RESTRUCTURING THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

HEARINGS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST AND SECOND SESSIONS

1; OCTOBER 3, 4, 20, 1977; AND MARCH 1, 1978

Serial No. 95-38

for the use of the Committee on the Judiciary

RESTRUCTURING THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

HEARINGS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST AND SECOND SESSIONS

PART 1

AUGUST 1; OCTOBER 3, 4, 20, 1977; AND MARCH 1, 1978

Serial No. 95-38

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
20-613 WASHINGTON : 1978

COMMITTEE ON THE JUDICIARY

PETER W. RODINO, JR., New Jersey, *Chairman*

JACK BROOKS, Texas
ROBERT W. KASTENMEIER, Wisconsin
DON EDWARDS, California
JOHN CONYERS, JR., Michigan
JOSHUA EILBERG, Pennsylvania
WALTER FLOWERS, Alabama
JAMES R. MANN, South Carolina
JOHN F. SEIBERLING, Ohio
GEORGE E. DANIELSON, California
ROBERT F. DRINAN, Massachusetts
BARBARA JORDAN, Texas
ELIZABETH HOLTZMAN, New York
ROMANO L. MAZZOLI, Kentucky
WILLIAM J. HUGHES, New Jersey
SAM B. HALL, JR., Texas
LAMAR GUDGER, North Carolina
HAROLD L. VOLKMER, Missouri
HERBERT E. HARRIS II, Virginia
JIM SANTINI, Nevada
ALLEN E. ERTEL, Pennsylvania
BILLY LEE EVANS, Georgia
ANTHONY C. BEILENSON, California

ROBERT McCLORY, Illinois
TOM RAILSBACK, Illinois
CHARLES E. WIGGINS, California
HAMILTON FISH, JR., New York
M. CALDWELL BUTLER, Virginia
WILLIAM S. COHEN, Maine
CARLOS J. MOORHEAD, California
JOHN M. ASHBROOK, Ohio
HENRY J. HYDE, Illinois
THOMAS N. KINDNESS, Ohio
HAROLD S. SAWYER, Michigan

ALAN A. PARKER, *General Counsel*
GARNER J. CLINE, *Staff Director*
FRANKLIN G. POLK, *Associate Counsel*

SUBCOMMITTEE ON CRIME

JOHN CONYERS, JR., Michigan, *Chairman*

ELIZABETH HOLTZMAN, New York
LAMAR GUDGER, North Carolina
HAROLD L. VOLKMER, Missouri
ALLEN E. ERTEL, Pennsylvania

JOHN M. ASHBROOK, Ohio
TOM RAILSBACK, Illinois

HAYDEN GREGORY, *Counsel*
STEVEN G. RAIKIN, *Counsel*
MATTHEW G. YEAGER, *Consulting Criminologist*
ROSCOE STOVALL, JR., *Associate Counsel*

CONTENTS

HEARINGS HELD

WITNESSES

ADDITIONAL STATEMENTS

APPENDICES

RESTRUCTURING THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

AUGUST 1, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2226, Rayburn House Office Building, the Honorable John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Volkmer, and McClory.

Staff present: Hayden Gregory, counsel; Leslie E. Freed, assistant counsel; Matthew Yeager, consulting criminologist; and Roscoe Stovall, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

The Subcommittee on Crime of the House Committee on the Judiciary will commence hearings this morning on the efforts to restructure the Law Enforcement Assistance Administration, which has been undertaken by a group commissioned by the Attorney General to draw up their recommendations in this regard.

They worked assiduously for approximately 2 months, and this task force study group has now produced their recommendations which we have had an opportunity to review. They have made them public, and they are our witnesses today. Over the years the subcommittee has raised questions about the Law Enforcement Assistance Administration. They have been numerous and we have been critical over the years.

The question that seems to be very critical, in my view, as we welcome all of you here this morning, is the examination of the methodology you relied upon in terms of getting your work going and discharging your responsibilities and coming to the findings. I would like to try to get an idea of precisely what was your analysis of problems within the agency, what went wrong, and what was right. I look forward to a dialog in that regard.

Then, of course, your recommendations will deserve a fair amount of time, including some indication of where you are going from here.

[The opening statement of Hon. John Conyers, Jr., follows:]

STATEMENT OF HON. JOHN CONYERS, JR., CHAIRMAN, SUBCOMMITTEE ON CRIME

I am pleased to welcome here today the distinguished members of the panel appointed by the Attorney General to develop recommendations for a new structure for the Law Enforcement Assistance Administration. This panel operated from April to June under the aegis of the Deputy Attorney General.

As those present may know, the House of Representatives last fall tried very hard to put LEAA on a short leash—in fact, the House voted only a one year extension to LEAA. Unfortunately, our counterparts in the Senate wanted to give it one more try, and the agency, through compromise, received a three-year extension. Therefore, I am pleased to see a proposal which comes within a year after the new act with recommendations that may drastically change the agency. This Subcommittee is meeting now to see just how substantial these recommendations are.

We are very concerned about distinctions between what can be done administratively, what can be done under the Reorganization Act, and what needs to be legislated. And we are not unaware of the context in which the report appears. The Attorney General has, by administrative proclamation, closed down one layer of the LEAA bureaucracy, the regional offices. The Congress has cut LEAA's budget almost $100 million from last year. Furthermore, the President has not yet appointed an administrator for the agency. Consequently, the bureaucracy rolls on, grant applications are received and approved, programs are cut and new programs are instituted in the same way they have been over the last eight years. There is no designated leadership that would infuse new policy direction to the program. All of the programmatic recommendations in the world cannot help this agency unless its leadership is sensitive to the fears and needs of the communities affected by crime. A whole new outlook is needed. How could a situation arise like that in New York during the recent blackout, or in Johnstown during the flood where people with no previous criminal records and no jobs wantonly loot their own neighborhood's small businesses, and what causes law enforcement officers to ignore looters and arsonists? Why didn't this happen in 1965? We are concerned with the causes of crime. We have urged the National Institute to look into the relationship between crime and lack of economic opportunity. Now nine years after its inception, the agency has commissioned a $600,000 study to do just that. Until the result of that 5-year study is in, no one will be able to explain New York and Johnstown.

The Study Group before us today suggested to the Attorney General that it was "critical that, after you have considered these recommendations, a phase of intensive consultation with appropriate leaders of the Congress and of state and local governments be initiated prior to any final decisions." The hearings scheduled by the Subcommittee are for that very purpose.

The report covered broad policy issues with specific recommended actions. Today we will hear testimony from the members of the Study Group on the methodology used to develop their report. We will hear how they view the last nine years of the operation of LEAA and how they assessed its utility. We want to explore the sources of information utilized by the Group and the effect the sixty-day comment period will have on the adotpion of the recommendations. We want to know how active the Justice Department will be in the leadership and policy direction of the agency.

We will also be exploring the programmatic recommendations of the Task Force. The report makes proposals for sweeping change in the grant structure of the agency. A new "simpler program of direct assistance to state and local governments" will be substituted for the block grant program. Our Committee has been struggling with this question for years. Is the new proposal a euphemism for "special revenue sharing?" Congress has had broad experience with revenue sharing and will be able to lend experienced comment in this area.

The second major substantive proposal of the task force is to refocus the national research and development role into a strategy of basic and applied research and systematic national program development, testing, demonstration and evaluation. This Subcommittee has held five joint hearings with Congressman Scheuer's Subcommittee of the Science and Technology Committee, and we have gained quite a bit of expertise on the matter of a national criminal justice research entity. We hope to explore in detail the panel's conception of a research institute.

Finally, as I mentioned earlier, this is a panel of individuals with differing viewpoints. The Subcommittee is eager to hear how differences were reconciled and what caused the dissenting and concurring views to be published.

I welcome you all to these hearings which I hope will serve as a fruitful new beginning for an agency with a need for new direction.

Mr. CONYERS. Having said that, we now recognize and welcome Associate Deputy Attorney General Walter M. Fiederowicz; Assistant Attorney General, Ms. Patricia M. Wald; General Counsel for LEAA, Thomas Madden; the Acting Director of the National Institute of Law Enforcement, Blair Ewing; Mr. James Gregg, Acting Administrator of LEAA, and Paul Nejelski, also a member of the task force study group.

We welcome you all, ladies and gentlemen. We know that the Deputy Attorney General has sent a prepared statement, and we would welcome you to proceed with it in your own way.

TESTIMONY OF WALTER M. FIEDEROWICZ, ASSOCIATE DEPUTY ATTORNEY GENERAL, ACCOMPANIED BY PATRICIA M. WALD, ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF LEGISLATIVE AFFAIRS; BLAIR G. EWING, ACTING DIRECTOR OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT; PAUL A. NEJELSKI, OFFICE OF IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE; THOMAS J. MADDEN, GENERAL COUNSEL, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION; AND JAMES M. H. GREGG, ACTING DIRECTOR OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. FIEDEROWICZ. Although the Deputy Attorney General cannot be here today, I would like his statement introduced in the record.

I also have a prepared statement, fairly lengthy, of which I would like to read excerpts and have the full statement introduced in the record, with your permission.

Mr. CONYERS. All of the prepared statements will be incorporated into the record.

[The prepared statements of Messrs. Fiederowicz and Flaherty follow:]

STATEMENT OF PETER F. FLAHERTY, DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

The hearings which your Committee has scheduled to discuss the Department of Justice Study Group "Report to the Attorney General" come at a most opportune time because the Department is currently evaluating the recommendations contained in the Report for restructuring the Law Enforcement Assistance Administration.

Attorney General Bell and I have assigned a high priority to the improvement of the effectiveness and responsiveness of the Department of Justice's program of assistance to state and local governments for crime control and criminal justice system improvement. Among our initiatives in this area was the creation of the Study Group and our charge to the Group that it present for our consideration recommendations for change in the program.

On June 23, 1977, the Study Group submitted its Report to Attorney General Bell and me. On June 30, 1977, the Attorney General publicly released the Report and asked for specific comments on the Report for a period of sixty days beginning on July 1, 1977.

In response to the Attorney General's request for public comment, the Attorney General and I have received a number of letters and reports which cogently discuss the LEAA program and its future. I find this response heartening. As the Attorney General noted in releasing the report: "Crime is a problem which

touches every one of us. A Federal role in this area must be shaped with the greatest possible participation of the American people and their elected leaders."

At thistime and until the end of the sixty-day comment period, the Attorney General and I will be studying the "Report to the Attorney General," as well as the various documents that we receive in response to the Attorney General's request for commentary upon the Report.

I know that the hearings which your Committee has scheduled will enhance the quality of the discussion of the issues raised in the Study Group's "Report to the Attorney General" and will assist Attorney General Bell and me to evaluate the Report and the issues which it addresses.

The Attorney General and I look forward to working closely with you to resolve those issues.

STATEMENT OF WALTER M. FIEDEROWICZ, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

Mr. Chairman, I want to take this opportunity on behalf of the Department of Justice and the members of the Study Group to thank you for this opportunity to appear before your Committee to discuss its "Report to the Attorney General" regarding the restructuring of the Law Enforcement Assistance Administration.

The Attorney General has made the improvement of the Law Enforcement Assistance Administration and its programs one of his top priorities. In April of this year, he organized the Study Group and asked it to conduct a comprehensive review of the present LEAA program and to undertake a basic rethinking of the Department of Justice's program of assistance to state and local governments in crime control and criminal justice system improvement. On June 23, 1977, the Study Group submitted its Report to the Attorney General and the Deputy Attorney General. On June 30th, because of his belief that a "Federal role in this area must be shaped with the greatest possible participation of the American people and their elected leaders," Attorney General Bell publicly distributed the Report and solicited comments concerning the Report.

During the comment period, which extends through the end of August, the Attorney General and the Deputy Attorney General will be considering the Study Group's recommendations and the comments they receive from public officials and the general public. Only after such a process has been completed will the Attorney General and the Deputy Attorney General adopt a position concerning the recommendations contained in the "Report to the Attorney General". Accordingly, I would like to emphasize that the conclusions and recommendations of the Study Group in its "Report to the Attorney General" do not necessarily reflect the official views of the Department of Justice on the issues addressed in the Report. Similarly, I would like to emphasize that at these hearings my colleagues and I can speak only on behalf of the Study Group and not on behalf of the Department of Justice.

Today, I would like to briefly outline the process followed by the Study Group in examining the LEAA program and to highlight the key findings contained in the Report. In the session scheduled for Thursday it is my understanding that we will be asked to discuss the specific recommendations contained in the Report.

Serving with me on the Study Group were six individuals who have had a wide range of experience in and out of government. Patricia M. Wald, Assistant Attorney General for the Office of Legislative Affairs, has among numerous other activities, served as a member of the President's Commission on Crime in the District of Columbia, as a consultant to the President's Commission on Law Enforcement and Administration of Criminal Justice and on the Executive Committee of the Juvenile Justice Standards Project IJA–ABA.

Ronald L. Gainer currently serves as Deputy Assistant Attorney General for the Office for Improvements in the Administration of Justice. Prior thereto, Mr. Gainer served as an attorney in the Criminal Division of the Department of Justice and as Director of the Department's Office of Policy and Planning. In these positions, Mr. Gainer has had an opportunity to work on a number of criminal justice matters on a policy-making level and to review the operations of the LEAA program for the Department of Justice.

Paul A. Nejelski, Deputy Assistant Attorney General for the Office for Improvements in the Administration of Justice, was employed by LEAA in its National Institute of Law Enforcement and Criminal Justice in 1969 and 1970. He

served as Special Assistant to the Director of the National Institute and as Director of the Courts Program. He has also served as the Assistant Director of the Center for Criminal Justice at Harvard Law School and as Director of the Institute of Judicial Administration at New York University. Most recently, Mr. Nejelski served as Deputy Court Administrator for the State of Connecticut and administered the LEAA court program in Connecticut.

Blair G. Ewing, Acting Director, National Institute of Law Enforcement and Criminal Justice, has served as the Director of the State planning agency for the LEAA program in the District of Columbia and as the Criminal Justice Coordinator for the Washington Metropolitan Council of Governments. He also served as the Deputy Director of the LEAA Office of Planning and Management.

James M. H. Gregg, Assistant Administrator for the Office of Planning and Management in LEAA, served as the Office of Management and Budget examiner for the Department of Justice, as an Assistant Deputy Director of the Office of Management and Budget, and as Assistant Director of the Special Action Office for Drug Abuse Prevention.

Thomas J. Madden, the General Counsel of LEAA, has worked on all of the legislation that has amended the basic LEAA Act since 1968 and he served the Executive Director of the National Advisory Commission on Criminal Justice Standards and Goals from 1971 to 1973.

Deputy Attorney General Flaherty and Associate Deputy Attorney General Bruce D. Campbell also attended some of the Study Group's meetings and participated in some of the deliberations of the Study Group.

Staffing for the Group was provided by LEAA's Office of Planning and Management and by the Department of Justice's Office for Improvements in the Administration of Justice. A key staff member working with the group was Robert F. Diegelman, Director, Division of Planning and Evaluation Standards, Office of Planning and Management, who attended all of the Study Group's meetings. Dr. Charles Wellford of the Office for Improvements in the Administration of Justice also assisted the Study Group and attended a number of the Group's meetings. Representatives of the President's Reorganization Team also attended some meetings of the Group during the final stages of its deliberations.

The Study Group began meeting the first week in April and met on the average of two times each week for the next 11 weeks for a total of 22 regular working sessions. During the initial stages of its deliberations, the Study Group examined and discussed the existing LEAA program, studied how the program had evolved, and sought to identify its shortcomings. A number of sources of information were used during this period.

First of all, I would like to note that the hearings of your Committee and of the Senate Judiciary Committee Subcommittee on Criminal Laws and Procedures on the 1976 reauthorization of the Omnibus Crime Control and Safe Streets Act were extremely helpful to us in our review. The Study Group also reviewed and considered recent studies of the LEAA program, including "The Report of the Twentieth Century Fund Task Force on the Law Enforcement Assistance Administration" (1976), the Advisory Commission on Intergovernmental Relations (ACIR) Report: "The Safe Streets Act Reconsidered: The Block Grant Experience 1968 to 1975", and the "Law and Disorder Reports, III and IV." Other reports, including reports prepared by ACIR and the Brookings Institute on Federal assistance programs, were also considered.

The Study Group also reviewed materials concerning the LEAA program prepared by LEAA officials. In addition, during the months of April and May the Study Group received a number of briefings by the heads of various LEAA offices and programs. During these briefings, each manager was encouraged to be candid and forthright in his discussion and to make recommendations which the Study Group could consider in its deliberations.

Other sources of information for the Study Group were public officials and members of the general public who had experience in observing or working with the LEAA program. I accompanied the Attorney General and the Deputy Attorney General to numerous meetings at which the LEAA program and its future were discussed. Members of the Study Group met with representatives of the National Governor's Conference, the National League of Cities, U.S. Conference of Mayors, the National Conference of State Criminal Justice Planning Administrators, the National Association of Criminal Justice Planning Directors, National Peoples Action, the Urban League, and the National Association of Attorney's General. At the invitation of the Attorney General, the National Association of Attorney's General appointed a task force which prepared a report and transmitted that

report to the Department of Justice. A task force of the National League of Cities also met and prepared a report for the Study Group.

Although the Study Group attempted to consult with as many groups and individuals as possible prior to its preparation of the "Report to the Attorney General," members of the Study Group recognized that it would not be possible to meet with all interested parties during its initial phase of activity and felt strongly that there should be continuing consultation with public officials and the general public after the Report's Publication. Accordingly, in the Introduction to the Reort, the Study Group recommended that "a phase of intensive consultation with appropriate leaders of the Congress and of state and local governments be initiated prior to any final decisions on these matters." It was our hope that the Report to the Attorney General would stimulate a debate concerning the future of LEAA, and it is my hope that during the course of your Committee's hearings we will be able to engage in a meaningful dialogue concerning LEAA and its future. I know that I speak for the entire Study Group when I say that we perceive our Report of June 23, 1977, as only the first step in the process for improving or restructuring LEAA.

Once we completed our examination of the exiting LEAA program, the Study Group turned its attention to the future. There was general agreement among the members of the Study Group that the Federal government should assist state and local governments to strengthen and improve the operations of their criminal justice systems. The months of May and June were devoted to an identification of the various options for a Federal program and to making recommendations for the adoption of specific options. At the completion of this process, the majority of the Study Group made two basic recommendations, as follows:

1. Refocus the national research and development role into a coherent strategy of basic and applied research and systematic national program development, testing, demonstration and evaluation.

2. Replace the present block (formula) portion of the program with a simpler program of direct assistance to state and local governments with an innovative feature that would allow state and local governments to use the direct assistance funds as "matching funds" to buy into the implementation of national program models which would be developed through the refocused national research and development program.

These recommendations will be discussed in more detail on Thursday in subsequent sessions of these hearings.

In our discussions we attempted to focus on the broad policy issues which we felt should be addressed by the Department of Justice. Once a threshold decision was made, we were of the view that it would be easier to deal with the manifold subsidiary issues which the Report does not deal with. For example, we recognize that the issue of a formula for the direct assistance funds advocated in the Report is an important one. However, unless and until the Department of Justice is willing to adopt a position that (1) financial assistance should be provided and (2) such assistance should be provided directly to state and local governments, we believed that it would be premature to discuss all of the issues pertinent to the design of a formula.

I would now like to turn to a brief discussion of how we arrived at our recommendations. During our examination of the LEAA program, the Study Group reached certain basic conclusions. The Study Group recognized that crime as measured by the Uniform Crime Report (UCR) Index offenses has shown a rapid and steady increase from 1960 to 1975. The crime increase of 73.6 percent from 1960 to 1968 was a major consideration of the Congress in creating the LEAA program in 1968 as the first major program of Federal assistance to state and local governments for lawenforcement and criminal justice. Crime trends as reflected in the uniform crime rates, as noted by LEAA critics, increased by 56.7 percent during the period from 1968 to 1975. The Study Group recognized the weakness inherent in measuring crime by UCR offenses. However, as the Report notes, victimization data, which is generally considered to be more accurate than UCR, shows that in 1975 that there were more than 40 million victimizations of persons, households, and businesses in the United States.

The Study Group also noted that as crime has increased, the Government's response to that crime problem has also increased. Federal, state, and local expenditures for criminal justice from 1970 to 1975 have doubled. Persons employed in some phase of the administration of justice have increased from 852,000 in 1970 to 1,128,000 in 1975. The increases in personnel and funds have not had a

significant impact on the crime rate as measured by UCR. They have not stemmed the rise in the backlog of the Nation's courts, nor have they curbed the overpopulation of the Nation's correctional institutions.

The Study Group also found that the public concern about the crime rate and the public demands for a Federal response to the crime problem have grown. A National Gallup survey conducted in May 1976 indicated that the crime problem was the country's most serious public concern, followed closely by violence in America, lawbreaking on the part of government officials and the problem of drug addicts and narcotic addiction. Results of a similar poll conducted in 1964 found the five most serious concerns were related to international and defense matters. In 1976, the Gallup Poll found that concern about crime was just as high in rural areas as it is in urban areas.

The Study Group considered an analysis recently conducted for LEAA by the University of Pittsburgh Center for Urban Research. This study has found that there is an expressed public desire for a greater Federal role and more Federal action against crime. This desire has increased through the 1960's and into the 1970's. The Pittsburgh analysis found that increasing numbers of Americans favor the use of additional public funds for crime fighting activities both nationally and locally.

The Study Group recognized that the high incidence of crime has placed a tremendous financial burden on state and local governments. Law enforcement and criminal justice agencies must compete at the state and local level with the educational system, the health system, and the social services delivery system for a very limited fund base. The need for change in the Nation's criminal justice system was recognized by the President's Crime Commission in 1967 and by the National Advisory Commission on Criminal Justice Standards and Goals in 1973. We recognized that competition at the state and local level for funds is so great that oftentimes there are no funds available to experiment with innovations and improvements in the criminal justice system. In many jurisdictions, funds available for the criminal justice system are not sufficient to maintain the current level of services.

The Study Group felt that changes must be made if we are going to deal with the crime problem and if we are going to be responsive to the public's concern. The Study Group felt that the Federal government has a responsibility to assist state and local governments in dealing with the very serious problem of crime. Failure of the Federal government to act, as the Study Group states in its report, would be a serious error. Only the Federal government has research and development resources which can encourage change and only the Federal government can exert national leadership that can encourage change.

The Study Group then turned to the question of what that Federal response should be and whether the LEAA program was capable of providing the appropriate response. In resolving these questions, the Study Group recognized that there are certain constraints imposed on the Federal response. The Study Group identified these constraints as follows:

1. The primary responsibility for law enforcement and criminal justice rests with state and local governments.

2. Federal resources devoted to the Nation's crime problem are only a small fraction of the amount expended by state and local governments for criminal justice. The present LEAA budget of approximately $700 million amounts to only 1/20 of the funds devoted to criminal justice purposes at the state and local levels.

3. The criminal justice system of this country has always been plagued by extensive fragmentation. In some cases the fragmentation was intentionally designed to prevent the concentration of governmental power.

4. Crime has its roots in many social ills which the criminal system is neither equipped nor designed to solve.

The Study Group felt that in light of these constraints, the Federal role should have two major components:

1. The development of national priorities and program strategies for responding to the major problems which presently face state and local criminal justice systems. This component would at a minimum consist of: the systematic building at the national level of knowledge about crime and the criminal justice system; the development, testing, demonstration and evaluation of national programs which utilize the knowledge developed; and the provision of technical assistance and training in the implementation of proven national programs.

2. The provision of financial assistance to state and local governments, to aid them: (a) in the implementation of programs and projects to improve and strengthen law enforcement and criminal justice and (b) in the development of the capacity to manage and coordinate the development of criminal justice programs.

I would like to stress the importance of these components because they provided the framework within which the Study Group discussed the LEAA program and formed the basis for the Study Group's recommendations concerning Federal efforts to assist state and local governments in crime control activities.

Our review of the LEAA program identified certain major weaknesses in the program. These weaknesses arose in part from the block grant structure of the LEAA program and in part from the efforts by LEAA to implement the Safe Streets Act. The Study Group reached the following conclusions:

1. "The detailed statutory specification of the composition, structure, functions and administrative responsibilities of the criminal justice planning agencies required by the law for receipt of block funds has impeded in many jurisdictions the effective integration of the criminal justice planning function into state and local government operations. Simply stated, the crimnial justice planning agencies created with Federal dollars and the accompanying Federal requirements have been frequently regarded by State and local governments as an unnatural appendage which they are willing to accept because it is the condition for additional Federal funding. In practice, many planning agencies are having very little impact on the allocation of total state and local criminal justice funds."

2. "The detailed statutory specification of the content of the required state comprehensive plan has encouraged state and local governments to focus more on ensuring statutory compliance rather than on undertaking effective planning, since they are virtually assured of Federal approval of the final product as long as all the requirements specified in the statute and LEAA guidelines are met."

3. "The requirement for state comprehensive criminal justice planning has proved to be unworkable in most instances because of the different responsibilities and authorities of state and local governments and because of the great difficulty experienced in specifying planning roles, responsibilities and relationships among state, regional and local governments in ways that all levels of government agree meet their needs."

4. "Certain amendments to the original statute in each of the program's reauthorizations have only served to accentuate the problems noted above, since they have increased the administrative complexity of the program at all levels by further specification of plan content and by the addition of new planning responsibilities in the areas of corrections, juvenile delinquency, and courts."

5. "Over the last nine years, numerous Federal strings have been put on almost all forms of Federal grant assistance, the LEAA block grant included, through the passage of additional statutes imposing controls or limitations on the use of grant funds. According to the latest count, over twenty Federal statutes imposed controls and limitations on the use of LEAA grant funds. These statutes range from the National Environmental Policy Act of 1969 to the Intergovernmental Cooperation Act of 1968. Although each of these facts addresses an important national priority, the cumulative effect of their reporting and administrative requirements is staggering by the time they are passed on to a state agency administering the LEAA block grant."

6. "LEAA has experienced over the last eight years a rather rapid turnover in its top leadership. There have been seven Attorneys General and five LEAA Administrators during the period of 1968 through 1976. This rapid turnover of top leadership quite naturally led to frequently changing priorities. In addition, in the early years of the program, criminal justice research was a relatively new discipline, and there was constant pressure to spend the grant funds appropriated to the program. As a result, national level programs were frequently initiated by a succession of top leaders without systematic program development or the effective utilization of available research findings. The cumulative effect of all these pressures has been the lack of a fully coherent strategy at the national level to develop systematically knowledge about crime and the criminal justice system; to develop, test and evaluate national programs which utilize the knowledge developed; and to disseminate proven program strategies and the knowledge gained to state and local governments."

The Study Group also concluded that there were some positive lessons that could be derived from an examination of LEAA's history. The Study Group made the following observation on page 10 of the Report.

"In summary, then, the lessons of the past nine years of the LEAA program have been mixed. The comprehensive review undertaken by the Study Group led to the conclusion that there is the need for a major restructuring of the Justice Department's program of assistance to state and local governments for crime control and criminal justice improvements. This major restructuring must take place in the context of both the positive as well as the negative lessons of the past. LEAA was always viewed as an experiment. It is time now to capitalize on the lessons of nine years of experience and design a better Federal response to the nation's crime problem."

Based upon its review of the LEAA program and its findings, the Study Group identified certain major issues pertinent to the future of LEAA, and made recommendations to the Attorney General concerning those issues. Mr. Nejelski concurred only with recommendations Nos. 1 and 2 of the Report.

As I mentioned at the outset, the Attorney General and the Deputy Attorney General are reviewing the Report. Over 3,000 copies of the Report have been distributed for public comment. A listing of the individuals and groups who have received copies of the Report is attached to my testimony. The Study Group will be reviewing and analyzing responses to the Report, as will the staff of the Attorney General and the Deputy Attorney General. Your hearings come at a most opportune time to assist the Department of Justice in its evaluation of LEAA and its future.

My coleagues and I would be pleased to attempt to respond to any questions the Committee may have.

DISTRIBUTION OF THE REPORT TO THE ATTORNEY GENERAL

As of this date, over 3,000 copies of the report have been distributed among the following groups:

(*a*) All members of the U.S. Congress.
(*b*) All Governors.
(*c*) All State Attorneys General.
(*d*) All State Chiefs Justice.
(*e*) The Mayors of the 120 Largest Cities.
(*f*) All State Planning Agencies under the LEAA Program.
(*g*) All major national interest groups including:
  (1) National Governors Conference;
  (2) National Association of Criminal Justice Planning Directors;
  (3) National Association of Regional Councils;
  (4) National Association of Counties;
  (5) National Conference of State Criminal Justice Planning Administrators;
  (6) National Conference of State Legislators;
  (7) National League of Cities/U.S. Conference of Mayors;
  (8) Advisory Commission on Intergovernmental Relations;
  (9) International City Management Association;
  (10) National Center for State Courts;
  (11) American Correctional Association;
  (12) Council of State Governments;
  (13) American Bar Association;
  (14) National Sheriffs Association;
  (15) International Association of Chiefs of Police;
  (16) National Legal Aid and Defender Association;
  (17) National Association of Attorneys General;
  (18) National District Attorneys Association;
  (19) National Urban League;
  (20) National Association of Neighborhoods;
  (21) National Peoples Action;
  (22) National Center for Community Action;
  (23) National Council of La Raza; and
  (24) National Congress for Community Economic Development.
(*h*) All Major Newspapers.
(*i*) The General Public upon request.

Mr. FIEDEROWICZ. Thank you.

An additional member of our task force who could not be here is Ronald L. Gainer, Deputy Assistant Attorney General for the Office of the Improvement to the Administration of Justice.

Mr. Chairman, I want to take this opportunity on behalf of the Department of Justice and the members of the study group to thank you for this opportunity to appear before your committee to discuss its report to the Attorney General regarding the restructuring of the Law Enforcement Assistance Administration.

The Attorney General has made the improvement of the Law Enforcement Assistance Administration and its programs one of his top priorities. In April of this year, he organized the study group and asked it to conduct a comprehensive review of the present LEAA program and to undertake a basic rethinking of the Department of Justice's program of assistance to State and local governments in crime control and criminal justice system improvement. On June 23, 1977, the study group submitted its report to the Attorney General and the Deputy Attorney General.

On June 30, because of his belief that a "Federal role in this area must be shaped with the greatest possible participation of the American people and their elected leaders," Attorney General Bell publicly distributed the report and solicited comments concerning the report. During the comment period, which extends through the end of August, the Attorney General and the Deputy Attorney General will be considering the study group's recommendations and the comments they receive from public officials and the general public. Only after such a process has been completed will the Attorney General and the Deputy Attorney General adopt a position concerning the recommendations contained in the report to the Attorney General.

Accordingly, I would like to emphasize that the conclusions and recommendations of the study group in its report to the Attorney General do not necessarily reflect the official views of the Department of Justice on the issues addressed in the report. Similarly, I would like to emphasize that at these hearings my colleagues and I can speak only on behalf of the study group and not on behalf of the Department of Justice.

Today, I would like to briefly outline the process followed by the study group in examining the LEAA program and to highlight the key findings contained in the report. In the session scheduled for Thursday it is my understanding that we will be asked to discuss the specific recommendations contained in the report.

However, I am prepared to respond to any questions you might have concerning our recommendations if you wish to cover such ground during today's session.

Serving with me on the study group were six individuals who have had a wide range of experience in and out of Government. Patricia M. Wald, Assistant Attorney General for the Office of Legislative Affairs, has among numerous other activities, served as a member of the President's Commission on Crime in the District of Columbia, as a consultant to the President's Commission or Law Enforcement and Administration of Criminal Justice, and on the Executive Committee of the Juvenile Justice Standards Project IJA–ABA.

Ronald L. Gainer currently serves as Deputy Assistant Attorney

General for the Office of Improvements in the Administration of Justice. Prior thereto, Mr. Gainer served as an attorney in the Criminal Division of the Department of Justice and as Director of the Department's Office of Policy and Planning. In these positions Mr. Gainer has had an opportunity to work on a number of criminal justice matters on a policymaking level and to review the operations of the LEAA program for the Department of Justice.

Paul A. Nejelski, Deputy Assistant Attorney General for the Office for Improvements in the Administration of Justice, was employed by LEAA in its National Institute of Law Enforcement and Criminal Justice in 1969 and 1970. He served as Special Assistant to the Director of the National Institute and as director of the courts program. He has also served as the assistant director of the Center for Criminal Justice at Harvard Law School and as director of the Institute of Judicial Administration at New York University. Most recently, Mr. Nejelski served as deputy court administrator for the State of Connecticut and administered the LEAA court program in Connecticut.

Blair G. Ewing, Acting Director, National Institute of Law Enforcement and Criminal Justice, has served as the director of the State planning agency for the LEAA program in the District of Columbia and as the Criminal Justice Coordinator for the Washington Metropolitan Council of Governments. He also served as the Deputy Director of the LEAA Office of Planning and Management.

James M. H. Gregg is the Acting Administrator of LEAA. He also is Assistant Administrator for the Office of Planning and Management in LEAA. He served as the Office of Management and Budget Budget Examiner for the Department of Justice, as an Assistant Deputy Director of the Office of Management and Budget, and as Assistant Director for the Special Action Office for Drug Abuse Prevention.

Thomas J. Madden, the General Counsel of LEAA, has worked on all of the legislation that has amended the basic LEAA Act since 1968 and he served as the Executive Director of the National Advisory Commission on Criminal Justice Standards and Goals from 1971 to 1973.

Deputy Attorney General Flaherty and Associate Deputy Attorney General Bruce D. Campbell also attended some of the study group's meetings and participated in some of the deliberations of the study group. Representatives of the President's Reorganization Team also attended some meetings of the group during the final stages of its deliberations.

The study group began meeting during the first week in April and met on the average of two times each week for the next 11 weeks for a total of 22 regular working sessions. During the initial stages of its deliberations, the study group examined and discussed the existing IEAA program, studied how the program had evolved, and sought to identify its shortcomings. A number of sources of information were used during this period.

First of all, I would like to note that the hearings of your committee and of the Senate Judiciary Committee Subcommittee on Criminal Laws and Procedures on the 1976 reauthorization of the Omnibus Crime Control and Safe Streets Act were extremely helpful to us in our review.

In your opening statement, you noted some of the issues you had raised in 1976. We have also focused on those issues during our deliberations.

Although the study group attempted to consult with as many groups and individuals as possible prior to its preparation of the report to the Attorney General, members of the study group recognized that it would not be possible to meet with all interested parties during its initial phase of activity and felt strongly that there should be continuing consultation with public officials and the general public after the report's publication. Accordingly, in the introduction to the report, the study group recommended that "a phase of intensive consultation with appropriate leaders of the Congress and of State and local governments be initiated prior to any final decisions on these matters." It is our hope that the report to the Attorney General would stimulate a debate concerning the future of LEAA, and it is my hope that during the course of your committee's hearings we will be able to engage in a meaningful dialog concerning LEAA and its future.

I know that I speak for the entire study group when I say that we perceive our report of June 23, 1977, as only the first step in the process in the Department of Justice for improving or restructuring LEAA.

I would like to turn to the methodology that we used, a matter that you alluded to in your opening statement, Mr. Chairman.

Once we completed our examination of the existing LEAA program, the study group turned its attention to the future. There was general agreement among the members of the study group that the Federal Government should assist State and local governments to strengthen and improve the operations of their criminal justice systems. The months of May and June were devoted to an identification of the various options for a Federal program and to making recommendations for the adoption of specific options. At the completion of this process, the majority of the study group made two basic recommendations, as follows:

One. Refocus the national research and development role into a coherent strategy of basic and applied research and systematic national program development, testing, demonstration, and evaluation.

Two. Replace the present block formula portion of the program with a simpler program of direct assistance to State and local governments with an innovative feature that would allow State and local governments to use the direct assistance funds as "matching funds" to buy into the implementation of national program models which would be developed through the refocused national research and development program.

In our discussions we attempted to focus on the broad policy issues which we felt should be addressed by the Department of Justice. Once a threshhold decision was made, we were of the view that it would be easier to deal with the manifold subsidiary issues which the report does not deal with.

For example, we recognize that the issue of a formula for the direct assistance funds advocated in the report is an important one. However, unless and until the Department of Justice is willing to adopt a position that one, financial assistance should be provided—and that is one of the options afforded to the Attorney General to say

"yea" or "nay"—and two, such assistance should be provided directly to State and local governments, we believed that it would be premature to discuss all of the issues pertinent to the design of a formula.

I would now like to turn to a brief discussion of how we arrived at our recommendations. During our examination of the LEAA program, the study group reached certain basic conclusions. The study group also noted that as crime has increased, the Government's response to that crime problem has also increased. Federal, State, and local expenditures for criminal justice from 1970 to 1975 have doubled. Persons employed in some phase of the administration of justice have increased from 852,000 in 1970 to 1,128,000 in 1975.

The increases in personnel and funds have not had a significant impact on the crime rate as measured by UCR. They have not stemmed the rise in the backlog of the Nation's courts, nor have they curbed the overpopulation of the Nation's correctional institutions.

The study group also found that the public concern about the crime rate and the public demands for a Federal response to the crime problem have grown.

The study group recognized that the high incidence of crime has placed a tremendous financial burden on State and local governments. Law enforcement and criminal justice agencies must compete at the State and local level with the educational system, the health system, and the social services delivery system for a very limited fund base.

The need for change in the Nation's criminal justice system was recognized by the President's Crime Commission in 1967 and by the National Advisory Commission on Criminal Justice Standards and Goals in 1973. We recognized that competition at the State and local level for funds is so great that oftentimes there are no funds available to experiment with innovations and improvements in the criminal justice system. In many jurisdictions, funds available for the criminal justice system are not sufficient to maintain the current level of services.

The study group felt that changes must me made if we are going to deal with the crime problem and if we are going to be responsive to the public's concern. The study group felt that the Federal Government has a responsibility to assist State and local governments in dealing with the very serious problem of crime. Failure of the Federal Government to act, as the study group states in its report, would be a serious error. Only the Federal Government has research and development resources which can encourage change and only the Federal Government can exert national leadership that can encourage change.

