-related decisions. Approximately half are involved in the selection of priorities from among the 21 areas; half also evaluate subgrant applications and recommend awards. Nine participate in the selection of areas of greatest need. In several states, the Board's primary role is to consult and to serve as a forums for communication; in six cases, this is the Board's exclusive function.

At the same time, Boards often take on responsibilities unrelated to the Formula Grant. Many of the committees and commissions described in the next sections, which have statewide responsibilities for coordination and planning, are cross-designated as Policy Boards.

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<sup>17</sup>*Program Guidance 1989*, p. 13.

<sup>18</sup>In these cases, FGP agencies have been cross-designated as Drug Policy Boards.

Table 4.3

TYPES OF DRUG CONTROL PLANNING AGENCIES

State	Drug Policy Board	State Drug Office	Commissions	Legend
Alabama	x	pl	o	- does not exist
Alaska	-	-	-	-
Arizona	-	-	x	pl planned
Arkansas	x	x	o	
California	x	-	o	o exists; does not participate
Colorado	x	-	x	in FGP
Connecticut	x	-	o	
Delaware	*	x	o	
Florida	x	x	x	x participates in FGP
Georgia	x	x	x	
Hawaii	x	-	o	
Idaho	x	-	x	* responsible for FGP
Illinois	x	-	-	
Indiana	x	x	o	
Iowa (a)	*	x	x	
Kansas	-	*	x	
Kentucky	x	x	x	
Louisiana	x	-	o	
Maine	x	-	x	
Maryland	*	*	o	
Massachusetts				
Michigan	-	x	o	
Minnesota	x	*	x	
Mississippi	-	-	x	
Missouri	-	-	x	
Montana	*	-	x	
Nebraska	x	x	x	
Nevada	x	x	x	
New Hampshire	x	-	-	
New Jersey	-	-	o	
New Mexico	x	x	x	
New York	x	x	-	
North Carolina	x	-	x	
North Dakota	x	-	-	
Ohio	-	-	o	
Oklahoma	x	-	-	
Oregon	x	*	o	
Pennsylvania	-	x	-	
Rhode Island	*	o	x	
South Carolina	x	-	o	
South Dakota	x	-	o	
Tennessee	x	-	x	
Texas	x	-	o	
Utah	x	-	-	
Vermont	x	-	-	
Virginia	o	x	o	
Washington	x	-	o	
West Virginia	x	pl	o	
Wisconsin	x	x	-	
Wyoming	x	-	-	
American Samoa	x	-	x	
District Of Columbia	-	x	x	
Guam	x	-	-	
N. Mariana Islands	x	-	-	
Puerto Rico	x	-	o	
American Virgin Islands	x	*	x	
TOTALS	44	23	41	

SOURCE: RAND Survey of States and Territories  
(a) In Iowa, the Policy Board is located within the drug coordinator's office.

**Offices of State Drug Control Policy.** A growing number of states model their activities after the Office of National Drug Control Policy, creating state drug coordinators often colloquially referred to as state "drug czars." Twenty-three states report having established such a position. More are likely to follow suit. These coordinators can be appointed by legislatures or by governors; they head whole departments in some states and work out of governors' offices in others. Although state drug coordinators' mandates vary, most have a general involvement in the anti-drug effort, accompanied by some, perhaps limited, authority over budgets and policy.

Of the twenty-three such "czars," only six are responsible for Formula Grant Program activities.<sup>19</sup> Eight states report the office's policies help determine their strategic decisions; six say that the office's sole participation in the Program is to "consult" with planners. Two states report that the state "drug czar" has no role in the preparation of the strategy or the implementation of the Program.

Eighty-three percent of state drug coordinator positions were created in 1988 or later; three-quarters were created since 1989.<sup>20</sup> By the time this study took place, only seven states had neither Policy Board nor drug coordinator. This appears to indicate a growing trend in favor of increasing centralization of state drug control planning.

**Other Coordinating and Planning Commissions.** All but fourteen states have gubernatorial commissions or legislative agencies involved in drug control planning and coordination, in addition to any Policy Boards or "drug czars."

A number of these commissions were created in order to promote coordination among agencies. While these bodies often suffer from a lack of authority, they do bring problems of coordination needed attention and publicity.

Some of these commissions have encouraged the heads of the various agencies involved in drug control to meet together to resolve issues of "turf" and to coordinate their activities. The success of these "drug cabinets" has depended in large part on the degree to which agency heads participate. In Georgia, for example, the Governor required cabinet members to attend monthly meetings and expressly forbade them to send deputies in their place; comments of participants were quite positive.

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<sup>19</sup>This includes Iowa, where a separate bureau within the Drug Coordinator's Office is responsible for the Program.

<sup>20</sup>Of remaining states, one created the office in 1987; the remaining three created drug coordinators' offices by extending the responsibilities of existing agencies. Data on the year such positions were created were not available for two states.

<sup>21</sup>This includes Iowa, where a separate bureau within the Drug Coordinator's Office is responsible for the Program.

Inter-agency communication is not the only issue which has inspired states to empower commissions, committees, and task forces. They have also been asked to implement new approaches, centralize policymaking activities, and strengthen existing drug control services.

Like Drug Policy Boards, these planning commissions have varying effects on the course of strategy development. While none of these commissions and boards have direct responsibility for the strategy, some are responsible for particular functions. For example, eleven states have commissions which help to select programmatic priorities; four states have commissions which select regional areas of greatest need. Twenty states' commissions participate in a more general fashion by consulting with FGP agency staff.

**Non-BJA State Plans.** Twenty-four states have produced drug control plans for internal state use that are different from the criminal justice strategy submitted to BJA (see Table 4.4). Moreover, all but seven of these plans are produced by agencies or commissions other than the FGP agency.

State plans are produced for a number of reasons. Some states have passed laws which require their development. In others, governors have mandated planning by executive order. In still others, governors and other members of the executive branch have initiated planning informally.

Despite these differences, most internal strategies follow a similar pattern. They begin with a brief assessment of the state's drug problem. They are then followed by chapters which list initiatives for improving drug control services. Almost all have chapters for criminal justice, treatment, and school-based prevention; some add chapters for coordination, research, media, and workplace programs.

The initiatives themselves are often quite specific, discussing the creation of new programs and adjustments to existing activities as well as general policies. Several plans follow each initiative with a brief description of implementation and the name of the implementing agency.

Not all strategies follow this format. The New Jersey Attorney General's Office *Action Plan*, for example, lays out specific changes in drug law enforcement policy and the methods to be used for implementation. In Virginia, the *Interagency Comprehensive Substance Abuse Plan* consists of strategies produced independently by seventeen agencies involved in drug control. California's *Master Plan* focuses on organizing the state drug control effort. New Mexico's plan, in addition to describing implementation, sets quantitative objectives for reductions in drug use.

Table 4.4

STATE DRUG CONTROL PLANS NOT PRODUCED UNDER THE FORMULA GRANT

CA	1989	<i>Five Year State Master Plan to Reduce Drug and Alcohol Abuse</i>
CO	1988	<i>Five Year Plan: 1988-1992</i>
DE	1989	<i>An Action Strategy to Reduce Substance Abuse in Delaware</i>
FL	1990	<i>Toward A Drug-Free Florida: Strategies for 1990</i>
GA	1989	<i>Strategy for the 1990s: Georgia's Drug Education, Treatment, and Enforcement Plan</i>
IA	1989	<i>Annual Report of the State Drug Enforcement and Abuse Prevention Coordinator</i>
KS	1990	<i>Toward a Drug-Free Kansas: Special Report on Alcohol and Other Drug Abuse</i>
MD	1989	<i>Maryland's Drug and Alcohol Abuse Control Plan</i>
MS	1989	<i>Substance Abuse Policy Council Report to the Governor and Legislature.</i>
MO	1989	<i>Drug Control Strategy</i>
NE	1990	<i>Toward a Drug-Free Nebraska</i>
NV	1990	<i>Beating Drugs: A Workable Plan for Nevada</i>
NJ	1986/88	<i>Blueprint for A Drug-Free New Jersey (October 1986); Attorney General's Statewide Action Plan for Narcotics Enforcement: Implementation Program (January 1988).</i>
NM	1989	<i>New Mexico Drug Control Plan</i>
NY	1989	<i>Anti-Drug Abuse Strategy Report</i>
NC	<sup>a</sup>	
OR	1990	<i>Governor's Drug Control Package</i>
PA	1989	<i>PENNFREE: The Governor's Plan for a Drug-Free Pennsylvania</i>
TN	1989	<i>Maintaining Momentum: 1990 Plan</i>
TX	1990	<i>Goals and Strategies 1991</i>
VT	1989/90	<i>Vermont Law Enforcement Strategic Plan</i>
VA	1989	<i>Interagency Comprehensive Substance Abuse Plan '89</i>
WV	1990	<i>A Drug-Free West Virginia: State Strategy</i>
WI	1989	<i>The Attorney General's Strategy: Combating Narcotics in the Nineties</i>

Source: RAND Survey of States and Territories

<sup>a</sup>Information not available

State plans also differ in their approach to funding. Most plans do not associate funds with their initiatives. Several, however, function as budget requests to the state legislature. In these states, which include Kansas and Pennsylvania, the plan is the framework for a funding "package."

In other states, the plan's role is to coordinate the sources of drug control funding. This is the focus of Oregon's *Drug Control Package*, which discusses the way in which various initiatives will be funded by the three federal drug control block grants, other grant programs, and state monies.

All such plans, however, share one important feature: none conforms even to the broad strategy requirements of the 1988 Act. Few highlight criminal justice, and many make no mention of the Formula Grant Program at all; none discuss it any detail. Instead, these plans focus on areas which have been determined internally to be relevant and useful, generally treating prevention, treatment, and criminal justice equally. Moreover, few of these plans meet specific federal requirements. They omit much required data; they often do not discuss current resources and fail to designate regions of greatest need.

All such plans are produced *in addition* to a BJA strategy, which is submitted in order to receive Formula Grant Program funds. This allows the states both to produce plans which meet their needs and to remain eligible for federal support.

Most of the states which produce both a BJA and an internal strategy report that the two are interrelated. Sometimes, the relationship is strong; the authors of the two plans communicate with one another, the contents of each plan are coordinated, and duplication is minimized. More often than not, however, the relationships are tenuous, and the goals of the two plans are so disparate that coordination is barely necessary. In some states, the strategies are prepared independently even though they cover similar material.

Only one state, Maryland, makes its state plan the centerpiece of its Formula Grant strategy submission; it appends materials which fulfill federal requirements. Delaware, Missouri, and New Mexico include their state plan as an appendix to their BJA-mandated strategy. BJA strategies in New Jersey, Florida, and Pennsylvania also refer explicitly to their state plans.<sup>22</sup>

The existence of two simultaneous state planning mechanisms was clearly not intended by the Acts, which strove to create requirements allowing each state to adapt the planning process for its own use. Nevertheless, many state policymakers clearly feel that the

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<sup>22</sup>1989 Strategy for New Jersey, pp. 72ff.; 1990 Strategy for Pennsylvania, p. 2.



strategies produced for the Formula Grant Program are insufficient to meet their planning needs. Either they are unaware of the Formula Grant Program strategies, or they feel that the requirements which the Acts and BJA place on the development of such a strategy limit the utility of the final product. Moreover, they view planning as so crucial to their efforts that they are willing to produce additional, broader strategies, according to their own specifications, despite the additional effort this entails.

In some of these cases, the independence of the two plans has resulted in the marginalization of the strategy prepared for the Formula Grant Program within the context of broad state policy. Since states determine the content of the internal plans, they naturally receive emphasis.

More broadly, however, these independent strategies signal the acceptance of planning into states' organizational culture. States' willingness to produce strategies of their own, in the absence of federal incentives, is perhaps the most powerful confirmation available of the extent to which states have embraced the concept of strategic planning for drug control.

## V. STATE ASSESSMENTS OF THE FORMULA GRANT PROGRAM

One of the primary goals of the RAND survey was to solicit state opinions regarding various aspects of the Formula Grant Program. This chapter presents states' views of Formula Grant recipients on four topics: strategy development; fiscal restrictions on use of Formula Grant funds; special problems of small states; and BJA support of strategy development.

The survey both asked states to rate various program components on numerical scales and used open-ended questions to solicit more detailed comments. Since most states provided no written comments for any given question, the state recommendations quoted in this chapter do not necessarily represent a majority of states. Instead, they reflect the diversity of state opinion surrounding particular issues.<sup>1</sup>

Moreover, this chapter reflects only the views of FGP agencies. While FGP agency officials are those most intimately involved with the Program, their views are not necessarily in accord with those of other state agencies or of state governments as a whole.

### STATE ASSESSMENTS OF THE STRATEGY REQUIREMENT

The states support the strategy requirement. Forty-six states say they would "probably" or "definitely" develop a strategy even if it were not required. Forty call strategy development a worthwhile use of time and money. No respondents suggest that the requirement be eliminated.

Furthermore, more than half the states support maintaining the strategy requirement close to its current form. They argue that the requirement:

- "Does not impose an unreasonable burden and does force coordination activities which might otherwise be neglected;"
- "Forces states into planning which faded after LEAA;"
- Insures that states make a serious effort to establish goals and benchmarks;
- Is the logical consequence of giving states control over federal funds.

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<sup>1</sup>States were assured that evaluative comments made in the mail survey would be kept confidential. For this reason, state opinions quoted in this section are anonymous.

Other respondents, however, suggest that strategy requirements be reduced. Three basic suggestions are made.

**Administrative and bureaucratic requirements should be reduced.** Several states suggest a system like those required by the ADMS and Drug Free Schools block grant programs, which require less detailed applications.

States are split regarding the utility of the data collection requirements. Twenty-nine states call the data collection burden "reasonable;" the rest call it "heavy." Seven states remark that the data requirement is burdensome, unduly detailed, and unnecessary; by contrast, three states comment that the data requirement is "complete," "purposeful," and "necessary for planning purposes."

**Strategies should be submitted less frequently.** Several states note that neither the scope of the problem, current resources, or strategic approach change radically from year to year. They generally suggest two- or three-year strategies, with annual adjustments; one state suggests one submission every five years.

**Strategy comprehensiveness and detail should be reduced.** Irrelevance and wastefulness are the two most common criticisms of current strategy requirements. Comments include: "States are spending too much time trying to justify their programs;" "The strategy we are required to develop is basically superfluous;" "A great amount of time is being spent on issues BJA wants addressed, but that have no impact on our strategy."

One state suggests that the strategy requirement is simply one of several hoops which must be jumped in order to receive federal funds. This is a very uncommon position, however. Even those states which advocate a reduction in the specific provisions which govern strategy development largely concur that states should conduct drug control planning. Thus, whatever the perceived shortcomings of the Formula Grant strategy process, planning has been accepted not only as reasonable but also as worthwhile.

#### **STATE ASSESSMENTS OF ADMINISTRATIVE RESTRICTIONS**

While states generally approved of the strategy requirement, they were less supportive of the fiscal limitations placed on their use of Program funds. States' comments on these restrictions are discussed below.

**Formula.** States with coasts or international borders, states with major urban areas, and sparsely populated states often complain that population alone should not drive the formula. Several territories note that their proximity to international drug centers should entitle them to at least a full state's allocation.

**21 Purpose Areas.** Several states suggested that non-criminal justice activities — treatment, prevention, rehabilitation, and victim assistance — be removed from the list of approved purpose areas, especially since funding is available for them elsewhere. A smaller number complain that the program areas are too limiting, and interfere with the implementation of “creative” projects.

**Cap on Administrative Expenditures.** Few states object to the 10 percent legislative limit on administrative expenses. Views are more mixed regarding the 5 percent limit urged by BJA in FY90, when Program funds rose dramatically. Roughly 40 percent of states consider it too restrictive, claiming that their administrative costs are not fixed but increase proportionately with increasing numbers of subgrants.<sup>2</sup>

**Pass-Through.** States generally believe that the pass-through system is fair and equitable. Most say that it neither inhibits nor promotes Program effectiveness; and more states believe that it enhances their efforts than believe that it encumbers them. One state, however, notes that pass-through poses significant difficulties in states where all criminal justice functions other than policing are managed at the state level, “and law enforcement needs the money least.” In this case, the inadvertent effect of the pass-through requirement is to channel money to a particular function, a consequence that the legislation expressly seeks to avoid.

**“Four-Year” Rule.** Although the RAND survey was conducted only three and one-half years after the start of the program, it found strong state opposition to the four-year rule. Roughly 75 percent of states say that the four-year rule has had a negative effect on program effectiveness. Many states note that the failure of task forces or other programs to generate enough cash to become self-supporting makes them no less crucial or effective. States predicted that rural and poor areas, which lack the resources to take over even successful projects, would be victimized by the regulation.

**Match.** States strongly disapprove of the match requirement. Thirty-two states say that 25 percent match inhibits Program activities. No state supports the proposed increase to 50 percent match, and forty-five say that the increase would “strongly inhibit” their efforts.

Many states also criticized the match requirement when asked in an open-ended question how the Program could be improved. Several states note that even a 25 percent match excludes several of their jurisdictions, whose resources simply cannot support such a commitment. Fifty percent match is attacked with special vehemence. One state urges that

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<sup>2</sup>Several of these states requested and received permission from BJA for a higher administrative allocation.

in-kind match be permitted, saying, "There are cities and counties [in my state] that cannot afford to match 25 percent as it is now." Another adds, "If the match money is increased to 50 percent, I believe [my state] would have to drop out of the program."

## **STATE ASSESSMENTS OF THE BUREAU OF JUSTICE ASSISTANCE**

### **BJA Management of the Program**

Program participants report a high level of satisfaction with BJA. Only four states report not consulting with BJA during the planning and application process. The remaining states were asked to rate the usefulness of consultations with BJA on a five-point scale from "not at all helpful" to "extremely helpful;" the agency received an average score of 4.36. No state describes BJA as unhelpful, and all but four states rate BJA as "quite" or "extremely" helpful.

When asked to discuss improvements that BJA could make to its administration of the program, many states praised the agency. "BJA staff are always helpful and knowledgeable" is a typical comment. One respondent noted that BJA does "a fine job. [It provides] a good mix of direction and instruction, and not too much bureaucratic goobledook." Several states also note that BJA provides important assistance not only in the application phase but throughout the year, as management and other difficulties arise.

Many of the states which give BJA high marks nevertheless suggest ways in which it might improve. A frequent complaint is the paucity of opportunities for on-site contact, training, and technical assistance. This complaint was made frequently by small and far-flung states and territories. Several states also note that the process by which they were notified of timetables and regulatory changes was neither as timely as it might be nor completely reliable.

Many states say that BJA should improve its reporting of program-related information. Several request that BJA distribute information on other states' successful programs and approaches; more frequent regional conferences were often suggested as a possible mechanism. Respondents also recommend that BJA provide relevant research and evaluation results, specific suggestions for project and evaluation design, information on applications and awards made to localities within the state by the BJA discretionary grant program, and feedback, either formal or informal, on state strategies already submitted.

Finally, several states mention difficulties in contacting with and getting firm answers from their BJA contact. States seeking to learn if a particular subgrant or activity met legal constraints noted particular difficulties getting prompt replies. One respondent suggested a

system of regional offices as a possible solution to these problems; another suggested assigning backup staff who could be reached when designated contact people are unavailable.

### **Program Guidance Materials**

Asked to evaluate the *Program Guidance* materials on a five-point scale from "not at all helpful" to "extremely helpful," states gave the *Guidance* an average rating of 3.83. No state gave it a below-average rating. These results, upheld in interviews with state officials, suggest considerable state satisfaction with the *Guidance*.

Some states, however, provided suggestions for improving the *Guidance*. These are summarized below.

**The "Program Guidance" and "Application Kit" should be combined and reorganized.** States note that summary discussion, specific requirements, and fiscal information appear both in the *Application Kit* and in multiple places of the *Program Guidance*. They suggest that these materials be consolidated.

**Application materials should be specific and unambiguous.** One state, echoed by several others, notes that "more detail of what should be included in various [strategy] sections would be helpful." Several others suggest that BJA distribute a satisfactory strategy which could be used as a model, or at least provide "more explanation on what is required, with examples." One state wrote simply, "more detail - simple guidelines - and consistency."

A related criticism is that the *Guidance* makes it difficult to know whether guidelines have been met. "Distinguish between what *should* and *must* be addressed," wrote one state. Another respondent suggests that the *Guidance* include a list of criteria that BJA will use to judge the acceptability of applications.

**BJA should provide more detailed guidelines regarding program-specific fiscal requirements.** Many states report confusion in applying guidelines regarding match, supplanting, project income, and pass-through. This confusion requires frequent consultation with BJA as applications are prepared. More detailed instructions, with examples, are requested.

**Documentation of required forms and supporting materials is inadequate.** Many states reported confusion with the Annual Project Report forms and other materials. Again, more detail, with examples, is requested.