The study group then turned to the question of what that Federal response should be and whether the LEAA program was capable of providing the appropriate response. In resolving these questions, the study group recognized that there are certain constraints imposed on the Federal response. The study group identified these constraints as follows:

One. The primary responsibility for law enforcement and criminal justice rests with State and local governments.

Two. Federal resources devoted to the Nation's crime problem are only a small fraction of the amount expended by State and local governments for criminal justice. The present LEAA budget of ap-

proximately $700 million amounts to only one-twentieth of the funds devoted to criminal justice purposes at the State and local levels.

Three. The criminal justice system of this country has always been plagued by extensive fragmentation. In some cases the fragmentation was intentionally designed to prevent the concentration of governmental power.

Four. Crime has its roots in many social ills which the criminal system is neither equipped nor designed to solve.

The study group felt that in light of these contraints, the Federal role should have two major components.

I have alluded to them, and they are set forth in greater detail on page 14 of my statement.

I would like to stress the importance of these components because they provided the framework within which the study group discussed the LEAA program and formed the basis for the study group's recommendations concerning Federal efforts to assist State and local governments in crime control activities.

Our review of the LEAA program identified certain major weaknesses in the program, which are set forth in greater detail at pages 15 to 17 in my testimony. Listing these weaknesses was not an attempt to place the blame in any particular spot.

One of the problems we found:

> LEAA has experienced over the last 8 years a rather rapid turnover in its top leadership. There have been seven Attorneys General and five LEAA Administrators during the period of 1968 through 1976. This rapid turnover of top leadership quite naturally led to frequently changing priorities.
>
> In addition, in the early years of the program, criminal justice research was a relatively new discipline, and there was constant pressure to spend the grant funds appropriated to the program. As a result, national level programs were frequently initiated by a succession of top leaders without systematic program development or the effective utilization of available research findings. The cumulative effect of all these pressures has been the lack of a fully coherent strategy at the national level to develop systematically knowledge about crime and the criminal justice system; to develop, test, and evaluate national programs which utilize the knowledge developed; and to disseminate proven program strategies and the knowledge gained to State and local governments.

The study group also concluded that there were some positive lessons that could be derived from an examination of LEAA's history. The study group made the following observation on page 10 of the report:

> In summary, then, the lessons of the past 9 years of the LEAA program have been mixed. The comprehensive review undertaken by the study group led to the conclusion that there is the need for a major restructuring of the Justice Department's program of assistance to State and local governments for crime control and criminal justice improvements. This major restructuring must take place in the context of both the positive as well as the negative lessons of the past. LEAA was always viewed as an experiment. It is time now to capitalize on the lessons of 9 years of experience and design a better Federal response to the Nation's crime problem.

Based upon its review of the LEAA program and its findings, the study group identified certain major issues pertinent to the future of LEAA, and made recommendations to the Attorney General concerning those issues. Mr. Nejelski concurred only with recommendations Nos. 1 and 2 of the report.

I think during the course of today's session we will be discussing our specific recommendations and Mr. Nejelski's concurrence with the first two.

As I mentioned at the outset, the Attorney General and the Deputy Attorney General are reviewing the report. Over 3,000 copies of the report have been distributed for public comment. A listing of the individuals and groups who have received copies of the report is attached to my testimony. The study group will be reviewing and analyzing responses to the report, as will the staff of the Attorney General and the Deputy Attorney General.

Your hearings come at a most opportune time to assist the Department of Justice in its evaluation of LEAA and its future.

My colleagues and I would be pleased to attempt to respond to any questions the committee may have.

I know Mr. Nejelski had a few comments he would like to make, if that is acceptable to you, or we could get to them during the course of the questioning.

Mr. CONYERS. No; I would like to recognize him separately, and also any of you for any individual additional comments you would like to make at the outset.

Mr. FIEDEROWICZ. Fine.

Mr. CONYERS. Mr. Nejelski?

Mr. NEJELSKI. Thank you, Mr. Chairman.

I am sorry I can't be more optimistic about LEAA. Attorney General Levi said it was hard to spend almost $1 billion a year and not do some good. I think that has been true, especially in the area of community involvement. There certainly have been some accomplishments. I think of the work of Oscar Newman and Morton Bard, also projects in jury utilization, but these were developed much earlier, often with other funding, although LEAA has been instrumental in their implementation.

It has been noted several times because of the 3-year extension of LEAA, that Congress realized this was an experiment. It seems to me after 9 years the burden shifts to the agency to justify its existence.

I hope that my remarks will not be seen as partisan. I think the same problems existed under OLEA in 1965 to 1968 when it was run in a Democratic administration. It was a much smaller program, arguably much easier to administer with only a few million dollars. The evaluation that was done by Samuel Dash of Georgetown of that experience I think is excellent reading, and unfortunately still timely, 7 or 8 years later.

I think the Congress, and particularly Mr. Railsback, who I notice is a member of the committee, and others, did a great service in 1968 in making this a program not run completely out of Washington. It would have been even more chaotic and subject to much more problems and abuse.

I have a copy, which I will not submit for the record because it's far too voluminous, of an excellent history of LEAA written by Barry Mahoney covering the period 1965 to 1973. It is a dissertation at Columbia University where Mr. Mahoney received his Ph. D. in political science. I think it details much of the history and turmoil that

has gone on in the program in the past, and I certainly found it very instructive.

My feeling is, in many ways, the same as Senator Aiken about Vietnam in the mid-1960's, "Declare it a victory and get out." I think there have been successes, but I think they become less and less important as the problems of the program go on.

I have read the same reports, I have listened to the same briefs as my colleagues, but I think perhaps my experience has been different, and that has helped shape my views.

I was one of the first employees at the National Institute of Law Enforcement and Criminal Justice in January 1969 when it was started. I think the problems of political interference, of studies being suppressed, and the difficulty of hiring quality people have been documented elsewhere.

I will not belabor these points here.

Since leaving the LEAA in 1970, I have worked on various grants, and consulted with the National Institute on two occasions about their annual plan. When I was in New York City as director of the Institute of Judicial Administration, I worked with the Criminal Justice Coordinating Council in New York. I was shocked, Mr. Chairman, in meeting with the head of that agency, then Judge Altman, who had called me down there. He said he wanted our institute located at New York University Law School to monitor the juvenile delinquency programs in New York City. We were supposed to do this on a volunteer basis.

I said, "Well, how many do you have?" He said, "Well, I don't know." I think some of this lack of control is shocking, and I am not surprised to see in the Wall Street Journal last week an indictment being handed down in the southern district of New York of someone who has received $66,000 in Federal grants from LEAA to provide counseling for youths arrested for minor crimes.

Mr. CONYERS. Weren't those police officers?

Mr. NEJELSKI. No; this was a young man by the name of James Thweatt, and he was supposed to be counseling young arrested persons. Instead he is accused of buying two Mercedes-Benz, and using the funds in other ways. The following quotes convey what I think is interesting about this matter.

> A spokesman said that LEAA couldn't explain how Mr. Thweatt had been chosen to run the project because the money was administered by the New York State Division of Criminal Justice. "We're four steps removed from any knowledge of the project itself," the LEAA spokesman said.
>
> A spokesman for the State Division of Criminal Justice said he couldn't explain the situation either. "To be candid with you, I don't have the file. The people who worked on it are no longer here." he said.

Finally, I spent the last 13 months before rejoining the Department of Justice as a deputy court administrator in the State of Connecticut in charge of Federal grants for Connecticut. I think it's based on those personal experiences as well as reading the reports and talking to people and attending these meetings, that I have come to a few conclusions.

One of them is that the planning process is an extensive hoax; that no State, with the exception of the District of Columbia, I think, has ever been refused funds. As long as there are powerful congressional

and political forces, Washington will not be able to live up to what it hopes to enforce.

I don't think that the Federal Government should go on subsidizing these forever. I think they have been useful in getting folks together that had never been together before, in getting some coordination. But I think the time has come now to put them on their own, and see if the States and the localities think they are worth continuing.

In some ways it's like the judicial council movement of the courts in the 1920's. Almost every State adopted them, and some have lived on. Those have been useful, but it's questionable to me that the Federal Government should go on subsidizing State planning agencies forever.

I think the LEAA has had a disappointing record on standards. In 1973, the National Advisory Commission on Standards and Goals spent a lot of money and time coming up with some very good standards. Those were, by and large, not implemented or tested out. After 5 years of work, the Institute of Judicial Administration and the AEA have come forward with juvenile justice standards only to find LEAA has not one, but two sets of standards of its own. I am sure we will have a half-dozen before the end of the decade if this keeps on going.

Mr. CONYERS. How do you square your recommendation of termination with agreement to the first two points?

Mr. NEJELSKI. Because I think there is the need for a Federal role. I think there are serious problems, but I think an agency should be created outside of the Department of Justice that can address criminal, civil, and administrative justice problems across the board.

So, I can agree with the group, there is need for basic and applied research, and demonstration projects, at the Federal level.

Mr. CONYERS. All right. Are you nearly concluded?

Mr. NEJELSKI. Yes; I am, Congressman, if you wish to proceed with the discussion.

Mr. CONYERS. All right. I would like to get any further comments you have, obviously, to help us here. But we are under a terrible time constraint.

The first, of course, is we are not going to be able to hold any more hearings for the remaining week before the recess. The committees have been asked not to hold any hearings whatsoever, and we prevailed upon the chairman of the Judiciary Committee at least to have this hearing, so we can get it on record, and hopefully, encourage other people to participate in commenting on the recommendations.

I am not sure whether we should start off with the most contentious problems or the easier ones, if there are any. But I start on a point of which there is obvious concurrence, that during the life of LEAA, we have had seven Attorneys General and five LEAA Administrators, and of course, that sort of itself defines one major problem right away.

Now, in the course of all of this leadership, I have been struck by the hostility and the arrogance which LEAA has displayed in its relationships with the Congress. I state that not only as a recipient of some of the hostility and arrogance, but as one who perceives that that attitude was reflected in terms of a terrible failure to live up to civil rights mandates.

We kept rewriting the regulations. There was literally no enforcement mechanisms for enforcing equal opportunity and affirmative action programs. Ironically, when they finally cracked down, they cracked down on a case of so-called reverse discrimination. I mean, it's really one step removed from insulting people's intelligence.

Now, what am I leading into? I am suggesting that we must really clear the decks of all the old leadership. I have talked to employees that have been drummed out and forced out by unbelievable kinds of work conditions and attitudes that were operative in LEAA at different periods of time.

The whole notion was that the place made black people totally unwelcome. Here we have a prison population, the targets of the criminal justice system usually, with a majority of black people being involved.

Yet we have an all white study group before us today. This hostility was very, very pronounced. The Congress was treated with some disdain. The House of Representatives, at my urging, consistently reported 1-year authorizations, and we made speeches on the floor that we were sending LEAA a message, but we were speaking for our own edification, it seemed, more than anything else.

The point I raise concerns the top leadership of the agency. I am thinking of a Presidential order reorganizing but never losing anybody, so it could be that everybody's turkeys from other agencies in the executive branch will be shifted to LEAA. Shouldn't we start off with new personnel and make a clean break from the past? Would that be objectionable on its face, or would that meet with some violations of civil service, or perhaps civil rights? Why not start with a new team of leadership? Would that be critical in the reformation process? Is there anybody that has objection to it, first of all?

Mr. FIEDEROWICZ. I agree fully with the concept, and I guess the notion is how far down one goes, and ther. whether or not one runs into civil service problems. I can't purport to speak as an expert as to what problems we might have, if you are talking about people who have civil service protection. I can't address that issue, and perhaps Mr. Madden, as counsel for LEAA, may be able to discuss some of the difficulties we have.

As you know, the top schedule C leadership in LEAA during the previous administration is not there now, and we are going to be moving very quickly, once the Attorney General has a sense of what the Congress wants, and where he wants to go, to bring in new leadership to try to give some direction to the LEAA programs. That issue is being addressed. Whether or not we can change the rank and file, or the submanagers, I don't have an answer to that.

Mr. CONYERS. Well, please keep it in mind. I am hoping that after the recess, or if necessary during it, we can meet again to carry on a discussion, if you will.

Mr. FIEDEROWICZ. I am hoping that the attitude found previously has changed. I know I have spoken to your counsel on occasion about difficulties he has had with LEAA, frankly, as a learning process on my behalf and on the new administration's behalf. Our report does not purport to say we have found solutions that no one else had found previously. I recognize your committee and people in the Senate have had difficulty with the LEAA program in the past, and we want to learn from our past mistakes and work together to bring about improvement.

Mr. CONYERS. Now I turn to another consideration that I have been concerned with since I have been on the subcommittee. It's the idea of activating LEAA to work with community people, a consideration so elementary that it's almost patronizing for us to sit around and talk about it as some guiding principle. But in reality, ladies and gentlemen, that principle has been met with a hostility not just within LEAA, but within law enforcement circles generally; it's literally unbelievable.

The point is this: We know that there is no way on Earth that the small number of people who constitute law enforcement at the local level can possibly match the kinds of challenges that have built up, particularly in urban areas. The fact remains that there is a built-in resentment that has been manifested in LEAA in the way they have funded and the way they have treated those small groups that don't come with an impressive academic organization or institution in back of them, or that are not a prestigious arm of law enforcement.

But when citizens come together, as we have been told at our hearings going back as far as 1973, they can literally hang it up for even the smallest kinds of consideration, because LEAA has been concerned with how it can get large amounts to large groups and so forth. Never more clearly was this hostility manifested, after we were able to get an amendment to LEAA legislation to provide for community anticrime operations, than in how the office was to be set up.

Here we were specifically delineating an office and a process under which small neighborhood and local and indigenous groups of citizenry could come together and, lo and behold, what was the reaction? Well, it wasn't clear what the mandate was. There was some question; What did these Members of Congress mean? We were told that we might have to submit a whole new amendment clarifying the process.

Didn't we mean for these local groups to apply step by step through the labyrinth of redtape? All kinds of questions were raised; I suppose not all of them were spurious. In the end, we ended up with some guidelines, after a lot of conversation back and forth, which essentially precludes small groups from funding.

Unless you are going to be a part of a National Urban League, a CETA program administered by the city of Chicago or the municipalities, or unless you are in some other existing national organization, there still appears to be very little likelihood that a small neighborhood club or organization will receive funds to work with, for example, the 13 police precincts in Detroit.

I was advised by a lawyer at the lawyers trial conference going on here, that his house was broken into and that there seemed to be a resurgence of burglary in just one part of Detroit. My interest was increased because it was my neighborhood also. If we could have those citizens feel that they were participating in the decisions that go on at their precinct, it would strongly augment the character of law enforcement at the local level in a very positive way.

It would seem to me that LEAA would be the main vehicle by which this understanding could be generated, and by which some of the antipathies of the past could be diminished. That, of course, was not the case.

I would like to just throw out a strong argument, if I could, for the notion that developing a program to massively deal with the communities would be an important step forward, especially, if we decided to reconstitute LEAA by setting aside several hundred millions of dollars for community anti-crime. I would really like your task force group to consider this, and what problems might be connected with it, because if we were to begin to involve the community and to break down the hostilities that exist, I think we could make a large step forward.

Would any of you care to comment?

Mr. FIEDEROWICZ. I would like to comment briefly that one of the recommendations or one of the findings of the study group was that LEAA had not established priorities sufficiently, and I think one of the things you are telling us right now is that should be an area of top priority. I think if we were to change the structure or if, in fact, the personnel were to work harder to establish priorities, we could move into programs like this rather than taking a shotgun approach on a hit or miss basis. We could conduct important research into this area, and we can have demonstration funds to be used to supplement that research.

Some of the things you are alluding to don't necessarily go to the structure of LEAA, but I think some of them do. The Twentieth Century Fund report states that the SPA structure, with its block grant setup, perhaps contributes to the problems you have mentioned. The Schattschneider theory suggests that such difficulties occur with state-operated programs. What we are saying in the report is that if we do have national priorities and we can establish them at a Federal level, we will do the research and have LEAA personnel use some funds to supplement that research and undertake the types of programs you were speaking of.

Perhaps Jim Gregg or some of the people from LEAA would like to respond generally as to the difficulty inherent in the present structure, or to provide you with their views as to your comments.

Mr. CONYERS. If you feel inclined to comment, ladies and gentlemen, just join in the discussion. I am taking advantage of the fact that all of my colleagues aren't here today, and it gives me a chance to explore some of these areas in a little more detail.

You see, I see a community anticrime component and a juvenile justice component. Obviously we cannot walk away from the Federal concern with juveniles. Then I see two other areas that could be the target of some major components, if we were to have four components.

One would be our research activity, and I refer you to the hearings that we just concluded with the DISPAC Subcommittee of the Science and Technology Committee, because I think you really want to carefully consider whether you want a research arm inside of the Department of Justice, regardless of whose administration, regardless of who is the Attorney General.

I am deeply concerned that we do not have in this country any research activity in criminal justice that is independent in the sense that some of our medical research units are—that don't turn on whose administration is in or on any political concepts, not to mention partisan ones.

We need a body that can be a repository for examining the pros and cons of many of these issues, that can make the analysis free of the influence no matter whose administration you locate a research bureau in. So I would urge that we consider the merits of locating it outside, at least in some quasi-independent capacity.

The fourth unit I would recommend for your consideration is one on corrections, and the argument I would put forward there is that recidivism being what it is, we should focus on that one place that causes a continuation of so much crime and criminal activity and antisocial behavior.

So I would come up with, just for discussion purposes, juvenile justice, crime research, community anticrime, and a corrections component.

Now, why would we use revenue sharing to shed us of what little responsibility that has been ours, when the reason we are here is because there hasn't been any oversight, and what we would be doing is relieving ourselves of any further responsibility. That is one reason why LEAA was created in the first place. The local and State units couldn't do it themselves. Now amazingly enough, in some circles, one of the major recommendations is to continue the money flow but shed ourselves of any responsibility, just give it back to the States. If you will read the constructive criticisms that flow from general revenue sharing, I mean, we have got problems in revenue sharing.

Just to add more money, without specializing it and targeting it into criminal justice, would be to me a very questionable response to 9 years of experience.

Let me open this up for some discussion.

Mr. MADDEN. Mr. Conyers, I share your concerns about the revenue-sharing aspect of this thing, and I think you need to build more accountability into the program. We debated vigorously in the task force the concept of Federal control versus State and local control, and how you appropriately draw the balance between the Federal and

the State local control. At the same time there is criticism over accountability, there is criticism the Federal Government is exercising too much control over the program.

What I did in my additional views was to attempt to build in some accountability. In the additional views I cite certain things I think build in accountability, and I would not favor personally the revenue-sharing approach, because there is no control. There is a limited amount of funds available under the LEAA program, and if they are going to have some impact, there has to be some direction to the use of the funds.

I think there has to be some mechanism for assuring control to see that the funds are used when State and local governments are pressed for financial assistance, and they are, so there is assistance available under general revenue sharing, under countercyclical assistance, community development block grant programs, and the CETA block grant program that gives them a tremendous amount of Federal funds.

We are dealing with limited funds and dealing with the Nation's No. 1 problem—crime. So I think there has to be a focus between a research program on one side that attempts, working with State and local governments, to identify solutions to problems, and certainly working in the community anticrime area has to be a top priority. There is tremendous potential. That research will identify items and work into a demonstration program, and then will provide on the financial or direct assistance side a substantial amount of funds for carrying out projects that would lead to improvements in the criminal justice system, and would go beyond that.

We say funds can't be spent for certain things. If our research shows us certain things don't work, that they are counterproductive, that they are the wrong way to approach things, if our research tells us we shouldn't be spending funds on equipment or things like that, I think we could build prohibitions into the program. I certainly would urge a statute that would actively build in a mechanism that says you cannot fund these things. And if you are going to use funds you have to fund improvements. At the same time you can give State and local governments some discretion in letting them select priorities.

In a given area, local corrections may be a significant problem; in another area, drugs may be a problem, burglary may be a problem, and we should give the locality discretion for selecting from among a variety of improvements those things that will help their communities.

Mr. CONYERS. Thank you very much, Mr. Madden.

Ms. WALD. Congressman Conyers, I would like to make a few remarks.

First, I would like to underscore my agreement with your emphasis on community involvement. My prior years outside the Department have reaffirmed my feeling that community involvement is the

ultimate solution in terms of being able to get down to the grassroots problems in controlling crime.

We have to involve the community.

Under the kind of mechanism that we suggested in the task force report, community involvement would be possible. In Mr. Madden's and my additional views we emphasize a particular set-aside for community anticrime, which, if it were even say 5 percent of the grants, would end up causing more money to go into community programs than under the present setup.

In terms of the Federal research and demonstration role, we would see our recommendation as allowing more concentration—something LEAA has not been able to do in the past—that is, to take 7, 8, 9, or 10, however many concepts, really work them out and research them, develop them, and test them in a few communities, and have special money allowed for their replication in many more communities.

I would put, realistic and effective community involvement, in the criminal control process as my No. 1 or No. 2 priority for such a research and demonstration program; it would vie closely with juvenile delinquency efforts. Hopefully in that way we could work out the kind of community crime control relationships we have had such difficulty working out within LEAA in the past.

In other words, we need to be able to get money to local community groups and still have some kind of monitoring system that doesn't involve a huge escalation in the bureaucracy.

One other point I would like to make and again it is based on my experience on the outside, working with some groups which have been LEAA recipients, also spending 1 year on the advisory board for the Institute a few years back—I came away from these experiences with the impression that one of the most important things we could do was to marry LEAA research with actual demonstration and follow-through.

I have sat on commissions over the years and I have come away with a slightly different viewpoint from my companion here, Mr. Nejelski. I worry that there will be too much research that will end up in volumes isolated from what is going on in the real world.

One of the great innovations in a restructured LEAA would be a requirement that good, sound research be tried out in programs, to see how it can work.

I am frankly tired of coming to the end of several hundred page research documents and having to throw up my hands and say, OK, so now what to we do with it? I would like very much to see a national program which is focused on insuring that that research is developed into workable programs which can then be put on the streets.

Those, I think, are some of my priorities on how LEAA should go.

Finally, a last word on Mr. Madden's and my additional views: We are very much troubled by the thought of any kind of pure revenue

sharing that would be tantamount to saying, "take the money and run." On the other hand, we were impressed that we had not in the last 9 years arrived at the right mechanism for accountability, that the very complicated State planning boards, et cetera, at the gubernatorial level were not the way to get accountability.

Also, I had talked with several groups before I came to the Government who were frustrated by the vast number of LEAA regulations; little grantees were trying to figure out how they were going o incorporate thousands of such regulations in their 20-page grant.

It is time to relook at the structure of LEAA accountability and to simplify it. It should not be done away with altogether but I certainly think that we have to simplify the planning process and the Federal regulations. What we are doing now is trying to arrive at a new compromise which meets those two standards: Accountability and simplicity.

Mr. CONYERS. You raise an excellent point in terms of accountability. It would seem that as large and as experienced as our Government is in terms of trying to develop accountability across the board, we could arrive at some more efficient and effective means than we have in this particular area.

Research and demonstration raises a very difficult and thorny area. I am hopeful that the task force will be able to talk to some of the people who are working in research—Saleem Shah and others. I really would think that just sitting down for an hour with the people who are trying to identify some of the problems would be useful. Pure research, of course, can lead us off into academia and later into the clouds, ivory towers, and nothing in terms of what affects citizens and law enforcement operatives.

The other problem, of course, is that there are so many demonstration activities that nobody knows what they are.

I think one of the most interesting LEAA grants that could ever be given would be for somebody to find out, of all the hundreds of thousands of grants and demonstration projects, which ones actually worked. I mean, some good had to be done.

Time and time again people have been given money to do something that 14 other people have done with varying degrees of failure. Yet we keep replicating the failures and not identifying the successes sufficiently. If we have 200 or 300 ideas out of these billions and billions of dollars that really are good, we ought to put them someplace where they could be identified and not lost on a shelf with hundreds of thousands of others. That would be a major contribution to our efforts in the past.

Mr. NEJELSKI. If I might briefly respond to that, Mr. Chairman, I agreed we need to learn from the past.

When I took over in Connecticut, I wondered how many grants had been given to the Connecticut Judicial Department in the last 7 or 8 years. The information was not available; what had happened to them? Had they been picked up and modified? We need to learn from that.

I agree also with your comment about citizen participation. If I may draw on my experience, we had Quaker monitoring groups ob-

serving in the courtrooms and other church groups who set up information to help people, families of defendants, providing the bail and so forth. These people either did not want to receive LEAA money because of the strings attached or in one case where I was able to induce a group to apply, they were turned down by LEAA because they didn't have the bookkeeping capacity, and they felt they didn't have the accountability; so I think there are some serious problems in trying to inject what is really the only force or one of the few forces for reform in the criminal justice system.

Finally, I would say I think just because an institute may be outside of the Department of Justice doesn't mean that it cannot be related to action.

I would agree with what I take to be the tenor of your remarks, that independence is terrily important, and I think this is an administration dedicated to that. I would not have come back to Washington if I did not think that were the case. I think there are just institutional problems of having this kind of operation located squarely in the Department of Justice; and I would urge that you strongly consider methods to making this independent and outside.

I think the Legal Services Corporation is perhaps a good model. They have a strong board, a strong director. You are always going to have problems of instability when you have an Attorney General, a Director of LEAA, and the head of a national institute—one of the three is going to be changing over a period of time and that causes a lot of problems. I think we could set up something outside the Department that would engage in action and would not be just doing ivory-tower research.

Thank you.

Mr. CONYERS. Mr. Fierderowicz? Shortly, we are going to recognize the ranking minority member of the Judiciary Committee.

Mr. FIEDEROWICZ. Just briefly, to add to what comments you have received already, I, too, would agree that independence of the research arm is important. I am not convinced that it must necessarily reside outside of the Department of Justice.

I think that the NIH, or NIMH models alluded to earlier, as I understand, lie wthin the purview of HEW and there are mechanisms separate them from political influence. I am hoping we can achieve independence within the structure of the Department of Justice and also to address some of the concerns Mr. Nejelski addressed about political influence.

If we do have this research and screening process, I think our demonstration funds can be focused on programs with high priority; and I think we could also be of service if we identified this 200 or so programs you were talking about that are of top priority.

Even if we go to a direct assistance program, the report is not talking about a general revenue-sharing program where we just give away the money to State and local governments. It seems to me there are certain things we have learned that should not be done. I think there is a list of negatives that we can say your money should not be spent for the following. There are also areas in which we can say we encourage you to spend your money for the following.

Mr. CONYERS. Suppose we had these four components and States or localities could make choices within these areas?

Mr. FIEDEROWICZ. Sure, that is one of the points we are making. We could say we are giving you money and you can spend your money on these. These are Federal priorities. We will have a 50–50, 60–40, 75–25 match to encourage States and to get away from this heavy bureaucracy that we found distasteful. Other studies have talked about deficiencies inherent—and Paul Nejelski would agree—in the planning process.

We are trying to cut down on the bureaucracy and get more dollars delivered; that is what we are going after. We are not saying we are going to abdicate our responsibility to provide leadership. I am hopeful we can create a streamlined system. This is step one and there are maybe 10 steps we have to go through. We want to get some reaction and then move forward on the second, third, and fourth steps. But this is the general concept we are talking about.

Mr. CONYERS. Some 4 years ago when the Subcommittee on Crime was in formation, Robert McClory of Illinois was the ranking Republican member on that subcommittee, and he has demonstrated a concern with LEAA throughout his service on the Judiciary Committee. He is with us today to add some comments and remarks.

We are very glad you could join us here.

TESTIMONY OF HON. ROBERT McCLORY, A REPRESENTATIVE IN CONGRESS FROM ILLINOIS

Mr. MCCLORY. Thank you very much, Mr. Chairman.

I might say that in my view this hearing today is an extremely important one, I think far more important than the other Members of Congress perhaps realize and also than the American public realizes, because we are facing a real dilemma, if not a crisis, with regard to the whole area of the criminal justice system and law enforcement.

I, for one, want to speak out very emphatically about my extreme concern about what is happening as far as LEAA is concerned or some modification of it. I feel strongly myself that a reduction in appropriations for the LEAA program in the existing legislation by this Congress is extremely serious.

I am informed reliably that a number of ongoing programs that are substantial and that are important with regard to the enforcement of the law and the reduction of crime in America are not going to be funded because of the fact that the appropriations have been cut.

I want to commend the chairman and the committee for our having had extensive hearings, hearing from every level of Government with regard to the LEAA program, and receiving recommendations with regard to the existing defects and the need for improvement. Some of the things that are referred to in the task force's report are consistent with some of the recommendations that we made and that are embodied in the amendments to the law that we have.

Certainly the importance, as the chairman has brought out, of monitoring of these thousands of programs is vital, indeed, essential,

if we are going to get full utilization of the Federal funds that are being expended. The very useful programs that are being developed at the local levels should be evaluated to determine which ones are good and which ones deserve to be tried in other areas of the country.

I would differ from the conclusion as I interpret it, of the task force report about having these programs developed at the national level and then disseminated around the country, because I just think there is probably very little chance that a national program would have more than just utility in some few areas. Certainly a program developed in Idaho, for instance, might have very little use in Harlem and vice versa, and yet the program developed in Harlem might be very useful in Chicago and Los Angeles and Detroit, and the one in Idaho might have great utility in Maine and Vermont and some of the other States of the Union.

The thing that concerns me at this stage is that when the President in the course of the campaign said he wanted to abolish LEAA, I was just aghast to think that a program that important, the major program insofar as support of local and State law enforcement is concerned, would be abolished. I have a similar fear with regard to what appears to be the attitude of the present Attorney General and what seems to be implicit in the report of the task force. A substantial restructuring, sort of a redoing or a remaking of this whole concept that is implicit in LEAA, seems to me to be a very dangerous route for us to start over again by restructuring to the extent that there is a massive revision. I worry about the fact that we have already apparently dismantled the regional offices.

We are reaching a hiatus here, and I am extremely fearful about law enforcement in this country during this period when LEAA is under certain attack and its demise seems to be being caused by a determined effort on the part of some without anything in place to replace it.

I might say that after all our hearings—and we had extensive hearings—there is not one word that I saw in the task force report indicating that one word of what we developed in the hearings was used as any input in the task force report. If there was, I would like to know about it.

But one of the important things, I thought, and I guess there has been some reference to it here this morning, is the recognition that crime in America, if it is going to be solved, is going to be solved in the neighborhood and the block on the precinct and the ward. The chairman's recommendation, or his amendment, to the LEAA law to establish neighborhood councils or neighborhood law enforcement agencies, seemed to me to be an extremely important improvement in the law.

I would say that the law needs enforcement. I will make comments to the Attorney General with respect to the report in the hope that, instead of a substantial restructuring, we will revise our thinking and recognize that LEAA can withstand some appropriate improvement and amendments, some changes, to make it better.

The GAO has indicated ways; the Government Operations has indicated ways; and we have indicated ways in this subcommittee and this committee, and I think the chance of having substantial input as far as Federal support for law enforcement would be substantial.

Mr. Chairman, I would like to, at subsequent hearings, in September perhaps, present a more formal statement. And also I would respectfully request that a day or time be set aside for the presentation of minority views.

I believe Mr. Ashbrook would like to bring in a representative of State anticrime agencies and State planning agencies to provide testimony to our subcommittee, and so I do respectfully make that request, and thank you, Mr. Chairman.

Mr. CONYERS. I appreciate your comments, as always, and you are welcome to this subcommittee on which you have served since its inception.

We are going to have other hearings and we welcome Mr. Ashbrook and yourself and any of the other members of the full committee who would like to bring in witnesses for an extended analysis. We are glad you could join us and we will look forward to those hearings.

Do any of the task force members wish to be recognized at this point? Yes, sir, Mr. Ewing.

Mr. EWING. Yes, Mr. Chairman, I would like to come back to some comments of yours, your suggestion that this group meet with several people in the research community at the Federal level and elsewhere.

We at the National Institute are pursuing that and have been in touch with the National Science Foundation, with the National Institute of Mental Health, and the National Institutes of Health, and while we haven't yet arranged for meetings with the whole of this task force, we certainly could do that.

Mr. CONYERS. I think that is a great idea. I am glad that you apparently were independently pursuing it all the time.

Mr. EWING. Second, Mr. Chairman, we have invited the National Academy of Sciences Committee which provided testimony to this committee to meet with us in mid-September in Washington and to discuss further its recommendations with respect to the National Institute.

Again, we had plans to ask members of this task force to join us if they could for those discussions and suggested that it would be a good idea to identify those projects and programs which have been good ones, and to sum up what has been learned.

In the course of our development of an institute agenda which was reflected in my testimony before the committee on July 21, we have been developing background papers on each of those major topics which include the areas that you mentioned earlier and those will indicate what the scope of those problems may be, what the major research findings have been and what the major unresolved research issues are; so that responds at least to part of the suggestion that you made.

It seems to me, finally, on the issue of independence, it is fairly clear that the task force was not altogether in agreement on that.

My own view is, since I support the task force recommendations, that the recommendation of the National Science Foundation and also the National Academy of Sciences were that every department ought to have its own research capability; and I firmly agree with that.

It seems to me, as Ms. Wald said, you can in fact locate research so far outside the mainstream of policy that research becomes, or at

least runs the danger of becoming, quite irrelevant for policy considerations, and somehow or other I think it is important to have a balance, to strike a balance between the risks you run by having it within a department as against the risk of irrelevance which is a risk you run outside a department.

I really believe that there are mechanisms that can be developed and installed and made to work which can assure that independence will exist to the degree that it is necessary within a department and will at the same time assure that research does not become, as you put it, ivory tower, or blue sky or, irrelevant. I think that is really the issue. I come down very strongly on the side of having it within a department.

Mr. CONYERS. While you are making that part of your examination, consider the fact that we don't have any undisputed research authority in this country on criminal justice. It is an incredible state of affairs in one sense. I would like the whole question of statistic keeping reviewed as well.

I think it was very important, and for quite salutary reasons, that the FBI was made the original repository of criminal statistics, but the truth, widely known, is that most of those statistics, at least many of the local statistics, are merely forwarded from the concerned jurisdiction, and what we face now is a fundamental crisis in such basic facts as—how many crimes are committed? We are still on the ground floor in terms of understanding the dimensions and the science of reporting crime, and it may be quite appropriate, it seems to me, for us to consider whether we want the statistics part to be in the research arm or should it be separate from whatever final research operation we agree on?

Mr. Fiederowicz?

Mr. FIEDEROWICZ. Mr. Chairman, that is an issue that because it cuts across so many lines in the Department of Justice is being studied by another group reporting to the Attorney General, but I think it is a group that we are going to have to relate to because it does impact so heavily on LEAA.

It is an issue that is important and the fact that we did not address it here does not indicate that it is unimportant. It is under active consideration elsewhere in the Department.

I might mention one other point. We did try to strike a balance between the national objectives and State and local discretion, and I think that one of the questions or one of the issues we would like debated is what that balance ought to be.

We did, as I indicated at the outset of the hearing, utilize prior congressional debate on this topic, and I didn't allude to it because the report wasn't made public, but in 1975 the prior administration prepared a report similar to ours regarding the possible restructuring of the LEAA. We didn't have the benefit of any hearings on that report because none were held. The report wasn't made public. Certainly that is an issue we can focus on and I think utilize what was done previously by both the executive branch and at the congressional hearings.

We are not purporting to say that we are generating all these ideas on our own.

Mr. MCCLORY. Would the chairman yield to me for a comment?

Mr. CONYERS. Of course.

Mr. McCLORY. I was very interested in a statement by Mr. Ewing. As the author of an amendment that resulted in the creation of the National Institute of Law Enforcement and Criminal Justice, I am extremely interested in the future of that entity. I am encouraged by the fact that you are conferring with the National Academy of Sciences, and the National Institutes of Health, and other such national research agencies, because I have long felt that a national research capability with regard to crime, where we are tremendously deficient and continue to be deficient, is essential. If we can pattern such an institute after the other National Institutes and in these other areas, I feel that our concern with crime would be shown to be equivalent to our concern with health, and with science, and other national interests. I think we can improve the capability of the National Institute.

I would only caution this—at least I would like to throw this out—that there is a substantial effort—and I think it emanates in part from the American Bar Association—that the National Institute should be a National Institute of Justice which would concern itself with both civil and criminal law. I think that would be a dreadful mistake, because I have a strong feeling that if it becomes a National Institute of Justice, criminal justice is going to suffer and just be overwhelmed by the greater volume and greater interest that there would be, especially from the bar, generated with respect to the civil side of the law.

I hope you will maintain the concept of a National Institute of Criminal Justice and Law Enforcement because I think that is the great need that we have and that is the original purpose. I hope meeting this need can be the ultimate development of this national institute.

Mr. CONYERS. Let me share my complete agreement with my colleague. He wasn't here for the hearings that this committee had with the Science and Technology Committee, but that point was developed in some depth. I was led to the same conclusion, that we really have to separate out the criminal justice component or else it is going to be shortchanged in any combined research effort.

I was glad he articulated that.

Mr. VOLKMER. Would the gentleman yield?

Mr. CONYERS. Yes; I recognize my colleague.

Mr. VOLKMER. I would just like to say that one of the things that bothers me about those hearings that I attended, was the limited application of the research that had been produced over the years and the great amount of money that had been spent, wasted—I will put it that way—in my opinion, just purely wasted.

As I understand it, from the staff, there may be available some information that I had requested from the persons who did the study of the research and made a report as to which programs under that research arm were worthwhile; and as I remember their testimony, there were only a couple that they could remember offhand. I question, as we are establishing priorities, what is the purpose of the whole program, and I question that research altogether.

Mr. CONYERS. I hope you withhold judgment until the reports on the one or two successful programs are in.

Mr. VOLKMER. Yes; I am holding withholding judgment. I say I question the value of that research.