The "Program Brief" system should be revised. BJA has prepared "Program Briefs," which describe the goals and techniques used by particular types of drug enforcement initiatives, for several of the twenty-one project areas. States implementing these initiatives need simply follow the BJA-approved Program Brief. In areas without approved Briefs, however, states are required to develop their own.

This process was described by one state as "useful but clumsy." Several other states complain that the requirements for areas without approved Briefs are too burdensome. Suggestions include: BJA should provide an index of approved briefs created by other states; BJA should develop pre-approved Briefs for all project areas; and areas without a pre-approved Brief should not be required to develop one. Several states ask that BJA publish the text of the Briefs with the *Program Guidance*.

**Guidance should highlight those requirements and regulations which have been altered from those of previous years.** Currently, old and new materials are presented together without distinction. This makes states "re-absorb" old rules and requirements along with the new. States also request that consistency in BJA-imposed requirements, such as the data collection forms, be preserved from year-to-year as closely as changing legislative mandates allow.

#### **SPECIAL PROBLEMS OF SPARSELY POPULATED STATES**

Drug problems in small communities are rarely associated with dramatic cases of violence and losses of life. These communities observe, however, that in other respects their problems remain substantial. These communities add that they should not be penalized for having drug problems of relatively lesser magnitude than other areas; instead, they should be given the opportunity to control these problems while they are still manageable, rather than waiting for them to balloon to the levels which characterize other parts of the nation.

However, the Formula Grant Program confronts small states with special problems. Small states have described five basic characteristics which underly these difficulties:

1. Certain types of programs cannot be conducted in rural areas without unusually high levels of per capita funding. It is difficult, for example, to conduct undercover work with only one or two officers, even if a community is relatively small; people come to know the officers' identities too quickly. Similarly, programs requiring large capital investments — urinalysis machines for drug testing, for example — are impractical in areas where small grants are the norm.

2. Programs which target specific client populations — courts, probation, corrections, and treatment — are also infeasible in small communities, where the numbers of cases, probationers, inmates, and treatment clients are very small. Attempts to consolidate these functions at the state level, however, can run afoul both of jurisdictional conflicts and of federal pass-through regulations.
3. Diseconomies of scale affect even those programs which are appropriate at the local level. Large, sparsely populated Western states have numerous jurisdictions; therefore, in states wishing to fund programs which cover the entire state, funded levels of activity in each jurisdiction are quite low.
4. The size of local communities often precludes or limits their inability to meet match and non-supplanting requirements. One state, criticizing the proposed 50% match level, notes that an increase to 50% would “cripple rural task forces.” Another writes, “76% of [our state’s] law enforcement agencies are one- and two-man departments. It’s difficult for them to develop match.”
5. The burden of generating a state strategy is not proportional to state population. For example, small and large states must meet the same strategy requirements. Monitoring and administration also involve substantial fixed costs. To the extent that this is so, small states are penalized. At the least, there is likely to be less money on a per-grant basis for technical assistance, evaluation, and other services in small states than in large ones. Moreover, these services tend to be unusually expensive in sparsely populated states. In Montana, for instance, FGP agency officials making site visits spend twice as much time on the road as they do at their destinations.

Small states have identified three types of approaches to the solution of these problems, which could be taken by Congress, BJA, or small states themselves. These three categories are listed below. It should be noted that not all small states favor any remedy whatsoever, and that many approaches favored by some are opposed by others.

1. *Legislative remedy.* Congress could exempt small states, suitably defined, from certain provisions of the Act. Waivers or modifications might be granted, for example, to the 10% administrative cap, the data collection requirement, monitoring provisions, or match. A more radical and politically more sensitive adjustment would be to increase the proportion of funds given to small states.



This might be accomplished by increasing the base amount for all states. Increasing the base to \$2 million, for instance, would represent a near-doubling of funding for smaller states while causing a proportionately smaller decrease for larger states.

2. *Administrative support.* BJA might create a special capacity to provide additional technical assistance to small states. Such assistance would supplement current BJA support with training and information specifically geared to small states' needs. This might involve the creation of special technical assistance programs. Another alternative would be for BJA to organize technical assistance around state size, rather than around geographical region, which is the present arrangement.
3. *Cooperative ventures.* Small states could pool portions of their allocations to provide specialized services. Currently, some small states use multijurisdictional task forces as umbrellas for exchange programs where undercover officers move from community to community. Such task forces have also been used to centralize services like probation or treatment at regional levels. Similar collaborative efforts could be undertaken on a multi-state rather than a single-state basis. They could also be extended to support functions, such as information management. While such a strategy would create obvious problems of coordination and cooperation, it has the potential for supporting shared functions that are currently beyond the capacity of any individual small state to provide for itself.

Many small states also note that they enjoy peculiar advantages as well as special constraints. Their bureaucracies are often small and flexible. Agency heads and their staffs have typically worked in a variety of agencies and have developed personal and working relationships which transcend bureaucratic boundaries. Such flexibility and interdependence often create environments conducive to genuine innovation, creativity, and coordination which are often more difficult to establish in larger areas.

To the extent that this is true, however, the success of the Formula Grant Program becomes dependent on the personal characteristics of a few significant individuals, and less dependent on the procedures, practices, and technical assistance that are established or provided by BJA.

## VI. RECOMMENDATIONS

This chapter discusses some of the broad effects of the state strategy requirement, identifies problems which should be solved, and presents options for resolving those problems. The initial focus is on the strategy requirement itself, and then attention is turned to BJA activities that administer or support state planning functions.

### ASSESSMENT OF THE STRATEGIC PLANNING REQUIREMENT

#### States Have Embraced Strategic Planning

Congress imposed the strategy requirement on states because it believed planning to be a prerequisite for the Formula Grant Program's success. The drug problem was seen as too big and the array of competing approaches and agencies too vast for a few hundred million dollars of federal aid to make much of a difference unless it could be effectively focused. The way to do this, it was believed, was to establish a strategic framework within which federal funds could be expended.

As we have noted, the strategic plans that states have produced under the Program meet the Program's formal requirements. For example, though there is considerable inter-state variation in the quality and scope of the plans submitted to BJA, states now do the following:

- produce a drug crime control plan of some kind;
- conduct needs assessments that, at the least, make an attempt to quantify the drug problem;
- designate strategic priorities which, to some degree, provide a strategic focus for spending Formula Grant Program funds;
- supply at least some of the information that BJA requires as a condition for strategy approval.

Furthermore, a large majority of state planners have come to view strategic planning as crucial to their drug control efforts. Even FGP agencies that advocate altering the federal strategy requirement support maintaining the requirement itself. They emphasize that it forces them to consider goals, benchmarks, priorities, and the needs of various constituencies which might otherwise be ignored. And, irrespective of the quality of the strategy document that results, these functions are considered worthwhile.

Despite this acceptance, and despite the fact that all state strategies have been ultimately judged in compliance with federal guidelines in each year of the program, there are three important areas in which state and federal views are at odds:

- state strategies are not comprehensive;
- states and localities do not cooperate to produce the strategies in the ways which the Acts and BJA have intended;
- states are unenthusiastic about the restrictions that the legislation places on their use of federal funds.

All of these issues have implications for the future of the program that will in all likelihood require some attention at the federal level in order for the program to continue to run smoothly.

#### **The Strategies Are Not Comprehensive**

The mandate that strategies be comprehensive is clearly stated in the legislation and in BJA guidance concerning strategy development. However, the term is not specifically defined and is consequently open to a number of interpretations. It implies the following: discussion of all components of the criminal justice system; analysis of the needs and interdependencies of drug treatment, prevention, education, and criminal justice; and integration of the needs of various jurisdictions and geographic regions.

Regardless of interpretation, however, few strategies can be considered comprehensive. Most states focus on activities and expenditures of the Formula Grant Program, although Formula funds represent only one small component of the state's drug control system.<sup>1</sup> Many strategies do not consider the totality of the criminal justice system. They typically ignore or minimize education and treatment. Few evince a consistent, strategic approach capable of evolving over time and adapting to changing conditions. And even fewer relate the strategy to the actual distribution of scarce resources.

A central question therefore faces the federal government with respect to the state strategy requirement: what is its purpose? Are strategies to be plans for expending federal criminal justice funds on criminal justice functions, with little or no regard for other drug

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<sup>1</sup>This should be contrasted with the state drug control plans produced independently of the Formula Grant Program, which rarely make mention of the Program's resources or activities.

control activities in the health and education arenas? Or are they to be comprehensive drug control plans, in which use of federal crime control aid is but one element?

We make no recommendation regarding the resolution of this issue. Both approaches have merit. We do, however, urge that the issue be resolved. Currently, strategies fall between the cracks of this approach. They fall short of comprehensiveness but expend significant energies and resources in the attempt to achieve it. Either states should be relieved of the burden of comprehensiveness, or what it entails and why it is necessary should be more clearly explained.

If comprehensiveness is retained as an objective, strategy requirements should be modified to push states in this direction. Options include the following.

- Congress could enact legislative changes strengthening the strategic planning component of the Anti-Drug Abuse Acts. For example, recipients of ADMS and Schools block grant funding could be required to work with FGP agency officials to produce a more comprehensive, statewide strategy. To a certain extent, this is already occurring in states that produce comprehensive drug control plans independent of the Formula Grant strategy.
- States might be required to include budgetary information on all state drug control activities irrespective of the funding source.
- Governors could be encouraged to conduct strategic development at a higher level of the executive branch of government. Currently, governors generally designate state planners who lack policymaking authority. They often have little influence with the operational agencies of the criminal justice system, and even less with treatment and prevention agencies, whose own incentives to cooperate with criminal justice planners are weak. Governors should be encouraged instead to locate strategic development in a context that would allow Formula Grant priorities to affect and be affected by broader state policy decisions.
- The *Program Guidance* could explicitly distinguish between the mandate to produce a strategic plan for drug control and the requirement that states provide information on how they will apply that plan to expenditure of Formula Grant funds. The *Guidance* might, for example, require state submissions in two parts. The first would be a state strategy, not limited to the twenty-one areas, to criminal justice, or to any other federal construct. The second section could

describe how these priorities, along with federal restrictions, will govern the use of Formula Grant funds. The various federal requirements which, nevertheless, mandate a focus on federal funds — the Attachment A spending plan, the determination of priorities among the twenty-one areas, and the analysis of how the state strategy furthers national strategic goals — would be confined to the second section.

- The frequency of strategy submission might be reduced, in acknowledgment of the undoubtedly greater level of effort that more comprehensive strategies would require. There is no obvious rationale in any case why an entirely new strategy should be generated each fiscal year, except as a response to changing Congressional objectives.