The other thing I would like—and I am sorry I came late—but I have been somewhat in touch with LEAA for a good many years as a member of the Missouri General Assembly prior to this time. I saw it on that level and now am looking on it at this level, and relating back to the people who are still working on it back there. I find right now that they are in a state of flux; in other words, they are ready to bail out. They see it as a program with an end, in other words, an ending program, to be honest with you, Mr. Chairman.

I have received letters in my office from people who are presently working in LEAA who have been there for years trying to find where they can get another job. How do you continue a regional council with a director and staff on $13,000 a year? So if we are not going to be able to use it, what good is research, anyway?

Mr. EWING. Mr. Volkmer, the report that you requested, was that from the National Academy of Sciences?

Mr. VOLKMER. Yes.

Mr. EWING. We have requested their judgments with respect to *the* individual projects.

I think you may have done, or the staff may have done, that independently also. We have yet to receive that information and indeed the National Academy has indicated its reluctance to share with us its ratings of individual projects. I am not sure what to do except, of course, that it is a contract and we are entitled to that information.

Mr. VOLKMER. You have a contract with them?

Mr. EWING. Yes, sir.

Mr. VOLKMER. Who looked at the contract, your lawyer?

Mr. EWING. Yes, sir. We asked our counsel if we have the right to that information. Of course, we do. I would say, however, that the National Academy has said to us that there were more than two projects studied. Their view is that while there were a large number of valuable projects, they looked at a very large number of research projects and programs and some were failures.

I talked with Saleem Shah, the Director of the National Institute of Mental Health. He told me his program, too, has a fairly substantial number of failures and a good number of successes.

I am not sure there is a vast amount of difference there between our program and others of like kind in the Federal Government.

Mr. CONYERS. I don't think we could imagine that they would withhold this information. That is sort of an incredible position and also one quite damaging in terms of the conclusions that we might be left with if they aren't cooperative with all the members of the subcommittee.

Might I ask about the Law Enforcement Education Program, because I don't remember much being said about it, and it has become increasingly controversial in and out of the Congress; that is, the concept that members of the law enforcement operation should be entitled to education benefits almost as a matter of course by their participation in law enforcement programs.

I suppose $30 million in an $800 million program isn't of the largest moment, but was there any consideration given to this, or was there

agreement that it was decided not to be mentioned in your task force report?

Mr. FIEDEROWICZ. We studied the LEEP program, but the decision was made that we thought that we should get some direction from the Attorney General on the broad structural issues that were confronting him. Then the notion would be there would be followup, a second or third study, and that the LEEP program would be addressed during the second tier of our deliberations.

As I indicated previously, this report does not purport to answer all the questions that are raised with regard to LEAA, but we thought these questions ought to be answered before we focused in on the LEEP program, PSOB and other specific components of LEAA.

Mr. MADDEN. Mr. Conyers, in a restructured LEAA, certain things like LEEP, have to be carefully looked at, whether or not they should be moved into something like the Office of Education which administers similar education programs. The same is true of the public safety officers benefit program, whether or not that should be moved to something like the Department of Labor which has hundreds of thousands of workmen compensation claims that are similar to those that come in the PSOB program.

As Walter indicated, we did not get to that at this particular point. We wanted to set the broad direction of the agency.

Mr. CONYERS. What are your immediate plans for the future in terms of the scope of your activity?

Mr. FIEDEROWICZ. As I indicated in my opening remarks, we are receiving some comments on our report. I think we would like to perhaps, since the Attorney General's preliminary views are due sometime in September, engage in further dialog with your committee once we get a sense of the direction he is interested in having the program take.

I think the committee—it seems to me—will continue to exist and will be focusing on specific issues during the fall and next year, if there is a consensus developed of what ought to be done with regard to LEAA, ranging from the spectrum of absolutely nothing, or what we are suggesting, or dismantling the agency, as perhaps Paul Nejelski is suggesting.

I think once we have some debate on that issue and the administration is willing to take a position, I think our group would be focusing on studying specific programs and on the implementation and serving as a liaison between your staff and State and local leaders on this issue.

Mr. CONYERS. Do you have an observation?

Mr. NEJELSKI. Just one or two. In terms of Mr. Volkmer's comment, I think there are some jurisdictions that are returning LEAA funds and refusing to accept them. I know the court in Idaho, for example, according to Administrator Carl Bianchi, LEAA funds are just not worth retaining and they like independence and I think there are substantial problems with the program.

I would just comment about the need for research in the Department of Justice. I think LEAA has been dedicated, as we know, to the State and local problems. It has not addressed, and cannot by statute, the Federal domain, which the Department of Justice has worked in almost exclusively until 1975. Our Office was created this

year, the Office for Improvement in the Administration of Justice in the Attorney General's Office. Even a $2 million budget for this office to do research and work in the Federal system, I think, is compatible with the creation of LEAA outside the Department of Justice.

The research that has been done at LEAA has been of little value to the Federal administrative or criminal system.

Just a final comment: I think that there is some value to considering civil and criminal problems together. Many of the criminal problems have a civil counterpart. If you are worried about the exclusionary rule in regulating police behavior, you might also want to look at the tort remedy that may be available; and I think instead of necessarily weakening, it could result in a strengthening of the administration of justice.

Thank you.

Mr. CONYERS. Mr. McClory?

Mr. MCCLORY. I would just like to make this observation: It seems to me we are developing something quite innovative with regard to lawmaking in our country. I notice the chairman's statement that he is going to serve as liaison between this committee and the Attorney General, and between the State agencies, and I assume that out of this is going to come some change in the law. Either we are going to repeal the existing law or we are going to have some new law.

I am just concerned about the lawmaking function of our country. Are we going to receive from you some draft bill or is the Attorney General going to prepare a draft bill?

Mr. FIEDEROWICZ. Mr. McClory, I am sure the Attorney General would like to devote as much time to this problem as it deserves; and what I was saying was, I think this committee can serve a role in discussing with congressional staff and at the State and local level particular issues. That is not to say that the Attorney General will abdicate his responsibility to provide leadership in this area.

So if I have permission to deal with the congressional staff, I would like to.

Mr. MCCLORY. The amendments that we developed last year were amendments developed here in the markup session of this subcommittee, and then in the full committee, and it was a role which the Members of the Congress carried on. So I was just curious as to the extent to which the Members of the Congress were going to be displaced by a task force or by some other——

Mr. FIEDEROWICZ. That is not my intention.

Thank you.

Mr. CONYERS. Hopefully, all of this is leading to a recommendation which will emanate from the Attorney General, whose ultimate disposition will be determined by Congress. That is the understanding, it seems to me, that we are all proceeding under.

Mr. FIEDEROWICZ. Absolutely.

Mr. CONYERS. I, for one, want to indicate to all the members of the task force, first of all, that your presence and your statements here today have very strongly reinforced my hope that you would be constructively and diligently pursuing your responsibilities. I feel far

more supportive now that I have met and talked with you, and I urge you to consider the work that you are doing to be of really great importance.

I, for one, welcome the idea of discussion. It should have happened perhaps years ago and it may have led to a far more constructive turn of events than where we are presently. I think your decisions are going to be important and there is no reason for me to suspect that the Attorney General is not going to weigh them very carefully in coming to an ultimate recommendation. Whatever final views that you can collectively agree upon, you are going to influence a great number of other people, so that in a way, you are assuming a very important role in the legislative process. I don't worry about that, and I certainly don't quarrel with it. I only hope that we can really move toward that sense of responsibility that I think is so urgently demanded of this administration.

The Department of Justice is the one area in the Government that can be most affected and changed and reorganized and, if I may say so, frankly, improved. It does not turn upon many of the appropriation considerations that form much of our legislative work. The Department of Justice and its many important agencies are subject to an immediate and very effective reorganization without the benefit of Congress, and we are hoping that in this one area that we can work with you and send a message that I think is very much needed among our citizenry, that a fair and impartial justice and an effective criminal justice system that does not move upon emotions or activities of the times but that is really a permanent and enduring operation, is perhaps our best guarantee of renewed citizen interest in the body politic of our country.

So I hope you will continue your work and that we will meet freely with one another between now and the fall.

Thank you all for coming.

The subcommittee stands adjourned.

[Whereupon, at 11:45 a.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]

RESTRUCTURING THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

MONDAY, OCTOBER 3, 1977

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:10 a.m., in room 2237 of the Rayburn House Office Building, the Honorable John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Holtzman, and Volkmer.

Staff present: Hayden Gregory, counsel; Matthew Yeager, consultant; and Roscoe Stovall, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

Good morning.

We are today continuing our examination of the Attorney General's efforts to reorganize and restructure the Law Enforcement Assistance Administration.

The Attorney General is to be commended for his prompt recognition of the need for such action, and for starting in motion steps necessary to make it a reality.

A study group appointed by Attorney General Bell filed its report with him in late June. The report analyzed the structure and the record of the LEAA program, and gave the Attorney General a list of several optional courses of action, with its recommendations as to each of the series of options.

Most admirably, the study group made no claim of infallibility of its own judgments, and, as its final recommendation, suggested that the Attorney General take no action on the group's reorganization recommendations until LEAA's clientele and the general public had an opportunity to review the report and file their own comments.

The Attorney General adopted this recommendation.

We have been reviewing those comments which have been sent to this subcommittee. We have been taking testimony from some of the witnesses who have submitted their own views consistent with the motion made by the Attorney General and his study group.

We will be hearing today and tomorrow some of those views that have been communicated to the Attorney General. As we will soon hear, there is by no means unanimity or even a clear consensus as to the proper courses of action for the future of LEAA.

In some ways this is a healthy state of affairs, for out of the competing and testing of ideas, we hope will come the best solutions.

It is in this spirit of inquiry that we welcome our first witness, Mr. Richard Wertz, director of the Governor's Commission on Law Enforcement and the Administration of Justice for the State of Maryland.

Welcome, sir. We will incorporate your statement in the record at this point.

[The prepared statement of Mr. Bufe follows:]

STATEMENT OF NOEL C. BUFE, DIRECTOR, OFFICE OF CRIMINAL JUSTICE PROGRAMS, STATE OF MICHIGAN ON BEHALF OF THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

Mr. Chairman, and distinguished members of the committee, on behalf of the National Conference of State Criminal Justice Planning Administrators and as Director of the Office of Criminal Justice Programs of the State of Michigan, I appreciate the opportunity you have extended to me to submit the views of the National Conference on the question of the reorganization of the Law Enforcement Assistance Administration programs and the operation of those programs.

THE NATIONAL CONFERENCE

The National Conference of State Criminal Justice Planning Administrators represents the directors of the fifty-six (56) State and territorial criminal justice Planning Agencies (SPAs) created by the states and territories to plan for and encourage improvements in the administration of adult and juvenile justice. The SPAs have been designated by their jurisdictions to administer federal financial assistance programs created by the Omnibus Crime Control and Safe Streets Act of 1968 as amended (the Crime Control Act) and the Juvenile Justice and Delinquency Prevention Act of 1974 (the Juvenile Justice Act). During fiscal year 1977, the SPAs have been responsible for determining how best to allocate approximately 60 percent of the total appropriations under the Crime Control Act and approximately 64 percent of the total appropriations under the Juvenile Justice Act. In essence, the states, through the SPAs, are assigned the central role under the two Acts.

DEPARTMENT OF JUSTICE STUDY GROUP REPORT

U.S. Attorney General Griffin B. Bell created in April 1977 a Department of Justice Study Group Report to review the LEAA program and recommend changes to improve the effectiveness and responsiveness of that program of assistance to state and local governments for crime control and criminal justice system improvements. On June 30, 1977 the Attorney General invited interested parties to comment on the Study Group Report entitled "Restructuring the Justice Department's Program of Assistance to State and Local Governments for Crime Control and Criminal Justice System Improvement". The National Conference responded to the Attorney General with comments on August 31, 1977. Attached to and made a part of this statement is a letter to Attorney General Bell, dated August 31, 1977, from me on behalf and as Chairman of the National Conference.

SUMMARY OF NATIONAL SPA CONFERENCE REACTION TO THE REPORT OF THE JUSTICE DEPARTMENT STUDY GROUP

The Justice Department Study Group concluded that the present LEAA block grant program should be essentially abandoned in favor of a new approach to delivering Federal assistance to state and local governments for criminal justice system improvements. The National SPA Conference finds the Study Group conclusions and recommendations largely precipitous and unsubstantiated. We believe the recommendations of the Study Group for restructuring the LEAA program are less likely to promote its own stated purposes than the current LEAA program.

The primary goal of the Study Group should have been to recommend the best program for delivering Federal assistance to state and local governments for improving their criminal justice systems. However, incorrectly the Study Group chose as its primary goal the elimination of red tape. The Study Group was less concerned with the goal of substantive achievement (improving the criminal

justice system) than the goal of improving form (reducing bureaucracy). We must conclude that to the Study Group, form was more important than substance.

The Study Group recognized that the primary responsibility for law enforcement and criminal justice rests with state and local governments and supported continued Federal financial assistance to state and local governments. It advocated integration of Federal assistance into the normal budgetary and legislative processes of recipient governments so allocation of Federal resources could be considered and decided in the same manner. The National SPA Conference strongly concurs with these recommendations of the Justice Department Study Group.

In rejecting the block grant concept as a mechanism for delivering Federal assistance, the Study Group opted instead to recommend a revenue sharing approach, euphemistically called "direct assistance". In effect, the Study Group rejected the concept of comprehensive planning inherent in the present program, preferring criminal justice system "coordination". The National Conference strongly disagrees with the rejection of comprehensive planning and the block grant concept. "Coordination", in whatever form, cannot be effective without good planning, priority setting and programmatic resource allocation.

We maintain that the purpose envisioned for a Federal assistance program must be supported by the process selected to deliver that assistance. The mechanism which can best deliver this assistance is the block grant approach in its pure form, unburdened with the categorization and red tape it has been saddled with over the last eight years.

There is a real need to reexamine, thoroughly and carefully, the LEAA program of Federal assistance in criminal justice. The Study Group work does not constitute the needed reexamination.

While the Study Group report represents itself as a "comprehensive review" of the LEAA program, the composition of the Study Group itself denies that such a review could be undertaken and credible recommendations produced.

There are structural, administrative and management problems that must be resolved if LEAA is to be improved. The Study Group has provided one perspective on those problems, but its recommendations evidence unfamiliarity with the operations of the program at the state and local levels. In doing so, it ignored certain facts of life about the interaction at various levels of government and the need for planning. Thus, its recommendations are fatally flawed.

The greatest significance of the Study Group's failure is that its proposal will not support the goals that body itself set for Federal assistance to state and local governments in criminal justice. Direct assistance and national research and demonstration administered under revenue sharing will not help state and local units to integrate Federal, state and local resources in a coherent strategy of improvement in the criminal justice system. Such a strategy remains to be charted.

The National SPA Conference proposed that a representative task group (comprised of: Department of Justice and LEAA personnel, representatives of Congress, officials of state and local general government; the SPAs; and their regional components) be convened to rethink the program of Federal assistance in criminal justice. We believe this group would recommend how to improve, not dismantle, the block grant, streamline Federal requirements, eliminate red tape and enhance planning.

IMMEDIATE SIGNIFICANT PROBLEMS NOT ADDRESSED BY STUDY GROUP

The National Conference is concerned that the Department of Justice may be following a policy of malign neglect with regard to the LEAA program. As a result of the Department's actions or inactions, the LEAA program has been dangerously drifting. The National Conference senses a lack of commitment in the Department to support the purposes, programs, structures and mandates of a Congressional Act. The Attorney General has given little personal attention to the LEAA program despite the fact the program represents about thirty percent of his Department's budget. He has not provided public support for the program, going, in fact, to the opposite extreme. Utilizing the excuse that he wanted to study the program, he has done nothing. The top leadership of LEAA has been absent from LEAA since February of this year. The Administration has made only one of its top five political appointments to LEAA. The highest positions in the agency, those of Administrator, two Deputy Administrators and the Director of the research institute, have been left unfilled for a period of seven months.

During this time major policy and administrative decisions have been deferred, and solutions of a short term nature have been adopted. Program continuity and momentum have been lost at the national level.

The Department has not given significant support to providing adequate financial assistance to state and local governments. The Department requested a $50 million reduction in the LEAA budget for fiscal year 1978. When it came to providing support for its $704.5 million budget request before Congress, the Department's inaction was readily apparent to all. Moreover, on two occasions in the last four months, it has supported further financial reductions in state and local assistance. $2.2 million of state and local block grant and planning monies have been used to pay for the closing of LEAA's Regional Offices and the transfer of their personnel, and $2.7 million of fiscal year 1978 money will be taken from LEAA to pay for increases in the budgets of the Civil, Criminal and Anti-Trust Divisions.

The Study Group report did not address the question of growing federal bureaucracy and administrative expenses coming at the expense of state and local support. First, according to LEAA papers, LEAA has been increasing its positions yearly: Fiscal Year 1976, 822 positions; fiscal year 1977, 830 positions; fiscal year 1978, 900 positions requested; and fiscal year 1979, 921 positions requested. At the same time, Part B planning funds for state and local planning has been reduced; fiscal year 1977, $60 million; fiscal year 1978, $50 million; and for fiscal year 1979 our understanding is the request for Part B planning funds will be only $30 million. All of this when the program is essentially a block grant and primarily administered by the states. Second, the Attorney General decided to close the Regional Offices at an approximate expense of $2.2 million. To pay for this federal administrative cost, he decided to use money originally intended for state and local programming. The Attorney General has recently decided that $2.7 million of additional monies will be needed for the Criminal, Anti-Trust and Civil Rights Divisions in fiscal year 1978. Thus, in the fiscal year 1978 Supplemental Budget Request, the Attorney General has asked for a $2.7 million increase for those divisions and a simultaneous $2.7 million decrease to LEAA's fiscal year 1978 budget. Third, it appears to be no coincidence that the overall Department of Justice budget has grown slowly, some individual divisions have grown significantly, and state and local grant-aid has decreased significantly. The logical conclusion to be reached is that the Department of Justice keeps within overall Presidential budgetary limitations and permits Divisions of the Justice Department to grow by diminishing state and local assistance to improve criminal justice.

The Study Group also failed to note the failure or inability of the Department of Justice to consult with state and local governments prior to undertaking actions affecting their programs. As examples, first LEAA's consultation on how it will spend its National Institute, demonstration, data systems, technical assistance, reverted dollars, or unallocated dollars is minimal or non-existent. As a result, LEAA programs undertaken often do not relate to state and local needs, are impractical or unrealistic. Second, the Attorney General decided to close the LEAA Regional Offices without prior consultation. And third, the Study Group itself contained only representatives of LEAA and main Justice; it did not have any state or local representation.

The Study Group, in general, failed to examine how federal actions may have contributed to program problems.

NATIONAL CONFERENCE POSITION

The National Conference believes that the block grant is the best way to deliver needed federal assistance for improving criminal justice at the state and local levels. Block grant assistance should be supported by research, demonstration and technical assistance funds which meet state and local needs. Research, demonstration and technical assistance programs and grants should be initiated only after prior consultation with state and local government. Red tape associated with these programs must be reduced. Federal, state and local planning is essential for ultimate program success.

NATIONAL CONFERENCE RECOMMENDATIONS

All LEAA programs were just authorized or will soon be reauthorized. The Crime Control Act was reauthorized through September 30, 1979; the Juvenile Justice and Delinquency Prevention Act will soon be reauthorized through

September 30, 1980; and the Public Safety Officers' Benefits Act of 1976 was given an open ended authorization. As a consequence, the LEAA programs have several years to go before any expiration. These are important and continuing programs which cannot be left to drift. Thus, the National Conference recommends, first, that the Attorney General give LEAA his immediate and personal attention; that he appoint strong and effective leadership, filling the positions of Administrator, Deputy Administrators and Director of the National Institute and that he give stronger and visible policy direction and leadership to the program. Second, we recommend that the Congress hold the Attorney General closely accountable for the proper operations of the LEAA program; and that the program be operated as intended by the legislation. Third, we recommend that the Congress and the Attorney General support LEAA appropriations at the level of authorization; and not undercut statutory mandates through the appropriations process. The National Conference is particularly concerned about the level of Part B funding and Part C and E block funding. Fourth, we recommend that the Attorney General ensure that immdeiate steps are taken to reduce red tape and needless guideline requirements, Fifth, we call for LEAA and Department of Justice to consult with state and local governments prior to developing or implementing plans and programs. Sixth, we call for LEAA to provide to state and local government recommendations, advice and assistance after the review of plans, proposals and applications. All too often LEAA's communications are limited to approvals, disapprovals or compliance monitoring.

In terms of longer range objectives, the National Conference calls for the convening of a group representative of federal, state and local interests to develop recommendations for the improvement of the block grant program in time for the Administration to develop its Crime Control Act reauthorization proposal.

Finally, in support the foregoing conclusions and recommendations, I am submitting for your information a copy of a recent National Conference publication entitled: "Why the Block Grant?". A major point made by that report is that a significant number of problems and red tape flow from the recent Congressional reauthorization of the Crime Control Act.

The National Conference would be happy to make itself available to work with staff of your Committee, representatives of the Administration and staff of the National Governors' Association to identify problems in the present program and recommend solutions.

The National Conference thanks the Committee for this opportunity to express its views.

Mr. CONYERS. Please introduce your colleague accompanying you.

TESTIMONY OF RICHARD C. WERTZ, EXECUTIVE DIRECTOR, GOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE, STATE OF MARYLAND, ACCOMPANIED BY RICHARD A. GELTMAN

Mr. WERTZ. Mr. Chairman, I very much appreciate the opportunity to be here and make my views known to the committee. I have with me here today Dick Geltman who is the executive director of the National Conference of State Criminal Justice Planning Administrators.

As you indicated, I am the executive director of the Maryland State planning agency, and I also serve in the capacity of special assistant to the Governor of Maryland for criminal justice matters.

With your permission, I would like to suggest or request my statement, which I have submitted to you and the statement of Noel Bufe, who is the current chairman of the national conference be entered into the record. I am appearing here today, I guess, in kind of a dual capacity.

I am a past chairman of the National SPA Directors' Conference, and Mr. Bufe could not be here today. He asked me to present his testimony to the committee which I would like to do for the record.

I am also appearing here as an individual, and I have some rather strong feelings about the task force report and the future direction of LEAA, some of which I believe might go beyond the official position of the national conference.

So there is a separation between the two that I would like to make clear. I would like both issues or both sets of testimony entered into the record with your permission.

Mr. CONYERS. Well, I have some reluctance. First of all, I don't know what he is saying. I respect his position. I do appreciate the position that you are in, but I wish you had advised us before you walked before the mikes, unless you have been talking to counsel about this.

Mr. WERTZ. I have talked to counsel.

Mr. CONYERS. I am not in the habit of dumping any statement that somebody brings into the record. We are not going for volume. I have no idea what our friend suggests from the SPA organizations, and I might want him to come in person. I have to very conditionally, under those circumstances, accept it for our perusal and we will determine whether it will be made a part of this record or not. I am sorry.

Mr. WERTZ. I understand your position, sir.

That being the case then, the remarks I would have to make would represent my own point of view and I appreciate the opportunity to present them to you.

I would like to do three things today, as briefly as I can, Mr. Chairman.

I would like to very briefly critique the task force report. You already have seen a copy of my letter, and I would like to just briefly reiterate some of the major points and some of the reasons that I feel that the task force report is not an appropriate way to proceed.

Once that is done, I would like to identify what I consider to be some of the major problems currently confronting the LEAA and the administration of LEAA and the crime control program, and last, I would like to recommend seven specific steps for resolving the problems that I feel are currently inherent in the LEAA program.

First of all, the critique of the task force report. In general, I feel that the task force report is inaccurate in its analysis of the problems confronting the crime control program and inadequate as a road map for its improvment.

The task force itself was composed entirely of Department of Justice employees. I believe that they lacked the insight and experience in the crime-control program which a much broader-based group could have provided.

The task force plan of action for improving LEAA and the crime control program constitutes either a retreat or a complete surrender in the war against crime which I need not tell you is far from won.

It substitutes a proliferation of demonstration projects for the comprehensive planning, goal setting, and priority-setting system that has evolved at the State and local level over the last 9 years and which, in my opinion and the opinion of many other, has resulted in some very significant improvements in our Nation's criminal justice system and the ability of that system to deal with our Nation's crime problems.

It proposes mountains of additional redtape, the total loss of physical and program accountability, and erosion of State and local control

over their criminal justice agencies. I offer the following specific comments on the major sections of the task force report:

First of all, the recommendations relating to research and demonstration projects. I guess, of all the sections of the report, I have less problems with this.

The stated objectives of the task force, however, in the research and demonstration area are the very same types of recommendations and objectives that have been made by attorneys general and LEAA administrators and other LEAA and Justice Department task forces for nearly a decade.

They are saying essentially the same thing. There is nothing new here. The reason that the recommendations of previous task forces or previous people who have studied that LEAA research and demonstration program have not been implemented I don't think has been a lack of desire on the part of the Department of Justice, but a lack of leadership within LEAA's structure, the fragmentation of the research and demonstration function within the LEAA organization, and the simple fact that, at this point in time, dramatic cures for crime are just very few and far between.

If the task force report were adopted, the entire Federal effort would be redirected toward a search for miracle cures and the implementation of demonstration programs based on these cures.

While it is true that a well-run Federal research and demonstration effort could have an impact on the quality of our criminal justice and the crime control program, it is my opinion that the really important long-term changes in the criminal justice system will be implemented at the State and local level and they will involve not miracle cures but the implementation of things that we already know, things like the consolidation of police agencies, the development of information systems for the courts, the development of standards and goals for the correctional systems. The cures are not completely unknown.

The problem is that we have lacked the resources or, in some cases, the ability to plan and implement many of the things that probably should have been implemented a long time ago.

I am supporting the idea of a consolidated research and development program. I support the idea that LEAA discretionary grant money should be directed toward the implementation of new ideas, but I don't think that it should be the sum total of the Federal effort.

I believe that it is only the tip of the iceberg, and I think that, in the long term, the implementation of much more mundane sorts of things are probably much more important and will have a much greater impact.

Regarding the recommendations of the task force on assistance to State and local governments, the task force's recommendations in this area of concern I feel evidence a basic lack of understanding of the LEAA program at the subgrant level, a failure to recognize the administrative inefficiency of LEAA, an inability to understand the interrelationships among agencies in the criminal justice system, and a naive conception regarding the management of change.

To summarize the major points in my testimony on this issue very, very briefly, a direct assistance or revenue-sharing type of grant-in-

aid program, such as recommended by the task force, would be simpler only if you assumed that the Federal Government, the Department of Justice, unlike the States, could ignore or would ignore the numerous statutory requirements that currently apply to the Crime Control Act program. Just because there's a change in the delivery system doesn't mean that the other Federal requirements, such as civil rights, environmental protection, historic site preservation, would not apply to the program.

I don't agree with the point made in the task force report that the direct assistance program would be simpler. In fact, I think that a strong argument could be made for the fact that it would be much more complicated. A coordinated statewide improvement program would be impossible to implement under a direct assistance program such as the one recommended in the task force report.

Mr. Chairman, in my testimony, I cite an example of a statewide program in the State of Maryland that involved 20 separate major units of local government as well as the State of Maryland. We were able, in the block grant concept of things, to coordinate the efforts of all those jurisdictions and to tie improvements in our lower court system to LEAA funding. This sort of statewide improvement effort would simply not be possible in a direct assistance program.

The third point in this area, the formula distribution system, in my opinion is counterproductive when it's used below the State level. Such funding tends to dissipate available funds and make it impossible for large high-priority needs or opportunities of the moment to be taken advantage of.

Fourth, the formula funding at the substate level tends to reduce the funds available to large jurisdictions and to provide smaller jurisdictions with meaningless grants that are really too small to implement any sort of criminal justice change or criminal control activity.

Finally, the suggestions that direct grant-in-aid funds be used for matching demonstration grant purposes is, in my opinion, laughable when it's compared against one of the other thrusts of the task force report which is to provide the States and localities more autonomy and more decisionmaking authority. In order for the smaller jurisdiction to amass enough money to do something worthwhile, they are going to have to play a grantsmanship game. They are going to have to go after the demonstration grant money. That's going to mean they are going to have less autonomy and less ability to implement their high-priority projects and programs.

I would also point out that with this sort of grantsmanship pressure being exerted on LEAA that the likely end result would be a dilution of the research and development effort. There would be tremendous pressures aimed at trying to get LEAA to fund things that were compatible with local needs and priorities.

Regarding the recommendations on minimum levels of assistance, the task force recommendation to require minimum levels of assistance to certain high priority functional areas, however well intended, fails to recognize how the financial aid system works and the unique nature of the separation of funds and duties within each individual State. Under a direct assistance or revenue-sharing program, the allocation

of funds to a particular functional area is really an accountant's charade. It's worked this way in revenue sharing. If you want half the money to go to police, then the accountants in the jurisdictions can make it come out that way. And simply put, that is what is happening, in my opinion, to the revenue-sharing program.

I would also point out that a functional balance in terms of distributing funds among various criminal justice functions is simply not appropriate for many jurisdictions. For example, only one municipality out of over a hundred in the State of Maryland has a court function. All the rest just simply do not, because it's a State function or it's a county function.

To require the jurisdictions in Maryland under an assistance program to mandate a certain percentage of the money they get to the courts is simply ludicrous. Again I feel the members of the task force failed to recognize the uniqueness in the individual State criminal justice systems, and this recommendation is simply not responsive to that basic fact of life.

Regarding the recommendations on coordination, the fact that the task force chose to dwell on the concept of coordination is clear evidence of its lack of insight into the problems of criminal justice reform at the State and local level. Coordination can be very valuable, particularly on a day-to-day operational basis. However, what we need in the criminal justice system in this country is the establishment of strategic policies, the development of comprehensive plans, and a setting of priorities. We need some long-term comprehensive thinking about where we should go and what we ought to do, and those long-range plans ought not to take into account particularly the status quo of the existing system.

In my opinion, the coordination recommendation would encourage deals and the dividing of the Federal pot among police, courts, and corrections agencies. It would encourage everybody to arrive at an accommodation so that everybody would stay out of everybody else's turf. In my opinion, this section of the report calls for a retreat back to the every-man-for-himself policies of the criminal justice system of 15 years ago. It would be tragic, I believe, to see the watered-down concept of coordination replace the more worthy goals of comprehensive interdisciplinary criminal justice planning as defined by the Congress in the Crime Control Act.

Regarding the recommendations on the limitation of use of direct assistance, the task force recommendation in this area was a very interesting one. However, a good-faith attempt to implement the requirement would require an army of auditors; computers; massive amounts of redtape; and a need for the Department of Justice to relate to thousands of grantees, each hundreds of miles away. It is interesting to note that such factors as cost effectiveness, for example, that would normally be weighed in the expenditure of Federal funds are apparently ignored by the task force.

I would also point out that without an assumption of the cost provision, which is not addressed in the task force report, all the impact that Federal funds would have would be lost after the first year because there would be no requirement for the localities or the State to pick up projects after a reasonable period of time. So after the first year of operation, in essence, you are out of business.

I would think it must be obvious by now that I don't particularly like much of what I have read in the task force report to the Attorney General. I do, however, agree with the task force in its basic assumptions that they are serious problems in the crime control program and that immediate action is required if our objectives in crime control and criminal justice improvement are to be met.

In my remaining time, I would like to quickly identify seven of what I consider to be the program's most pressing problems and present my specific recommendations for resolving these problems.

First, over the last 8 months the positions of administrator, deputy administrator for administration, and deputy administrator for programs in LEAA have become vacant. Some of the results of this total leadership void have been increased confusion in the LEAA discretionary grant program, and the inability on the part of LEAA to make critical policy decisions in a timely manner and the creation of uncertainty and low employee moral in planning units at the Federal, State, and local levels. In addition, a major cut in the action funds available to the States and the localities, I feel, must be blamed on the lack of an administrator at LEAA. There was simply no Federal official of any stature willing and able to defend LEAA's budget request.

Lastly, I believe that the absence of a Presidentially appointed administrator in LEAA has resulted in a runaway bureaucracy in the Office of Juvenile Justice and Delinquency, which is headed by a Presidentially appointed associate administrator who seems, quite frankly, reluctant to deal with the acting administrator or with LEAA. That in turn has meant much confusion to the States and localities in terms of the administration of the juvenile justice program.

My first specific recommendation for you and the committee is that the Attorney General should be urged to immediately take steps to recruit and appoint requested individuals to the positions of Administrator, Deputy Administrator for Administration, and Deputy Administrator for Programs of LEAA, I point out also that the Director of the Research Institute of LEAA is also vacant, and has been for 6 months. That, too, is a critical position.

Incidentally, the National Governors Conference, which I believe will testify tomorrow, concurs with me in this recommendation.

Point No. 2. In June of this year, the Department of Justice announced that LEAA's 10 regional offices would be closed on October 1. The announcement came as a complete surprise to everybody, including, apparently, the Acting Administrator of LEAA. The decision to close the regional offices was made prior to the completion of the Department of Justice's task force report on restructuring of the crime control program and prior to the development of any alternative program delivery structure. The result of this poorly planned and ill-conceived change in LEAA's administrative structure has been near total chaos.

For example, the States were not certain, until they actually submitted their 1978 comprehensive plans, who within the LEAA structure, or at which level their plans would be reviewed and approved. The fact is that this uncertainty has resulted in delays in plan review that are running far beyond what we experienced last year.

Mr. CONYERS. Could I urge you to summarize your other six points as quickly as you can?

Mr. WERTZ. Yes, sir.

My second recommendation is very simply that the new LEAA Administrator should be directed to place top priority on resolving the management chaos in part caused by the unplanned closing of LEAA's regional offices, and a greater decisionmaking authority should be delegated to the States and the localities so that unnecessary delays in program administration can be avoided.

The third point relates to the understanding that we have that the Department of Justice has directed LEAA to submit a fiscal year 1979 budget request for part B planning which supports State, regional, and local planning activities of only $30 million. This cut of over 50 percent when compared to the previous fiscal year or 40 percent when compared to this fiscal year would really cause disastrous consequences to the planning apparatus currently in place.

Simply put, we would not be able to meet the congressional mandates in the administration of the program. So recommendation three is that the Congress should reject apparent plans by the Attorney General to further cut planning funds available by 40 percent since such an action would make implementation of the goals and directives of the Congress impossible.

Congress rightly set very high goals for the crime control program. However, in order to meet these goals, it is necessary to have adequate funding. There are some figures in my written testimony that I think are very striking. The one that I will summarize quickly is that if you compare the 1978 block grant appropriation with the 1975 block grant appropriation and figure in an inflationary figure, we actually have 57 percent less money—57 percent less effective buying power in our program than we did in 1975. The appropriations issue is critical.

My fourth recommendation is that in order to meet the goals of Congress relating to crime control and the prevention of juvenile delinquency, Congress should appropriate the full amount authorized for the Crime Control Act in fiscal 1979. Again, the National Governor's Conference agrees with me on this point.

It is ironic to note that there is more money stolen, if you follow the GAO reports, in some program areas, such as medicaid, than is appropriated for the entire LEAA program. I would also point out that the current emphasis being placed by the administration and the Congress on employment could be met in part with increases in LEAA appropriations.

My figures show that there are over 25,000 people currently employed in LEAA block grant programs. These figures are being reduced because the LEAA appropriations are being reduced. If LEAA appropriations are increased, people can be put back to work in meaningful positions in criminal justice.

Mr. CONYERS. Well, everybody could argue that employment would be stimulated. The B-1 bomber, if we did that, would put people to work. If we hire more cops, there would be more jobs. If we double the Congress, we could reduce unemployment.

How can everybody come before a committee of Congress and argue, "Let's just beef up our end, and we will be fighting unemployment"?

Mr. MERTZ. My point, sir, is that we would not only increase employment, but the fact is that employment in the police, courts, correctional, and juvenile delinquency areas are vitally needed to meet our program objectives. The two are tied together, I believe.

I will try to very quickly summarize——

Mr. CONYERS. Yes. We have it here. If there is a point you want to make on the other four, you made them quite explicit in your report. I would like to get into the questioning. I am afraid we won't have time to do that.

Mr. WERTZ. Fine.

Mr. CONYERS. First of all, I want to tell you that after having reviewed the statement submitted on behalf of the National Conference of State Criminal Justice Planning Administrators and the accompanying letter, we will incorporate them into the record. [See p. 36.]

I am hoping to get a chance to meet Mr. Bufe sometime between the end of my congressional career and his tenure in the bureaucracy of LEAA, since we are in the same State. Maybe someday our paths will have occasion to cross. I will accept his statement.

First of all, let me say I welcome the observations that you have made, and I think that I personally have some sympathies running with some of the critique you made. The more I look at the study group report, I think, the more we perhaps may even need another study. You did not go as far to suggest that.

I suppose discretion and common courtesy on your part precluded it. Is it beyond our discussing it, Mr. Wertz, that perhaps there should be an additional study?

Mr. WERTZ. Mr. Chairman, if I could switch hats for a second here, one of the major recommendations of the National Conference in the Bufe testimony that I submitted to you is that indeed there be another study of what could be done in the LEAA program, and that the second study be done by a group composed not only of Department of Justice employees, but representatives of the State planning agencies, representatives of the local planning agencies, and representatives of the user agencies who ultimately we all work for.

We feel that one of the major problems with the task force report was that it was an in-house document and it lacked perspective. The National Conference does indeed recommend that another study be done. I would concur with the National Conference position.

However, I feel that there are some things that just simply have to be done on a more immediate basis. The seven recommendations that I present on my own here really ought to be done regardless of whether there is another study or not.

Things like the appointment of an administrator are so critical and so immediate that they can't wait another 6 to 8 months while we do another task force report.

Mr. CONYERS. I join you fully in that recommendation. I have personally urged the Attorney General not to wait for the outcome of the studies on LEAA, but that indeed we appoint responsible men and women to those positions and that they hopefully participate in the final development of whatever way we go.

It raises a question in my mind about the confidence in whom the Attorney General may appoint if all the policy decisions have been

made, and then you go out and find somebody for the job. It demeans the men and women that will be coming in here.