#### **Local Participation In Strategy Development Varies**

The division of labor among state and local governments suggested by the *Program Guidance* is straightforward. Local agencies should supply their input and views to state planners. State planners should then use these local concerns to help determine a state strategy for drug control. And local agencies should then develop and implement local subgrant activities which further state priorities.

In practice, the balance between state and local participation in strategy development is anything but straightforward. Although most states meet the requirement of local consultation, consultations often fail to do the following things:

- include elected representatives, such as mayors and local legislators;
- include a representative rather than an arbitrary selection of localities;
- include *all* large urban areas and all areas with especially grave drug problems;
- incorporate mechanisms which insure that local views will be systematically taken into account.

States' decisions about centralizing or decentralizing planning authority also have an impact on local participation. On one hand, local issues may be neglected somewhat when states move towards towards centralizing planning responsibilities in policymaking agencies. Such centralization, designed to assure a role for education and treatment, increases the number of agendas which compete with those of local criminal justice.

At the same time, other states have decentralized planning authority, distributing funds by local formulas and requiring localities to submit local drug control strategies. States which adopt such local autonomy generally supplement federal requirements only with very broad state restrictions. Local communities then pursue their own approaches to drug control in the absence of strategic mandates established at the state level.

These competing trends—towards central planning on the one hand and local planning on the other— represent radically different approaches to decisionmaking about the expenditure of Formula Grant funds. As both types of planning mechanisms evolve, the drug control activities that result from the two kinds of approaches will clearly deserve close attention.

At the same time, however, it seems clear that federal requirements for consultation with localities should be strengthened. Options include requiring rather than encouraging consultation with the state's five largest local jurisdictions,<sup>2</sup> revoking the permission to postpone local review until after the submission of the strategy to BJA,<sup>3</sup> and clarifying whether the requirements for contact with local government include representatives of elected policymakers, such as mayors' offices and city councils, as well as criminal justice and drug control agencies.

#### **State/Federal Perceptions About The Program Differ**

States' objections to the Program's basic fiscal constraints — match, the four-year rule, and, to a lesser extent, the pass-through and non-supplanting requirements — reflect the differing views of federal and state governments regarding the purpose of the Formula Grant Program.

At the federal level, the Program is seen as a way to provide states with "seed money" with which they can create new, innovative, and ultimately self-sustaining programs, and as a stimulant for the infusion of non-federal funds.<sup>4</sup> Funded programs can then be evaluated to help determine "what works," thus increasing the likelihood that effective programs can be identified and picked up by other jurisdictions.

Most states, however, view formula funds as a way to provide drug control services which would otherwise go unperformed. Therefore, fiscal constraints such as the local

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<sup>2</sup>*Program Guidance 1989*, p.11.

<sup>3</sup>*Program Guidance 1989*, p.11.

<sup>4</sup>Office of National Drug Control Policy, *Federal Drug Control Strategy 3* (Washington, D.C.: February 1990), p. 31.

match requirement and the "four-year rule," though perfectly rational from the federal perspective, get a negative rating at the state and local level. A number of states argue that a move to a 50% match will cause many local jurisdictions to drop out of the program, and that projects will simply die as their four year life comes to a close.

Both the federal and state approaches have merit, and neither is obviously superior to the other. However, this miscommunication is counterproductive and should, if possible, be resolved. This is particularly desirable given the potential for Program funds to dry up sooner or later, as LEAA funds did in the early 1980's.

### **BJA SUPPORT AND MANAGEMENT OF STATE PLANNING**

For the most part, states' satisfaction with BJA management of the strategic planning aspects of the Program — unlike their unhappiness over fiscal restrictions imposed by the legislation — is high, and the bulk of the states' suggestions for improvement at BJA are relatively minor. These suggestions, which relate to the improvement of the Program Guidance, training, and technical assistance — especially to small states — are discussed in Chapter V.

However, in the area of information requirements and information management the situation is different. BJA currently lacks the ability to manage, maintain, and report crucial program information. Some of the Program's most important goals — coordination, planning, and learning what works — depend on effective information gathering, analysis, and reporting. BJA's current information management practices handicap both state planners and BJA itself.

Two aspects of this problem are discussed here. The first subsection describes information needs relevant to BJA's management of the program. The second discusses improvements to BJA's ability to report on Program activities to other agencies and groups.

#### **Information Management Needs**

**Budget and Expenditure Data.** BJA currently maintains two sets of data on each subgrant initiative. The first is based on the Individual Project Report (IPR) forms, which states are supposed to file when a subgrant award is made. Among other things, the IPR identifies the project, the responsible agency, the program area, the amount of federal and match funding, and the project start date. The second is based on the Annual Project Reports (APRs), which describe ongoing activities and expenditures during the life of the project.

Currently, problems exist in both the IPR and APR data bases. BJA believes that both are suspect, due to the lack of controls on state reporting and data entry. BJA is currently in the process of asking states to verify all four years of IPR and APR data. Since thousands of subgrants have been awarded since 1987, this is a significant undertaking.

Review of the unverified IPR data shows that the database is usable in its current form. However, several problems limit the utility of the data, and BJA needs to implement procedures to address these. BJA should do the following:

- Ensure, on an ongoing basis, that data are complete and are updated regularly;
- Check the accuracy and consistency of these state self-reports, using internally and externally available information;
- Control changes in data collection design in order to assure data consistency across time periods;
- Effectively document the database, especially when changes in design do occur;
- Include information on the date of subgrant applications and of state award as well as on the start of actual activities.

The APR database requires a similar undertaking.

The IPR and APR data are essential to both basic Program management and to reporting. Management needs to include the ability to ensure state compliance with match and pass-through provisions, to measure subgrantee rates of expenditures, and to identify and explain funding delays. These data are also essential to reporting efforts, which are discussed in the next subsection.

**State Drug Indicators and Outcomes.** BJA asks states to collect two types of data — drug indicators and drug-related criminal justice outcomes — as part of the strategy development process (see Chapter III). It also requests that states report these data on a series of standardized forms. These forms, included in the Program Guidance, are designed to assure comparability of the data across states and years.

At the present time, however, neither BJA nor any other agency use these data effectively. This is especially frustrating for the states, many of which invest considerable resources to complete the data forms. Several state planners complained about the apparent disinterest of BJA in the data they work so hard to collect.



Several obstacles must be overcome before an information system can be generated to use these data. As we have noted, few states complete every element in every standardized form. Mechanisms also need to be developed to address inter-state differences in states' categorization of offenses.

It is also important to note that the data collection requirement is meant not only to create a consistent database but also to encourage states to incorporate data collection into the needs assessment and strategy development processes. However, some aspects of data collection as currently designed — especially the standardization of forms — may actually serve as disincentives in the absence of an information system.

BJA should take several steps to address this issue.<sup>5</sup>

1. BJA should determine whether its interests are served by becoming a clearinghouse for drug indicator and outcome data. In particular, it should assess whether its potential contribution is not duplicated by other governmental or extragovernmental sources of information.
2. If BJA chooses not to develop state drug data information systems, it should redesign the data collection requirement with the sole aim of promoting data-intensive planning at the state level. This would certainly involve reducing the level of standardization required. It might also lead to changes in the specification of data elements and the suggested format for data reporting.
3. If BJA does choose to maintain state drug indicator data, it should reassess the appropriateness of the specific data elements it requires. It is likely that the total number of elements should be reduced. In particular, BJA should address the ability of states to gather required data, state documentation of their data sources, ways to promote consistency in reporting across states, and mechanisms to assess and preserve data reliability.

BJA may also wish to omit data elements pertaining to treatment and education. Since FGP agencies often have difficulty gathering these data, their elimination could reduce the burden of data collection considerably. Such a reduction, however, should be weighed against the desire to push states in the direction of cooperation between education, treatment, and enforcement.

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<sup>5</sup>Several of these recommendations have been adapted from state survey comments.

Finally, BJA should consider the role that existing national databases, many of which contain information about individual states and localities, can play in gathering state drug data.<sup>6</sup> BJA currently asks states for much of the same data collected by these systems. BJA might omit these requirements, since the data are available elsewhere.

BJA might also create a mechanism to supply state and local data from these sources to the FGP agencies. This would substantially reduce the state-level burden of data collection, and might enhance the quality of data available to the states.

**State strategy data.** The written state strategy submissions are valuable sources of data on state activities. They describe state needs, activities, priorities, and procedures. Currently, however, no system exists which consolidates these data across states.

Developing such a system is difficult, especially given the wide variation in the strategies themselves (see Chapter III) and the qualitative nature of much of the information. The benefits of such a system, however, could be substantial, especially to the process of approval of state strategies. Coordination with the IPR database, for example, would allow BJA to assess the extent to which state programmatic and regional priorities are reflected in actual funding decisions.

While implementing a comprehensive system would be difficult, a minimal one is quite practical. BJA staff currently read each strategy submission in connection with an evaluation form, and record compliance with various conditions. Several straightforward data questions — What regions are identified as areas of greatest need? Which of the purpose areas are designated as priorities? — could easily be added to that form and then machine-coded for analysis and distribution.

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<sup>6</sup>These databases include the Uniform Crime Reports, sponsored annually by the FBI, which describe crime and arrest rates; the National Household and High School Surveys, which are major indicators of drug use prevalence; the Drug Emergency Warning Network, which reports drug-related emergency room visits; and the Drug Abuse Forecasting System (DUF), which reports data on drug use by arrestees for several major metropolitan areas. See U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reports: Crime in the United States* (Washington, D.C.: 1990); National Institute on Drug Abuse, *National Household Survey on Drug Abuse: Population Estimates 1990* (Rockville, Maryland: 1991); Lloyd D. Johnston et al., *Illicit Drug Use, Smoking, and Drinking by America's High School Students, College Students, and Young Adults: 1975-1987* (Rockville, Maryland: National Institute on Drug Abuse, 1988); National Institute on Drug Abuse, *Semiannual Report: Data from the Drug Abuse Warning Network* (Rockville, Maryland: 1988).

## Reporting Needs

**Reporting to Congress and Other Federal Agencies.** The Director of BJA is required to report annually to the Congress on Program expenditures.<sup>7</sup> Moreover, the Formula Grant Program, as a relatively new program and one of the major ingredients of the "war on drugs," is the object of intense interest in Congress and among other federal agencies. This is especially true due to the intensity of lobbying activity designed to secure changes in the structure of the Program. Information is crucial to intelligent policymaking at these levels.

Currently, however, BJA releases only raw IPR data, and only on request. This has led individual groups, such as the National Conference of Mayors, to perform their own analyses and to present the results as support for particular policy positions.<sup>8</sup>

Outside organizations should not be the primary source for information on BJA activities. BJA itself should make regular reports on the IPR data. At a minimum, it should address basic policy issues — timeliness, distribution across purpose areas, distribution across levels of government, progress of projects funded with formula grant money — in annual reports. Other analyses of the IPRs, and of other databases, should be added when there is reasonable demand.