One thing that will be obvious is that they had nothing to do with the policy that they are now in charge of implementing. It is an extremely curious approach to a great opportunity that is at hand.

As you know, there has been a great deal of difficulty personnel-wise in LEAA across the years in several ways. First of all, a lot of in-house bickering up at the top has resulted in many of the top people being rotated far sooner than they should have been, and second, there has always been a shortage of blacks and women in the whole LEAA structure. It has been increasingly embarrassing as we begin to consider the fact that much of this arose out of an attempt on the Government's part, honestly stated, to react to the law and order cries that were being raised in the late sixties.

In other words, the LEAA operation was originally directed toward the disorders that were erupting in the cities. Those frequently involved black citizens. Then too, the juvenile facilities are overloaded with "minority users," as you use the term.

Yet in LEAA, one of the continued weaknesses is their affirmative action programs. Many of the LEAA horror stories revolve around their poor sensitivity to race relations.

As I reviewed your statement, and I haven't seen Mr. Bufe's, there is literally no mention of that.

Mr. WERTZ. You are correct in your assessment of my statement. I don't specifically mention that problem. I would share your concern about it. I believe that there probably has been a lack of sensitivity in certain areas, particularly at the Federal level, relating to the recruitment of blacks, women, other minorities to the LEAA services.

I would think that it probably could be stepped up. I have to agree that it is a serious problem. The LEAA program should be sensitive to it, that our programs should be reflective of bringing more blacks and minorities into decisionmaking positions not only in the planning structure but in the operation structure of the criminal justice system.

Now at the State level, at least in the State of Maryland, we have funded projects specifically aimed at trying to attract, recruit, and train minorities for leadership positions in criminal justice.

I know for a fact that that some sort of programing has been done in other States. I can't tell you what LEAA has done to encourage it.

Mr. CONYERS. Well, I am glad that you have been sensitive to it in Maryland. I hope you have. I know that one Congressman from your State has always urged me to come in and hold hearings about some of the problems that they have had in trying to get minorities hired at all levels there. But, of course, if there isn't much going on at the Federal level, why should it come from the States and localities? So that raises a serious question about the tone and policies of LEAA headquarters.

Now we also have had, historically, a lot of problems with race relations inside law enforcement itself, so that when you get an absence of concern even in the Federal Government's major law enforcement assistance program, to me it creates a spirit that is almost self-defeating in terms of those kinds of goals.

I really feel strongly that SPA's should be the most sensitive to this kind of problem, because the complaints have been quite numerous, and yet very little has been done. One of the things that seems to me to be important is that we take that into consideration in this new restructuring effort.

Mr. WERTZ. Mr. Chairman, I would like to provide you with one piece of information. During my term as chairman of the National SPA Conference, we became concerned about—really I guess what you are talking about, the lack of LEAA initiative particularly in the implementation of the civil rights requirements of the statute. In order to try to expedite the activity in this area, we appointed a special conference committee on civil rights. That committee ultimately was chaired by Mr. Saul Arrington, who at that time was the executive director of the Washington State Planning Agency, my counterpart in the State of Washington. Mr. Arrington has since moved on to much greener pastures. He is, however, present here in the room and he would be able to tell you about our conference activities in that area.

The point is that this is an example of an area where we did not see leadership coming from LEAA, the Federal part of the structure; and the States themselves, as an organized body, took the initiative and actually developed training programs, and I think pushed LEAA.

What I am saying, I think, is that in some cases the States themselves see needs that are so important that are being ignored by the Federal Government and in some cases we have indeed as a group taken action. I think civil rights is a good example of that.

I still have to share your concern about the amount of emphasis that has been put into this area in the past.

Mr. CONYERS. One of the overall problems that I feel has not been resolved is the fact that law enforcement is not successful at many levels; and so to separate out LEAA and improve it, first, creates something of a difficulty.

I frankly look upon LEAA as an unsuccessful Federal operation. Part of the reason, of course, is that the larger forces in Government have not been effective either, so perhaps it is asking too much that LEAA be a perfect instrument to impact upon a much larger law enforcement apparatus that is itself largely ineffective.

Nevertheless, that's what we have been called upon to do. It seems to me that we should have a research function. I am anxious just to find out from you whether you feel that it can be safely housed within the Department of Justice and what should be the nature of the kinds of research activities, since the research arm of LEAA has clearly been subordinated almost into nonexistence. It is very sad what is happening in its current form

Mr. WERTZ. As I indicated earlier, I feel that there's a very important role for the Federal Government to play in the area of research and development.

I think it is important also, however, not to oversell or to raise the expectations too high in terms of what research will generate quickly. I think that research into the causes of crime is going to be a long-term thing that must be initiated now, must be carefully done and then integrated into what we are doing at the operational level as it is proven out.

I have a recommendation regarding the administrative structure for research that I don't have in my written testimony. I think, yes, it probably can be effectively run in LEAA or in the Department of Justice. I think probably the biggest problem in the past, however, has been the fact that the research that's done is very often not relevant to the real needs in the community at the operational level. My suggestion would be that the Department of Justice possibly, based on legislation from the Congress, should appoint a supervisory board for the research effort or a board of directors for the research effort that would be composed of representatives of operational agencies, representatives fom the universities who do research and who know how to go about doing quality research, representatives from State and local planning agencies so that, very simply, we can assist the Federal Government in identifying what needs to be researched, what our priorities in research are, and how the Federal Government can best use its ability to do national level research to help us.

I can guarantee to you that if LEAA's research arm gives me a program design based on quality research that will help me do a better job in Maryland, I am going to take advantage of it.

Mr. CONYERS. Couldn't that be accomplished by merely appointing a research director who is sensitive and would talk to the SPA's across the country?

You meet in conferences; and there are so many notices of meetings and conferences that it looks like you would be sitting down in the room and a sensitive person in that responsibility who would say, "Look, let's connect up and give you some research that means something. What would you like to have?"

You would have it. To start an elaborate bureaucracy all over again, who needs it?

Mr. WERTZ. Certainly the first step is the appointment of a qualified research director. That clearly should have been done some time ago. The reason I recommend a board of directors, a supervisory board, is because I think it keeps the bureaucracy honest. I am a bureaucrat in my own State; but I work for a supervisory board of 30 people that includes elected officials, private citizens, and representatives from the criminal justice community. In my opinion, that supervisory board has played a very important role in the direction of the criminal justice improvement program in Maryland. They have kept the staff of the Governor's commission honest in terms of our recommendations for improvement.

I believe that a Federal research effort, if it had to undergo the scrutiny of a board of officials who were really the users of the research product, I believe the program would be much stronger. I think it could be done without a huge bureaucracy.

Mr. CONYERS. Well, I am happy to hear about your Maryland experience. Too many people have told me, frankly, that the law enforcement people dominate the SPA's and they become creatures of their own existence, and that the citizen, the ultimate recipient of this, is about the last person that has any clout when you have a bunch of judges, a prosecuting attorney, former cops and ex-cops deciding where the money goes.

These people frequently build up an imaginary wall of expertise about how complicated the subject of law enforcement is and that "we don't need any just ordinary citizens around." You know, I have a very different picture of what SPA's do around the country. I don't know much about yours in particular. It is not very reassuring. It is that same kind of clubbiness that has helped create some of the problems.

Mr. WERTZ. I would have to myself agree to that statement. I think there have been some problems; but I would maintain that the supervisory board structure, along with the requirement that we do our business in open public meetings has in my opinion, at least for my own State, been one of the most important factors in terms of directing our program at real change as opposed to just cutting the pie.

I guess, Mr. Chairman, what I am saying here regarding research is in the past the decisions as to what would be researched and who would do the research and how you would go about it have been made in a closed room without adequate consultation.

What I am suggesting here is that there ought to be a mechanism for involving the user agencies and the State and local planning groups and professional researchers so that research done by the Federal Government is more relevant to our needs. Whether it is a supervisory board or whether it can be done through another means I am less concerned.

Mr. CONYERS. Let me get to the final and perhaps main question. We have got an argument now going on between block grant funding, revenue sharing, and categorization within a block grant structure. Some want to go back to the earlier methods of funding. What kind of observations would you make in this connection?

I myself have been impressed with the notion of taking three areas such as community anticrime programs, juvenile justice, and prison alternatives and allowing states to be able to participate in them. As a matter of fact, I have spoken favorably of turning the whole LEAA program into one dealing with communities and neighborhoods across the country. It seemed to me, it would have a tremendous impact in terms of dealing with the nature of crime as it exists in urban, suburban, and rural areas in the country.

Could you speak to these very considerations, please?

Mr. WERTZ. Obviously I am a supporter of the block grant concept. I feel it has been effective. I feel that there have been some problems with it, but by and large it's done the job. If you compare the criminal justice system of 1977 with the criminal justice system that you described earlier, 1968, I think it is more effective, more humane, more efficient. I think the difference between the two systems are the difference between night and day. I think the changes have not only been cosmetic, but have included some very basic changes in structure. I can categorically say—again I hate to keep referring to my own State, but I know it best—I can categorically say that there have been literally hundreds of major significant changes in Maryland's criminal justice system in the last decade; and I can't think of one of those major changes that hasn't in some way involved the crime control program in either funding, the provision of technical assistance, or in planning support.

Now, I make that statement categorically. I can't think of one major improvement, out of hundreds, that didn't in some way involve the Federal crime control effort. So I believe that the block grant program with its problems, which I think by and large have been resolved, has been an effective delivering mechanism.

In my paper I suggest, as one of my recommendations, that the block grant program should be decategorized. I think that over the years one of the major problems has been that Congress has attached too many strings and restricted tht flexibility of the States and the localities in terms of fund expenditure. I do feel, however, that Congress has the right to identify high priorities of concern, such as the community anticrime program or juvenile delinquency and that there's a ready-made mechanism already in the program for dealing with those.

That's the use of discretionary grant money. Fifteen percent of all the part C and part E money, over 50 percent of all the juvenile delinquency money is reserved to the Federal Government for discretionary high emphasis grant programs. It seems to me that the best of all possible worlds would be to decategorize the block grant portion, give the States and the localities more flexibilities so that we can identify our own priorities that are peculiar to each of our individual States and jurisdictions; and the Congress, through the earmarking of discretionary grant funds or the setting of priorities for discretionary grant funds can identify high priority program areas such as those that you have described and place special emphasis on those.

Mr. CONYERS. But corrections wouldn't have gotten a dime anywhere in the country unless we had done it. We were forced to categorize. The prison systems in each state aren't sitting in those SPA organizations, being considered. We were virtually forced into that. The judges finally started pointing out that many of the problems emanate from inadequate courtroom activities that could be helped, and they began asking us to give them some help. This is a demonstration of a system that was reacting to those who had the most muscle and the people with the real power were the police organizations. So we were in a weapons race for the first several years. It was insane what LEAA was doing with that money. Tanks, helicopters, "Flash Gordon" gadgetry. It is a monument of embarrassment what we did as rational people in law enforcement.

You tell me now that we shouldn't categorize it and that the prisons would have been taken care of; it seems to me a look at the record indicates otherwise.

Mr. WERTZ. Mr. Chairman, I think it's important to separate the early few years of the operation of this program from more recent years. I think it's absolutely necessary, and I think it's valid. The atmosphere in which the Crime Control Act was initially passed, I agree with you, was the era of the riots, a reaction to that type of problem.

I point out that in the first year of operation, it was LEAA that pushed the States to actually provide assistance to the police departments for riot control purposes. I recall vividly that in the first block grant that I was ever involved in, there was a Federal mandate that in essence required the States to submit plans to do something about the problem of rioting and crime in the streets. That was in 1968

legislation. That seemed to indicate that was a high priority. Many States, in fact, resisted that and did not buy riot equipment.

I think as the years have gone by, there's been a number of extremely important changes. I think the emphasis on the police community, not only in equipment but police programs, has declined across the country. The courts and correctional systems, who had no planning apparatus, who didn't have the grantsmanship experience that the police initially had, have been brought up to speed. Even if there had been no congressional mandates, there would have been an evolution toward a more equal distribution of the program funds.

I can tell you right now that in practically every State that I am familiar with, the problem of corrections overcrowding is probably the No. 1 issue that there is. I can tell you categorically in Maryland that even if there were no strings attached to the block grant program, that the correctional problem would be receiving the vast majority of our attention because it just cannot be ignored.

Mr. CONYERS. Well, that's exactly what I was going to ask you to do, because I would like the record to reflect what LEAA has been doing in the way of improving the prison system in the State of Maryland, which I am quite frank to tell you I understand has been very little. I don't want to prejudice anything you are going to submit to me, but that is the reason I am asking this question.

The other thing I would like you to submit to me is some indication of the hundreds of major changes which LEAA was responsible for in improving the criminal justice system in the State of Maryland. I think that would give us a perceptive base on which to measure some of your remarks about the Maryland experience.

Mr. WERTZ. Mr. Chairman, I would be delighted to do both. I will prepare the material and submit it. I would like to very quickly comment on your first remark.

[See appendix 6, page 341.]

What has LEAA done in the prison area? I am not going to talk about the program part. I want to talk about the planning part and I want to talk about one of the reasons beyond just the administration of the LEAA program, why it's important to have the sort of planning apparatus that we have.

Mr. CONYERS. Of course, they wouldn't have gotten their money if there hadn't been a categorization. I suppose we have to recognize that LEAA, you believe, would have stepped in there anyway?

Mr. WERTZ. I do, but my point relates to really the impact of the LEAA planning structure on non-LEAA funds, which I think is an important point that we probably haven't talked about.

About a year ago, the Governor asked me and my staff, the LEAA planning group at the State level in Maryland, to produce a corrections master plan. The end result of that plan was the appropriation by the general assembly of $46 million in capital funds for new prison construction to alleviate the overcrowding situation, and the appropriation of $1 million to improve the parole and probation operation. Phase II of the plan, which will address programing and correction alternatives, will be submitted to this year's general assembly session.

My point is that my staff, a part of the LEAA planning apparatus in the State, actually did the master plan, planned for general revenue funds of the State of Maryland, not LEAA money, and had a very significant impact to the tune of about $50 million in terms of the re-

sources available for corrections. The task force is suggesting that this very same type of planning apparatus should be dismantled.

Mr. CONYERS. Now if you are reciting that as a typical incident that has happened in several States, assuming the best, positive influence, yours would be the only State in the Union that has implemented such a program. In Michigan that doesn't happen. Most States, I am told, are hard pressed for cash in the first place, so it isn't that they need somebody's great idea to realize that they ought to get into a construction race. The simple point of the matter is that they are strapped for funds, so that your point isn't representative of my experience at all.

I am going to stop. I have taken up far more time. You presented a great amount of material. Certainly your time here has been very important.

I was wondering if Mr. Volkmer would permit me to allow the staff to ask a few questions?

Mr. VOLKMER. I have another appointment.

Mr. CONYERS. If you do, you may ask some questions.

Mr. VOLKMER. They will be very short.

I would like to know, in the State of Maryland, how much help has the LEAA research been in terms of your operations on crime and improvements in the criminal justice system?

Mr. WERTZ. My experience, sir, has been that the LEAA exemplary projects program has been very worthwhile. That's a program where grantees are invited to submit programs that have been funded, that they feel are really good.

LEAA goes out, takes a long hard look at them, evaluates them; and if they agree that they are good, they write up the program and get the descriptions of the programs to us at the State and local planning level. They also hold seminars on how to run alternatives.

Mr. VOLKMER. That would be a clearinghouse for programs that have worked on local or State levels?

Mr. WERTZ. That's right, sir.

Mr. VOLKMER. What about their research that has been going on for years? How much assistance has that been?

Mr. WERTZ. My experience has been that very little of that type of research has been of any direct value to us.

Mr. VOLKMER. Do you feel that the people on your staff are more capable of making the decision as to what is necessary for improvements in the State of Maryland or should that decision be made in Washington?

Mr. WERTZ. Categorically, sir, I believe that officials at the State and local level are much more sensitive to the needs, are much more familiar with the problems, and have a much better idea of where our criminal justice system should go than does a Federal bureaucrat.

Mr. CONYERS. If the gentleman would yield?

Mr. VOLKMER. Yes.

Mr. CONYERS. Of course, I guess it was a leading question to begin with. I guess if you got up here and said the Federal Government could tell us better than the State, they would stop you at the line between Maryland and Washington.

[Laughter.]

Mr. CONYERS. I mean, really, for us to give the Federal money, that's perfectly fine. For us to suggest what ought to happen to it in the 50 States is a very sensitive area. They are all deeply concerned about it.

Mr. VOLKMER. Well, it's been my experience that in many instances, being one who lived for 10 years in State government—I came here this year—one of our main problems in Missouri was the control, the strings from Washington. The people from Washington had never been to Missouri, don't have any idea what it looks like, what people do, or what the socioeconomic conditions are or anything.

My last question. Assuming there is a reduction in LEAA funding, where do you think the cutbacks should occur as long as the funding is cut back? Administration, research, grants?

Mr. WERTZ. Congressman, in my statement I really point with extreme alarm to the funding situation. I will very quickly hit a couple of figures. I don't believe you were here.

Mr. VOLKMER. I am sorry, I wasn't.

Mr. WERTZ. Since 1975, the amount of block grant funds effectively available for grants in aid at the State level has been reduced by 57 percent—47 percent of the reduction has been caused by cuts in the actual grant program, and another 10 percent plus has been caused by just the effect of inflation. Where in 1975 I had in Maryland about $9 million of block grant funds to distribute, effectively today, counting both inflation and reductions, I have less than $4 million for criminal justice improvement programs. That's buying power that I am talking about.

Mr. VOLKMER. Yet you are supposed to be doing more.

Mr. WERTZ. That's correct, sir.

In my opinion, we are getting perilously close to the point where even I, who am being paid out of the system, have got to seriously question whether it's worth it if we fall below a certain level of ACTION funding. For that reason, I don't believe that I can directly answer your question.

My recommendation, sir, is that in fiscal year 1979 LEAA be appropriated the full amount that is authorized by the Congress for the program. I believe that any efforts by the Department of Justice to reduce the planning program should be resisted, because I believe that much good above and beyond the allocation of Federal dollars has come from the planning program. And I think that the block grant portion of the ACTION funds should be significantly increased.

If I were pressed to the wall and asked where cuts would have to come from, assuming cuts, I would say start with a long hard look at LEAA administration. Second, you might want to amend the formula and reduce the amount of discretionary action funds available to LEAA. In point of fact, in my testimony, I suggest that perhaps one of the problems with the research and demonstration effort of LEAA is they might have too much discretionary money. That might have been one of the problems in the past.

My suggestion is that the planning apparatus certainly shouldn't be reduced, and the block grant portion of the ACTION funds certainly should not be reduced and preferably, both of those should be increased.

Mr. VOLKMER. Mr. Chairman?

Mr. CONYERS. Yes.

Mr. VOLKMER. I would like to, if I may, request that the staff provide for me from LEAA in the last 2 years, the administrative costs, personnel, numbers that they have had on board and whether that has continued or whether we have had a reduction of 57 percent on administrative costs. I would also like information on research with the discretionary funds.

Mr. CONYERS. That can easily be supplied to my colleague.

Mr. VOLKMER. Thank you.

Mr. CONYERS. I am going to yield to minority counsel, Mr. Stovall.

Mr. STOVALL. Thank you, Mr. Chairman. Mr. Wertz, you stated during your testimony, and in the information that was provided to us, on page 7 of your statement items 5 and 6, funds appropriated for ACTION grants should be used for ACTION grant purposes in item 5, and you refer to the need to reduce the number of words on the LEAA guideline by 50 percent.

Doesn't this point out sort of a tongue-in-cheek approach to a need to stop spending money on staff and to stop spending money on the system of reporting that is currently going on between the SPA's and the LEAA?

Would you care to comment on that and whether or not the study such as the ACIR study, which I am sure you are familiar with, recommending a multiyear planning effort would reduce the number of words to which you refer and reduce the amount of staffing expense you would have to pay?

Mr. WERTZ. I believe you have caught me with my finger in the proverbial cookie jar.

Mr. STOVALL. Could I ask you a question about the ACIR report that you weren't aware of?

Mr. WERTZ. No. I am familiar with it. Let me try to answer your questions in turn, in reverse order. In regard to the ACIR report, I am indeed familiar with it and I do strongly support the idea of a multiyear comprehensive plan.

I would estimate that approximately a third of my total staff time, and probably over a half of the staff time available at the local level is used merely on updating the plan annually, and while it is an important function, I don't believe that it has to be done that often. I think that 3-year cycles would be sufficient. I believe that LEAA, the SPA's and the Congress could come up with a cycle for updating various sections of the plan that would allow us always to have a current document.

So, I do support ACIR's recommendation in regard to multiyear planning. I would like to briefly comment on the two points in my testimony that you brought up. Item 5 relates to a concern that I have about what I understand to be a tendency on the part of the Department of Justice and LEAA to divert ACTION funds, funds that were originally appropriated by the Congress for programing, for administrative purposes.

I understand that the closing of the regional offices is estimated to cost $2 million—this money-saving idea of the Department of Justice. That $2 million would be paid for out of deverted ACTION funds that have gone back to LEAA from the States. I understand that there is a budget request pending.

Mr. STOVALL. Did you say $2 million?

Mr. WERTZ. That is the estimate I heard.

Mr. STOVALL. Isn't that going to be used for staff funding in their movement from regional offices to Washington?

Mr. WERTZ. That is my understanding. It will pay the costs of relocation of staff and in essence the administrative costs of closing the regional offices.

Mr. STOVALL. So, money won't be available for regional ACTION programs?

Mr. WERTZ. My understanding is the suggestion or the intent of the Department of Justice is to pay for the costs of closing the regional office out of ACTION grant money that has been reverted back to the LEAA from the States, but which is legally recyclable back to the States. In my testimony, there is another example of what I understand to be a pending request for a modification in the fiscal year 1978 budget which again would use funds originally appropriated by the Congress for ACTION grant purposes for beefing up certain sections of the Justice Department.

Mr. STOVALL. Are you saying, Mr. Wertz, that the closing of the offices actually is then costing additional money? It is costing an additional $2 million over and above the allocation for the regional offices?

Mr. WERTZ. I understand that the cost of closing the regional offices, the relocation of staff and the other costs associated with it, are estimated to cost $2 million, and that that $2 million will come out of reverted action funds.

Mr. CONYERS. Will counsel yield on this point? Can you give us some indication as to where you are getting your information?

Mr. WERTZ. I would prefer not to, sir.

Mr. CONYERS. Well, I won't press you. You know, we keep tossing these figures around. Then we say, well, we understand it is coming from somewhere.

Mr. VOLKMER. Would the Chairman yield?

Mr. CONYERS. Yes.

Mr. VOLKMER. Perhaps we can get the LEAA in later on and ask them.

Mr. CONYERS. Well, I would hate to call them back to say a witness told us that he heard that $2 million——

Mr. VOLKMER. Mr. Chairman, may I request the staff contact them and verify it or not verify this?

Mr. CONYERS. Yes. I think that we should try to clear it up.

Mr. WERTZ. I would very much urge you to pursue both of these issues. My point in No. 5 is that if, in fact, my information is correct—and I have reason to believe that it is—that in these two instances nearly $5 million that was originally earmarked for programs has been diverted to administration. My recommendation in No. 5 is that this not be permitted by the Congress.

In No. 6, I have been in this program, I guess, 7 years as an SPA director. I have no way of telling you how much increase there's been in LEAA guidelines. There just simply is no way of measuring it. I know that it has been a heck of a lot. It is probably quadrupled, plus. I have scratched my head, I have thought and thought in terms of how you control the proliferation of guidelines and rules and regu-

lations. Recommendation No. 6 is a very simplistic suggestion on how you control it.

In my opinion it is arbitrary; in my opinion it would probably be the only effective way to deal with this sort of problem.

While it might perhaps at first glance look like a tongue-in-cheek proposal, I make it in all seriousness.

Mr. STOVALL. Would it be possible that the same idea you are trying to pursue could be accomplished by other means; for example, eliminating the—I am sorry. Maybe you can help me.

The funds that are allocated——

Mr. WERTZ. Categorization.

Mr. STOVALL. You speak against them. Would you favor—and I believe you have said, haven't you, that you favor total decategorization. Is that correct?

Mr. WERTZ. Total decategorization with the proviso that Congress ought to be given a very strong role in the development of priorities for the discretionary grant program.

Mr. STOVALL. By "discretionary grant program," I assume that is the direct grant to the State planning agencies?

Mr. WERTZ. No. The discretionary grant program is the 15-percent money that is reserved to LEAA for direct grant purposes.

Mr. STOVALL. Then the other moneys that are to be allocated to the State planning agencies at least currently, are you suggesting that Congress then not involve itself in limiting the use of those funds?

Mr. WERTZ. Yes, sir.

Mr. STOVALL. Would you agree that at least funds should be limited to nonsupplantation of normal budgetary processes?

Mr. WERTZ. Yes, sir. I agree very strongly with the nonsupplantation requirement.

Mr. STOVALL. Do you also agree the funds should be utilized for limited time periods so as to allow the States and local governments then to take over those functions?

Mr. WERTZ. I do indeed, sir. My recommendation in terms of a specific time period would be 3 years. I have used that for 7 years, and it is a long enough period of time to allow the grantee to get the program up and running. It is a long enough period of time to let us evaluate its worth.

Mr. STOVALL. Thank you, Mr. Wertz. My time us up.

Mr. CONYERS. Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. Wertz, do I understand that you are the head of the SPA in the State of Michigan?

Mr. WERTZ. I am Richard Wertz. I am head of the SPA in the State of Maryland.

Ms. HOLTZMAN. The staff put the wrong document in front of me. I apologize for that.

How long have you been head of the SPA in Maryland?

Mr. WERTZ. I have been director for over 7 years.

Ms. HOLTZMAN. Over that period of time, what important innovations can you identify that LEAA has financed in the State of Maryland?

Mr. WERTZ. The chairman has asked me to submit a listing which I will do. Let me give you a couple of examples. The public defenders

system of the State of Maryland was planned for by my planning agency. The first 3 years of operation were largely funded with the level in our State.

Another example is——

Ms. HOLTZMAN. Is it now funded by the State?

Mr. WERTZ. Yes.

Ms. HOLTZMAN. Would it have been funded initially without LEAA? Let me rephrase that question. In the absence of LEAA funds, what would have happened to the public defenders program in the State of Maryland?

Mr. WERTZ. Without LEAA, it probably would have been a less effectively planned program from the outset and would probably have been operated on a much smaller level.

Ms. HOLTZMAN. Give me another example.

Mr. WERTZ. Another example is that 7 years ago, we had a magistrate system for our lower court system in Maryland. The State planning agency, again, did the plan for the district court system and provided major funding in the establishment of the district court system. Related to that, 7 years ago when we had the magistrate system, there was no prosecutorial representation in the rural areas and in most urban jurisdictions at the lower court level.

We decided about 7 years ago, as one of our highest priorities, that we wanted adequate full-time prosecutorial representation at the district court level. In cooperation with over 20 individual counties, we set about to implement that program. In my opinion, that program, when combined with the establishment of the public defender system, has resulted in a much higher quality of justice at the district court level in our State.

Ms. HOLTZMAN. Would that have been possible without LEAA?

Mr. WERTZ. I believe that the prosecutorial part would not be, because the prosecutorial part would have required the commitment of funds from over 20 individual jurisdictions.

You see, the real advantage of our program as it's structured, is that we can provide secure funding for reasonable periods of time, in our case, 3 years. I believe that that is reasonable. It allows the local jurisdictions to get a project up and running, to get the bugs out. It allows us to do a complete evaluation report which we make available to the head of the local unit of government.

As a result of the secure funding, and as a result of our evaluation program, we have had a greater-than-85-percent assumption of cost rate at both the State and local levels. Now that means at the end of 3 years of funding, 85 percent of all of our projects are picked up by either the State or a unit of local government or a private organization, to one degree or another. Not always full funding, but always some funding. I believe that that 85-percent figure is extremely significant.

I think that if we had not had the LEAA funds to get in, to experiment, to evaluate, that many of the programs we now have operating in our criminal justice system would never have been started.

Ms. HOLTZMAN. Do you have a consistent evaluation of all the LEAA programs?

Mr. WERTZ. We do indeed.

Ms. HOLTZMAN. Have you had such evaluations from the outset?

Mr. WERTZ. No. I established my evaluation unit on March 23, 1973. It was my birthday as a matter of fact. I remember it well.

As of that date I arbitrarily divided my planning staff in half. Since that date, half of my planning staff has devoted its time to monitoring and evaluation. In my opinion, the evaluation documents that we produce are the single most important factor in terms of why we have a high pickup rate and also the most important ability that we have to influence non-LEAA money.

Ms. HOLTZMAN. Has any other State had the benefit of those evaluations? Has the national LEAA asked for them to use for possible dissemination?

Mr. WERTZ. We distribute to national LEAA those evaluation reports that we do on their discretionary funds. We treat DF grants just as if they were our own. The national SPA directors conference, which Mr. Bufe represents and which I am indirectly representing here today, became concerned about the problem of evaluation about 4 years ago. We formed a special evaluation committee with the purpose of allowing the States to share the wealth on what everybody was doing in the field.

There is now a subgroup of our organization composed of the heads of the evaluation units of the various SPA's who actively share information and evaluation techniques, methodologies; and in point of fact, there is a newsletter that is produced by one of the SPA's that shares information on how to do it.

Ms. HOLTZMAN. But the national LEAA never asked for the evaluations of the programs funded under these block grant programs; is that correct?

Mr. WERTZ. We are required by guidelines——

Ms. HOLTZMAN. I am talking about prior to the passage of the new law.

Mr. WERTZ. To the amendment?

Ms. HOLTZMAN. Yes.

Mr. WERTZ. I don't believe so. I know that we are required to submit——

Ms. HOLTZMAN. I didn't mean that as any criticism of you. I think that that indicates a failing on their part.

In view of the fact that it appears that you run a tight shop with careful planning, careful evaluation, and an apparently high success rate, I am interested in your suggestion that LEAA just hand out funds to States without any safeguards with respect to evaluation of programs, without any safeguards with respect to the planned use of the funds, without any safeguards with respect to priorities.

I would say to you that in my judgment the greatest failure of LEAA took place from 1968 to 1976, when most of the States took most of the money and bought shiny new police cars, helicopters, mace, and a variety of other pieces of equipment and did little to strengthen the capacity of the criminal justice system to do justice or to deal with the problems of crime.

I am concerned that if we eliminate the safeguards enacted in 1976, we are going to find more shiny new police cars, more helicopters, more mace, and we are going to find the criminal justice system still not functioning in most of the States in this country the way it should.

Mr. WERTZ. Could I try to correct a misimpression that I am afraid I gave you?

I recommend the decategorization of the block grant portion of the LEAA program. I think that the Federal strings in terms of program priorities should be removed. I recommend a drastic reduction in the amount of Federal redtape and guidelines and rules and regulations that we are confronted with.

I do not recommend that LEAA merely become a check-writing organization and turn over to the States and localities the action funds or planning funds with no controls. I believe that the annual review of the action component of the States' comprehensive plan by LEAA ought to continue. I believe by reducing the guidelines that the comprehensive plans could be drastically reduced in size.

I think you can take out an awful lot of the information requirements and routine compliance requirements, out of the comprehensive plans and you can have left a policy oriented document that would allow LEAA to know specifically where each State is going in its criminal justice improvement and crime prevention program.

I believe LEAA ought to continue to have the function of reviewing comprehensive plans. I think that the criteria needs to be changed. Right now with the categorization which has evolved over the years, the main thrust of LEAA's review is: Is corrections getting its mandated minimum percentage? Is juvenile delinquency getting the mandated minimum percentage? Are all the other statutory and other requirements being met?

I believe LEAA ought to look at the State's planning process. It ought to look at the question of whether the State is actively involving local units of government and clients of the criminal justice system and the general public. I think it ought to look at the question of whether or not the end product, the comprehensive plan, is indeed comprehensive, whether it's addressed all the issues that ought to be addressed, whether it's based on adequate data; and that LEAA ought to have a review and approval authority such as they currently have.

What I am suggesting is: Reduce the artificial restrictions, reduce the redtape that is not absolutely germane to the function that I have just described; and redirect LEAA's role toward the review of plans to determine whether or not they are comprehensive.

Ms. HOLTZMAN. With all due respect, I don't think you have answered my question. First of all, calling something artificial doesn't begin the process of analysis.

I won't take the committee's time now but I would certainly welcome your further thoughts with some details as to what you mean by saying we should eliminate the irrelevant and artificial restrictions in the program.

I still don't understand how the Federal Government protects against its money being used on flashy hardware rather than on the upgrading of the criminal justice system. I don't think the Federal Government ought to be in this business to buy flashly hardware. I think the Federal Government ought to be in this business to help States help themselves in fighting crime.

I am afraid I really didn't get an answer to that in your response. As I just said, I won't take the committee's time now but I would cer-

tainly appreciate hearing from you in detail as to how the process can be streamlined, where the redtape can be eliminated. I also am profoundly opposed to reverting to the system we had before 1976, which I think was a failure.

Mr. CONYERS. Well, I can understand the woman propounding future questions.

Mr. Wertz, we hope that we will be able to continue this discussion through interrogatories, some of which may be entered in the record. As you can see, you have raised a good deal of questions among the members. We have used far more time than we would have normally allotted to you for your testimony, but we think that it was needed and we are very grateful for you joining us this morning.

Mr. WERTZ. I appreciate the opportunity. Thank you.

Mr. CONYERS. Our next witness is Mr. Saul Arrington. Formerly he was the administrator for the justice planning council for State of Washington. Previously he had an exclusive career in law enforcement and is a member of the National Minority Advisory Council formed last year and is their witness before the subcommittee on our subject today.

TESTIMONY OF SAUL ARRINGTON, REPRESENTING LEAA'S NATIONAL MINORITY ADVISORY COUNCIL

Mr. CONYERS. We will incorporate your statement into the record. That will allow you the maximum time to make any comments that you would like to make.

Mr. ARRINGTON. Thank you, Mr. Chairman.

[The prepared statement of Mr. Arrington follows:]

STATEMENT OF SAUL ARRINGTON, REPRESENTING LEAA'S NATIONAL ADVISORY COUNCIL

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to present to you the views of the National Minority Advisory Council on criminal justice regarding the restructuring of LEAA and would like to say at the outset that I concur with Mr. Wertz, the previous witness concerning the need to appoint at the earliest possible time an administrator to head LEAA and such other deputy administrators as are appropriate.

The National Minority Advisory Council is a 15-member multiracial council charged with the responsibility to advise LEAA on crime and criminal justice related problems of minorities at the Federal, State, and local level.

In terms of racial representation, the Council is composed of nine blacks, four Hispanics, one Asian, and one Native American. The racial and professional backgrounds of the Council members serve to give a voice and understanding to the unique problems of the country's 36.4 million minorities who constitute 17.7 percent of the total population.

The Chair alluded to the absence of any recognition of this particular group in the LEAA study and, therefore, my testimony will focus primarily in that area.

As a means of further generating input from the Nation's minority population, the National Minority Advisory Council has recently established a minority coalition that represents numerous organizations such as the National Urban League, the National Congress of American Indians, Afro/American Policemens League, and the United Church of Christ. The linkage with these organizations combined with the more than 50 organizations represented by the various members of the Minority Advisory Council represent a wide ranging minority perspective.

The National Minority Advisory Council on Criminal Justice was created in June 1976 for a 2-year period. A preliminary phase of the Council's efforts is to identify and evaluate minority problems and concerns as they relate to crime and the criminal justice system.

To date our various hearings around the country has centered on the needs of adolescents, diversionary treatment programs, the growing crime problem in the Asian community, particularly the city of New York, the double standard of justice, particularly as it pertains to Mexican/Americans and Indians in the Southwest and other parts of our country, and the lack of representation in the criminal justice system, particularly at policymaking levels of minorities of all ethnic origins.

Recent census figures indicate that our black population is approximately 24 million. The Hispanic population is approximately 11.2 million. Native Americans comprise 633,000 of our population along with a similar representation from the Asian community.

Still minorities represent less than 4 percent of all law enforcement personnel and have little voice in decisions that directly affect the quality of their lives. Because of this vast voicelessness and void in the criminal justice system, the National Minority Advisory Council undertook to bring together minority representatives from all over the country for the purpose of attempting to gain a wide range of consensus as to the future existence and/or direction of LEAA.

In response to a report to the Attorney General regarding restructuring LEAA, dated June 23, 1977, the National Minority Advisory Council in concert with the coalition of minority organizations developed a response which was previously provided to the committee.

I would like to briefly review for you some of the specific areas of concern the National Minority Advisory Council looked at.

One, research concerning causes of crime and criminal justice issues is needed. The National Minority Advisory Council feels strongly that research activities which will have an impact on minorities should be designed and implemented by minorities. For far too long, minorities have been impacted by research studies and research efforts where the sensitivity of minorities in a participatory manner in terms of those research activities was totally missing.

Two, national demonstration criminal justice programs should insure meaningful participatory involvement by minorities and other nongovernmental agencies. LEAA's national demonstration programs, some of which have been alluded to this morning, and certainly your review of some of these programs reflect a total absence of any minorities or nongovernmental entities involved in that process.

We think that perhaps the most classic example of that was the study done concerning the restructuring of LEAA. I am talking about the aspects of the study that was preliminary to it going out to public—for public consumption and public reaction.

We feel, that, again, LEAA's past record of demonstration programs and the development of such programs are reflected in the recommendations of the study group—more of the same.

Revenue sharing programs have traditionally failed to directly impact the minority community. The LEAA program should not be converted to a form of revenue sharing. Whatever form is adopted for fund distribution should allow for priority funding directed to those areas with the greatest crime problems.

Community anticrime programs should be developed and implemented as mandated by Congress in 1976. The National Minority Advisory Council found it absolutely abhorrent that a program mandated by the Congress to date has still not found its way to implementation and to dealing with and addressing the problems that Congress identified more than a year ago.

LEAA should operationalize a strong positive civil rights compliance program. Governmental agencies that discriminate and nongovernmental agencies that discriminate should not be subsidized with LEAA or other Federal funds.

Minorities should be appointed and assigned to policymaking positions within LEAA. That issue has been alluded to earlier ths morning and it is an area that should not be ignored as LEAA moves toward its future in providing assistance and improving criminal justice in this country.

Community involvement is an essential part of any realistic effort to control and reduce crime. We think that the LEAA program has failed in many areas to involve citizens and provide the necessary resources for meaningful community involvement at every level of government.

As I mentioned earlier, public hearings in various regions of our Nation reflect a great deal of despair and sense of hopefulness directly attributed to the lack of sensitivity and concern by Federal, State, and local governments toward the needs and problems of minorities, particularly in the area of criminal justice.

This is particularly true also with respect to jobs. Unemployment among minorities, particularly black American males and teenagers is alarmingly high. The National Minority Advisory Council perceives a positive relationship between crime and unemployment. Consequently, there is a compelling need to identify the extent to which racism, discrimination, and the lack of employment opportunity contributes to the overrepresentation of blacks and minorities in our prisons and jails.

Blacks account for approximately 25 percent of all arrests and their representation in prisons, both State and Federal, is even higher.

Mr. Norm Carlson, who is the Director of the Federal Bureau of Prisons, recently made a statement that I think is important in this regard. "We lock up offenders in cages that only serve to breed hostility, bitterness, and further crime. Depriving inmates of privacy and dignity has not solved the Nation's crime problem. It has only made it more acute." Minorities in general, and black men in particular, are disproportionately represented among the ranks of the unemployed and in the cells of our prisons. Black people, poor people, and minorities in general are becomingg increasingly disillusioned with our criminal justice process and procedures and practices tailored to fit those who are economically endowed. Such a system must be abolished.

Justice is the standard by which all human conduct is measured. It is understandable that we should support and pursue the development of international rights, It's essential that we also make this a national reality.

Mr. Chairman, I have used my time to reflect on what we think are the needs in focusing the future of the LEAA program. We need a program designed to deal with the crime problem in this country relative to the people in the country who are most impacted by the problem of crime. It was the purpose of my comments here to focus on this issue and as you pointed out earlier, not to dwell on the comments that are in the record and before you concerning the specific restructuring of LEAA.

I would hope my comments would frame, if you will, the tenor that the National Minority Advisory Council perceives for the future direction and structure of LEAA.

Thank you very much. I will be willing to respond to any question you may have.

Mr. ARRINGTON. Mr. Chairman, members of the subcommittee, I appreciate the opportunity to present to you the views of the National Minority Advisory Council on criminal justice regarding the restructuring of LEAA and would like to say at the outset that I concur with the—with Mr. Wertz, the previous witness, concerning the need to appoint at the earliest possible time an administrator to head LEAA and such other deputy administrators as are appropriate.

The National Minority Advisory Council is a 15-member multiracial council charged with the responsibility to advise LEAA on crime and criminal justice-related problems of minorities at the Federal, State, and local level.

In terms of racial representation, the council is composed of nine Blacks, four Hispanics, one Asian, one native American. The racial and professional backgrounds of the Council members serve to give a voice and understanding to the unique problems of the country's 36.4 million minorities who constitute 17.7 percent of the total population.

The chair alluded to the absence of any recognition of this particular group in the LEAA study and therefore my testimony will focus primarily in that area.

As a means of further generating input from the Nation's minority population, the National Minority Advisory Council has recently established a minority coalition that represents numerous organizations

such as the National Urban League, the National Congress of American Indians, Afro/American Policemens League, and the United Church of Christ. The linkage with these organizations combined with the more than 50 organizations represented by the various members of the minority Advisory Council represent a wide ranging minority perspective.

The National Minority Advisory Council on criminal justice was created in June of 1976 for a 2-year period. A preliminary phase of the Council's efforts is to identify and evaluate minority problems and concerns as they relate to crime and the criminal justice system.

To date before our various hearings around the country has centered on the needs of adolescents, diversionary treatment programs, the growing crime problem in the Asian community, particularly the city of New York, the double standard of justice, particularly as it pertains to Mexican/Americans and Indians in the Southwest and other parts of our country, and the lack of representation in the criminal justice system, particularly at policymaking levels of minorities of all ethnic origins.

Recent census figures indicate that our black population is approximately 24 million. The Hispanic population is approximately 11.2 million. Native Americans comprise 633,000 of our population along with a similar representation from the Asian community.

Still minorities represent less than 4 percent of all law enforcement personnel and have little voice in decisions that directly affect the quality of their lives. Because of this vast and voicelessness that we have and the void in the criminal justice system, the National Minority Advisory Council undertook to bring together minority representatives from all over the country for the purpose of attempting to gain a wide range of consensus as to the future existence and/or direction of LEAA.

In response to a report to the Attorney General, dated June 23, 1977, the National Minority Council in concert with the Coalition of Minority Organizations developed a response which was previously provided to the committee.

I would like to briefly review for you some of the specific areas of concern the National Minority Advisory Council looked at.

One, research concerning causes of crime and criminal justice issues is needed. The National Minority Advisory Council feels strongly that research activities which will have an impact on minorities should be designed and implemented by minorities. For far too long, minorities have been impacted by research studies and research efforts where the sensitivity of minorities in a participatory manner in terms of those research activities was totally missing.

Two, national demonstration criminal justice programs should insure meaningful participatory involvement by minorities and other nongovernmental agencies. LEAA's national demonstration programs, some of which have been alluded to this morning, and certainly your review of some of those programs reflect a total absence of any minorities or nongovernmental entities involved in that process.

We think that perhaps the most classic example of that was the study done concerning the restructuring of LEAA. I am talking about the aspects of the study that was preliminary to it going out to the public—for public consumption and public reaction.

We feel that, again, LEAA's past record of demonstration programs and the development of demonstration programs was reflected in the efforts of that study group.

Revenue-sharing programs have traditionally failed to directly impact the minority community. The LEAA program should not be converted to a form of revenue sharing. Whatever form is adopted for fund distribution should allow for priority funding directed to those areas with the greatest crime problems.

Community anticrime problems should be developed and implemented as mandated by Congress in 1976. The National Minority Advisory Council found it absolutely abhorrent that a program mandated by the Congress to date has still not found its way to implementation and to dealing with and addressing the problems that Congress identified more than a year ago.

LEAA should operationalize a strong positive civil rights compliance program. Governmental agencies that discriminate and nongovernmental agencies that discriminate should not be subsidized with LEAA or other Federal funds.

Minorities should be appointed and assigned to policymaking positions within LEAA. I think, again, that has been alluded to earlier this morning and it is an area that should not be ignored as LEAA moves toward its future in providing assistance and improving criminal justice in this country.

Community involvement is an essential part of any realistic effort to control and reduce crime. We think that the LEAA program has failed in many areas to involve and provide the necessary resources for meaningful community involvement.

As I mentioned earlier, public hearings in various regions of our Nation reflect a great deal of despair and a sense of hopelessness directly attributed to the lack of sensitivity and concern for Federal State, and local governments toward the needs and problems of minorities, particularly in the area of criminal justice.

This is particularly true also with respect to jobs. Unemployment among minorities, particularly black American males and teenagers is alarmingly high. The National Minority Advisory Council perceives a positive relationship between crime and unemployment. Consequently, there is a compelling need to identify the extent to which racism, discrimination, and the lack of employment opportunity contributes to the overrepresentation of blacks and minorities in our prisons and jails.

Blacks account for approximately 25 percent of all arrests and their representation in prisons, both State and Federal, is even higher.

Mr. Norm Carlson, who is the Director of the Federal Bureau of Prisons, recently made a statement that I think is important in this regard:

> We lock up offenders in cages that only serve to breed hostility, bitterness, and further crime. Depriving inmates of privacy and dignity has not solved the Nation's crime problem. It has only made it more acute. Minorities in general, and black men in particular, are disproportionately represented among the ranks of the unemployed and in the cells of our prisons. Black people, poor people, and minorities in general are becoming increasingly disillusioned with our criminal justice process and procedures and practices tailored to fit those who economically—who are economically endowed and this system must be abolished.
>
> Justice is the standard by which all human conduct is measured. It is under-

standable that we should support and pursue the development of international rights. It's essential that we make this a national reality.

Mr. Chairman, I have used these comments to reflect on what we think is the need to focus the future of the LEAA program, a program designed to deal with crime in this country as an element or a people in this country who are most impacted by the problem of crime. It was the purpose of my comments here to focus on this and as you pointed out earlier, not to dwell on the comments that are in the record and before you concerning the specific restructuring of LEAA.

I would hope my comments would frame, if you will, the tenor that the National Minority Advisory Council perceives for the future of LEAA and the future direction and future structure of LEAA.

Thank you very much. I will be willing to respond to any question you have.

Mr. CONYERS. I am trying to recall whether the report, which this hearing is directed to get recommendations about, mentioned anything about improving race relations within LEAA.

Mr. ARRINGTON. With the LEAA program, Mr. Chairman, I think specifically within our report, where we talked about the need for an active civil rights compliance——

Mr. CONYERS. I am talking about the study group's recommendations, except in the additional views of Pat Wald—

Mr. ARRINGTON. I'm sorry. The study group's report did not in any way—it skipped the whole subject, yes, sir. Again, I am sorry if I didn't make it clear. This was precisely my point. The task force study report was totally silent on this whole subject, and it reflected again the need for any future direction of LEAA to assure optimum involvement by minorities both in the study efforts and in the implementation of programs.

I guess my comments were aimed at focusing on and identifying this as a real problem and showing, I guess, in a rather flagrant way, how LEAA avoided that.

Mr. CONYERS. As you pointed out, there were no minority members on the study group. I guess the point is well made there.

There is some consideration about requesting a restudy. It's come now from two different sources during the hearings. I don't know if the minority advisory council is willing to go that far or not. As you know, this subcommittee has been privileged to examine the recommendations that are coming to the study group. Many of them are very critical about the superficial examination that has occurred so far.

So, in a way, it seems to me that I am becoming more and more convinced. I haven't taken it up with the subcommittee members as a group yet, but I am really becoming more and more convinced, Mr. Arrington, that it might be very desirable, especially since nothing else has happened in terms of appointments or policies, that we really have another crack at it.

I see this as a wonderful opportunity, one that no one could have created. It happened. I think we should say the Department of Justice was sensitive to the criticisms that had built up over the years.

It seems to me if a newly reconstituted study group were to take the June report and build from there, it probably would leave us in a much stronger position to help make these decisions than if we got piles of criticism about the study group.

Is that compatible with your views?

Mr. ARRINGTON. Yes, it is. I again would agree with the previous testimony concerning the inadequacy of a study that was largely conducted or totally conducted in-house within LEAA and the Justice Department aimed at restructuring a program that impacts as broadly as this program impacts.

So I guess what I am really saying is that I agree with you that the present study is not a very firm foundation upon which to build the future of the LEAA program.

Mr. CONYERS. I yield to my colleague or recognize her for her own time.

Ms. Holtzman.

Ms. HOLTZMAN. Thank you very much, Mr. Chairman.

I think the witness has made a good point. Part of his point, I think, fits right into the comments that were made about the need for redoing the study.

Obviously an expanded study, a new study, ought to be done with people who have different perspectives about the operation of the criminal justice system as well as the operation of LEAA.

I think this report reflects the very narrow viewpoints of the people who were charged with doing it. Not only was the report prepared entirely in-house, but I think the experience of the people preparing it was very limited. I think that a new study is warranted. I think the comments here about the people who prepared this study are very well taken.

I yield back my time, Mr. Chairman.

Mr. CONYERS. There will probably be a need to stay in touch with you.

We recognize and appreciate the work of the advisory council.

They have a great job in front of them. I would ask that any further communications on the issue be forwarded to you to be answered and included in the record.

Thank you very much for joining us.

Mr. ARRINGTON. Thank you, Mr. Chairman.

Mr. CONYERS. Our next witness is from the University of Wisconsin, Dr. Malcolm Feeley, department of political science.

TESTIMONY OF DR. MALCOLM FEELEY, DEPARTMENT OF POLITICAL SCIENCE, UNIVERSITY OF WISCONSIN

Dr. FEELEY. Mr. Chairman, I want to thank you and members of the committee for the opportunity to testify on the operations and functions of the Law Enforcement Assistance Administration.

I would ask that a copy of my prepared statement be submitted in the record, and due to the lateness of the hour, I will move quickly through trying to summarize my main points.

Mr. CONYERS. We will do that.

[The complete statement follows:]

STATEMENT OF MALCOLM M. FEELEY

Mr. Chairman, I wish to thank you and the members of the Committee for the opportunity to testify on the operations and functions of the Law Enforcement Assistance Administration.

For the past several years I have been engaged in research and teaching about innovations and reform in the criminal justice system. This work has involved me in both practical efforts to overcome obstacles to progress in criminal justice administration and scholarly analysis of organizational change. Among my several research projects has been, in collaboration with other colleagues, a study of the operation and function of state planning agencies, state government agencies which were created in response to provisions in the Omnibus Crime Control and Safe Streets Act of 1968. In particular, we set about to determine how they were pursuing their mandates to comprehensively plan, innovate, and evaluate, and it is some of the conclusions of this study that I propose to share with this Committee. I am focusing my comments on our findings on the various conceptions of comprehensive planning held by SPA and RPU staff members. After this, I will make some observations on several proposals to restructure LEAA.

I have chosen to focus on the mandate to engage in comprehensive planning, because if Title I of the Safe Streets Act and LEAA are emphatic about anything, it is planning. Part B of Title I conditions the state receipt of federal funds upon the creation of a state planning agency, and specifies that is must develop "comprehensive plans for improvement in the criminal justice system as a whole." As the Act has been amended over the years, this mandate has been underscored and enlarged. All of the LEAA administrators, from the awkward trioka of 1968–71 to Richard Velde, have taken this charge seriously and have insisted that the state's planning documents be detailed and comprehensive. To this end, LEAA first admonished the SPAs to plan, then prepared a detailed set of guidelines setting forth its expectations for the state plan, and has continued to issue a steady stream of pronouncements to clarify these requirements.

The language of the Act and its subsequent interpretation by all the LEAA administrators has in effect generated in mini-theory of the problems of the criminal justice system, a theory which holds that one of the central soluble problems of the criminal justice system is that it is in fact a non-system, a collection of independent and often antagonistic agencies whose fragmentation all too often leads to inefficiency and ineffectiveness. This theory and LEAA's proposed solution to it are implied in the frequent references to such terms as "system," "integrated analysis," "coordination," "cooperation," "combination," "long-range," and "comprehensive." Comprehensive planning in this view is an effort to overcome the central soluble problems of the criminal justice system, problems which are caused in large by a lack of coordination and the criminal justice system's inability to function smoothly as an integrated unit. By bringing the hitherto separate agencies together for the purpose of planning, many of the problems of the administration of criminal justice, it is hoped, should be ameliorated.

By conditioning the receipt of the Part C Action Grant funds upon LEAA's acceptance of an "annual comprehensive plan" from the SPAs, the Act permits LEAA to take an active role in the planning process. Although LEAA has the power to disapprove the SPA plans and to withhold transfer of these action grant funds, to date no funds have been permanently withheld to any of the states. However, the regional offices of LEAA have frequently "special conditioned" the annual plans and have forced the SPAs to spend considerable time and energy overcoming their objections. Thus while the block grant concept envisions maximum freedom for the states, the provision that the states must have their comprehensive plan approved by LEAA opens the door for a substantial federal role, and one which LEAA has actively pursued almost from its beginning.

For the most part, observers familiar with LEAA have been critical of the SPA's planning record. Both friend and foe alike regard the SPA's planning process as all too often little more than the production of a compliance document for the consumption of LEAA administrators. A recent report by the Advisory Commission on Intergovernmental Relations (ACIR), places the blame squarely on LEAA itself, claiming that "LEAA has been unwilling or unable to establish meaningful criteria against which to determine and enforce state planning comprehensiveness and SPA effectiveness." A Twentieth Century Fund Task Force Report also criticizes the SPA planning process, concluding that the

Guidelines LEAA has forced on the SPAs are "so complex and fluid that, instead of streamlining the planning process, they have reduced it to drudgery and irrelevance." While this first observation criticizes LEAA for being too vague and general, the second criticizes it for being too detailed and specific. In short, while there is considerable agreement that the SPA planning processes are inadequate, there is no agreement as to cause. However each of these criticisms also shares another important similarity. Each implies that comprehensive planning could take place if the impact of an overly bureaucratic LEAA were minimized. This observation is important for it assumes that there is some consensus as to what constitutes comprehensive criminal justice planning and innovation.

We too began our study with such an assumption. Our initial aim was to identify those states which were and were not engaged in effective comprehensive planning and then explain the variation in terms of the organization of the SPAs and the social and political structures of the states. However, once our investigation was underway we quickly came to question this approach. What we found were not only structural and bureaucratic obstacles to effective planning, but more fundamentally we uncovered a conceptual crisis. Despite the Act's and LEAA's emphasis on comprehensive planning, despite the production of annual plans, and despite the SPAs' several years' experience in planning, there is no consensus among SPA staff officials as to what the term comprehensive planning—in the context of their jobs—means. Those who are labeled planners in fact have quite different conceptions of the planning function and it is this, not the awkward bureaucratic relations, which I think is at the heart of the planning problem at the SPAs. We explored this problem in our interviews with SPA officials, and discovered six quite distinct conceptions of comprehensive planning. These positions are summarized below:

(1) *Comprehensive planning as comprehensive control of the budget.*—To some comprehensive planning is a long-range ideal. It involves working toward the creation of a unified criminal justice budget, and then using this as a means for planning and promoting new programs and assessing the effectiveness of the criminal justice system as a whole. People holding this view argue that it is unrealistic to expect the SPAs as they are now constituted to ever be very effective because they only have a partial voice in spending the Part C Action Grant funds (which amount to no more than 3 percent to 5 percent of a state's criminal justice expenditures), and virtually no voice in the expenditure of the other 95 percent—97 percent of the funds provided directly from state and local funds. According to this position, unless and until the SPAs are able to have a voice in planning for and spending these funds, no meaningful comprehensive planning can take place.

(2) *Planning as the cutting edge of innovation.*—Others hold a quite different conception of their jobs. These planners regard their primary task as engaging in research and development of new and innovative ideas, and reject the notion that they should take responsibility for overseeing the system as a whole. This view can be summarized as follows: "Because we control such a small amount of money, we cannot do everything. What we should do is use our limited resources to develop and promote a handful of really good ideas." Comprehensiveness in this perspective is not understood as an exhaustive analysis of all aspects of the criminal justice system, but rather the thorough analysis of those few problems selected for intensive focus.

(3) *Comprehensive planning as the creation of a cafeteria menu.*—This view of planning might be regarded as a literal reaction to the Safe Streets Act and LEAA's Guidelines, both of which provide a lengthy list of problems to be addressed by SPA planning staffs. The Guidelines identify each of the major components of the criminal justice system and indicate that the plan must speak to each of them. The list is extensive, and what we term the cafeteria menu approach to planning is a position which holds that "comprehensive" planning is the development of a list of "approved" ideas it will support under each of LEAA's headings.

(4) *Comprehensive planning as agency advocacy.*—A fourth position which is held by a substantial minority of planners holds that in essence SPA and RPU planners are representatives of one or another of the traditional criminal justice agencies. Often recruited from the established agencies themselves, these people hold that it is their job to get a "fair share" for "their" agency. Even when the planners lack prior experience with an agency, the specialization within the SPA facilities cooperation by the agencies, so that many SPA and RPU planners quickly come to identify most strongly with their agency.

(5) *Planning as grant writing.*—A number of planners we interviewed viewed their jobs as little more than grant writers and grant expediters, something like hired hands for the criminal justice agencies. They differ from agency advocates in that they have a passive conception of their role. They are not strategists in behalf of agencies nor activists in behalf of specific causes. Rather they see themselves as people experienced in helping agency planners weave their ways through the uncharted and constantly shifting channels of the federal LEAA bureaucracy. Their work is to facilitate the "paper work" related to applying for "a federal grant."

(6) *Comprehensive planning as the production of a compliance document.*—There is a last planning role adopted by a small but still significant number of SPA and RPU planners. We term this conception of planning as the production of a compliance document. That is, some planners we talked to came to understand their entire job in terms of producing an annual plan acceptable to LEAA. This was typified by the response we received from one chief planner, who, when querried as to what constituted good comprehensive planning responded without hesitation or a trace of irony that it was an annual plan which would pass the LEAA regional office without receiving a special condition. This chief planner's perspective may be an extreme case, nevertheless it does illustrate the very widespread preoccupation with regarding planning primarily as the production of a document—the annual plan—whose primary audience is a group of remote officials in LEAA's regional and national offices.

While any complex piece of legislation contains confusions which frustrate and challenge those charged with carrying out its provisions, the Safe Streets Act seems to have had more than its share. After eight years the SPAs continue to be preoccupied with the question, what to do rather than how to do? Such continuing confusion over its mission is debilitating for any organization.

This problem has been evident from the outset, and over the years both LEAA and Congress have sought to resolve it. Responding to early charges that the SPAs were spending federal funds for projects of dubious value, LEAA developed a set of Guidelines to structure the SPA planning process. Throughout the years these Guidelines have been amended and expanded in an effort to overcome the continuing problems faced by the SPAs. LEAA has also undertaken several other efforts designed to upgrade the SPA's capacities to plan and innovate. One such effort was to promote "crime specific" planning, a process which LEAA officials argued would allow planners to reduce all types of programs to a common denominator so that comparisons and choices could be made among what hitherto had been considered noncomparable. Although promoted heavily, this program met with stiff resistance and was short-lived. Another LEAA effort derived from the Standards and Goals Project. It consisted of a campaign to implement the recommendations issued by the National Advisory Commission on Criminal Justice. This effort was not well received by the states and it too was quickly abandoned.

Congress has also sought to upgrade the capacities of the SPAs. Through a series of amendments to the 1968 Act, Congress has attempted to broaden the horizons of the SPAs by expanding their functions, redefining their planning priorities, and forcing them to devote greater attention to some of the more neglected elements in the criminal justice system.

Despite these and other efforts to clarify the SPA mission, the crisis of mission continues. To date both LEAA and Congress have been unsuccessful in instilling even a minimum consensus of purpose among SPA planners. The question is why have these efforts failed? Let me suggest several partial answers.

First, the notion of comprehensive planning as applied to an area as broad as criminal justice administration suggests no obvious meaning and is open to a wide range of interpretation. In short, it can mean all things to all people, and in the absence of a closely monitored and carefully controlled organization, it is inevitable that a widely divergent set of views will emerge.

Second, is the practical problem of performance. SPAs are expected to plan, but they are also charged with administering grants. Many SPA planners find an incompatibility between these two functions, and argue that the immediate and practical problems of grant administration come to absorb most of their time and energies and at times this comes to be understood as planning itself.

A third factor is location. The Act envisions the SPAs as important statewide organizations and assumes that they will take an aggressive role in planning for the criminal justice system as a whole. But the criminal justice system is not organized on a statewide basis and for the most part the SPAs have not

assumed additional duties beyond those deriving from the Safe Streets Act. Thus they remain as artificial appendages grafted on to a highly fragmented criminal justice system comprised of a collection of fiercely autonomous agencies. The Act and LEAA's efforts notwithstanding, the SPAs are not in a position to demand the respect or command the authority necessary to generate a system out of what has so aptly been termed the nonsystem of criminal justice. To the extent that the SPAs pursue such a position, they are likely to find themselves isolated and ineffective. Alternatively if they adapt to the existing structure of the criminal justice system by adopting an "agency" as opposed to a "systemwide" perspective, they are likely to be unnecessary because there are other more efficient ways to channel federal money to these agencies.

This confusion as to mission and these problems are inherent in the very concept of the LEAA block grant structure, but they have been largely overlooked in the recent critical assessments of LEAA. The emerging conventional wisdom is that the problems with the SPAs are due largely to a top-heavy and overly bureaucratic LEAA whose excessive demands and cumbersome requirements prevent the SPAs from supporting meaningful comprehensive planning, truly innovative programs, and carefully constructed evaluations. This seems to be the view contained in both the ACIR report and the Twentieth Century Fund Task Force Report. It is also the position subscribed to in the Attorney General's study group report on the restructuring of LEAA. In its report the study group concluded:

"The detailed statutory specifications of the content of the required state comprehensive plan has encouraged state and local governments to focus more on ensuring statutory compliance rather than on undertaking effective planning."

This view contains a good measure of truth and as a consequence it is gaining momentum. But it also contains what might be termed a state of nature fallacy. That is, implicit in this argument is the belief that if the Act and LEAA imposed fewer guidelines and fewer conditions, the SPAs would naturally do a better job. What such an argument fails to adequately appreciate is that these guidelines and these conditions originally arose out of an earlier felt necessity, a widespread belief in Congress and LEAA that most states could not or would not develop rational comprehensive plans on their own. What the Act anticipated and sought to correct in advance and what LEAA administrators experienced first hand, was that the states needed guidance to assure the development of a meaningful planning capability.

If my analysis is correct, then the most recent impulse—to simplify and reduce the national LEAA role—will prove to be no more satisfying than most of the previous efforts mounted by Congress and LEAA. By identifying the detailed requirements of LEAA as the primary obstacles to meaningful comprehensive planning and impediments to innovative activity, the SPAs will have completed full cycle and be back where they are several years ago. In the words of Paul Nejelski, a dissenting member of the Attorney General's Study Group, such a recommendation "represents the victory of hope over experience."

If my observations have done anything, they have tried to expose the contradictions inherent in the block grant concept as it applies to statewide planning in the criminal justice system. On one hand the object of block grants is to minimize the federal presence, to free states to pursue their particular problems as they themselves see them. On the other hand, federal funds are likely to be provided for support in areas in which the states have been unsuccessful in coping on their own. In some cases it may be lack of money alone which is the reason for the shortcomings, and if so perhaps block grants are the answer. Whatever the case, it is clear that the Safe Streets Act and LEAA were not premised on the belief that more money alone is the answer. The Act rests on a quite different premise. It contains an implicit theory which seems to hold that the major impediment to meaningful criminal justice reform is due to the fragmented and decentralized nature of the criminal justice system, and sets about to change the organization of the states in this area. It is an effort to generate a new way of thinking about the problems of crime and crime control. Historically most states have not had any statewide criminal justice planning capabilities, and despite the SPAs these ideas remain foreign to most state and local criminal justice agency officials. It is, I think, unlikely that the relatively weak SPAs with their extremely limited authority and resources are in a position to do much about this problem.

In my opinion the record shows the LEAA block grant programs to be a bold experiment but a noble failure. To date few if any of the SPAs have emerged as the important organizations the Act seems to have envisioned them to be, and for the reasons I have already touched on, it does not appear likely that things will change. The SPAs are appendages, state agencies precariously grafted onto preexisting systems of criminal justice. They are not nurtured from within the states and remain wholly dependent for their existence from support from LEAA. While some may have thought that over the years the SPAs would naturally grow to assume a large role in this process and become important institutionalized state agencies, there is little evidence pointing to such a trend. After eight years their primary and often exclusive function is to distribute LEAA funds. If LEAA were eliminated, most if not all of the SPAs would cease to exit.

I do not want to sound overly pessimistic. The SPAs and LEAA have had many successes. They have distributed large sums of money to hard-pressed criminal justice agencies and they have undertaken some truly innovative and experimental programs. But each of these functions can be pursued more effectively. If the primary goal of the Act is to distribute federal funds to the hard-pressed state and local criminal justice agencies, there are simpler and more cost-effective ways than working through the SPAs. Specific revenue sharing which earmarks funds for state and local governments' criminal justice functions is one such method. So too is general revenue sharing, an alternative which would give communities an even broader range of choices. In either case federal funds could be distributed on a formula basis at a cost far less than the LEAA–SPA block grant program.

Alternatively, if the primary goal is to use federal funds to support truly innovative law enforcement and criminal justice programs, Congress should consider creating a law enforcement assistance grant-in-aid program, one which operates much like the current LEAA discretionary grant program. Here interested agencies with a commitment to experimentation and innovation and a demonstrated capacity to pursue these goals could apply for funds for a demonstration program which could then be carefully evaluated by a combined federal and state research staff. If experimentation and innovation are the Act's primary objectives, these goals could, I think, better be pursued by a small national program which is capable of exercising tight control on those few experimental projects it supports. At present such is only rarely the case with the supposedly experimental programs funded by the SPAs.

On balance, I come down in support of the second alternative, and urge the Congress to give serious consideration to the recommendation that it allow LEAA authorization to lapse at the end of its current expiration date and that in its place Congress create a relatively small demonstration program modeled after the current discretionary fund program.

Mr. CONYERS. We welcome you today. We notice that you have been a consultant to a number of LEAA-funded programs; your research interests include studies of the lower criminal courts and the effectiveness of the State planning agencies. We welcome you here.

Dr. FEELEY. Thank you very much.

For the past several years, I have engaged in research on innovation and reform in the criminal justice system. One of my projects has been an examination of the nature and operation of State planning agencies. I want to confine my comments here to some of the findings that my colleagues and I have made on the various conceptions of comprehensive planning held by SPA and RPU staff members. After this, I will make some brief comments on several proposals to restructure LEAA.

It seems to me that the language of the Safe Streets Act and its subsequent interpretation by all LEAA administrators—and I might add, the subsequent amendments that Congress has provided—has in effect generated a minitheory of the problems of the criminal justice system, a theory which holds that at least one of the central soluble problems of the criminal justice system is that in fact it is a nonsystem,

a collection of independent and often antagonistic agencies whose fragmentation all too often leads to inefficiency and ineffectiveness.

This theory and LEAA's proposed solution to it are implied in the frequent references to such terms as comprehensive planning, system-wide thinking, coordination, cooperation, et cetera. The act attempts to provide a solution to this by proposing to bring the hitherto separate agencies together for the purpose of planning. With this it is hoped that many of the problems in the administration of criminal justice will be ameliorated. This, it seems to me, is the thrust of the act.

Despite the block grant nature of the program which gives considerable freedom to the State, the act also permits LEAA to take an active role in the planning process. It does this through LEAA's power to approve or disapprove of annual State plans. While LEAA has, as far as I know, never ultimatedly refused to accept a State plan, it has however special conditioned them on numerous occasions, in an effort to get the SPAs to alter their priorities.

Despite this authority, observers familiar with LEAA have continued to be critical of the SPA's planning record, and many are critical of LEAA's role in this process, arguing that its excessive redtape and excessive bureaucratic meddling have undercut the SPA's powers.

As I look over the ACIR report and the 20th century task force report, it appears that people disagree as to precisely what causes the SPA's problems. On the one hand, some say that LEAA's guidelines are too ambiguous, while others say there are too many. We have heard this in the earlier testimony this morning. Everyone admits there are problems, but they point to different culprits.

There is, however, one similarity in these criticisms, and it is this: Each implies that comprehensive planning—and I might add, innovation and evaluation—could take place if the impact of an overly bureaucratic LEAA were minimized. This observation is important for it assumes that there is some consensus as to what constitutes comprehensive planning, innovation, and evaluation.

We, too, began our study with these same assumptions, trying to find out what causes and conditions gave rise to effective planning and innovation and evaluation, and what causes and conditions worked against it.

However, once our investigation was underway—after we began interviewing SPA staff officials—we quickly came to question this assumption. In our interviews, we found that not only were these structural and bureaucratic obstacles to effective planning, but more fundametally we uncovered a conceptual crisis. Despite the emphasis on comprehensive planning, there is absolutely no consensus among SPA staff officials as to what the term comprehensive planning, in the context of their jobs, means.

Those who are labeled planners in fact have quite different conceptions of their role and function, and aim at quite different things. This, then, became the object of our study. We explored this problem in interviews and discovered six quite different conceptions of comprehensive planning. Let me briefly summarize them. What we tried to do, is ask the people, the planners, what are you trying to do? How are you trying to work toward your goals and what are they? We found different people were working towards quite different things.

On the one hand, we found a number of people suggesting that comprehensive planning is really comprehensive control of the budget. They wanted control over the criminal justice budget as a whole. They wanted to come to grips with the system as a whole and try to find out whether they should put more money in police or in corrections or in courts.

On the other hand, we found another group of people who were equally enthusiastic about a quite different approach. Essentially they said, because we control so little money, just 3 to 5 percent of the total criminal justice expenditures in the State, we want to narrow our focus on a handful of truly innovative things and be comprehensive about those things which we are doing.

Still another view of comprehensive planning was the creation of what we term a cafeteria plan. That is, the planners would provide a list of approved programs sponsored by LEAA or in good circulation, and then let the criminal justice agencies select those they thought were best.

Still another view we found quite prevalent was what we termed agency advocacy. We interviewed a number of planners who viewed their jobs as representatives of one or the other of the criminal justice agencies, that is, police, courts, corrections, et cetera. Often these people had been recruited from these agencies so it is not surprising that they continued to maintain this allegiance. We found that many were easily co-opted by these agencies, agencise some of them were planning to go to work, if and when LEAA were to shrink.

Still another view of planning was that it was little more than grant writing. That is, many planners said, Our jobs are to facilitate the efforts of criminal justice agencies in obtaining Federal grants.

Lastly, we came across a number of people who argued that comprehensive planning was nothing more than the preparation of an annual plan for consumption by officials in remote regional and national offices. Good comprehensive planning, according to this perspective, was a plan that received no special conditions.

Now any complex piece of legislation contains confusions to challenge those who carry it out, but the Safe Streets Act seems to have had more than its share. After 8 years, the SPAs continue to be preoccupied with the question what to do rather than how to do it. Such continuing confusion over their mission is debilitating to any organization and has certainly limited LEAA's effectiveness.

These problems were evident from the outset, and LEAA and the Congress have made a number of efforts to try to overcome them. LEAA has issued guidelines, and when they have failed, it has issued still more guidelines in order to try to get the SPA's to act within the spirit of the act. The major LEAA efforts have not been tremendous successes as the continuing conceptual crisis seems to indicate. The crime specific planning and the standards and goals emphases are only two of several such efforts.

Likewise, Congress has tried through a variety of amendments to expand the horizons of the SPA's, in an effort to get them to do what in fact the act envisions them doing in the first place, to engage in a widespread and comprehensive view of the criminal justice system as a whole.

Despite these efforts by both LEAA and Congress, the problems continue; the crisis of the SPA's mission continues. To date, both LEAA and Congress, I think, have been unsuccessful in instilling even a minimum consensus of purpose into the SPA's. Why is this?

There seem to be several problems. One is the problem of theory. Comprehensive planning is ambiguous. It can mean all things to all people, and the SPA planners we spoke to all held in good faith that what they were doing was the proper and right thing to be doing. So one of the problems is, the mission and mandate is so broad that everyone can breathe his or her own ideas into it.

There is a second problem of practical performance. On the one hand, SPA's are expected to plan and engage in planning. On the other hand, they are mandated to administer grants. The grant administration is practical and immediate. A good portion of the planners time comes to be taken up with the practical task of getting money out to the recipient agencies and processing grants. To many, in fact, planning becomes nothing more than the process of grant administration.

Third and perhaps the most important is the problem of location. The act envisions the SPA's as important statewide organizations and assumes that they will take an aggressive role in planning the criminal justice system as a whole. Yet they remain artificial appendages grafted onto a highly fragmented criminal justice system. The act and LEAA's efforts notwithstanding, the SPA's are not in a position to command the authority necessary to take a broad and comprehensive vigorous look. If they attempt this, as Congress and LEAA has continued to press them to do, they are likely to find themselves isolated and ineffective in a system that is highly fragmented. Alternatively, if they adapt to the existing structure of the criminal justice system by adopting what we have called an agency perspective, they are likely to be ineffective or unnecessary since there are other more efficient forms of getting money to the agencies rather than working directly through the SPA's.

This confusion as to mission and these problems are inherent in the very concept of the LEAA block grant structure. It has been largely overlooked, I think, in the recent critical assessments of LEAA.

Mr. CONYERS. What alternatives are there for disbursing money to the States other than through the SPA's?

Dr. FEELEY. If, in fact, the function of the act is to get money out, then there are types of general revenue sharing or special revenue sharing that can distribute money on a formula basis more efficiently.

If on the other hand, the SPA's job is to stimulate innovation and I think that is the spirit of the original act and all its efforts subsequently, then a different tack to pursue truly innovative ideas ought to be taken.

I recommend that Congress opt for the latter, institutionalizing only a portion of the current LEAA structure, the discretionary grant provisions.

I may be in a unique position in arguing that Congress save the taxpayers a lot of money by adopting a very small discretionary grant program that pursues only a few truly innovative and experimental programs, something that the discretionary grant in theory at least is currently supposed to do.

Let me briefly just comment on what I see as the dilemma facing the Congress. The emphasis of many reports on LEAA suggest simplification of LEAA by reducing the LEAA bureaucracy. Presumably then, the States will be free to innovate and plan. We have heard those sentiments this morning. It strikes me this argument contains what might be termed a state of nature fallacy. Implicit in it is the naive belief if the LEAA imposed fewer conditions, the SPAs naturally would do a better job.

In the words of Paul Nejelski, in a separate statement to the task force report, this view seems to represent a victory of hope over experience. If my observations have tried to do anything, they have tried to expose the contradictions inherent in the block grant system, as it applies to the criminal justice system. It seems to me that the act places contradictory mandates on the SPA's that no amount of amendments are likely to be overcome.

Mr. CONYERS. Well, your suggestion is unique, that we use only the discretionary grant process and that there we would be able to emphasize innovation.

I don't have any trouble with that. I just think it may have trouble getting a lot of support, maybe because of the nature of the Congress. It could be argued here that some would be made available on some appropriate formula basis to everybody in the country or at least to every State.