BJA should also continue to release raw data, on request, to individuals and groups wishing to perform independent analyses. This will lend credibility to the Program as a whole and to BJA reports in particular.

**Reporting to States.** BJA could remedy states' complaints regarding reporting failures with a variety of simple measures:

- BJA should report awards made in the discretionary program to the FGP agency in the state where the award is located as a normal part of discretionary award processing.
- BJA should create an index of Program Briefs developed by individual states for program areas currently lacking an approved brief. These briefs should be made available to the states for use as models, perhaps with annotations by BJA staff.

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<sup>7</sup>Pub. L. 100-690, Subtitle C, Title I, Sec. 522(b).

<sup>8</sup>National Conference of Mayors, 1990.

- Several states note that they are unaware of other states' activities. BJA should make state strategies available to all the states on request. It might also routinely provide the states with summaries of state strategy and project-development activities, and lists of funded projects with short project descriptions.
- BJA should continue to keep states informed of the progress of the Formula Grant appropriation, and its associated regulations, through Congress. Since most states begin to develop their strategies before the appropriations are passed, such information is crucial.
- If feasible, BJA should increase its sponsorship of cluster conferences for groups of FGP agency staff. Some of these conferences might be based on state size as well as on geographical region.

## Appendix A

### SURVEY OF STATES AND TERRITORIES

This Appendix contains the Assessment's mail survey instrument. The survey, administered in August 1990, addressed five topics:

- Institutional and administrative arrangements for drug control planning services;
- Preparation of the Formula Grant Program strategy;
- Planners' knowledge of state drug control planning conducted independently of the Formula Grant Program;
- Subgrant procedures and awards;
- State evaluations of the Bureau of Justice Assistance, the authorizing legislation, and the effectiveness of the Program.

Each of these areas was covered in one survey section.

The survey instrument covers material relating to both Phase 1 and Phase 2 of the Assessment. Therefore, not all questions are relevant to this Phase 1 report. In addition, questions which requested data on state budgets and disbursements of funds (questions 1:7, 1:20-22, and 4:16-21), yielded a high number of incomplete or inconsistent responses and could not be incorporated into the analysis.

**Format.** The survey is made up of multiple choice and short answer questions. For multiple choice items, respondents were asked to circle one or more coding numbers, which were associated with each alternative.

In sections 2-5 of the version of the survey reproduced below, coding numbers have been replaced with figures indicating the raw number of respondents circling each item. The branching structure of the questions in section 1, under which the interpretation of a given response depends on previous entries, made replacing coding numbers with such raw distributions infeasible for that section.

**Survey population.** The survey was sent to the individual directly responsible for Program activities in each state. Strategy submissions were used to make a preliminary identification of these individuals; their identities were then confirmed by phone. These telephone calls, which took place during the Spring of 1990, were also used to gather some initial survey information.

**Self-reporting.** Though responses were checked for obvious errors and inconsistencies, verification of all responses was not possible. Therefore, survey findings should be interpreted as self-report data. In addition, it should be remembered that survey results reflect the opinions of state officials responsible for the Program, not necessarily of other state officials or policymakers.

**Confidentiality.** States were told that their answers to factual questions regarding state organization and policy would be identified with their particular states. However, they were assured anonymity for all evaluative responses and written comments. In particular, all responses to Section 5 of the survey were treated confidentially.

**Response rates.** Several steps were taken in order to maximize response rates. Surveys were preceded by a mailed notice from the Bureau of Justice Assistance as well as by the RAND telephone survey. The phone survey was used to explain the purposes of the Assessment and to solicit participation, as well as to confirm the name of the recipient and to ask some initial questions. Results of the phone survey and the strategy review were then used to precode as many survey questions as possible. States were asked to verify all precoded information and completed all blank questions. Those surveys which were not returned promptly were followed up with mail and telephone reminders.

All states and territories were reached by telephone. The mail survey was returned by all but one state, a response rate of 98%.

**Pretest of survey instrument.** The survey instrument was pretested in Spring 1990, with the cooperation of four of the state members of Assessment's Advisory Board: Georgia, Minnesota, New Jersey, and Texas.

**NATIONAL ASSESSMENT OF THE BJA  
FORMULA GRANT PROGRAM**

**SURVEY OF STATES AND TERRITORIES**

**AUGUST 1990**

Conducted by:

The RAND Corporation  
1700 Main Street  
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Project Leader: Terence Dunworth  
NIJ Grant #89-IJ-CX-0043

THE **RAND**  
CORPORATION

NATIONAL ASSESSMENT OF THE BJA FORMULA GRANT PROGRAM  
SURVEY OF STATES AND TERRITORIES

Survey Organization

Section 1. Organization of State Planning for Drug Control Services (white) ..... 1

Section 2. Non-FGP Drug Control Activities (green) ..... 13

Section 3. Preparing the BJA Strategy (yellow) ..... 17

Section 4. Subgrant Applications and Awards (blue) ..... 27

Section 5. Evaluation of the Program and Recommendations (peach) ..... 37

SECTION 1

ORGANIZATION OF STATE PLANNING FOR  
DRUG CONTROL SERVICES

This section asks about how your state organizes planning and coordination of drug control. The questions are about all state agencies responsible for drug control planning - not just the agency that administers the BJA Formula Grant Program.

Questions 1 through 15 are presented in a grid format. Each column of the grid concerns a different type of agency. There are 4 types of agencies listed:

- A. FGP AGENCY, or the agency that administers the BJA Formula Grant Program.
- B. POLICY BOARD (Drug and Violent Crime Policy Board), a board representative of drug control agencies, which exists in some states for consultation during BJA strategy development. The Policy Board may have other functions as well.
- C. STATE DRUG OFFICE (Office of State Drug Control Policy), which exists in some states to coordinate and manage drug control services. (This includes those offices headed by a state "drug czar.")
- D. OTHER DEPARTMENTS, COMMISSIONS AND WORKING GROUPS, which many states have set up to perform a wide range of functions. There are two columns in the table to accommodate multiple commissions or working groups.

Please answer Questions 1-15 for each type of agency that exists in your state, following the instructions at the top of the next page.



INSTRUCTIONS: EACH COLUMN FOR QUESTIONS 1 THROUGH 15 (PAGES 2-8) APPLIES TO A DIFFERENT AGENCY OR COMMISSION. PLEASE ANSWER ALL THE RELEVANT QUESTIONS IN COLUMN A FIRST; THEN RETURN TO PAGE 2 AND ANSWER ALL THE QUESTIONS IN COLUMN B; AND SO ON. THERE ARE INSTRUCTIONS TO SKIP QUESTIONS THAT DO NOT APPLY. IF A SINGLE AGENCY FALLS UNDER MORE THAN ONE CATEGORY, PLEASE PROVIDE INFORMATION IN THE FIRST APPLICABLE COLUMN ONLY.

TYPE OF AGENCY					
	A FGP AGENCY	B POLICY BOARD	C STATE DRUG OFFICE	D COMMISSION/ WORKING GROUP I	E COMMISSION/ WORKING GROUP II
1. Does the agency exist in your state? (See preceding page for definitions)	N/A	(Circle One) Yes ..... 1 } CONTINUE WITH Q.2 Planned... 2 } IN COL. B No ..... 3 → SKIP TO Q.1 IN COL. C	(Circle One) Yes ..... 1 } CONTINUE WITH Q.2 Planned... 2 } IN COL. C No ..... 3 → SKIP TO Q.1 IN COL. D	(Circle One) Yes ..... 1 } CONTINUE WITH Q.2 Planned... 2 } IN COL. D No ..... 3 → SKIP TO Q.1 IN COL. E	(Circle One) Yes ..... 1 } CONTINUE WITH Q.2 Planned... 2 } IN COL. E No ..... 3 → SKIP TO PAGE 9
2. Is the agency identical to an agency already described in another column?	N/A	(Circle One) Yes, FGP Agency... 1 → SKIP TO Q.1 IN COL. C No ..... 2	(Circle One) Yes, FGP Agency... 1 } SKIP TO Q.1 IN COL. D Yes, Policy Board... 2 } No ..... 3	N/A	N/A
3. What is the formal name of this agency?	WRITE IN NAME:	WRITE IN NAME:	WRITE IN NAME:	WRITE IN NAME:	WRITE IN NAME:
4. When was it created?	19 <input type="text"/> <input type="text"/>	19 <input type="text"/> <input type="text"/>	19 <input type="text"/> <input type="text"/>	19 <input type="text"/> <input type="text"/>	19 <input type="text"/> <input type="text"/>

TYPE OF AGENCY					
	A FGP AGENCY	B POLICY BOARD	C STATE DRUG OFFICE	D COMMISSION/ WORKING GROUP I	E COMMISSION/ WORKING GROUP II
5. What is the name, title, mailing address, and telephone number of the agency's director or head?	NAME _____ TITLE _____ MAILING ADDRESS _____ CITY _____ ZIP <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> TELEPHONE NUMBER _____ AREA CODE _____ NO. _____	NAME _____ TITLE _____ MAILING ADDRESS _____ CITY _____ ZIP <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> TELEPHONE NUMBER _____ AREA CODE _____ NO. _____	NAME _____ TITLE _____ MAILING ADDRESS _____ CITY _____ ZIP <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> TELEPHONE NUMBER _____ AREA CODE _____ NO. _____	NAME _____ TITLE _____ MAILING ADDRESS _____ CITY _____ ZIP <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> TELEPHONE NUMBER _____ AREA CODE _____ NO. _____	NAME _____ TITLE _____ MAILING ADDRESS _____ CITY _____ ZIP <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> TELEPHONE NUMBER _____ AREA CODE _____ NO. _____
6. How long has the director/head been in this position?	<input type="text"/> <input type="text"/> YEARS	<input type="text"/> <input type="text"/> YEARS	<input type="text"/> <input type="text"/> YEARS	<input type="text"/> <input type="text"/> YEARS	<input type="text"/> <input type="text"/> YEARS
7. How was the agency created?	(Circle One) Statute..... 1 Executive order ..... 2 Other ..... 3 What? _____	(Circle One) Statute..... 1 Executive order ..... 2 Other ..... 3 What? _____	(Circle One) Statute..... 1 Executive order ..... 2 Other ..... 3 What? _____	(Circle One) Statute..... 1 Executive order ..... 2 Other ..... 3 What? _____	(Circle One) Statute..... 1 Executive order ..... 2 Other ..... 3 What? _____