Dr. FEELEY. Well, Mr. Chairman, I have no objection to the Federal Government's supporting law enforcement and criminal justice activities in the States. I am simply arguing that if the goal is to support these programs and little more, that there are other formula-based mechanisms for distributing money that wouldn't require the elaborate SPA charade of planning, evaluation, and innovation. Simply deliver the money on a more efficient formula basis.

On the other hand, if the thrust of the Federal interest is getting new and different ideas implemented, then tighter control from a central place is probably a good idea.

Mr. CONYERS. Let me yield to counsel representing the minority side who may have a question or two.

Mr. STOVALL. Thank you, Mr. Chairman.

Mr. Freeley, we have seen during your testimony a criticism of the State planning operation and the cause. We saw a criticism during Mr. Wertz testimony of this. Did you hear his criticism of the amount of staffing required to implement the planning process?

Dr. FEELEY. I came in midway through his statement.

Mr. STOVALL. He did say during his testimony that approximately one-third and one-half of his staff is required to really devote to ongoing planning operations.

Now, if your proposal were adopted, how many States would still keep the State planning agencies and how many States would still keep the regional planning units?

Dr. FEELEY. I suspect 48 out of the 50, if not the 50, would drop the SPA's. If this is correct, then it is strong evidence of the fact that they have not taken root in the States and become important agencies. They have remained appendages to the system that presumably they are trying to influence.

Mr. STOVALL. Can you verify that statement?

Dr. FEELEY. Not directly, sir; although this was the overwhelming consensus of those SPA planners that we interviewed. In fact, one of our questions was, What would happen if LEAA dried up? Almost invariably they said—there was one exception—that the SPA's would be out of existence.

A number of RPU planners said they might be folded into local planning agencies. The one exception where we received some reservations was in the State of Kentucky which has something of a unique arrangement in that it is established by legislation, rather than by Executive order. Since interviewing the SPA staffs, there may be other States, like Kentucky; I can't be confident on that.

Mr. STOVALL. Mr. Conyers and I were discussing the possibility of getting further detail. It sounds as though your study might be of further interest to us. Would it be possible for us to obtain any further information regarding the detailed questioning and evaluation that went on with your study?

Dr. FEELEY. Yes, sir. We are in the process of writing it. This is a joint enterprise among people scattered throughout the country. That has slowed us down. We have published one article which has been made available to the committee, and I would ask that it be placed in the record. I have a couple of copies here today I will be happy to pass on.

[The article may be found in the appendix at p. 271.]

Mr. CONYERS. Fine.

Dr. FEELEY. The rest of our work will be emerging in the future. I would be delighted to make it available.

Mr. STOVALL. Because we are unaware of any deadlines, we don't know what the Justice Department's deadline might be, internally, although we realize there is a possibility of legislating initiatives, could you give us any possible date which we might anticipate those materials? It would be helpful to us.

Dr. FEELEY. Why don't I say the first of the year? We will pass drafts on as we get material out.

Mr. STOVALL. That would be very helpful. Thank you.

Thank you, Mr. Chairman.

Mr. CONYERS. Any other questions?

Mr. GREGORY. I think you were here when Mr. Wertz testified about the influence that the SPA in his State had on non-LEAA funds. Did you feel that to be common in your study of SPA's?

Dr. FEELEY. When any organization distributes money, they are likely to have an influence. Yes, the SPA's have had an influence. I cannot comment on Mr. Wertz's two examples of the public defender system and the magistrate courts in Maryland, but I can comment on one example that we came across in Pennsylvania, where LEAA funds through the SPA and RPU in Philadelphia, were used to implement a Federal court order mandating certain minimum conditions in the Philadelphia prisons. We asked, Is something that a Federal judge says is a constitutionally minimal standard an innovation that LEAA ought to be funding? That is, if a Federal judge says it is constitutionally required, is it really innovation? They said, "But that's where we have to spend our money; it's an important thing to do, and there is no money elsewhere."

Yes, the SPA had an influence here, but whether it is innovation, and whether it was a result of planning—at least in this instance—or the result of a Federal judge, I leave that to you.

Mr. CONYERS. Of course, the problem is that if LEAA doesn't move there, there is a fair chance perhaps nobody will.

We might get the wrong answer to your perfectly obvious question. Then where would we be? That's the difference between the reality that we are faced with in many places, that LEAA funds are not going for purely innovative activities, but frequently just bringing a jurisdiction up to a standard.

Dr. FEELEY. Certainly, the State criminal justice agencies are hard pressed.

Again, I reiterate there are simpler and more cost-effective ways for giving these agencies funds to deal with these obvious problems. There is no need to call it innovation which has come about as a result of an elaborate planning process.

Mr. CONYERS. Subcommittee staff?

Mr. YEAGER. Dr. Feeley, I want to quote you a statement by John Gardner, a former Director of the National Institute of Law Enforcement and Criminal Justice, and ask you if this is a generally true or false statement.

He stated, and I quote:

> The basic fault in the LEAA model is a misconception of the structure of the American criminal justice system. We have not a system but rather thousands of totally independent agencies each with its own goals and priorities. The creation of LEAA did nothing to change that fragmentation or those goals. It merely provided funding opportunities for agencies to expand existing programs or to initiate some new activities. From all available evidence, Washington-mandated initiatives and State-organized planning routines did virtually nothing to change the priorities set locally.

Are we dealing here with what is essentially a political problem as opposed to a lack of funding problem?

Dr. FEELEY. I tend to agree with those sentiments. I am not sure I understand your question.

Mr. YEAGER. We heard testimony to the effect that the agencies need more funding. We have heard testimony to the effect that the State planning agencies are relatively limited in their impact. It seems to me that the reason they are limited is because of the structure, they have no control over the various agencies. So my question is are we dealing essentially with a political problem in terms of restructuring agencies in States and counties as opposed to more LEAA funding?

Dr. FEELEY. I think the act envisioned those two things to be fought simultaneously. As I understand it, the spirit of the act and the subsequent efforts by both the National LEAA administration and the Congress, is to try to make the SPA's a strong central unit which can pull together and coordinate the various fragmented agencies. I am suggesting that to date this has not taken place.

The SPA's have not emerged as those important units, and the evidence, I offer to support this is that most SPA's would probably die if LEAA funds dried up. SPA's are appendages, conduits to receive Federal money and to spend it, not institutions which organize the

criminal justice agencies to spend that other 95 to 90 percent of the State and local criminal justice budget.

This expanded function, has not happened, nor do I think it is likely to happen from an effort based in Washington. It would have to emerge within the States rather than be foisted on them by Federal funds. It is a political problem indigenous to States rather than one likely to be solved by further moneys from Washington.

Mr. CONYERS. If I might just add there, but isn't it really difficult for them handing such a small part of all law enforcement money to really be otherwise than an appendage?

I mean it would be hard for an SPA to—even with the support of the Governor and the State legislature—really be more than one of a number of important parties deciding how the criminal justice budget should be appropriated.

Dr. FEELEY. I think that's right. I am suggesting it is, although I think the act envisions much more, that they are to engage in planning for the system as a whole.

Mr. YEAGER. One last question. The task force study makes a recommendation relative to statutory criteria for what should be considered criminal justice improvements. They state the criteria should prohibit the implementation of any criminal justice practice proven ineffective.

Do you see any problem with the concept of a criminal justice improvement, particularly as it has been implemented by the States who have testified today that 85 percent of these programs have been continued, have been carried on by the localities in terms of their operations?

Dr. FEELEY. Well, I believe Mr. Wertz suggested that that would simply spawn a new game of grantsmanship and that everything, every idea that was put forward would be easily related to a notion of improvement. That is probably what would happen, and indeed some national office would then begin laying out guidelines to explicate what was meant by improvement and we would be back in the same boat that we are in now.

Mr. YEAGER. I assume, then, there is a consensus in your research concerning what innovation is?

Dr. FEELEY. Like the term "planning," "innovation" is what virtually everyone thinks it is. Again, there's absolutely no consensus as to what innovation is. Some people argue it's innovation if it's new for our police force, and others argue it's innovation if it's never been tried anyplace before. Then there are ranges in between. Still other people say innovation is a meaningless term, that what we need is system improvements. These people argue that there are long-standing problems we have had in our hip pockets for years. We simply need funds to implement them.

Mr. CONYERS. Mr. Stovall.

Mr. STOVALL. Thank you, Mr. Conyers.

Dr. Feeley, the effectiveness of the current demonstration program is something that would have to be evaluated in the context of our proposal.

Now, there have been some that we have seen in the past, particularly you can—I am sure you will recall the high impact crime program which was attempted in which there was an expectation of a

5 to 10 percent reduction in crime in those eight communities in which it was attempted; $160 million was spent on a free form social action project. Those are the words of the Mitre Corp., when they did their study on the program.

This being a discretionary grant program which spent about $20 million per city, showed no demonstrable effect apparently from all fronts concerned. Now, have you seen an effective demonstration program? I think this is not really a demonstration program per se but the use of those dedicated funds. Have you seen effective demonstration programs that you can point to to say that this proves your case, that demonstration programs can effectively aid the criminal justice system?

Dr. FEELEY. Well, yes, I have seen some efforts that I considered worthwhile. I didn't get to my problems with evaluation though. Contrary to what others have said today, I have found LEAA has spawned virtually no first-rate evaluations. In part, I speak as a member of the National Academy of Science's committee that has evaluated the research of the National Institute. I think that tended to be our own conclusions, the committee's conclusions as a whole.

Mr. STOVALL. You were on the committee that did the evaluation?

Dr. FEELEY. That's right; yes, sir.

Mr. STOVALL. This is not the evaluation of the NILE?

Dr. FEELEY. Yes; it is. I was on that committee. I said there we found very few first-rate cases of research.

You ask the question, are there programs that have a demonstrated capacity? I am responding by saying there are very few of anything that LEAA has done where you can say unequivocally there is a demonstrated capacity. Evaluation has not proceeded very well so no one can speak with much confidence. One project that I think very highly of that has been replicated around the country began right here in Washington, D.C. That is the PROMIS system. The prosecutor in this city implemented it to improve his prosecutorial capacity by having an automated information system which would provide a great deal of data very quickly—rationalize the intake system, automatically notify witnesses, coordinate the prosecution of offenses, alleged offenders with long records of serious crime, and give priority to those sorts of cases. That's an idea whose time has come, I think, and this system has been well received across the country.

Pretrial release agencies have also received some discretionary funds.

There have been problems with discretionary funds that I have heard of, although I haven't walked through a list of all of them. For instance, I have heard of instances where a police chief or a corrections official was unable to get money from his SPA, and has then tried an end run around it and come directly to Washington to try to get support from the discretionary funds.

Mr. STOVALL. That points up a logical question that is part of this. Aren't you afraid that by doing this, by using the discretionary funding concept, that it will be a complete Federal-municipal, Federal-county, or possibly Federal-State bargaining for funds in which the Federal level in the Attorney General's office, which is really charged with the duty of Federal prosecutions, will be making decisions on what the locality should be doing entirely with Federal funds?

Do you have any alternative to safeguard against that kind of authoritarian decisionmaking that might occur?

Dr. FEELEY. Well, it seems to me that there is a considerable sentiment in particular places and times to innovate, and what I envision is a relatively small amount of money to be used for supporting only occasional research or demonstration projects and their replication. It would not be a source of funds for all criminal justice agencies across the country.

I am concerned that a lot of ideas prematurely gain currency and then money is thrown out after them very rapidly. Pretrial diversion is a case in point. I don't know how many dozens if not hundreds of millions of dollars have been spent on pretrial diversion since it first became popular several years ago. Now, 4, 5 years later there are a number of people that are beginning to scratch their heads about it, wondering whether it was such a good idea after all. It was an idea which I think was prematurely publicized as a terrific idea by LEAA, and as a result, States across the country got on the bandwagon because they knew that LEAA would be supportive of it.

I would rather have seen a limited number of demonstration or pilot programs on diversion operate for a couple of years and been carefully watched. If it turned out good, a national organization could then have told the States: "This is a good idea; try it."

Mr. STOVALL. Have the prescriptive package programs that the National Institute of Law Enforcement and Criminal Justice developed been helpful?

Dr. FEELEY. I don't know. Again, we interviewed people and asked them if they thought they were helpful. A number of people said yes, and others said no. Many people thought the prescriptive packages were advertising ideas prematurely, before they had been soundly and firmly proved to be useful or not useful.

Mr. STOVALL. Do you feel as though the method by which the funding is developed through your proposal could be channeled in such a way that the decisions are made by some level other than the Justice Department?

Dr. FEELEY. I am not sure what you have in mind. What I envision is an agency of State or local government making application for funds, saying they are prepared and committed to operate an experimental program and then have a judgment by a research staff in Washington to see if, in fact, that's the case. If so, perhaps to fund it.

How priorities could be set, I am not quite sure.

Mr. STOVAL. So you are saying they would make the determination on what they wanted to do in the locality and make application rather than the Federal level telling them what model programs to follow; is that correct?

Dr. FEELEY. Something like that. Obviously it would be a brokered or a negotiated arrangement to some extent.

Mr. STOVALL. I have taken more than enough time.

Thank you, Dr. Feeley.

Mr. CONYERS. Did Mr. Yeager have one final question?

Mr. YEAGER. Dr. Feeley, we have heard a number of suggestions for a restudy of the study. Do you think the composition of the

Justice Department's task force we are evaluating today had anything to do with some of the conclusions it made?

Dr. FEELEY. Well, yes. I believe three of the members of the task force were not only Justice Department officials but where high officials in LEAA itself. Come to think of it, as I heard the earlier testimony, I did realize that there was one user perspective represented on the group, that is, one person with a State perspective. That was Paul Nejelski, who just prior to his coming to Washington, had been assistant executive secretary of the State judicial department in Connecticut.

Mr. Nejelski, as you know, issued a strongly worded separate statement which amounts to a rather bitter dissent.

It seems to me he does represent at least one perspective from a State user, and that is highly critical of LEAA.

Mr. CONYERS. Very good.

We are glad to have you here. Sorry that you are not more conveniently located to the Washington area. We have appreciated your contribution here this morning.

Our next witnesses are Dr. David Walker, Dr. Carl Stenberg, and Ms. Jane Roberts, who have put together their statement which is very much appreciated. We hope that you will also feel free to make any comments based on any of the discussion that has gone on among previous witnesses.

Your statement will be placed in its entirety in the record at this point.

[The complete statement follows:]

STATEMENT OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS BY DAVID B. WALKER, CARL W. STENBERG, AND JANE F. ROBERTS

Mr. Chairman and members of the subcommittee on Crime, the Advisory Commission on Intergovernmental Relations (ACIR) appreciates the opportunity to appear before you today to present our views regarding the study group report on the Law Enforcement Assistance Administration (LEAA). The ACIR, as you know, is a permanent bipartisan body established by Congress in 1959 to monitor the American federal system and to recommend improvements. Of the twenty-six (26) Commission members, nine represent the federal executive and legislative branches, fourteen represent state and local governments, and three represent the general public.

The Commission initially reviewed the LEAA program in 1970. At that time, we found that although there were some gaps, the block grant was "a significant device for achieving greater cooperation and coordination of criminal justice efforts between the states and their political subdivisions". The Commission recommended that Congress retain the block grant approach, and that the states make further effort to target funds on high crime areas and to improve ther criminal justice planning and admnistrative activities.

Two years ago, Commission staff initiated a re-examination of the LEAA program. This work was part of a comprehensive study of intergovernmental planning, policy and program development, and management under federal categorical and block grant programs. The research on LEAA involved questionnaire surveys of all state criminal justice planning agencies (SPAs), regional planning units, and local governments over 10,000 population; extensive use of the LEAA Grants Management Information System data; scrutiny of state planning grant documents; and first-hand observations of program operations in ten states, including interviews with over 480 elected officials, administrators and planners.

The factual and attitudinal information that we compiled and analyzed tell much about the experience in implementing the block grant portions of the LEAA program. While our report is not definitive—nor by the way, do we believe that any report on LEAA thus far constitutes the authoritative assessment—we do feel that it provides a solid basis for assessing the program and for discerning necessary changes in its design and administration.

ACIR concluded that the LEAA record has been mixed—neither as bad as its critics claim, nor as good as its supporters state. However, our evaluation of the block grant experience was, for the most part, positive.

Most significantly, in the Commission's judgement, the block grant approach taken in the LEAA program has helped reduce crime and improve the administration of justice in three basic ways:

Stimulation of new activity that otherwise would not or could not have been undertaken by recipients;

System building through setting in motion a process for planning and decision-making that would produce greater understanding and better coordination among the functional and interlocal components of the criminal justice system, non-criminal justice officials, and the general public; and

System support by providing funds to upgrade the operations of law enforcement and criminal justice agencies at the state and local levels.

Although much has been accomplished since 1968, we readily acknowledge that changes should be made to strike a better balance between achieving the national interest in reducing crime and improving the criminal justice system, and state and local desires for flexibility, simplicity and certainty. As such, the Commission has recommended that Congress assure the integrity of the block grant approach by: minimizing categorization; authorizing major localities to submit plans to their SPA for a "mini block" grant award, thus eliminating further SPA action on individual applications; and removing the ceiling on grants for personnel compensation. In addition, the Commission has called on LEAA to develop meaningful standards and performance criteria against which to determine the extent of comprehensiveness of state planning and funding, and to more effectively monitor and evaluate state performance. We also have recommended that a five-year comprehensive plan with yearly updates be authorized in lieu of an annual comprehensive plan submission.

At the state level, we have recommended that the SPA be given a broad mandate to engage in systemwide comprehensive criminal justice planning, evaluation, and budgeting, and have urged that state legislatures give statutory recognition to the SPA, review and approve the state portion of annual plans for criminal justice improvements, include LEAA-supported programs in appropriations requests, and encourage committees to conduct periodic oversight hearings.

In sum, the Commission's recommendations may be summarized in four words: simplicity, stability, authority and credibility. We believe that our work and recommendations are particularly relevant to the current scene. And further, it is within this framework—and in the context of the Commission's seven years experience with the LEAA program—that we analyzed the study group report.

The study group report does offer a useful point of departure for discussing the future and direction of a federal aid program for state and local criminal justice efforts. However, we believe that the report contains some basic flaws: it is superficial and simplistic; it overlooks some basic issues; it contains inherent contradictions; and it does not address the ramifications of implementing its own recommendations. Indeed, it appears to us that, at best, the report raises more questions than it addresses or answers.

Turning to the study group's recommendations, ACIR's studies have not concentrated on the national criminal justice research effort. However, the study group's recommendations for a basic and applied federal research program and a national demonstration program to utilize research findings appear to be appropriate. We would caution, though, that it would be unwise to assume that so-called "national models" could be replicated consistently on a broad scale at the state and local levels. Hence, great care in the development, management, and evaluation of a national research program is essential.

The Commission also is unable to assess fully the value of the proposed linkage between the direct assistance program and the national research and development program proposed by the study group. At the same time, many questions can be raised about the nature and scope of this research effort. Additionally, we are concerned that the proposed linkage might lead to the arbitrary imposition of national programs at the expense of state or local priorities, thanks to the proposed "financial incentives".

The Commission agrees completely with the study group that a federal assistance program to state and local governments should continue. But, we oppose replacing the block grant with a program of direct assistance that appears to resemble special revenue sharing. Congressional acceptance of such an approach is doubtful if the past is any guide. Moreover, there are solid programmatic reasons for relying on the block grant device.

In our view, experience has proven that the block grant is the most feasible way to develop an effective intergovernmental criminal justice system.

First, the block grant is uniquely suited to achieve the "system building" goal which has been one of the great strengths of the existing LEAA program. Without the block grant, and a planning mechanism to support it, the desired catalyst effect of federal funds would be diminished substantially. A direct entitlement approach likely would enhance fragmentation of the criminal justice system, thus reversing the positive trend of the past nine years. It would do little to maintain existing linkages or build new ones within the criminal justice system and between state and local jurisdictions which have been the goals of all who have studied the problem.

Secondly, the block grant provides a means for insuring accountability for the proper use of federal funds—something in which Congress has shown an intense and justifiable interest over the years. It should be noted that the "tracking" of funds is difficult—if not impossible—under special revenue sharing because of the greater chance for fiscal substitution under this grant format.

The Commission does believe that the LEAA program should be simplified, but through decategorization and a streamlined planning process, rather than by eliminating planning and converting the program to a direct assistance or revenue sharing approach. Unfortunately, the study group has equated "planning" with many of the negative elements which have been associated with federal assistance—red tape, paperwork, bureaucracy, etc.—in defense of its recommendation to scrap the block grant. The Commission agrees that the program has become too complex, confusing, and cumbersome. However, it must be remembered that the source of a great amount of this paperwork is Congress, which has imposed more than twenty-five government-wide requirements (civil rights, environmental impact, etc.) on the recipients of LEAA funds. The study group does not address this aspect of the red tape problem.

In short, we feel that there is a need for planning and a system building goal in federal assistance for criminal justice purposes, and that at the very least other options should be explored prior to their elimination. In lieu of Part B, project grants for those jurisdictions interested in planning would be one alternative. The Commission's recommendations for streamlining the existing planning process, and reducing paperwork and administrative staff time would be another—and, we believe—a more preferable approach.

The report also contains some inherent contradictions. On the one hand, the study group professes that maximum discretion should be provided to states and localities under a so-called simpler direct assistance program. On the other hand, the study group recommends that there should be specified levels of minimum support for certain functional areas—such as juvenile justice, courts and community anti-crime—which appear to be politically popular. The study group appears to be engaging in the revenue sharing "shell game" under the guise of maximum programmatic discretion and simplicity. These are antithetical objectives and should be recognized as such.

Another recommendation calls for the performance of a criminal justice coordination function by recipient governments. We agree that coordination is extremely importaint. However, given the program design offered by the study group, we question whether any meaningful coordination can exist when funds are allocated to a range of jurisdiction on an entitlement basis. Such a process undermines the identification and development of functional and integovernmental linkages. It ignores the paramount role of the state in all state-local criminal justice systems. And, it provides only a meager basis for effective monitoring by the federal administering agency. Further, what are the basic requisites of a "coordinating capacity"? Local units which have jurisdiction over only a few criminal justice responsibilities clearly cannot coordinate the effort.

The question of coordination raises another concern of considerable magnitude—the state role. It appears that the issue of a state role largely has been avoided by focusing on the issues of direct funding and the elimination of paperwork and red tape. Unfortunately, this tactic ignores the primary role of the state in the criminal justice system, particularly in the areas of judicial and correctional activities. In many areas, only the state has the broad authority, functional responsibility, and financial resources necessary to operate and coordinate criminal justice programs. The state is hardly the silent—or even an equal—partner in these instances. We find this lack of attention to and acknowledgement of the fundamental role of the state to be a glaring and grievous defect in the study group's report.

Finally, the study group proposes that funds should be used only for the implementation of criminal justice system improvements, but leaves the matter of what constitutes an improvement largely in the hands of recipients. We seriously question the acceptability, particularly by Congress, of a recipient-by-recipient definition of what constitutes a criminal justice system improvement. The study group also would prohibit the funding of criminal justice practices which have been proved "ineffective," however this may be defined. This overlooks the fact that a program which proves unsuccessful in one jurisdiction could prove quite successful in another location, and vice versa. Further, the potential for federal intrusiveness here is great, and the judgmental implications of this proposal are staggering.

Mr. Chairman, we wish to reaffirm the Commission's belief that there is a need for a complete analysis and airing of LEAA's strengths and weaknesses, as well as for a consensus regarding goals and objectives prior to any attempts to restructure or terminate the program. In our view, the eleven week effort by the study group did not accomplish this task.

For example, among the questions the study group report either fails to answer, or itself raises, are:

What are the basic goals and objectives of the program envisioned by the study group?

What is the best way to achieve coordination and systemic change in the fifty (50) state-local systems with their varying patterns of parcelling out judicial, correctional, prosecutorial, police and juvenile justice responsibilities between and among states, counties and cities?

What is the fiscal magnitude of the program recommended by the study group?

How would funds be allocated among the states, between a state and its localities, and among localities?

If only those local jurisdictions of a certain size (such as those over 100,000 population) are to be eligible, then how will smaller localities be treated? Will they no longer be permitted to participate? Will they have to work through the state? Will they have to compete for discretionary categorical grants?

Are we to repeat the interjurisdictional battles which have characterized the community development block grant?

What impact would the proposed changes have on the planning and program mechanisms established under the Juvenile Justice and Delinquency Prevention Act?

With respect to the federal research program, is it intended to include the existing criminal justice research activities of other federal agencies? What, if any relationship does this recommendation have to other Department of Justice efforts currently underway focusing on the establishment of a single criminal justice statistics office?

What is to be the relationship between applied and basic research in terms of funding levels, staffing, and technology transfer efforts?

Who will establish the research priorities? Will this be done in conjunction with state and local governments as well as the Congress, and through what means? And,

What provisions are to be made (if any) to phase-in a new program structure?

In concluding, we would like to stress that the successful efforts to operate an improved criminal justice assistance program depend in large part on the federal administrative role. Unfortunately, the study group did not address this issue.

Many of the problems associated with the existing program can be attributed directly to LEAA's poor management. The agency has not developed adequate performance standards for evaluating the equality of state plans and implementation efforts. Its planning guidelines have been oriented more to financial management and control rather than to substantive planning and systems development as a result, an impression has emerged that LEAA has been interested more in procedures than in programs or policies.

LEAA—or its successor—must pay greater attention to more substantive matters, to communicating the results of successful programs, to improving its monitoring, evaluation, and auditing capabilities, and to reducing unnecessary paperwork and overhead. More leadership and less "crisis management" at the national level, and a closer partnership between the Federal Government and the States and their political subdivisions are fundamental to the success of any program and especially one adhering to a block grant approach.

Attrition among top management at the federal level has deprived the program of a vital continuity in policy and administration. This critical problem

has been exacerbated during the past months because of the failure to appoint a permanent administration. Unfortunately, this latest prolonged period of limbo comes at a time when firm leadership and capable management are needed most. Delay only serves to complicate an already serious problem, and as such, we urge the immediate appointment of qualified individuals before a self-fulfilling prophecy of failure develops.

In light of the serious deficiencies of the report, further and more careful evaluation of LEAA's performance and an assessment of alternatives clearly are desirable. Concomantly, we believe that immediate steps should be taken by the new agency administrators, in consultation with Congress and within the structure and timeframe of the existing legislative authority to simplify and streamline the program. In our view, this would provide an element of continuity, underscore the Administration's commitment to the concept of a federal criminal justice assistance program, and afford an opportunity for a transition period to test desired structural changes.

Mr. Chairman, again we appreciate this opportunity to present our views, and we would be happy to respond to any questions.

TESTIMONY OF DR. DAVID WALKER, DR. CARL STENBERG, AND JANE ROBERTS, REPRESENTING THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Dr. WALKER. Thank you, Mr. Chairman, It's a pleasure for my colleague and me to be here to testify on behalf of the Commission regarding our own earlier report on the LEAA and that of the study group. As you know our commission has three House members, three Senators, three executive branch people, but 14 State and local people and three public members as well. It's from that perspective that we are here.

There is no need—since our statement highlights it—to, extend the discussion we had last year on what the Commission's regular positions are regarding LEAA. Some of these we were happy to find the committee adopted as its position in the renewed legislation.

We still think that the block grant approach is the correct one, though our earlier testimony highlighted many problems with it. I think at this point we are getting to the point where we know what a block grant is about. Regarding the stimulative issue on that was discussed earlier, our LEAA research found that there was some stimulation of new activity. You heard testimony about that from the gentleman from Maryland. In part, the study commission attempts to further that particular effort in terms of its discretionary grants proposal.

A systemic impact is something, we think, was also intended by the Congress. Certainly the Congress last year focused heavily on that component's effect in its renewal of and amendments to the legislation last year. If there is one basic weakness in the study group's report it is its failure to focus on this particular goal. Support of ongoing activities obviously was and is one of LEAA's objectives as well. That is taken care of by the special revenue sharing component in the study commission's report.

So in terms of what block grants are all about, two of the three purposes are covered in the thinking of the study commission, but only two of them. Yet, to me, one of the most important dimensions of the entire effort—systems building—is ignored in this report. That, I think, is something that the committee will have to worry through.

In terms of our own report, the commission recommended that the Congress insure the integrity of the block grant approach by minimizing the categorization, authorizing major localities to submit plans to their SPA, and removing ceilings on personnel compensation.

In addition, the commission called on LEAA to develop meaningful standards to more effectively monitor and evaluate State performance. Here we feel that if this were really done, it would eliminate much of the redtape that has been complained about this morning, many of the ambiguities we heard from the previous witness.

We also recommended a 5-year plan in lieu of an annual comprehensive plan submission. This would relate to getting rid of that one-third to two-thirds of the time that the SPA's spend on annual plan updates and the grantsmanship activities related thereto.

More critically—and the committee worked through this last year—at the State level, we recommended that the SPA be given a broad mandate to engage in systemwide comprehensive planning. That's a big phrase, but it boils down to giving them a handle by State law on some of the budgeting decisions relating to more than their own rather puny, in a fiscal sense, activities. You made that point earlier, Mr. Chairman, what a small proportion of the criminal justice kitty they have.

Again I was reminded by listening to the previous witness, that between now and 1978, if the legislation of last year is to be fulfilled, all SPA's will have to be placed on a State statutory basis. This, I think, is a critical dimension of what was missing in the earlier period.

Moreover, we called upon the States to include LEAA supported programs in appropriation requests going to the legislatures, and we tried to meet one of the great defects in this by way of encouraging State legislative committees to conduct periodic oversight hearings. More times than not, when you discuss LEAA with State legislators, the issue of it being a gubernatorially dominated program arises. If this effort is going to have a systems component, then the legislatures have to be involved. They alone can enact the vital legislation.

It's against this backdrop that we look at this study group's report. To be rather blunt about it, we think it is superficial and rather simplistic. It overlooks some very fundamental basic issues. Above all in terms of basic issues overlooked, it ignores how the various components of the State criminal justice system are to be interrelated. The interplay of courts, prosecutors, corrections, and police, and the way these interrelate, and the stark constitutional fact that no basic change in those interrelations can occur without the State having the basic initiative here are all overlooked.

Finally, its failure to reflect the lessons we should know by now from the CETA and community development block grants of developing a substate allocation formula that doesn't spread money to the four winds. We now know that problem. The Congress has been addressing that this year and with CETA last year. This is an extremely complex issue of how you develop an appropriate equitable formula.

The report contains inherent contradictions which my colleagues will highlight. It does not really support its recommendations. It appears to us the report raises more questions than it answers or even addresses.

Dr. Stenberg?

Dr. STENBERG. Mr. Chairman, I would like to comment with respect to some of the specific recommendations made by the study group in light of the previous research ACIR has done in this area.

We agree with the study group that continuation of Federal financial assistance to State and local law enforcement and criminal justice agencies is desirable. We have strong doubts as to whether the recommended approach which would involve essentially replacing the block grant with a program of direct assistance which may resemble a form of revenue sharing is desirable and feasible.

At the outset, though, we should take into account a number of basic facts of life about the structure and the operations of the crime control program, and in particular the block grant instrument that has been historically associated with it.

First of all, we don't truly have a block grant in the criminal justice area. There has been much talk about how the block grant has failed. It should not be overlooked that from the outset of the program, the block grant was subject to what may be called creeping categorization. Over the years, the scope of discretion as well as the amounts of funds that State and local governments could allocate with some flexibility to suit their interests, needs, and priorities was steadily reduced.

Second, block grants have amounted to less than 5 percent of State and local criminal justice expenditures from their own sources. So the LEAA program is not only categorized, it is very small.

Finally, the criminal justice system historically has been fragmented. We have to raise some questions about the high expectations that have accompanied the inception and reconsideration of the program as to how this well-ingrained fragmentation can be overcome.

The first question we would raise about the study groups' report relates to one of the basic purposes that the block grant has sought to achieve over the years. That is system building. The question is, Should it be continued?

We feel that the block grant and a planning mechanism to support it is a desirable way to insure that Federal funds will have a catalyst effect on State and local expenditures. If we are going to grapple with the fragementation of the criminal justice system, then the block grant provides a desirable framework, especially when you consider the alternatives, which are a direct entitlement program and project based categorical grants. In our view, both of these approaches would enhance fragmentation in the criminal justice system and undo what progress has been made at the State and local levels in trying to pull this system together.

The approach that's recommended in the study group report raises accountability questions, something which Congress has been very much interested in, and rightfully so, over the years. We know from the experience under general revenue sharing that these moneys are not radioactive. It is almost impossible to track their flow down through State and local jurisdictions to the point of expenditure.

How can we track a direct entitlement in the law enforcement area? How do we know whether the moneys are being spent for the purposes that Congress intends? How do we insure that exotic equipment is not being purchased and that officials at the local and State levels are not engaging in creative acts of accountancy? These questions have

not been addressed by the study group, but they are inherent in a direct entitlement approach.

Manageability considerations also have to be raised here, particularly in light of the concerns that have been voiced about the LEAA bureaucracy. How can a program of direct entitlement to unspecified hundreds or thousands of local governments and States be managed? Is LEAA going to take it upon itself to review and approve applications from these governments? If so, who will do this especially now that the regional offices have been closed? These and other questions should have been raised and dealt with in the report.

Mr. Chairman, the Commission strongly believes that the LEAA program needs simplification. There should be a reduction in the paperwork, redtape, and delays that have become all too characteristic of intergovernmental relations in this program. But we feel that decategorization of the block grant and streamlining of the planning process can be much more effective ways of going about doing this than simply eliminating planning requirements and the block grant and converting it to some form of direct entitlement assistance.

It seems as if the study group has equated planning and the block grant with many of the negative elements that have been associated with Federal assistance and bureaucracy—redtape, paperwork, delay, and the like—without looking closely at the causes of these problems. We would urge that if there is a followup report, some of the Government-wide requirements that have been imposed upon the administration of this program by the Congress be a candidate for scrutiny. Many of these requirements have absolutely no relationship to law enforcement and criminal justice. We would be willing to supply a list of these if the committee wishes.

In short, we would urge the committee to consider retaining the system-building approach that we feel is one of the major justifications for the block grant. We would urge it to consider other options to the planning process but not to eliminate planning. For example, in lieu of part B, the amounts of moneys that are going now to SPAs as an entitlement could be provided to State and local governments but on a competitive basis. Therefore, those jurisdictions that are serious about planning and coordination would come forward periodically and indicate their concern and capability through applying for funds. Presumably, they would have to defend the results of their efforts.

We also feel the Commission's recommendations for extending the planning process from an annual to a 3- or 5-year period would have a major effect in reducing administrative costs, time lag, and paperwork associated with the program.

The committee should be aware of a number of inherent contradictions in the study group's report that need to be resolved before we can get about the business of restructuring LEAA and the act that brought it into being.

A particular concern that our Commission has is the contradiction between, on the one hand, desirability for direct assistance and, on the other hand, desirability for specific minimal levels of support for juvenile justice, courts, and community anticrime programs. While the latter is certainly understandable in terms of the appeal they have in the Congress, we must decide whether State and local governments are going to have discretion or whether they are not going to have

it. It seems as though perhaps the study group is engaging in the old revenue-sharing shell game. Now, you have discretion; now you don't. It would seem this potential contradiction needs, if nothing else, further elaboration.

Another recommendation of the study group calls for the performance of a criminal justice coordinating function by recipient governments. Like planning and innovation, coordination is something that means different things to different people. We agree that it is important, if only as a goal. However, the program design that's been offered up by the study group makes coordination very difficult to achieve. There is no process for building linkages—functionally or intergovernmentally—in the program through a direct entitlement.

Money is disbursed to eligible units of government. There is no real basis for developing cooperative programs between local governments and their State or among themselves. There is no basis for developing cooperative programs between the police and the courts and the correction agencies and other components of the criminal justice system. The study group has taken a leap of faith. There is a need for an authoritative process to assure that coordination happens, or else money will be wasted.

Finally, Mr. Chairman, the question of coordination raises a concern that is fundamental in our judgment. That is the State's role. Unlike community development block grants or manpower block grants, which appear to have been used as a model for some of the recommendations, in the law enforcement and criminal justice area the States are the big spenders. The States have the authority and the legal capacity to plan and to implement criminal justice and law enforcement programs. But the State's role is not mentioned in the report. Its role as a coordinator, its role as a dispenser of funds from its own sources, its role as a standard setter and enforcer are not dealt with.

It seems to us that unless LEAA is prepared to make grant awards to thousands of local governments, and in short is prepared to grow in terms of the amounts of staff and money given over to administration, the State's role as a planner, as a coordinator, as an evaluator should be seriously considered. It can't be dismissed out of hand.

Ms. Roberts will summarize some of the lingering questions that we hope the committee could address in its further deliberations.

Mr. CONYERS. Thank you.

Ms. ROBERTS. Thank you, Mr. Chairman.

We wish to reaffirm our strong belief that a Federal assistance program for criminal justice should continue. We, further believe that there is a need for a complete analysis and airing of LEAA's strengths and weaknesses, as well as for a consensus regarding goals and objectives, prior to any attempts to restructure or terminate the existing program.

In our view, the 11-week effort by the study group did not accomplish this task.

For example, among the questions the study group report either fails to answer, or itself raises are: What are the basic goals and objectives of the program envisioned by the study group? What is the best way to achieve coordination and systemic change in the 50 State-local systems with their varying patterns of parceling out judicial, correc-

tional, prosecutorial, police, and juvenile justice responsibilities between and among States, counties, and cities? What is the fiscal magnitude of the program recommended by the study group? How would funds be allocated among the States, between a State and its localities, and among localities?

If only those local jurisdictions of a certain size—such as those over 100,000 population—are to be eligible, then how will smaller localities be treated? Will they no longer be permitted to participate? Will they have to work through the State? Will they have to compete for discretionary categorical grants?

Are we to repeat the interjurisdictional battles which have characterized the community development block grant and others? What impact would the proposed changes have on the planning and program mechanisms established under the Juvenile Justice and Delinquency Prevention Act? With respect to the Federal research program, is it intended to include the existing criminal justice research activities of other Federal agencies? What, if any relationship does this recommendation have to other Department of Justice efforts currently underway to establish a single criminal justice statistics bureau?

What is to be the relationship between applied and basic research in terms of funding levels, staffing, and technology transfer efforts? Who will establish the research priorities? Will this be done in conjunction with State and local governments as well as the Congress, and through what means? And, what provisions are to be made, if any, to phase in a new program structure?

In concluding, we stress that the successful efforts to operate an improved criminal justice assistance program depend in large measure on the Federal administrative role. This factor has been emphasized in other testimony this morning. Unfortunately, the study group failed to address this critical issue.

Many of the problems associated with the existing program can be attributed directly to LEAA's poor management. The Agency has not developed adequate performance standards for assessing State plans and implementation efforts. Its planning guidelines have been oriented more toward financial management rather than substantial planning.

Evaluation efforts continue to be a question mark. As a result, an impression has emerged that LEAA has been interested more in procedures than in programs or policies.

In fact, Mr. Chairman, the greatest irony of the study group report in my view is that it recommends increasing LEAA's role in areas where it has been historically and consistently weakest—research, evaluation, and national discretionary programs.

LEAA, or its successor, must pay greater attention to more substantive matters, to communicating the results of successful programs, to improving its monitoring, evaluation, and auditing capabilities, and to reducing unnecessry paperwork and overhead. More leadership and less crisis management at the national level, and a closer partnership between the Federal Government and the States and their political subdivisions, are fundamental to the success of any program, and especially one adhering to a block grant approach.

This point takes on added significance in light of the closing of the 10 regional LEAA offices.

Attrition among top management at the Federal level has deprived the program of a vital continuity in policy and administration. This critical problem has been exacerbated during the past months because of the failure to appoint a permanent administration. Unfortunately, this latest prolonged period of limbo comes at a time when firm leadership and capable management are needed most.

Delay only serves to complicate an already serious problem. We urge the immediate appointment of qualified individuals before a self-fulfilling prophecy of failure develops.

In light of the serious deficiencies of the report, further and more careful evaluation of LEAA's performance and an assessment of alternatives clearly are desirable. Concomitantly, we believe that immediate steps should be taken by the new agency administrators, in consultation with Congress, State and local officials, and others—and within the structure and time frame of the existing legislative authority—to simplify and streamline the program.

In our view, this would provide an element of continuity, underscore the administration's commitment to the concept of a Federal criminal justice assistance program, and afford an opportunity for a transition period to test desired structural changes.

Mr. Chairman, we appreciate this opportunity to present our views, and we would be happy to respond to any questions.

Again, Mr. Chairman, we appreciate the opportunity to be here today. We would be happy to answer any questions.

Mr. CONYERS. Well, I want to thank all three of you. You have made extremely pertinent comments and defended your positions rather well.

I find myself wondering if ACIR itself would not undertake to comment on some of the questions that you raised. I say that because I am not sure if we are ever going to get an answer before all of this goes down. You raised some good questions. We are in the process of polling our subcommittee to find out if there is any strong feeling for a newly constituted committee.

I guess we don't want to send the first group out in dishonor. Suppose we just say that we appreciate their preliminary efforts and that we move toward some of these questions that are very difficult to answer. Raising options is a polite way of flipping the problem back to the people who read the report. We were hoping that they would have used their in-house experience at least to come to some conclusions on their own, so they even failed us in terms of justifying whatever they think ought to be done.

It was really just a way of giving it back to us. I would like to believe—and optimism is a necessary requisite to staying around here—that the Department of Justice would be sensitive to this. After all, they have at least recognized the problem, and moved to correct it. We now are able in retrospect to suggest that perhaps a new study team should be created, composed of more people who are critical observers and not people located inside the Department itself. They should perhaps take your comments and many others that have been coming in and move toward a more definitive paper.

But we haven't stopped them from making appointments and I just can't understand the rationale for leaving an agency of this magnitude leaderless for such a long period of time.

That really is puzzling, but I think you should try to give us some further thinking in terms of the questions, because we may not get an additional study group. I think the answers should be examined in more detail than you may be in a position to do.

Dr. WALKER. We would be happy to try to flesh out possible implications of some of the questions that have been raised and certainly provide that for the committee and to whatever task force is to be reappointed by the Attorney General.

Mr. CONYERS. Let me raise a possible alternative that I have begun to think about. One is the idea of dealing in certain limited areas. I don't know if you put enough focus on the fact that much of the LEAA effort is spread out all over hell's half acre. Nobody is ever going to know that it did any good. One area that I have been concerned about for a long time is the community. There seems to be a basic reluctance on the part of law enforcement to really want to involve citizenry in supporting and complementing their efforts at the precinct and neighborhood levels.

If it were given a chance, a half a chance, that concept would be very important. I would also like to give some thought to the fact that race relations and affirmative action programs have really been largely swept aside with only an occasional platitudinous referral in LEAA. I think, considering the fact that minorities make up such a large proportion of those who come into the criminal justice system, that the implications are clear. To build up support for the system, we must involve the community of victims and the families of criminals.

Suppose we were to take those areas plus the prison alternative areas—since everybody is loaded with statistics and observations about recidivism and what incarceration isn't doing—and use those three areas plus juvenile justice as another major one. Suppose we try to work within that framework.

What if we intentionally begin to focus on these areas where LEAA has been weak, that is, communities, corrections, juvenile delinquency and research?

We might build a case for some demonstration programs or for some innovative programs that might produce results. As you pointed out, we haven't communicated the successes very adequately. That might, I think, move away from some of your principal positions, but yet it would be a very credible alternative.

Would you comment, please?

Dr. WALKER. We certainly think in the area of the discretionary funds that LEAA now has, that these three areas certainly merit far more attention than they have received to date.

Another point about which we are not clear, really, is the degree of success, even within the Action fund area, of the moneys expended in the three efforts that you cite. This is a case where dissemination of the evaluative reports that LEAA has been receiving, insofar as they cover these three topics, would be helpful.

The community based idea you get into, Congressman, is an appealing one, but let me respond a bit. The typical city has police and an overnight lockup and that's it. Prosecutorial actions come from juris-

dictions at a higher level. The penal part of the system, in terms of the more permanent forms of incarceration, are almost always at a higher level and increasingly at this point in time is State-dominated, as far as standards and funding are concerned.

Then, there is the broader question we discussed in last year's hearings. Title I of CETA is important in this discussion, almost as important as LEAA and its failure or its success. We will leave it to history as to how that program is working out, but many think the program is in trouble, especially title I—the block grant component of the effort.

Down the road apiece, one could look at community development. It too is not irrelevant to the topic before the committee this morning. It is from the broad perspective that, you get into the multiple facets of crime reduction. Education, jobs, the difficulties of youngsters that were looked at last year and this morning with other witnesses are all part of the effort.

So, it is a broad-based, multifaceted undertaking, and heavily up to State-local officials in other functional areas as well as those in criminal justice. I get a little upset when I think of a community-based program in the LEAA context alone because it only involves a small—a very small cut at the problem.

Manpower, education, and community development components are significant there. Here, city officials now have more handle on these programs than over the many parts of the typical State-local criminal justice system. It is a difficult, complex, intergovernmental topic we are looking at.

Other programs the Congress has enacted—and that are the corner of other committees—are just as important, particularly, the CETA program and, the countercyclical effort. I agree with you then, that juvenile delinquency should be looked at, that community relations should be looked at. Conceivably the use of some of the discretionary funds in LEAA could help here. Broad dissemination of the results could be helpful. I think these activities are conceivable and feasible, but the broader issue raised by your concerns needs attention, too.

Dr. STENBERG. Mr. Chairman, as I understand your question, you seem to be asking, given the likelihood that LEAA funds as a percent of State and local direct criminal justice expenditures will not exceed 5 percent, and may well shrink, how can we best use this money?

One way not to use it is to spread it across the country on projects of little or no impact, but to concentrate it on undertakings that are of national interest, would not occur without Federal investment, and should be replicated in other places.

There are other purposes that need to be given careful attention. One is the system building. We feel that this is desirable; but what portion of the total amount of the LEAA appropriation should be devoted to this purpose. How much should be used for accelerating the pace of projects that would not have occurred without Federal investment or would have been delayed in their implementation?

Another question involves how much money should be given over to perhaps national emphasis activities, what are now called discretionary projects, and how large should that pot be?

Congress periodically defines these projects, and they are expected to be carried out at the State and local levels. So it is a balancing act here I am talking about, Mr. Chairman. On the one hand, funding activities arrived at building a criminal justice system that can develop governmental and functional linkages within the LEAA program, as well as identify better ways of spending not only Federal money but the 95 percent of the arrival justice pie that carries from State and local budgets.

On the other hand, it involves providing a source of moneys for research, demonstration, and these national emphasis projects that Congress feels should be undertaken immediately and with some assurance that the moneys will go to the intended targets.

Mr. CONYERS. You know, I keep thinking that some of our presentations have been very excellent even though they go in different directions.

One of the things I am considering is to invite, for example, a selected number of witnesses who have testified before us and are very knowledgeable to join with us in a new kind of session.

I think that the committee system of hearing witnesses from prepared statements and questions has an initial threshold value; but sooner or later, the very good subcommittee staff counsel that has been working with me and about 30 people of whom 20 might show up should sit down, without a record, and begin to discuss on an itemized basis the problems with each particular proposal. That might lead us to a lot sharper thinking than pouring through what now is about 20 or 30 well prepared statements, and hours and hours of questions coming from every possible direction.

I guess we could ask the staff to do it, but it might be better if all the members of the subcommittee were able to participate in such a session. I am beginning to think that would lead us through what in the end will be difficult decisions because some of the recommendations are absolutely contradictory.

At that point we are going to have to use our best judgment and rely upon our intelligence to guide us in terms of those decisions.

We have hearings going on now studying the relationship between unemployment and crime. We just would like to invite your participation if you feel that it is pertinent because we are trying to tie in these questions.

I am impressed with your suggestion with respect to community anti-crime that there might be an even better vehicle than LEAA to develop these programs, in view of the fact that only a small amount of money would be involved. It is too bad we couldn't have done it on some pilot level to see what would happen if you took one area and used LEAA strictly for community anti-crime. That could be very important. It seems that maybe as we move toward what the final recommendations are going to be, we ought to select several major items and concede that we can not take on all issues and just move in those particular areas.

In the Congress, you know, we have the problem that everybody wants to make sure they get their share. You get this equalization notion no matter where crime may be focused. We have to face the practicalities of that kind of feeling which is very strong.

I am hopeful that we can take this back to the Department of Justice and move to the next level.

Your testimony here, although it might not have been what I would have wanted you to say, is very well thought out and quite expertly presented. I am very grateful to you all for being here.

Ms. Roberts?

Ms. ROBERTS. Mr. Chairman, one of the problems that has clearly plagued the program from the very beginning is the lack of more realistic assessments you have just been describing. For example, the program is based upon a rather universal good of reducing crime. It is conventional wisdom that that program should and can reduce crime, and it's doomed to failure if we do continue to subscribe to that assumption. There also is a need to dispel the "folk lore" which has surrounded the program in recent years.

Mr. CONYERS. There is another thing I would like to tack on to your comment. You know, despite all of our protestations to the contrary, crime is approached from a very emotional point of view. Once our indignation has been aroused, look out for whoever the particular offender is at a particular point in time.

After a while, we become quite accustomed to the offense or the offenders and there's no problem; but somehow or other, our researchers, our experts have not been able to help us move away from the emotional approach.

Again LEAA is only one part of the whole law enforcement context.

Sometimes I think we are perfecting this small area, when the fact of the matter is that here is the whole system or set of systems that is desperately in need of overhaul as well as LEAA. Those are the views that cause me to respond to what I think is a very, very thoughtful and helpful paper before us.

Does any of the subcommittee staff have questions or comments?

Mr. CONYERS. Mr. Yeager?

Mr. YEAGER. I do have one question. You recommended that there be a minimum of categorization, that there be a lessening of restrictions on reimbursement of employees in the criminal justice system, and a host of other measures that would get rid of the bureaucracy that seems to permeate LEAA and the SPA's and the RPU's and what have you.

On the one hand I read that as the nature of your testimony.

Then on the other hand, you state rather emphatically that what LEAA so badly needs is performance criteria.

My understanding of performance criteria, from a research point of view, in terms of effectiveness, is that it requires a great deal of research design, adherence to regulations, so that the program actually is measurable. It requires a great deal of statistics and collection. It requires a lot of regulations in terms of prohibiting what you can and cannot do.

Don't you find those two recommendations at odds with each other?

Dr. WALKER. Not at all. What we have said is that we have had an awful lot of conditions and procedural guidelines attached to LEAA. The incredible flow chart that LEAA developed last year for this subcommittee, showing the differences between 1968 and 1976 is indicative.

The point is that this committee was in no better a position in 1976 to assess that program, despite all the procedure rigamarole, than it would have been if they had not been applicable at all.

We are concerned here with a block grant. The only way a block grant succeeds through time—and most of them don't succeed through time—is if the committees of the Congress have at least a modicum of satisfaction about the performance of that program.

So we are not arguing for total State-local discretion. We are calling for a balance between a certain measure of State and local discretion—that is the first part of what you have described—and enough constraints to assure the achievement of certain national objectives.

It would have been far better over the last 8 years to have achieved a position where the LEAA administrators and their field staff would be in the position of making substantive judgments about SPA plans rather than focusing or procedural and administerial questions.

Mr. YEAGER. I still see a problem here.

Dr. WALKER. You still are going to have some redtape. There is always redtape with Federal-aid money. We are not naive on this issue——

Mr. YEAGER. Why not just adopt a discretionary program, if you are going to adhere to a recommendation for rigid performance criteria?

On the one hand, I still see it as fundamentally contradictory to your position. You are asking for a minimum of categorization. I would assume you would be against hardware expenditures.

We have the Nathan report on what happened to general revenue sharing funds in LEAA. Most of it went into shoring up existing agency practices.

On the one hand, you are certainly not in favor of that kind of outcome for LEAA. You have suggested a minimum of categorization and a rescinding of the amount of funds that could go for personnel expenditures.

So you are not too far away from general revenue sharing.

Dr. WALKER. No; I think we are a far cry from that.

There are two points to be made here. One is what you just said, to get into performance standards is to get into substantive issues about the performance of the program. That, LEAA has been reluctant to do. That, I think, they have to do to satisfy this subcommittee and others. And that involves some regulations and redtape.

There is no getting around that.

This is Federal money and the Federal Government has a right to know what is going on in the program.

The second is that the LEAA—and more specifically, the SPA's, I think at this point in time—are much more balanced now in their approach to the interfunctional disputes and the criminal justice groups that are represented on the agencies.

The running away with the public hardware has long since ceased. I have no fears about a return to that.

With corrections, I am not sure that the mandated expenditure requirement is needed now, given the outlays at this point in time in this area.

Mr. YEAGER. Do you see a consensus being reached on what constitutes performance criteria?

Dr. WALKER. This will take quite a while. There is, however, some conventional wisdom regarding some components.

Mr. YEAGER. May I be allowed to ask one last question?

Mr. CONYERS. Let's let him respond first.

Dr. WALKER. I was going to respond that there is a significant degree of consensus about what is wrong with the judiciary, for instance, and what is difficult with regards to prosecutorial function.

The two areas that I think are the most unlikely to produce an early consensus—is in the area of police, the area we talked about before, and, clearly, corrections. I have looked at a lot of studies on the latter. One is left with total frustration in terms of these highly quantified, presumably reliable reports and the summary judgments that flow from them.

So with corrections, I would say there would be a lot of latitude there, other than the fact that we know that there is no easy way to increase funds in the area.

Mr. CONYERS. Again I want to thank you on behalf of the subcommittee. I think you have contributed immeasurably to the body of information that we will hopefully be able to put together.

Thank you again.

Dr. WALKER. We appreciate the opportunity to be here, Mr. Chairman.

Mr. CONYERS. The subcommittee stands adjourned.

[Whereupon, at 1:34 p.m., the subcommittee hearing was adjourned, to reconvene at 1 p.m., Tuesday, October 4, 1977.]

RESTRUCTURING THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

TUESDAY, OCTOBER 4, 1977

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 2:05 p.m. in room 2226, Rayburn House Office Building, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representative Conyers.

Staff present: Hayden Gregory, counsel; Roscoe Stovall associate counsel; Matthew Yeager, consultant.

Mr. CONYERS. The subcommittee will come to order.

This afternoon, we continue hearings before the Subcommittee on Crime of the House Committee on the Judiciary continue on the task force report to restructure the Law Enforcement Assistance Administration.

We are very privileged to have as a leadoff witness the ranking minority member of the House Judiciary Committee, an original sponsor of the legislation that created LEAA, Hon. Robert McClory from Illinois, who was at one time a member of this subcommittee.

We are very pleased to have you with us to express your views on this very important subject.

And without objection, your prepared remarks will be incorporated into the record at this point.

Welcome to the subcommittee.

TESTIMONY OF HON. ROBERT McCLORY

Mr. MCCLORY. Thank you, Mr. Chairman. And I, first of all, want to compliment you on conducting these hearings. I can't think of any activity of this Congress that is more important than subcommittee hearings on oversight of the Law Enforcement Assistance Act.

As I have said many times before and as should be well known throughout the country, including the personnel of this administration, the principal Federal legislation in support of local and State law enforcement is the Law Enforcement Assistance Act. So the subject that you are dealing with is the principal Federal activity that is related to local and State law enforcement.

The June 23, 1977, report of the Department of Justice's study group on LEAA contains several recommendations for changing the LEAA, including possible elimination of the State planning agencies and the block grant formula in effect since 1968 and reaffirmed in October of last year.

According to the study group's recommendations, it is my understanding that the discretionary and categorical grant programs will be converted into a grant program similar to revenue sharing. The categorical programs have been added, to the greatest degree, during the past two reauthorization periods.

They have served, in my view, to unnecessarily burden LEAA and constrict its ability to assist States in the innovative programs of self-help which are imperative to improving the efficiency and effectiveness of the criminal justice system.

If any portion of the LEAA structure ought to be excised, it is the mandate that stated percentages of LEAA's funding be allotted to certain segments of the criminal justice system regardless of need.

In reading the report of the study group, there is no reference to the extensive hearings on LEAA conducted in both the Senate and House last year. In the House, for example, the record of this subcommittee on which I sat at that time as you are aware, Mr. Chairman, covers more than 2,000 pages of testimony and exhibits.

It seems unreasonable that the task force report would give no indication that anybody had examined the record that we established at that time.

Last fall, there were nearly 3 full days of debate on the House floor and as many days in conference. The record of our hearings presumably was not reviewed by the task force.

Witnesses before this committee yesterday stated that the task force did not meet with the people most responsible for the operation of the State and local LEAA programs.

I understand, Mr. Chairman, that you most accurately stated that while the task force was a project from which discussions could emanate, it was certainly not sufficient in terms of enlisting free-choice options from various components of the criminal justice system in this country.

And it is my understanding we are going to hear from those unheard-from segments in the course of this hearing.

Mr. CONYERS. You are quite right.

Mr. MCCLORY. I am also distressed about the potential political abuse which could flow from the suggested use of demonstration/project awards, as well as the political influence which can affect a grant program directed almost exclusively by the bureaucracy here in Washington.

It seems to me that a Federal agency in Washington, subject as it naturally is to political control, is not the place where decisions regarding State and local priorities in law enforcement should be made, particularly when millions of dollars and millions of voters are involved.

Likewise, the tremendous expense that has been thrust upon the States and the local planning agencies for the purpose of satisfying LEAA planning guidelines has caused overstaffing and overpayment of administrative costs at those levels.

I think Mr. Wertz in his testimony yesterday pointed out most accurately the concern that State planning administrators have nationwide in that staffs are devoted to producing paper and not results. There is no evidence, however, to believe that planning in Washington is any less expensive than planning on the State or local level.

Especially disturbing is the Attorney General's dismemberment of the regional planning offices which was accomplished at the same time

he was ordering this task force study and before he had received a single recommendation from the task force.

On July 19, 1977, the 10 LEAA regional offices were ordered to be discontinued as of October 1. This committee and, to my knowledge, the Members of Congress involved in the LEAA legislation, were not notified or consulted. This arbitrary action was seemingly done in the name of cost cutting with the pronouncement that $3 million could be saved annually by the abolition of the offices.

This assertion is highly questionable since no mention has been made of the relocation of transportation costs and shifting of employees from regional offices to Washington.

There is evidence, however, which came from hearings yesterday in which Mr. Hertz told us that $2 million would be diverted from action programs on regional levels to the administrative operation of the LEAA.

This is a very serious charge. And I hope that you, Mr. Chairman, will follow very closely his staff's work in trying to ferret out the answers to the questions Mr. Wertz raises.

The LEAA administrator and two deputy administrators' vacancies have caused a failure in credibility in this system and a lack of faith in the President's commitment to aiding the criminal justice system. How can an agency operate even in an interim period with no executives?

The new personnel, if ever brought into the agency, will feel like unwanted stepchildren—having had nothing to say whatsoever about the organization of their agency.

The "Acting" Administrator may well be serving without lawful authority and may be in violation of the Vacancy Act, Title V, United States Code, Section 3348, which provides that the President may fill a vacancy by death or resignation temporarily for a period of only 30 days.

To conclude, it would be my understatement to say that I am most unhappy with the conduct in the criminal justice field by this administration. The failure to make proper appointments, neglect in not consulting with people on the State and local levels regarding continuation of the LEAA program, not communicating and not consulting with Members of Congress, particularly those that served on this subcommittee, and the failure to work with Congress, leads me to the inescapable conclusion that we must assert ourselves as Members of Congress collectively to assure that the people of this Nation receive the best in criminal justice services.

The intent of the LEAA legislation was to help the States, not to dictate policy. It was further the announced policy of LEAA that we recognize that crime in America was going to have to be solved at the local level.

It was your amendment, Mr. Chairman, which established for the first time in the LEAA concept, the neighborhood anticrime program. And believe me, understanding the problem as you and I do, we recognize that it is going to be people in the blocks, in the neighborhoods, in the precincts, at that level, that crime in the streets in America is going to be solved.

I am confident that the recommendations which we made, others which might well be made, can lead to an improved criminal justice

system in our Nation; but not in the direction of the recommendations or steps which have been taken so far by the task force or by those acting under the Attorney General of this administration.

Thank you, Mr. Chairman.

Mr. CONYERS. I want to express my appreciation for a fine and thoughtful statement. And I construe it to mean that your initial concern with LEAA and the work of this subcommittee will continue even though you are not on it. And I am grateful——

Mr. MCCLORY. Absolutely.

Mr. CONYERS [continuing]. You will be working with us.

I note parenthetically that you were extremely supportive especially on the floor in connection with my community anticrime amendments.

Mr. MCCLORY. Right.

Mr. CONYERS. Let me refer to a point that you raised on page 4 that occurred in yesterday's discussions. Mr. McClory, in which Mr. Wertz on behalf of the SPA directors advised us that he had heard that $2 million would be spent in administration costs as a result of the closing down of the regional operations.

We have already invesigated that, and I am sorry to tell you that it is not only accurate, but it is approximately $2.2 million.

We had some question about the validity of that comment. And, unfortunately, he is right that these costs. Sometimes, you know, we think we are affecting economy, when we are really creating increased costs.

So I would like you to know about that right off the bat.

The next thing I would like to ask you about is if you considered the Research Institute, the amendment which you caused to come into being when we were writing the law in LEAA in the late sixties. There have been a number of discussions. And most recently, this subcommittee held joint hearings with the gentleman from New York, Mr. Scheuer, in which a number of people were testifying about really how we could help strengthen the research arm.

It is my view that that part of LEAA has, for reasons that I am not able to understand, played a diminished role in terms of its true potential. I don't know if it has performed fully in the way that you had hoped that it would, but it would seem to me that the discussion now, sir, turns on whether, first of all, it should be continued inside LEAA, whether there should be another research arm independent of LEAA, in the Department of Justice, or whether it should be outside of the Department of Justice.

Mr. MCCLORY. Well, Mr. Chairman, I am very interested in that. And as you say, I was the author of the amendment that established the National Institute on Law Enforcement and Criminal Justice. It has had great difficulty in realizing its potential, partly because of a very strong opposition which was evidenced by the Federal Bureau of Investigation under the late Director. I don't think that kind of opposition persists.

However, the Institute does require more funding and requires a more autonomous stature or condition. It has been subverted and subjected to too much domination by LEAA. And the Director of the Institute has never been the kind of an independent professional individual that I think would be attracted if we had much greater independence on the pare of the Institute.

I feel that we need a research and perhaps a demonstration agency in the Federal Government with regard to the subject of crime comparable to that which we have in the area of health in the National Institutes of Health or in the National Science Foundation.

Mr. CONYERS. Would you take it out of the Department of Justice?

Mr. MCCLORY. Well, I think it could be under the general jurisdiction of the Department of Justice. It has——

Mr. CONYERS. Quasi-independent.

Mr. MCCLORY [continuing]. Someplace to go.

I don't think we should establish a separate, unattached, independent agency. I think perhaps the contact certainly with the Department of Justice would be good so that there is coordination between what the National Institute does and the projects that are developed through the LEAA program. But it does require autonomy. It requires independence, it requires adequate financial support, and it requires the naming of a high-level professional who could head up this agency.

Then, I think it would provide the kind of leadership in research and the kind of leadership in project development that could be extremely helpful. It is possible that the Institute could do some of the monitoring and evaluating of work that is authorized to be done through LEAA.

Mr. CONYERS. Of course, evaluation has been one of the acknowledged shortcomings.

Mr. MCCLORY. Right.

Mr. CONYERS. Would you see the researcher also determining what projects work? Could that be part of the Institute's function?

Mr. MCCLORY. That could well be part of it.

Mr. CONYERS. After all, we have hundreds of thousands of studies, research papers, and if we just had a way to communicate those successful projects, it seems that we would be a lot further down the road.

Mr. MCCLORY. Those were improvements that you and I recommended in last year's law. And the thing that is so distressing to me is that recognizing the deficiencies that we found in LEAA and recommending the improvements which were to overcome those deficiencies, to junk all that and to call for a new structure seems to be most unfortunate.

It takes a period of time to develop an agency like the Law Enforcement Assistance Administration, and it takes changes to make it improve. But to abandon the whole concept and try to start over at a time when you are just about arriving at a serviceable and a desirable result seems to me to be most unfortunate.

In a way, I guess it sort of indicates a lack of understanding of how useful Federal programs can and do develop.

Mr. CONYERS. Are you aware, sir, of the projected cutoff of the victimization survey in LEAA? This was a program in which for the first time, we were able to vertify some of the FBI crime index reports in a specific way that we had never been able to corroborate before.

And a number of us are frankly distressed because of these statistics have been very valuable in helping us pinpoint some of the reporting problems.

I would like to bring that matter to your attention. But I would also like to find out if you have any suggestion as to what I should do

as chairman of this subcommittee? It is my view that after hearing almost all of the witnesses and a number of Members of Congress express their dismay about the inconclusiveness of the study group's report, I have decided to write a letter to the Attorney General urging, to put it kindly, that the study continue.

Let's consider it a first study, impressions that they have gathered initially.

And I think that if you would consider sending a letter yourself, it would greatly strengthen the Attorney General's determination as to what to do.

Many others have testified in the same direction that you have; that the report really can only be considered a beginning document and that it could be a lot more definitive than it is.

Mr. McCLORY. I have written to the Attorney General. I haven't written along that line, but I would be happy to. I think that is a very good suggestion. I just regard this as a preliminary study document not to be a document acted upon, but to be filed for future reference.

I think that would be a very good result.

Mr. CONYERS. The last question that your comments here this afternoon raise, Mr. McClory, is that one of the reasons we began to develop categorization was that corrections had been getting very little consideration from the State planning agencies' granting apparatus.

And although I realize there has to be some point at which we discontinue categorizing otherwise, we would turn it into somethin_ other than a block grant, don't you think, particularly with refe:ence to funds for cerrections, that a set sum was pretty sorely needed?

Mr. McCLORY. I think that it is a mistake to designate a particular percentage. I think it varies from State to State and community to community. And I have really felt, even though I am strongly in support of allocating funds for corrections, allocating funds for juvenile delinquency, crimes against the aged, and all of these other categories that we have developed in the law, that to mandate any percentage or any particular amount is a mistake because I think that is the kind of decisionmaking that we should leave up to the States and the local areas.

Mr. CONYERS. Well, I think this covers your unusual evaluation of the study group's recommendations. And I am at a loss, quite frankly, to explain what has happened to what I thought would be a new and spirited move forward with regard to LEAA. I think your comments here will guide us.

I am not sure when we urge more study that many of us are talking about the same issues. However, there is clear agreement that the evaluations and recommendations so far are really not in any depth.

So it was almost like handing the ball back to us and to the many people who are now reacting to it. So, I think these comments will serve as a benchmark as we try to come up with not only more specific recommendations, but urge that the study group in the Department of Justice continue the work that they have begun.

In the spirit that you have served with me on LEAA for so long, I want to express my gratitude to you for coming to us this afternoon.

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. CONYERS. The National Conference of State Legislatures has a representative before us this afternoon on the subject matter. And it is Senator Tony Derezinski from the Michigan Legislature, vice chairman of the Michigan Judiciary Committee, chairman of the Senate Corporations and Economic Development Committee, and a former sheriff.

We welcome you, Mr. Derezinski, and appreciate your coming forward from Lansing to be with us here in Washington today.

We will incorporate your entire statement into the record so that you can talk around it or read parts of it as you choose, sir.

STATEMENT OF SENATOR ANTHONY DEREZINSKI, MICHIGAN FOR THE NATIONAL CONFERENCE OF STATE LEGISLATURES

Mr. Chairman, it is my pleasure to appear before you and the distinquished members of the Subcommittee on Crime of the House Judiciary Committee. I am Senator Anthony Derezinski, Vice Chairman of the Judiciary Committee in the State of Michigan. I am appearing here today on behalf of the National Conference of State Legislatures, which is comprised of the Nation's 7,600 State legislators and their staffs in all 50 States.

This current review of the Law Enforcement Assistance Administration is long overdue. While NCSL has been a strong supporter of the program, we have also sought many improveemnts in past years. As you may recall, representatives of NCSL have appeared before you with several suggestions and amendments many times.

During August a group of legislators experienced in State and Federal criminal justice programs met to review the report of the Department of Justice study group on reorganizing LEAA. The group developed a policy position, which the full National Conference of State Legislatures subsequently adopted at our conference earlier this year.

On the basis of this position, and discussions during this meeting, I would like to share with you some of our opinions on the eight recommendations submitted by the study group.

NCSL agrees fully that there is a need for a Federal program of criminal justice research combining both basic and applied research. However, legislators have voiced two concerns with the recommendation for a Federal Research program. First, they suggest that the research and demonstration programs not be the major focus of the agency. In past years as Federal appropriations for LEAA continuously shrank and State and local governments were faced with increasing demands on their own resources, the Federal discretionary programs consumed proportionately larger shares of the total appropriations.

Second, State lawmakers feel that the first recommendation of the study group's report does not identify an adequate role for State and local officials in determining the direction of research programs, and those issues which will become priority research projects. Because the report calls for a closer connection between the research and demonstration programs, State and local officials will eventually be called upon to implement the demonstration programs. It is therefore crucial that State and local criminal justice leaders be involved in planning the research program and efforts at an earlier stage.

The second recommendation of the study group was for a strong program of federally assisted demonstration programs. State lawmakers supported the concept generally, but also felt that funding should not be limited to a federally developed list of projects. State and local governments have proven their ability to create innovative approaches. In fact, many significant innovations that LEAA has highlighted have had their genesis in state or local programs. Therefore, NCSL feels that the research program should be designed to promote experimentation as well.

At this point, I would also like to criticize the study group for failing to fully analyze the record of LEAA's evaluation efforts. Because the necessary clearinghouse function for the experience of State and local governments with new

programs has not been effectively carried out, decision makers have not been able to profit from the experience of other projects. If LEAA had widely publicized successful programs and especially the unsuccessful programs, the LEAA experience would have been a much more productive one.

NCSL has consistently supported the concept contained in the third recommendation for Federal assistance to State and Local Governments for crime control and criminal justice programs. Our support continues.

I must caution you however that the usefulness of Federal assistance is closely linked to guarantees against further reduction in funding levels. Because Federal aid accounts for only 5 percent of the total criminal justice expenditures now and appropriations in recent years have been continuously cut back, and additional reduction would reduce the impact of Federal funding on State and local governments to the point of insignificance.

In addition, legislators strongly urged that funding be placed on a multiyear cycle. Long term budgeting and planning are rendered significantly more difficult if funds that are expected later vanish. Responsible budgeting in the face of insufficient revenues calls for funding only short term projects if funds are only assured for the current year.

NCSL feels that the most important recommendation of the study group was the fourth, suggesting that the present block portion of the LEAA be replaced by a simpler program of direct assistance and that the federal requirement for detailed State plans be removed. NCSL particularly supports the recommendation on page 18 of the report that the "distribution of these direct assistance funds should be integrated into the legislative and budgetary processes of the eligible jurisdictions and treated in the same manner as the General revenues of those jurisdictions."

In the past years, NCSL has appeared before this subcommittee and testified that legislatures had been precluded from involvement in LEAA State level programs beyond the very mechanical procedure of appropriating matching State funds for LEAA programs. I would like to commend you for taking the first steps to correcting the situation last year by allowing legislatures to request review of the general goals, priorities and standards in the State plan. I can report to you that many States have already taken advantage of these new powers, and are now commenting on plans and conducting oversight of LEAA assisted activities.

This unusual independence of the Governor creates a difficult budgeting problem for legislators. Legislators are unable to coordinate federally funded programs with other State criminal justice outlays, because the Governor and the SPA can determine expenditures without legislative approval. When Federal funding eventually expires however, State lawmakers are then expected to mesh these already established programs with other State criminal justice programs and priorities this week.

NCSL therefore fully supports the study group's recommendation for integrating direct assistance funds into the State legislative and budgetary processes as an important step in remedying this problem.

State legislators also suggest that funds initially flow to the legislatures for appropriation. Funds could still be passed through to local governments, but use of the State appropriation process would improve coordination. To fully coordinate State criminal justice aid to local governments, the State legislatures must be informed about what funds are available.

The sixth recommendation of the study group calls for minimum levels of support for special problems. I think most of my legislative colleagues across the country would agree that efforts to solve the problems of juvenile delinquency, the courts and community anticrime must be central to improving the criminal justice system. In the past, NCSL has strongly supported the Juvenile Justice Act and ranks prevention, control, and treatment of juvenile delinquency as one of the highest priorities for criminal justice systems.

The recommendations put forth by the study group create difficulties however. If each State is compelled to adopt the same minimum effort level for each category, resources may be wasted needlessly. Different jurisdictions may have already invested substantial funds in improving one of these problems, for example, and need to concentrate their resources on another. To force jurisdictions to divide their allocation according to a national model may therefore actually hinder the success of effective reform efforts. Lawmakers at the State level,

therefore, recommend that maximum flexibility accompany any minimum levels of support that are adopted.

Legislators also agree that coordination functions should be retained and that Federal funds should be made available for that function. However, they also recommend that the legislatures in each State designate the specific agency charged with that coordination function, and delineate the responsibilities it will fulfill.

Finally, legislators supported the recommendation that Federal criminal justice assistance should be devoted solely to improving the system rather than to supplanting operational expenses. Lawmakers also expressed a strong concern that the Federal Government should assume only a minimal role in establishing criteria for improvements, and that States should be encouraged to establish their own goals and priorities for criminal justice. NCSL opposes a Federal statutory definition of the term improvements, because too much specificity will hinder experimentation and innovation, and may very well produce the same burdensome Federal guidelines which have plagued the current programs. States are far more likely to commit State resources to the achievement of objectives and goals they have reviewed and chosen for their State, than those imposed by Federal legislation.

SUMMARY

A Department of Justice study group has prepared a series of recommendations to the Attorney General for the restructuring of the Law Enforcement Assistance Administration (LEAA). The report has proposed that the three block grant programs of LEAA be replaced by direct assistance grants to State and local governments for improving their criminal justice systems. The proposal also recommends the establishment of a national program of basic and applied research leading to the development of national model programs. Federal financial incentives would be available to State and local governments to implement the model programs.

The Attorney General has invited comment on the recommendations from states, localities and other interested parties. NCSL has examined the study group report and makes the following recommendations:

NCSL commends the Department of Justice for initiating this timely review and assessment of LEAA and appreciates the opportunity to comment.

NCSL supports a change in the present LEAA program to provide direct assistance grants to states for the purpose of improving the administration of justice.

NCSL has expressed its concern about the lack of opportunity for legislative participation in the present LEAA programs and agrees with the study group's recommendations that the Federal efforts be assimilated into the overall State program for criminal justitce. To achieve this objective distribution of direct assistance funds should be integrated into the legislative and budgetary processes of the States and treated in the same manner as their general revenues.

Legislatures should establish priorities for improvement of the criminal justice system in the States including the adoption of realistic standards and goals and should designate the State agency charged with planning and coordinating the program.

Ultimately, the success of efforts to restructure LEAA will depend upon legislative and administrative actions. Therefore, NCSL urges the Attorney General to consult with State and local officials throughout this process.

TESTIMONY OF TONY DEREZINSKI, MEMBER, NATIONAL CONFERENCE OF STATE LEGISLATURES

Mr. DEREZINSKI. Thank you very much, Mr. Chairman.

As you indicated, I am appearing today on behalf of the National Conference of State Legislatures which is comprised of approximately 7,500 legislators from all the States.

We represent a distinct portion of the political balance in the country and frequently feel that we have to assert ourselves much more strongly in the planning of Federal programs, particularly with re-

gard to the impact of those programs on our State legislative processes. And that is one of the main reasons why I am here today.

We believe that the current review of the Law Enforcement Assistance Administration is long overdue, but we have long been a supporter of this program and have also sought improvement over the past years.