	TYPE OF AGENCY				
	A FGP AGENCY	B POLICY BOARD	C STATE DRUG OFFICE	D COMMISSION/ WORKING GROUP I	E COMMISSION/ WORKING GROUP II
8. Was the agency primarily created to participate in the BJA formula grant program?	(Circle One) Yes ..... No ..... Don't Know .....	(Circle One) Yes ..... 1 No ..... 2 Don't Know ..... 3	(Circle One) Yes ..... 1 No ..... 2 Don't Know ..... 3	(Circle One) Yes ..... 1 No ..... 2 Don't Know ..... 3	(Circle One) Yes ..... 1 No ..... 2 Don't Know ..... 3
9. During the most recent fiscal year, what funding did the agency receive from each of the following sources?					
BJA Formula Grant	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Alcohol, Drug Abuse, & Mental Health Services (ADMS) Formula Grant	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Drug Free Schools Formula Grant	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Other federal funding	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
State appropriations	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Other (PLEASE SPECIFY SOURCE)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
SOURCE: _____	_____	_____	_____	_____	_____

	TYPE OF AGENCY				
	A FGP AGENCY	B POLICY BOARD	C STATE DRUG OFFICE	D COMMISSION/ WORKING GROUP I	E COMMISSION/ WORKING GROUP II
10. How does this agency participate in the development of the BJA strategy?					
CODE LIST		(Circle All That Apply)	(Circle All That Apply)	(Circle All That Apply)	(Circle All That Apply)
Does not participate .....	N/A	... 1	1	1	1
Sets overall policies, plans, and priorities which determine the content of the BJA strategy .....		... 2	2	2	2
Consults with FGP agency staff .....		... 3	3	3	3
Evaluates subgrant applicants and recommends awards .....		... 4	4	4	4
Selects priority areas from among those described in the Anti-Drug Abuse Acts .....		... 5	5	5	5
Selects geographic areas of greatest need .....		... 6	6	6	6
Other (Please describe): .....		... 7 ▶ What?	7 ▶ What?	7 ▶ What?	7 ▶ What?
		_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
11. Does the agency review the BJA strategy before its submission to BJA?	N/A	(Circle One) Yes.... 1 No..... 2	(Circle One) Yes.... 1 No..... 2	(Circle One) Yes.... 1 No..... 2	(Circle One) Yes.... 1 No..... 2



TYPE OF AGENCY				
A	B	C	D	E
FGP AGENCY	POLICY BOARD	STATE DRUG OFFICE	COMMISSION WORKING GROUP I	COMMISSION WORKING GROUP II
(Circle All That Apply)				
15. Many agencies have functions unrelated to the formula grant program. For which of the following is this agency responsible?	1	1	1	1
Creating general policies, plans, and priorities .....	2	2	2	2
Planning and/or providing specific services (e.g., treatment, education) .....	3	3	3	3
Providing the Governor with recommendations and/or political advice .....	4	4	4	4
Planning anti-drug public education campaigns .....	5	5	5	5
Coordinating anti-drug activity of a working group of state agency heads .....	6	6	6	6
Coordinating anti-drug activity without a working group .....	7	7	7	7
Other .....	7	7	7	7
None of the above .....	8	8	8	8
GO TO Q.1 IN COLUMN B, PAGE 2	GO TO Q.1 IN COLUMN C, PAGE 2	GO TO Q.1 IN COLUMN D, PAGE 2	GO TO Q.1 IN COLUMN E, PAGE 2	GO TO Q.16 NEXT PAGE

The next questions are about the FGP Agency (the agency responsible for the BJA formula grant program.)

16. Which base describes the FGP Agency?

(Circle All That Apply)

- State Planning Agency ..... 1
- Governor's Office ..... 2
- Office of State Drug Control Policy ..... 3
- Justice Department or Attorney General's Office ..... 4
- Office or Department of Public Safety ..... 5
- Other ..... 6
- What? \_\_\_\_\_

17. Within the FGP Agency, who works most closely with developing the BJA strategy?

Person 1

Person 2

Name	_____	_____
Title	_____	_____
Phone	_____	_____

18. Who works most closely with monitoring and evaluation activities?

Person 1

Person 2

Name	_____	_____
Title	_____	_____
Phone	_____	_____

19. Please provide (or attach) an organizational chart showing the structure of the FGP Agency and its location in state government.

20. In the most recent fiscal year, how much money did the FGP Agency budget for the following activities?

ACTIVITY	DOLLAR AMOUNT BUDGETED
A. Administering the BJA Formula Grant Program	\$ _____
B. Other Administrative Activities	\$ _____

21. In the most recent fiscal year, how many FGP Agency staff (Individuals and FTEs) were involved in the following activities?

ACTIVITY	# OF STAFF MEMBERS	# OF FTEs (Full Time Equivalents)
A. BJA Formula Grant Program Activities	_____	_____
B. All other FGP Agency Activities	_____	_____

22. In the most recent fiscal year, what percentages of the FGP Agency budget (see Q.9, Column A on page 4) and staff (in FTE's) were allocated to the following activities? (If accurate figures are unavailable, please estimate.)

	Percent of Budget	Percent of Staff In FTEs
a. Preparing the BJA strategy (data collection, needs assessment, consultations with various groups, writing the strategy)	%	%
b. Awarding subgrants (preparing application materials, reviewing applications, selecting winning projects, notifying recipients and non-recipients)	%	%
c. Financial administration of subgrants (explaining requirements to recipients, collecting financial information, audits, financial reporting to BJA)	%	%
d. Programmatic monitoring of subgrants (explaining monitoring procedures to grantees, disbursing, receiving, and processing project reporting forms)	%	%
e. Evaluations of subgrants (systematic review of subgrant activities, including program goals, achievements, and impact)	%	%
f. Other What? _____	%	%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>

SECTION 2  
NON-FGP DRUG CONTROL ACTIVITIES

This section asks about how your state plans drug control activities outside the formula grant and BJA strategy planning process.

1. Between the demise of Law Enforcement Assistance Administration (LEAA) funding and the creation of the BJA Formula Grant Program, did your state continue to conduct criminal justice planning?

(Circle One)

Yes ..... 29  
Part of the time ..... 8  
No ..... 14  
Don't know ..... 1

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2. Prior to the creation of the BJA Formula Grant Program, did your state conduct drug-related criminal justice planning?

(Circle One)

Yes ..... 23  
No ..... 27  
Don't know ..... 3

3. Does your state produce a drug control plan that is distinct from the BJA strategy?

(Circle One)

Yes ..... 24	}	CONTINUE WITH Q.4
Planned ..... 6		
No ..... 24	}	SKIP TO Q.8, NEXT PAGE
Don't know ..... 1		

4. How many state drug control plans have been issued to date?  
(Please enclose a copy of the most recent plan.)

NUMBER OF PLANS ISSUED: \_\_\_\_\_

TITLE OF MOST RECENT PLAN: \_\_\_\_\_

DATE MOST RECENT PLAN ISSUED: \_\_\_\_\_

5. Which programs are included in the state drug plan?

(Circle All That Apply)

- Criminal justice (police, prosecutors, courts, corrections, drug treatment and education in correctional contexts [TASC and DARE programs]) ..... 30
- Treatment (inpatient and outpatient treatment in noncorrectional contexts) ..... 24
- Prevention, other than DARE (public service advertising, curriculum development, teacher training) ..... 25

6. Which best describes the agency that prepares the state drug plan?

(Circle One)

- FGP Agency ..... 7
- Drug and Violent Crime Policy Board ..... 6
- Office of State Drug Control Policy (ODCP) ..... 8
- Agency responsible for drug treatment ..... 1
- Agency responsible for drug prevention and education ..... 0
- Other ..... 6
- What? \_\_\_\_\_

7. How is the state drug plan related to the BJA strategy?

(Circle One)

- The law enforcement component of the state plan is based on the BJA strategy ..... 10
- The BJA strategy is based on the law enforcement component of the state plan ..... 4
- The BJA strategy and the state drug plan are prepared in conjunction with one another ..... 14
- Other ..... 1
- What? \_\_\_\_\_
- Not related ..... 1

These next questions ask about state funds provided to local criminal justice activities from sources other than federal grants.

8. Does your state have a discretionary criminal justice grant program using funds other than those provided under the BJA Formula Grant Program?

(Circle One)

- Yes ..... 20 → CONTINUE WITH Q.9
- No ..... 34 → SKIP TO SECTION 3, PAGE 17

9. For each fiscal year below, please enter the money the state distributes in addition to FGP funds.

FISCAL YEAR	AMOUNT IN DOLLARS
FY 87	\$ _____
FY 88	\$ _____
FY 89	\$ _____
FY 90	\$ _____

10. Does the FGP Agency distribute these funds?

(Circle One)

- Yes ..... 12
- No ..... 7

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**SECTION 3  
PREPARING THE BJA STRATEGY**

Section 3 asks about preparing the BJA strategy. It focuses on how your state meets federal requirements and how these requirements affect state planning.

The questions in this section refer to your most recent (Federal Fiscal Years 89 and 90) BJA strategies.

Questions 1-5 ask about the selection of geographic areas of greatest need.

1. Does your state designate geographic areas of greatest need?

(Circle One)

Yes ..... 29 → CONTINUE WITH Q.2

No ..... 26 → SKIP TO Q.6, PAGE 19

2. How important is each of the following in determining whether a region qualifies as an area of greatest need?

(Circle One Number On Each Line)

	<u>Not At All Important</u>	<u>Somewhat Important</u>	<u>Moderately Important</u>	<u>Very Important</u>	<u>Extremely Important</u>
A. Severity of drug trafficking and/or drug use in a region .....	0	0	0	9	19
B. The extent to which a region has committed resources to fighting drugs .....	4	3	8	10	3
C. Whether a region's drug-related activities adversely affect other regions .....	4	7	4	11	2
D. Lack of resources for drug enforcement activities within a region .....	4	1	2	13	8
E. Other criteria .....	1	0	1	8	5

Please describe:

\_\_\_\_\_

\_\_\_\_\_



3. Do areas of greatest need receive priority when subgrants are awarded?  
 (Circle One)  
 Yes ..... 27  
 No ..... 2

4. To what extent does the requirement to designate areas of greatest need contribute to the effectiveness of the FGP?  
 (Circle One)  
 Not at all ..... 5  
 Slightly ..... 3  
 Moderately ..... 8  
 Quite a bit ..... 9  
 Extremely ..... 4

5. In the absence of such a requirement, would your state still designate areas of greatest need?  
 (Circle One)  
 Yes ..... 27  
 No ..... 2

These next questions ask about the selection of drug enforcement priorities ("priority areas") from among the twenty-one areas described in the Anti-Drug Abuse Act.

6. Does your state formally designate priority areas from among the 21 areas?  
 (Circle One)  
 Yes ..... 47 --> CONTINUE WITH Q.7  
 No ..... 8 --> SKIP TO Q.12, PAGE 21

7. Do you rank priority areas in order of importance?  
 (Circle One)  
 Yes ..... 22  
 No ..... 0

8. Who designates priority areas?  
 (Circle One)  
 FGP Agency ..... 17  
 Drug and Violent Crime Policy Board ..... 18  
 Governor's Office ..... 1  
 Office of State Drug Policy ..... 1  
 Other ..... 1  
 Who? \_\_\_\_\_

9. Which best describes the impact of priority area designation on the competition for subgrants?  
 (Circle One)  
 Projects in non-priority areas are ineligible ..... 11  
 Projects in priority areas are considered for funding first ..... 23  
 Projects in priority areas compete equally with other applications ..... 7  
 Other ..... 2  
 What? \_\_\_\_\_

10. To what extent does the requirement to designate priority areas contribute to the effectiveness of the FGP?

(Circle One)

- Not at all ..... 3
- Slightly ..... 9
- Moderately ..... 10
- Quite a bit ..... 15
- Extremely ..... 10

11. In the absence of such a requirement, would your state still designate priority areas?

(Circle One)

- Yes ..... 48
- No ..... 0

Federal regulations require or encourage states to consult with certain groups during the formula grant planning process and the development of the BJA strategy. Questions 12-15 ask about how you consult with each of the groups in columns A-F. There are instructions to skip questions that do not apply.

	A. Criminal justice practitioners (state and local police, prosecutors, corrections, etc.)	B. Drug treatment and education practitioners	C. Local governments and elected officials	D. The state legislature	E. The governor	F. The public
12. Is this group consulted?	(Circle One) Yes <u>54</u> No <u>0</u> ↓ SKIP TO Q.12, COL. B	(Circle One) Yes <u>51</u> No <u>3</u> ↓ SKIP TO Q.12, COL. C	(Circle One) Yes <u>46</u> No <u>3</u> ↓ SKIP TO Q.12, COL. D	(Circle One) Yes <u>51</u> No <u>1</u> ↓ SKIP TO Q.12, COL. E	(Circle One) Yes <u>42</u> No <u>2</u> ↓ SKIP TO Q.12, COL. F	(Circle One) Yes <u>42</u> No <u>2</u> ↓ SKIP TO Q.15, PAGE 23
13. At what point in the BJA strategy development process is the group's input considered?	(Circle One)	(Circle One)	(Circle One)	(Circle One)	(Circle One)	(Circle One)
CODE LIST						
Early in the process .....	53	39	41	19	29	22
After priority areas have been selected .....	0	6	2	0	2	3
After the BJA strategy is prepared, but before it is submitted .....	0	6	2	24	15	13
After the BJA strategy is submitted .....	0	0	1	6	0	6

	A. Criminal justice practitioners (state and local police, prosecutors, corrections officers, etc.)	B. Drug treatment and rehabilitation practitioners	C. Local governments and agency officials	D. The state legislature	E. The governor	F. The public
14 Which techniques are used to consult this group's members? <b>CODE LIST</b>	(Circle All That Apply)	(Circle All That Apply)	(Circle All That Apply)	(Circle All That Apply)	(Circle All That Apply)	(Circle All That Apply)
Hearings are announced and specific individuals are invited.....	19	12	16	9	5	8
Hearings are announced but no specific invitations are issued.....	8	8	11	9	4	24
Survey instrument is mailed.....	32	14	15	4	2	4
Selected group members are interviewed.....	26	15	10	6	5	2
Group representatives are included on planning committees or the Drug Policy Board.....	45	41	29	17	13	10
Members are invited to review the BJA strategy.....	24	20	15	46	23	14
Other.....	4	4	3	3	9	8
What?						
15 How useful is the input of the group to planning and/or the development of the BJA strategy? <b>CODE LIST</b>	(Circle One)	(Circle One)	(Circle One)	(Circle One)	(Circle One)	(Circle One)
Not at all useful.....	0	0	0	6	2	3
Slightly useful.....	0	5	2	13	2	17
Moderately useful.....	2	16	18	12	10	10
Quite useful.....	16	16	14	15	9	8
Extremely useful.....	37	15	15	16	19	7
	GO TO Q.12, COL. B	GO TO Q.12, COL. C	GO TO Q.12, COL. D	GO TO Q.12, COL. E	GO TO Q.12, COL. F	GO TO Q.15

16. BJA asks states to include a wide variety of criminal justice data as part of the BJA strategy. For each of the 14 data elements listed below, please circle the appropriate responses in Columns A, B, and C.

	A. Do you provide this to the BJA? (Circle One)		B. Are these data used in any way other than by being included in the BJA Strategy? (Circle One)		C. How difficult is it to obtain this information? (Circle One)		
	Yes	No	Yes	No	Not At All	Moderately	Very
	a. Drug-related incidents.....	37	15	28	16	11	16
b. Drug-related school incidents.....	20	32	18	22	1	9	38
c. State and local drug arrests.....	51	1	48	4	29	20	3
d. State and local drug arrests made, with federal cooperation.....	38	13	27	21	12	25	2
e. State and local drug dispositions.....	38	13	33	12	9	20	23
f. State and local drug convictions.....	37	14	37	9	11	26	15
g. State and local drug sentences.....	43	9	34	12	9	20	23
h. Sentence length for drug-related offenses.....	33	18	30	13	8	25	18
i. State and local treatment resources.....	45	6	37	13	2	16	13
j. State and local drug removals.....	44	8	39	10	16	27	9
k. State and local drug eradication.....	47	5	38	10	18	25	5
l. Non-drug asset seizures and forfeitures.....	45	7	35	14	10	28	13
m. State and local drug control units.....	44	8	38	11	28	21	2
n. State and local arrests and dispositions for violent crimes.....	42	10	40	9	19	22	11

17. How would you rate the overall burden imposed by the data collection requirement?

(Circle One)

- Light ..... 0
- Reasonable ..... 29
- Heavy ..... 25

18. Overall, how useful is the data collection process to state planning?

(Circle One)

- Not at all useful ..... 3
- Moderately useful ..... 34
- Very useful ..... 12

19. What are the primary data sources you use to meet the data collection requirement?

(Circle All That Apply)

- State data from national databases  
(National Household Survey, High School  
Survey, DAWN, DUF) ..... 27
  - Databases maintained by state or local  
agencies for purposes other than BJA  
data collection ..... 52
  - Databases developed in order to fulfill BJA  
data collection requirements ..... 29
  - Data gathered from monitoring projects  
funded by formula grant program  
subgrant awards ..... 35
  - Other ..... 9
- What? \_\_\_\_\_

20. In preparing the BJA strategy, do you collect data other than that requested by the BJA?

(Circle One)

- Yes ..... 43 --> CONTINUE WITH Q 20A
- No ..... 11 --> SKIP TO Q.21, NEXT PAGE

20A. What data do you collect? \_\_\_\_\_  
\_\_\_\_\_

21. In what ways (if any) should the data collection requirement be reduced or refined?

Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22. Should any data be added to the data collection requirement? Which ones?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. Please list the dates at which the following milestones were reached during the most recent grant cycle. (Please include other milestones if appropriate.)

WRITE IN FEDERAL FISCAL YEAR (FFY): \_\_\_\_\_

	MONTH	YEAR
a. Start of formula grant program planning process	_____	_____
b. Submission of the BJA strategy to BJA	_____	_____
c. Notice of availability of funds (RFP) issued to localities	_____	_____
d. Subgrant applications due	_____	_____
e. First subgrant awards issued	_____	_____
f. Final subgrant awards issued	_____	_____
g. (Other) _____	_____	_____
h. (Other) _____	_____	_____

SECTION 4

SUBGRANT APPLICATIONS AND AWARDS

Section 4 focuses on the process of reviewing subgrant applications and making subgrant awards. It also asks for your assessment of federal and state restrictions on awards, as well as for data on applications received and awards made.

The following questions ask how your state evaluates subgrant applications and makes subgrant awards.

1. Which best describes the process of reviewing subgrant applications and making awards?

(Circle One)

- The FGP Agency works independently ..... 31
- The FGP Agency makes recommendations to another agency which finalizes awards ..... 4
- Another agency makes recommendations to the FGP Agency, which finalizes awards ..... 3
- The FGP Agency cooperates with another agency in reviewing applications and making awards ..... 11
- The FGP Agency is not involved in the review and award process ..... 0
- Other ..... 6
- What? \_\_\_\_\_

2. Does your state determine the allocation of funds to the 21 areas described in the Anti-Drug Abuse Act before submitting the BJA strategy?

(Circle One)

- Yes ..... 37
- No ..... 16

3. Are private (non-governmental) applications accepted?

(Circle One)

- Yes ..... 9
- No ..... 42

4. What government agencies may apply for subgrants?

(Circle One)

County agencies only ..... 0  
 Any local agency ..... 1  
 Any state or local agency ..... 51

5. Are awards distributed to localities by formula?

(Circle One)

Yes ..... 12 → CONTINUE WITH Q.6  
 No ..... 38 → SKIP TO Q.7, NEXT PAGE

6. Which variables are used in the distribution formula?

(Circle All That Apply)

Population ..... 12  
 Indicators of the size of the drug problem ..... 15  
 Enforcement resources already available ..... 10  
 Other ..... 2  
 What? \_\_\_\_\_

7. How do the following federal regulations affect the state's capacity to direct funds most effectively?

(Circle One Number On Each Line)

	Strongly Inhibits	Somewhat Inhibits	Neither Inhibits nor Promotes	Somewhat Promotes	Strongly Promotes
a. Restriction of projects to the 21 areas in the Anti-Drug Abuse Act	0	15	19	8	11
b. Requirement for minimum local pass-through	4	9	20	8	8
c. 5 percent recommended ceiling on administrative expenses	6	14	26	6	0
d. 25 percent local match requirement	8	24	8	5	5
e. Proposed 50 percent local match requirement	45	5	2	0	0
f. Non-supplanting requirements	3	21	14	11	4
g. Four-year limitation on funded projects	22	17	9	5	1

8. Some states must meet legislative provisions which can delay the award of subgrants. Which of the following laws are in effect in your state?

(Circle All That Apply)

State budget statutes prescribe the effective date of subgrants ..... 4  
 State legislature must appropriate federal grant funds through the state budget process ..... 24  
 State contracting statutes allow appeals of grant awards before disbursement is made ..... 4  
 Other ..... 9  
 (Please describe) \_\_\_\_\_  
 None of the above (no state prescriptions) ..... 17

9. Which of the following types of jurisdictions in your state prepares a local drug enforcement strategy or plan?

(Circle All That Apply)

- Multi-county regions ..... 13
- Counties ..... 14
- Cities ..... 16
- Other jurisdictions ..... 10
- None ..... 21

10. Does the state require any of the following types of jurisdictions to submit a local drug enforcement strategy or plan as a condition of receiving FGP funding?

(Circle All That Apply)

- Multi-county regions ..... 9
  - Counties ..... 11
  - Cities ..... 9
  - Other jurisdictions ..... 7
  - None ..... 36
- } CONTINUE WITH Q.11
- } --> SKIP TO Q.16, PAGE 32

11. In which federal fiscal year did the requirement to submit a local drug enforcement strategy go into effect?

FEDERAL FISCAL YEAR (FFY): \_\_\_\_\_

12. Were local strategies prepared before this requirement became effective?

(Circle One)

- Yes ..... 4
- No ..... 10

13. What are the five most important requirements imposed by the state on the local drug enforcement strategies? (If there are fewer than five, leave the extra space(s) blank.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

14. Does the FGP office have the power to withhold FGP funds if a local drug enforcement strategy is unsatisfactory?

(Circle One)

- Yes ..... 14 --> CONTINUE WITH Q.15
- No ..... 1 --> SKIP TO Q.16, NEXT PAGE

15. Has the FGP office ever withheld funds because of an unsatisfactory local drug enforcement strategy?

(Circle One)

- Yes ..... 6
- No ..... 7

16. For each of the following federal fiscal years (FFY), please provide the following data on your state's subgrant awards.

	FFY87	FFY88	FFY89	FFY90
a. Total number of subgrant awards made.	_____	_____	_____	_____
b. Total number of applications received.	_____	_____	_____	_____
c. Total dollar amount applied for by all applications.	\$ _____	\$ _____	\$ _____	\$ _____
d. Total dollar amount awarded for continuation of previously funded projects.	\$ _____	\$ _____	\$ _____	\$ _____
e. Average duration of funded projects.	_____ Months	_____ Months	_____ Months	_____ Months
f. Total BJA block grant dollars disbursed to date. (as of _____ ) Month Year	\$ _____	\$ _____	\$ _____	\$ _____

Questions 17-21 ask about the participation of large cities in the BJA Formula Grant Program. Each question lists those cities within your state which have more than 100,000 residents (according to 1980 census figures). If your state has more than five such cities, the five largest have been listed.

While the survey requires information only for the cities shown, some states may wish to report data for additional cities (of any size). Any blank columns may be used for this purpose. We have also included an unmarked copy of this section along with the survey document. Please feel free to fill out copies of this section for as many cities as you wish. We will include all such additional information in our final report.

If no cities are listed, and you do not wish to provide data for other cities, please skip to Section 5, page 37.

17. In each of the following federal fiscal years (FFY), for how much FGP funding did the city and its agencies apply? (Please provide totals for multiple applications; enter zero if the city did not apply. Do NOT include multi-jurisdictional applications.)

FFY 87	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 88	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 89	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 90	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

18. In each of the following federal fiscal years (FFY), how much FGP funding was awarded to the city and its agencies? (Please provide totals for multiple awards; enter zero if no awards were made. Do NOT include multi-jurisdictional applications.)

FFY 87	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 88	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 89	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 90	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____



19. In each of the following federal fiscal years (FFY), for how much FGP funding did multijurisdictional programs in which the city participated apply? (Please provide totals for multiple applications; enter zero if there were no such applications.)

FFY 87	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 88	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 89	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 90	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

20. In each of the following federal fiscal years (FFY), how much FGP funding was awarded to multijurisdictional programs in which the city participated? (Please provide totals for multiple awards; enter zero if no awards were made.)

FFY 87	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 88	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 89	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 90	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

21. In each of the following federal fiscal years (FFY), how much FGP funding was awarded to projects, other than those included in Questions 16-19, that have or will conduct activities within the city? (Please provide totals for multiple awards; enter zero if no awards were made.)

FFY 87	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 88	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 89	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
FFY 90	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

SECTION 5  
EVALUATION OF THE PROGRAM AND RECOMMENDATIONS

The following questions ask you to evaluate the administration of the formula grant program by the Bureau of Justice Assistance.

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1. How helpful are the Program Guidance and application materials provided by BJA?

- (Circle One)
- Not at all helpful ..... 0
  - Slightly helpful ..... 0
  - Moderately helpful ..... 21
  - Quite helpful ..... 22
  - Extremely helpful ..... 12

2. Could these materials be improved?

- (Circle One)
- Yes ..... 33 --> CONTINUE WITH Q.2A
  - No ..... 16 --> SKIP TO Q.3

2A. How could they be improved? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does your state consult with BJA staff during the formula grant program planning process or the development of the BJA strategy?

- (Circle One)
- Yes ..... 51 --> CONTINUE WITH Q.4, NEXT PAGE
  - No ..... 4 --> SKIP TO Q. 6, NEXT PAGE

4. How useful are these consultations?

(Circle One)

Not at all helpful .....	0
Slightly helpful .....	0
Moderately helpful .....	4
Quite helpful .....	23
Extremely helpful .....	23

5. Please give an example of the input you receive from such consultations.

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6. What improvements could be made to the way that BJA administers the formula grant program?

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These next questions ask you to evaluate the authorizing legislation and the broad goals of the formula grant program.

7. Please rate the effectiveness of the formula grant program in meeting the following goals.

(Circle One Number On Each Line)

	<u>Not At All Effective</u>	<u>Slightly Effective</u>	<u>Moderately Effective</u>	<u>Quite Effective</u>	<u>Extremely Effective</u>
Encouraging state planning for drug enforcement .....	0	2	12	29	12
Focusing state activities on specific federal goals and initiatives (e.g., "user accountability," provisions of the National Strategy) .....	2	11	23	17	2
Allowing states flexibility in allocating their share of federal drug enforcement resources .....	0	5	5	25	20
Minimizing the burden of administering FGP funds .....	1	6	30	11	7
Improving coordination between federal, state, and local agencies .....	1	6	17	19	12

8. Fairness is an important aspect of some formula grant program requirements (pass-through requirements, consultations with local officials, etc.) How well do you think program regulations facilitate the following?

(Circle One Number On Each Line)

	<u>Not At All</u>	<u>Slightly</u>	<u>Moderately</u>	<u>Quite A Bit</u>	<u>Very Much</u>
Ensuring fairness to small and/or sparsely populated regions .....	3	12	11	19	6
Ensuring fairness to large and/or densely populated regions .....	0	6	13	22	10
Ensuring that funding reaches geographic areas of greatest need .....	2	8	10	22	9

The following questions ask you to evaluate the strategy development requirement.

9. If no strategy were required and there were no limitations on how FGP money was spent, would your state still develop a drug enforcement plan?

(Circle One)

- Definitely not ..... 0
- Probably not ..... 7
- Not sure ..... 2
- Probably yes ..... 23
- Definitely yes ..... 23

10. Are the benefits of developing the BJA strategy worth the time and resources required to do so (disregarding the fact that the strategy is currently a prerequisite for obtaining FGP funds)?

(Circle One)

- Yes ..... 40
- No ..... 4
- Unsure ..... 5

11. Should the current requirements for preparing the BJA strategy be...

(Circle One)

- Dropped completely ..... 0
- Reduced ..... 22
- Maintained ..... 28

Please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. What improvements, if any, could be made to the sections of the Anti-Drug Abuse Acts of 1986 and 1988 which authorize the formula grant program?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. What would be the benefits of such changes?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. What improvements, if any, could be made to the way your state participates in the formula grant program?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

These last questions ask about the impact of the formula grant program on your state's efforts towards drugs and violent crime control.

15. Which of the following best describes the importance of the BJA formula grant program funds to your state's anti-drug efforts?

(Circle One)

State efforts would be crippled without formula grant program funds .....	40
Funds are quite significant to state efforts .....	13
Funds are somewhat significant to state efforts .....	1
Funds are insignificant to state efforts .....	0
Other .....	0
What? _____	

16. How would you estimate the overall effectiveness of activities supported by the BJA formula grant program funds in dealing with the drug problem in your state?

(Circle One)

Not at all effective .....	0
Slightly effective .....	2
Moderately effective .....	6
Quite effective .....	28
Extremely effective .....	18

Please make any additional comments you may have on any aspect of the formula grant program or this survey here.

## Appendix B

### AUTHORIZED PROGRAM AREAS<sup>1</sup>

1. Demand reduction education programs in which law enforcement officers participate.
2. Multi-jurisdictional task force programs that integrate Federal, state and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations.
3. Programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories and cannabis cultivations.
4. Providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions.
5. Disrupting illicit commerce in stolen goods and property.
6. Improving the investigation and prosecution of white-collar crime, organized crime, public corruption crimes and fraud against the government with priority attention to cases involving drug-related official corruption.
7.
  - a. Improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, gang-related and low-income housing drug control programs.
  - b. Developing and implementing antiterrorism plans for deep draft ports, international airports and other important facilities.
8. Career criminal prosecution programs, including the development of model drug control legislation.
9. Financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training and financial information sharing systems.

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<sup>1</sup>From Pub. L. 100-690, Subtitle C, Part I, Sec. 501(b).

10. Improving the operational effectiveness of the court process, such as court delay reduction programs and enhancement programs.
11. Programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs and long-range corrections and sentencing strategies.
12. Providing prison industry projects designed to place inmates in a realistic working and training environment which will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families and for support of themselves in the institution.
13. Providing programs which identify and meet the treatment needs of adult and juvenile drug dependent and alcohol-dependent offenders.
14. Developing and implementing programs which provide assistance to jurors and witnesses and assistance (other than compensation) to victims of crime.
15.
  - a. Developing programs to improve drug control technology, such as pretrial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug-dependent offenders and enhancement of state and local forensic laboratories.
  - b. Criminal justice information systems to assist law enforcement, prosecution, courts and corrections organizations (including automated fingerprint identification systems).
16. Innovative programs which demonstrate new and different approaches to enforcement, prosecution and adjudication of drug offenses and other serious crimes.
17. Addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing.
18. Improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse and abuse of the elderly.
19. Drug control evaluation programs which state and local units of government may utilize to evaluate programs and projects directed at state drug control activities.
20. Providing alternatives to prevent detention, jail and prison for persons who pose no danger to the community.
21. Programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales.

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