During August, a group of legislators experienced in State and Federal criminal justice programs met to review the report of the Department of Justice study group on reorganizing LEAA. The group developed a policy position which the full National Conference of State Legislatures subsequently adopted at our conference earlier this year.

NCSL agrees fully that there is a need for a Federal program of criminal justice research combining both basic and applied research. However, legislators have voiced two concerns with the recommendation for a Federal research program.

First, they suggest that the research and demonstration programs not be the major focus of the agency. In past years, as Federal appropriations for LEAA continuously shrank and State and local governments were faced with increasing demands on their own resources, the Federal discretionary programs consumed proportionately larger shares of the total appropriations.

Second, State lawmakers feel that the first recommendation of the study group's report does not identify an adequate role for State and local officials in determining the direction of research programs and those issues which will become priority research projects.

Because the report calls for a closer connection between the research and demonstration programs, State and local officials will eventually be called upon to implement the demonstration programs. It is therefore crucial that State and local criminal justice leaders be involved in planning the research program and efforts at an earlier stage.

The second recommendation of the study group was for a strong progam of federally assisted demonstration programs. State lawmakers supported the concept generally, but also felt that funding should not be limited to a federally developed list of projects.

State and local governments have proven their ability to create innovative approaches. In fact, many significant innovations that LEAA has highlighted have had their genesis in State or local programs. Therefore, NCSL feels that the research program should be designed to promote experimentation as well.

At this point, I would also like to criticize the study group for failing to fully analyze the record of LEAA's evaluation efforts. Because the necessary clearinghouse function for the experience of State and local governments with new programs has not been effectively carried out, decisionmakers have not been able to profit from the experience of other projects.

If LEAA has widely publicized successful programs and especially the unsuccessful programs, the LEAA experience would have been a much more productive one.

NCSL has consistently supported the concept contained in the third recommendation for Federal assistance to State and local governments for crime control and criminal justice programs. Our support continues.

I must caution you, however, that the usefulness of Federal assistance is closely linked to guarantees against further reduction in funding levels. Because Federal aid accounts for only 5 percent of the total criminal justice expenditures now and appropriations in recent years have been continuously cut back, any additional reduction would reduce the impact of Federal funding on State and local governments to the point of insignificance.

In addition, legislators strongly urged that funding be placed on a multiyear cycle. Long-term budgeting and planning are rendered significantly more difficult if funds that are expected later vanish. Responsible budgeting in the face of insufficient revenue calls for funding only short-term projects if funds are only assured for the current year.

NCSL feels that the most important recommendations of the study group was the fourth, suggesting that the present block-grant portion of the LEAA be replaced by a simpler program of direct assistance and that the Federal requirement for detailed State plans be removed.

NCSL particularly supports the recommendation on page 18 of the report that the "distribution of these direct assistance funds should be integrated into the legislative and budgetary processes of the eligible jurisdictions and treated in the same manner as the general revenues of those jurisdictions.

In past years, NCSL has appeared before this subcommittee and testified that legislatures had been precluded from involvement in LEAA State level programs beyond the very mechanical procedure of appropriating matching State funds for LEAA programs.

I would like to commend you for taking the first steps to correcting the situation last year by allowing legislatures to request review of the general goals, priorities and standards in the State plan. I can report to you that many States have already taken advantage of these new powers and are now commenting on plans and conducting oversight of LEAA assisted activities.

Basically, I speak to you as a fellow legislator. When we get the budget in the Michigan Legislature, it comes before us, and our only function is basically to approve the matching funds.

We do not get the input that we have in other State programs. And this is a big problem in terms of our planning and priorities and also coordinating our organization for law enforcement.

Basically, I think the present program in using primarily local governmental units skews it against the State legislative process.

As a fellow legislator, I think if you were in my position on the State level, you would feel much the same way as if, for instance, the President had the same power on the Federal level.

We believe that setting priorities on the State level and fighting crime is primarily a legislative function and that the present system skews that function out of our control.

This unusual independence of the Governor creates a difficult budgeting problem for legislators. Legislators are unable to coordinate federally funded programs with other State criminal justice outlays because the Governor and the SPA can determine expenditures without legislative approval.

When Federal funding eventually expires, however, State lawmakers are then expected to mesh these already established programs

with other State criminal justice programs and priorities that we have. Basically, this is probably the major problem we face on the State level.

NCSL, therefore, fully supports the study group's recommendation for integrating direct assistance funds into the State legislative and budgetary processes as an important step in remedying this problem.

State legislators also suggest that funds initially flow to the legislatures for appropriation. Funds could still be passed through to local governments, but use of the State appropriation process would improve coordination. To fully coordinate State criminal justice aid to local governments, the State legislatures must be informed about what funds are available.

The sixth recommendation of the study group calls for minimum levels of support for special problems. I think most of my legislative colleagues across the country would agree that efforts to solve the problems of juvenile delinquency, the courts and community anti-crime must be central to improving the criminal justice system.

The recommendations put forth by the study group create difficulties, however. If each State is compelled to adopt the same minimum-effort level for each category, resources may be wasted needlessly. Different jurisdictions may have already invested substantial funds in improving one of these problems, for example, and need to concentrate their resources on another.

To force jurisdictions to divide their allocation according to a national model may, therefore, actually hinder the success of effective reform efforts. Lawmakers at the State level, therefore, recommend that maximum flexibility accompany any minimum levels of support that are adopted.

Legislators also agree that coordination functions should be retained and that Federal funds should be made available for that function. However, they also recommend that the legislatures in each State designate the specific agency charged with that coordination function and delineate the responsibilities it will fulfill.

Finally, legislators supported the recommendation that Federal criminal justice assistance should be devoted solely to improving the system rather than to supplanting operational expenses. Lawmakers also expressed a strong concern that the Federal Government should assume only a minimal role in establishing criteria for improvements and that States should be encouraged to establish their own goals and priorities for criminal justice.

NCSL opposes a Federal statutory definition of the term improvements because too much specificity will hinder experimentation and innovation and may very well produce the same burdensome Federal guidelines which have plagued the current programs. States are far more likely to commit State resources to the achievement of objectives and goals they have reviewed and chosen for their State than those imposed by Federal legislation.

I would like to thank you again for the opportunity to appear here today, particularly when the chairman is from my home State and certainly is well acquainted with a number of State legislators I work with every day.

And I would be glad to answer his questions at this time.

Mr. CONYERS. Thank you, Senator. I just wanted to talk with you for a minute about how you see the problem from a State legislative point of level.

It seems to me one of our big difficulties has been trying to get the SPA's to coordinate the State anticrime effort. I shouldn't put it all on he SPA's.

Nevertheless, they seem to plan for only those Federal moneys and grants coming to them. They never really get to the rest of the larger questions. Is that because of reticence on the part of the State government or is it because of some shortsightedness within the State planning agencies themselves?

Mr. DEREZINSKI. I think that the State planning agency in Michigan has done what it can in terms of what they are minimally required to do by the Federal grants. I think it has been the experience in other States as well that they are there primarily to get Federal funds and projects which are bubbling up from local governmental units and what they can develop.

But if they are only there to meet these minimums to get the funds, then it is very hard for them to open up their perspectives or to get the agreement with the State budgetary process as a whole in performing the planning function which they ought to be doing.

I say you have to first of all get rid of the isolation that they now have from the rest of the State budgetary process.

Mr. CONYERS. How can that be done, though?

Mr. DEREZINSKI. Basically, I think it is a matter of providing that those funds go through the ordinary State budgetary processes rather than just through the Governor's office or the chief executive in which it now is housed; and rather than only have the legislature be responsible for providing match funds that it ought to be able to set the priorities just as in any other matter.

In effect, that is taking away the isolation that the State planning agency has now and making it part of the regular budgetary process just as with any other department. For instance, I understand that there are a number of opinions by the LEAA which indicate that priorities set by the legislature violate certain sections of the LEAA Act itself.

And I think that what you have to do is to make that part of the regular budgetary process rather than a process which is primarily an executive one.

Mr. CONYERS. Would that mean good-bye to the regional planning units? Would the Detroit Wayne County operation, for example, be out of business?

Al Montgomery would probably be in Lansing if he hears of this discussion; it might precipitate a visit to you.

Mr. DEREZINSKI. The door is always open.

No, I don't thing it has to. Because I do think you need that coordinating function. However, again, I think there has to be, though, more emphasis on the State legislative input into the program. It can certainly use the efforts of the regional planning associations.

I have met, for instance, with my regional planners on the west Michigan level a number of times. And yet, I am in a very, very poor position frequently to do anything about it because it isn't a legislative decision process.

I think basically, the pattern of government that we have is that the legislature—and I think it is the same on the Federal level—is primarily responsible with setting priorities, with being innovative in new programs. And when you upset that level by having another branch of government take the lead, which I believe the present LEAA system encourages, then you have a problem.

The relationship both between State and local governments is upset as is the one between the executive and the legislature.

Mr. CONYERS. Well, some people before us have pointed out that SPAs spend most of their time administering grants and compiling an annual planning document and also forcing other people to do a lot of paperwork to make this huge annual statement, for which we are not sure what happens after it gets submitted.

Have you talked to Mr. Bufé in Lansing?

Mr. DEREZINSKI. A number of times in my capacity as vice chairman to Senator Basil Brown concerning a lot of the programs that eventually impact on what we do on the judiciary committee. He is a very responsible and hard-working man. I have nothing but good to say about him.

But I think it is the structure of the program itself which takes it basically out of the main stream of the legislative priority-setting process that I have my problems with. I have been on a number of panels with him in terms of trying to see where we are going on a State level with criminal justice.

My impact being on the judiciary committee is primarily statutory changes in law which I think are necessary. His is more of, like you say, an administration process dealing with LEAA funds. He views the criminal justice system as I do which is one which is much more complex and calling for much more complex answers than the usual simple answers that we usually read about would indicate.

However, I think there has to be a closer relationship particularly with the aproriations committee and all State legislators and the State planning agency. And that is something that he can't do anything about because the program itself practically denies that, other than coming up with the matching funds from us.

Mr. CONYERS. Senator, let's just spend a minute on the proposition you advocate that fighting crime is a legislative function. Suppose someone argued that it was a law enforcement function and that the legislatures, besides creating the criminal statutes and determining how much appropriations should go to law enforcement agencies, have a minimal role.

As a matter of fact, a lot of times, there is a great deal of emotionality that accompanies the crime issue. I remember recently in the Michigan Legislature, that a number of your colleagues were hellbent on increasing sentences for certain crimes.

And the head of State corrections, Mr. Johnson, was begging several members not to vote for such mandatory sentences because they

had failed to consider how many more places of incarceration would be needed and an impossible situation would be created.

I forget the result, but it seemed to me it was an overwhelming vote in opposition to the pleas of the head of the prison system.

And so I often find that we are caught in real or imagined political situations in which emotionality plays a large, very large, role.

We have jurisdiction over legislation to prevent sexual exploitation of young children. Notwithstanding the fact that one portion of it was of questionable constitutional validity, it was overwhelmingly passed. And the members commented quite freely that nobody would be able to understand back home that there was a constitutional nicety that prevented them from voting to extend the criminal penalties to people who were engaged in these obviously odious acts.

How does that real day-to-day experience impact on your view of the legislative role in fighting crime?

Mr. DEREZINSKI. I imagine that it starts with what your presumptions are about legislators, both their intelligence and their courage. And I certainly hope we don't differ on that.

Mr. CONYERS. You mean that they are not very courageous or that they are very courageous?

Mr. DEREZINSKI. Oh, I think you have to presume that—at least start off with the presumption that—they will do the right thing in terms of their own convictions, in terms of what they view is best for the State.

That always isn't borne out obviously at either level of government, but——

Mr. CONYERS. Then, we shall start making a long list of exceptions, having made that statement.

Mr. DEREZINSKI. But I think in terms of some of the things you have mentioned, the problem with mandatory minimum sentences is we have only passed one bill within my tenure in the legislature, short though it is, which has imposed mandatory minimums. And that was only for those crimes committed with a gun where you have a 2-year add-on.

The other major provisions that Mr. Johnson has talked about a number of times would impose mandatory minimums across the board, some of them as high as 10 years, for what amounts to rather middle-road felonies. You have a problem with that also.

And I think, basically, Mr. Johnson's view has been the call of better reason. And so far, we have not adopted the rather Draconic propositions that some people are anticipating and wanting.

Basically, it seems in the Michigan Legislature, anyway, that the sentencing provisions that we are going to adopt are fairly close to those which are now contained in the rewrite of the U.S. Criminal Code, a model called either "standard" or "presumptive sentencing."

So here, you see a State expert, a very fine public servant, saying that these provisions that you are thinking of adopting, that is, mandatory minimums, are questionable in terms of their deterrence or anything else and, on the other hand, will provide me with a prison population which I just can't handle.

So far, that has had the effect of not allowing those heavier and extremely gross types of legislation to come through. But here, too,

I think it is a matter of how the legislature uses the expertise which is available to it through its agencies.

And here, too, I think it is a question of who sets the priorities in the State budgetary process. Many of these problems resolve themselves down to economic ones. Are you going to build more prisons? Should that be out of the revenues of the State? Who makes that decision?

I think it has to be the legislature. And that changes from time to time, too.

The other thing is we are in a representative democracy, and the more you insulate the decisionmaking from the public or, let us say, from the representatives of the public, I think you run a danger there in making your government less democratic.

When constitutional questions arise as to legislation, legislators are sworn to uphold it. And I have some very grave doubts as to when I see a bill that I think is unconstitutional come through the legislative process and I would like to see all legislators devote their conscience or at least their knowledge with regard to the constitution. It doesn't always happen.

But I think you have to presume that they are going to do it.

Mr. CONYERS. Well, I would like you to follow some of the problems that we have been experiencing, Senator, with LEAA.

First of all, it is highly unrepresentative in character in terms of hiring minorities and women. We had to strengthen the compliance laws within LEAA last year. We are hoping the new law will have a telling result. We find that minorities are largely excluded from the agency at all levels.

A second major problem and one that I can move away from rather quickly was the original problem with hardware, which has now gone into software. There is now a computerfad, systems-craze going on.

We have to ask ourselves what does planning and innovation really mean? And how does it really improve the quality of justice?

I would like to make available to you certain selected passages from our hearings that I hope will be a basis of me visiting Lansing to meet with you and some of your colleagues.

There has been an exclusion of citizen participation. It is no secret that LEAA has been dominated by people in, or formerly in, law enforcement activity, which has had a very chilling effect on some of the experimentations that could have occurred. The possibility of working with citizens in police precincts is the key to really good law enforcement.

In a way, the resolution of crime in this country does not involve the law enforcement system at all. We might improve the system and do very little in terms of reducing the rate of crime.

I am thinking now of a number of social conditions that seem to aggravate the problem.

So I would like to merely extend this invitation so that you, I, and our colleagues in Michigan and in the Congress can work close

together as we continue to try to improve this part of the justice system.

Mr. DEREZINSKI. I would certainly take you up on that invitation because we are basically doing the same thing. We are all after the same product. And I agree with you also that making the system better is not necessarily indicated by a reduction in crime rate.

The system can be much better, and the crime rates can remain the same or even go higher with regard to conditions completely outside such as unemployment, if I want to signal one, if not the major, factor which operates independently.

And frequently, too many simple solutions have been proposed. And when you see the complexity and when you get experts at the local level such as Noel Wolf or Perry Johnson, you have to take that into account.

And I would be very happy to work at the Federal level or with Federal legislators with regard to this. And I am certain that I speak for my colleagues in the Michigan Legislature, many of whom you know very well would greatly desire the opportunity to get together with you.

Mr. CONYERS. Thank you very much.

The subcommittee staff counsel has questions, but I notice that my colleague on Judiciary, Mr. Mazzoli, is here in the hearing room. And so I am going to use his presence as an excuse to ask staff to just limit it to a question each.

I will start with Mr. Stovall, the subcommittee minority counsel.

Mr. STOVALL. Thank you, Mr. Chairman.

I would be happy to limit it to one question.

Yesterday, the witnesses, including the Advisory Commission witnesses and others, stated that the reduction of crime is not the best priority item to gage success in criminal justice efforts. You said that just now.

We have heard criticisms from all fronts about the lack of success of demonstration projects. For example, the eight-city crime project that was attempted in 1975 that fell into disrepute because none of the cities indicated a reduction in crime.

People are criticizing the system yet people are saying that crime is not the best way to determine whether it is successful. Now, could you give us any guideline we could use as people on the Federal level in determining whether or not the Federal funds are being put to a good use?

Mr. DEREZINSKI. The reduction of crime or the reduction in the crime rate which has occurred over the last year in Michigan? The drop was 6 percent in Detroit. The Washington Post says today in an article by Coleman Young it has dropped 24 percent.

Does that mean LEAA is successful? It may very well be tied to the fact that unemployment has decreased substantially. It cannot be the only factor.

I think if crime rates go down, that is one indication that the program is working. But it is a much more complicated formula or number of ways by which to tell your programs are successful.

I would think other ways are, first of all, how about a reduction in recidivism rates? I think for certain aspects of the criminal justice program that statistics would be significant if you can compare base years to programs that are ongoing.

The reduction of time of getting to trial, for instance, in terms of court procedures would be significant. That is an improvement in the judicial system. Justice delayed generally is said to be justice denied. And I think that is a very significant aspect of it.

In addition to that, I think you can have other factors such as the elimination of certain status offenses which your criminal justice system may very well be an improvement in the criminal justice system to.

In addition to that, I think elimination of certain nonfelony offenses from your court dockets could be a significant way to improve your system and a reduction of that could be that LEAA is working also.

These are things that are somewhat related to the reduction of crime, but I think they are significant in themselves. I think what we are after basically, too, is improvement of the criminal justice system which is the flip side of reducing crime. And any factor which goes to that would also be significant.

Mr. CONYERS. Thank you very much.

Subcommittee counsel, Mr. Hayden Gregory.

Mr. GREGORY. I have a question regarding your organization recommendation on the passthrough of funds through the State legislative budget process. I must say I didn't understand fully the study group's recommendation in this regard, especially when you put it in context of the fact that they recommended that there be a form of revenue sharing, Federal direct assistance program through which, on a formula basis, units of government would receive apparently an entitlement.

If the funds are going to these lower units of government, counties and cities, on a formula basis, presumably a fixed amount each year, what reason is there to pass that through the legislature?

The legislature can't influence it, I would take it. It would be an entitlement they could not make a determination on. So what value do you see in the passthrough?

Mr. DEREZINSKI. You could do that a number of ways. First of all, I think the reference to formula was that there would be a base entitlement formula for the States themselves according to certain guidelines whichever you might come up with in terms of what States get how much money.

I think that has to be fairly specific.

Then, as to what the passthrough percentage is or what certain minimum requirements there might be, I think that decision should be left up to the States so that the passthrough, control of that passthrough, meeting certain minimum requirements, again, should be in the control of the States so that they can better assess the priorities that they want the States and local governments to work on.

I think that would be the recommendation. But insofar as the Federal Government goes, it should be more on a revenue-sharing model than on a present block-grant system.

Mr. CONYERS. There is a record vote underway on the floor of the House. So we will recess and then come back with Mr. Armstrong, a witness from Kentucky.

I want to thank you, Senator, and convey my regards to all your colleagues at the State senate.

Mr. DEREZINSKI. I certainly will.

Mr. CONYERS. The subcommittee will stand in recess.

[Whereupon, a recess was taken.]

Mr. CONYERS. The subcommittee will come to order.

Our next witness is the secretary of the National District Attorneys Association, Mr. David L. Armstrong.

I notice he is being accompanied by our colleague from Kentucky, Mr. Romano Mazzoli, a member of the Judiciary Committee. I would ask both of them to join us at the witness table.

We will incorporate Mr. Armstrong's prepared testimony, and I will yield now to my colleague from Kentucky.

TESTIMONY OF HON. ROMANO MAZZOLI, REPRESENTATIVE IN CONGRESS OF THE UNITED STATES FROM THE THIRD DISTRICT OF THE STATE OF KENTUCKY; DAVID L. ARMSTRONG, ASSISTANT SECRETARY, NATIONAL DISTRICT ATTORNEYS ASSOCIATION, ACCOMPANIED BY FRED JOSEPH

Mr. MAZZOLI. Thank you very much, Mr. Chairman and members of the committee. I appreciate your courtesy today. Knowing full well that we are in session, and that votes come and go, I will keep my introduction very brief.

I would like to acknowledge, Mr. Chairman, the fact that with Mr. Armstrong is his colleague from his office, Mr. Fred Joseph, who I would ask to come forward and sit in the chair next to me since I will have to leave shortly.

Mr. Fred Joseph was connected with our Judiciary Committee before he went back home to Kentucky, as counsel to the Civil Rights Subcommittee and, of course, is familiar with many of the battles which have been waged by yourself and other members of our committee on behalf of our great Nation.

I would just like to mention that David, Mr. Armstrong, is a very highly qualified professional in the field of criminal justice. He is the head of the National District Attorney's Association. He is, Mr. Chairman, the chief prosecutorial officer in Jefferson County which is my home county. And it is the county of approximately 25 percent of the State's entire population.

So David has the very difficult chore of operating the criminal justice system for roughly 25 percent of the State's entire population, which gives him an entree into the most pernicious and most difficult kind of problems affecting crime. And that is dealing with the problems of unemployment and lack of good housing and all of the background elements which lead to criminal activity, and perhaps a life of crime.

I have known David for many years. I remember vividly when a few years back, David, with his very charming wife Carol, was a participant in a coffee that we held, and a friendship formed which has burgeoned over the years.

So it is my real pleasure, Mr. Chairman, to yield my time to the gentleman from Kentucky, our Commonwealth's attorney, Mr. David Armstrong, for statements on this very important subject matter.

Mr. CONYERS. I am glad that you are here, too, as well as Mr. Armstrong because Kentucky has a unique approach to LEAA that separates it from the other States. So if there is any occasion to include any observations about that in your remarks, Mr. Armstrong, we would be grateful.

The podium is yours.

Mr. ARMSTRONG. Thank you, Mr. Chairman.

Distinguished members of the committee, and my good friend and member of this committee, Mr. Mazzoli: I appreciate very much his very kind remarks.

Mr. Chairman is aware, I represent the National District Attorneys' Association as chairman of a special committee that has studied the problem of restructuring LEAA and has provided to the Attorney General a response to his special study group's recommendations on this subject.

Our committee, as well as our association, are composed of prosecutors who represent jurisdictions that vary in size, political persuasion, and obviously in their need for financial assistance from the Federal Government. I recognize that this committee has studied the Federal Government's role in providing financial assistance in the criminal justice area, and its expertise and experience in this field is one that is widely recognized by this association.

I cannot overstate the absolute need that prosecutors have throughout this country for Federal financial aid. Since taking office in 1976, I have personally been associated with the direct discretionary funding from LEAA as well as the State bloc grant funding of programs designed to service citizens who come within the criminal justice system.

I would like to take a moment to describe some of those services from which our citizens in Kentucky have benefited and which I think enhance not only the criminal justice system, but certainly public respect for Congress through its aid to local and State prosecutors and constituent members of the criminal justice system.

We heard earlier today references to citizen initiative programs, programs that involve services to victims of crime and to witnesses that are brought within the criminal justice system. One of the major programs dealing with such problems is sponsored by the organization I represent, the National District Attorneys' Association. Certainly without programs initiated by the National District Attorneys' Association and with the funding assistance of the Federal Government, the attitude of those thousands of people throughout this Nation would certainly be different today than they were many years ago when such victims and witnesses were often ignored, and certainly in many occasions victimized the second time by the system itself.

The NDAA's victim-witness project, that has grown from an original seven offices throughout the Nation, is now affecting every prosecutor throughout the United States. The services that are rendered to victims, ranging from just very simple services such as babysitting to transportation or sophisticated advice as to victim's rights, have certainly gone a great way to preserve the rights of individuals who are touched by our criminal justice system in this country.

This project is illustrative of the change of the role of the prosecutor in the criminal justice system. He continues to be the system's "gate-

keeper" obligated to the seeking of justice, but has assumed responsibility for delivering services and being a compassionate guide through the maze of criminal justice system for victims and witnesses.

I know that the National District Attorneys' Association through its exemplary project of victim witness assistance has gone a great way in changing the attitude of victims of crime and of witnesses who now desire to seek their day in court.

I would like also to take a moment to talk briefly about one of the other exemplary projects that the National District Attorneys' Association has developed and sponsored. That is the economic crime project, originated in 1974.

Our office in Jefferson County recently through the assistance of this project was able to stop a $1.4 million fraud scheme that would have spread throughout the Nation has this project not given us technical assistance that we needed. In cooperation with the State's attorney's office in Connecticut, we were able to bring about an early indictment and disposition in this case thus preventing losses by many innocent poor and unsuspecting potential victims.

Credit for the project must be given to the individuals who designed the program within the National District Attorneys' Association. It is, in fact, an exemplary project and now leads the way of encouraging district attorneys throughout the Nation to begin and operate such projects.

I have, quite frankly, Mr. Chairman, only highlighted a few of the many programs operated by the National District Attorneys' Association. It is an extremely valuable source of technical assistance to prosecutors throughout the Nation, and its effectiveness has received immeasurable benefit from financial assistance from LEAA.

Without this continued funding, I am confident that the National District Attorneys' Association would certainly not be able to continue these exemplary projects.

I would like at this time to make a couple of comments about the Attorney General's study group report and expand upon several thoughts articulated in my prepared statement previously furnished to you.

The report addresses the issue of the vehicle by which Congress can directly fund local and State governmental units dealing with criminal justice. I would like, as was mentioned earlier by another speaker, to suggest that one of the vehicles should be a continuation of LEAA. But more than a continuation is needed. Congress must continue the program in such a way as to demonstrate to State and local governments that Federal funds can be counted upon and planned for from year to year.

One method of achieving this objective would be a procedure of the multiyear appropriations such as presently are being used in health services programs and in the Department of Defense. This would allow funds appropriated during the fiscal year of 1978 to be used in fiscal years 1978 and 1979 or until otherwise expended.

The other alternative would be the contract authority procedure such as is used in certain welfare programs and, I believe, in certain programs administered by the Environmental Protection Agency and the FAA. This procedures essentially commits Congress to matching local expenditures with a certain percentage of Federal funds. It

would encourage increased local expenditures in the criminal justice area while not reducing Federal controls on the uses for which this money may be spent.

Multiyear availability of funds would also assist in resolving the problem caused by differing fiscal years among governmental units. Many States operate on a fiscal year that ends July 30, while Congress works from a fiscal year ending September 30, while this would appear to be rather insignificant in many instances, it often has a major impact on the planing of utilization of LEAA funds to State and local governments.

I strongly support the long-range planning which could be achieved by multiyear appropriations. Such would solve local agencies' current problem of not really knowing what amounts will be received or the direction that Congress will take or whether delays will be caused by needs for continuing resolutions, and so forth.

I was asked earlier by the committee's counsel to comment briefly on several specific questions, so I will detract from my original address. It was mentioned earlier that funds should be perhaps directed to the State legislature for its determination of discretionary funding.

I am speaking only from a personal observation at this time, and would suggest that when Congress last year passed the Mazzoli-Kennedy amendment to establish the mini-block procedure for State block funds it took a step in the right direction by giving local governments more control of funds.

I think only cities and major urban cities of this Nation know what their problems are, so further direction as to priorities must be given to such urban areas. All too often, by going through State legislatures or State planning agencies urban areas have experienced unnecessary problems in use of LEAA funds. These problems range, depending on whom one discusses the situation with, from political blackmail to addition of administrative costs, which detract from the delivery of resources, to undue delays.

So I would encourage, Mr. Chairman, that in the recommendations contained by the Attorney General's report we consider carefully the second recommendation, which allows for direct discretionary funds to go to major urban areas that have obviously the large amount of crime and problems that are unique to those particular areas.

Basically, the problems are many, and the National District Attorneys' Association, which represents this country's prosecutors, is moving toward an ever-increasing awareness that maybe the solution to fighting crime is not necessarily with longer term convictions, but with providing services to people and the improvement and management techniques and the improvement in the overall attitude and perception of the average citizen who becomes far too often victimized by the system that is designed to help it.

I feel from a personal observation that the prosecutor can do more in this country to seek justice for victims of crime, to protect the individual rights that you, Mr. Chairman, referred to earlier, of every citizen of this country. You really stand as the champion for all individuals.

I hope that I have accurately represented the views of the National District Attorneys' Association. My oral presentation has jumped around in response to issues raised by witnesses who preceded me and

by committee counsel. My prepared statement in a more organized way presents the views of NDAA on the Attorney General's study group report.

I would be happy to answer questions on behalf of that association.

Mr. CONYERS. Thank you for a fine statement, including the insightful comments that you have added.

I am trying to understand the relationship between the local and the National Government in this area. We are constantly being told how local communities know their problem better than anybody else.

I am trying to make sure that we don't lean improperly on the communities and the local units of government. At the same time, of course, the main reason that the Federal Government has even gotten into this is because of the tremendous disorder that has occurred at the local law enforcement level.

I mean, someone in the course of these hearings ought to put in a word elsewise, otherwise its sounds like the Feds just dreamed up the notion of LEAA so that they could dominate local law enforcement policy and practice.

My view of this whole matter is that law enforcement was reluctant to experiment, such that even this modest infusion of Federal money, support and suggestions would be helpful.

We have had instance after instance in which local projects would not have been undertaken, for example, had there not been a Federal resource to encourage it. System improvements have made a quantum leap and is one of the things I think LEAA can be justifiably credited with.

Is there, in your view, much of a struggle between the Federal and the State and local entities as to how this is to be handled? What I see more frequently as the problem, Mr. Armstrong, is that the State planning agencies end up with immediate money, and they are planning how to spend the Federal money, and they are not able to coordinate it with the larger law enforcement process going on within the State.

What has been your experience?

Mr. ARMSTRONG. My experience in Kentucky has been that with some 60 percent—and statistics oftentimes can be used to one's advantage, but a very accurate report of 60 percent—of all indexed crimes within the Commonwealth of Kentucky are committed within my community.

However, we have received only somewhere in the terms of 20 percent, less than 20 percent, of all Federal block-grant moneys coming to the State planning agency.

So obviously, it becomes a situation when urban areas are often times discriminated against by elements within a rural-dominated State. And it is hard to make rural citizens of a State, or a State planning agency responsible to such individuals, aware of, or sympathetic to, the problems within a large urban area.

I think more importantly, though, the direct assistance is still subject to the innovative program restrictions that have always been

present. And I think that fact alone has encouraged many municipalities to adopt ongoing programs because of its direct assistance by LEAA in the area of law enforcement, in the area of our court system, obviously in the area of prosecution.

But you mentioned one coordinated effort among Federal and non-Federal agencies in the law enforcement area. This is something I would hope to see eventually, and I have heard both President Carter and the Attorney General address the problem.

To date, I have not seen that kind of cooperation. Many times in the area of drug enforcement within our community, for example, dealing with crimes having both State and Federal implications becomes the burden of the local law enforcement authorities simply because the Federal Drug Administration agents are limited in number.

In the entire State of Kentucky, we have a total of 5 EDA agents. Obviously, those 5 agents cannot anywhere approach the problem of drug enforcement. So that burden falls to the local community. And it is a burden, I think, that should not only be shared, but coordinated with the Federal authorities.

I hope that any decision that would be made toward funding a role for the Federal Government in law enforcement would be tied to an effort to coordinate Federal, State, and local agencies in an interdisciplinary approach to fighting crime. Perhaps the demonstration grants that were suggested in the Attorney General's report be conditioned on the development of interdisciplinary approaches so that prosecutors, police, courts, and corrections are all not going their separate ways on complex problems affecting all of them.

Mr. CONYERS. Could I ask you if the mini-block-grant program has had any effect in reducing the domination that you referred to in your State?

Mr. ARMSTRONG. The mini-block-grant program has not been implemented in my State.

Mr. CONYERS. That is due to what reasons? You don't feel it is necessary or——

Mr. ARMSTRONG. LEAA has never issued formal regulations implementing the mini-block-grant program, although they did advise States to use the LEAA block grant regulations in reviewing applications for mini-block proposals. In my community our local crime commission had prepared its mini-block plan before LEAA had make clear to the States exactly what the ground rules would be. We now are on the same wave length with the State and are well on our way to having our plan approved.

Such approval only gives local crime commission only the right to approve applications for programs approved by the State. It does not give us a greater percentage of the total LEAA dollars given to the State. It does not even give us the right to choose how to spend LEAA dollars in our community. Mr. Chairman, it is clear both of these problems must be dealt with.

Mr. CONYERS. We do have a time problem, and I would like to ask more questions.

Does any of the subcommittee staff have questions that they would like to pose at this time?

Mr. Stovall, do you have one?

Mr. STOVALL. Very quickly, Mr. Chairman, I do have one.

Sir, yesterday, one of our witnesses testified that the use of direct local aid is laughable. This is Mr. Wertz who represents the State Planning Associations and admittedly has his own interest.

When the task force report itself says that it seeks more local autonomy and less redtape and you are saying that you agree that local funding and that the regional concept is helpful, don't you also see in your comments a problem, a basic flaw, in that there will be thousands of planning units that will be proliferated that will be bargaining directly with the Federal Government and thereby exposing redtape as Mr. Wertz coined the phrase yesterday?

Mr. ARMSTRONG. No, I don't. And the reason I don't is that if we take the present statistics prepared by the National League of Cities—United States Conference of Mayors which were furnished me by my local planning agency, the ratio of congressional appropriations in general terms of the community development funds to safe street funds is about four to one.

By the time the funds for both of these programs are channeled into Louisville, the ratio all of a sudden becomes seventeen to one. Or in Salt Lake City, for example, the ratio is close to forty to one. Obviously a substantially greater percentage of community development funds reach local programs than safe street funds.

So I think if municipalities, if the urban areas, can in effect present an appeal through LEAA based on the guidelines that I think will be eventually proposed by that agency, you would not receive a proliferation of agencies any more so than the proliferation that is already being monitored or was monitored by the regional offices through the State planning agency.

I think the approach recommended by the Attorney General's report is to see that municipalities and those in need receive the money as expeditiously as possible with as little administrative cost as so encumbered LEAA over the past few years.

Mr. STOVALL. Thank you.

Thank you, Mr. Chairman.

Mr. CONYERS. Well, we want to thank you very much. We hope you will follow our attempts to urge further study of the report.

We also want to welcome attorney Fred Joseph who once served on this committee as staff. I am sure you are getting excellent assistance from him.

Welcome back to our vicinity. And thank you very much.

Mr. ARMSTRONG. Thank you, Mr. Chairman.

[The prepared statement of Mr. Armstrong follows:]

STATEMENT OF DAVID L. ARMSTRONG, COMMONWEALTH'S ATTORNEY FOR THE 30TH JUDICIAL DISTRICT OF KENTUCKY, TESTIFYING AS CHAIRMAN OF THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION'S SPECIAL COMMITTEE ON THE RESTRUCTURING OF LEAA

Mr. Chairman, I wish to thank you and the members of this Subcommittee for the opportunity to share with you my thoughts concerning the Law Enforcement Assistance Administration and Federal financial assistance to state and local governments in the area of criminal justice programs. I am well aware of the expertise and experience which you, Mr. Chairman, and the members of this Subcommittee have in dealing with the problem of crime, and only hope that I can provide some additional insight on this most important subject.

I am here today as Chairman of the National District Attorneys Association's Special Committee on the Restructuring of the Law Enforcement Assistance

Administration. As I am sure you know, the NDAA is composed of prosecutors representing communities differing in size, political persuasion and need for Federal financial assistance. The special committee which I chair is similarly composed.

Unless indicated otherwise, the views I express are intended to reflect a consensus of the members of the Special Committee and hopefully a consensus of the NDAA's membership at large, rather than my own personal views.

Mr. Chairman, I cannot overstate the absolute necessity of Federal financial assistance to local and state governments in their efforts to combat crime. Increasingly, as the cost of salaries, services and goods has risen and tax bases have fallen, local governments, particularly urban governments, have found themselves unable to maintain even their traditional services in the criminal justice area. The development and implementation of new and innovative programs are simply out of the question in most cases without Federal financial assistance.

Mr. Chairman, as you know from your personal experience in Detroit, much of the early LEAA funding went into what may be politely called "police hardware". Unfortunately, very little went into new programs aimed at the protection of the rights of victims, witnesses and the accused.

As a prosecutor, I am most concerned about the protection of individual rights, and am aware that many of the exemplary programs in this area could not have been developed but for LEAA financial assistance. Diversion programs, victim witness programs and PROMIS are only a few of the innovative programs made possible by LEAA funding.

I come before you today, distinguished Members of the Subcommittee, hopeful that we can take as a "given" the need for a continuation of the role of the Federal Government in the criminal justice field. What remains to be discussed is the vehicle by which such assistance is to be provided.

I understand the purpose of these hearings to be the evaluation of the conclusions reached by the Department of Justice Study Group on Restructuring the Department of Justice's Program of Assistance to State and Local Governments for Crime Control and Criminal Justice System Improvement. For the sake of simplicity, I shall refer to this group or their June 23, 1977, report respectively as the "Study Group" or the "Study Group Report."

In general, the members of the NDAA Special Committee agree with the recommendations of the Study Group Report. Implementation of the Study Group's recommendations would appear to cut significantly the current "red tape" which must be encountered in seeking LEAA assistance yet still provide badly needed Federal dollars for worthwhile programs.

I. THE ROLE OF FEDERAL FINANCIAL ASSISTANCE.

The Study Group Report begins, as it logically should, by asking the purposes to be accomplished by Federal financial assistance. I endorse its basic conclusions found on page 5:

"1. The development of national priorities and program strategies for responding to the major problems which presently face state and local criminal justice systems. This component would at a minimum consist of: the systematic building at the national level of knowledge about crime and the criminal justice system; the development, testing demonstration and evaluation of national programs which utilize the knowledge developed; and the provision of technical assistance and training in the implementation of proven national programs.

"2. The provision of financial assistance to state and local governments, to aid them: a) in the implementation of programs and projects to improve and strengthen law enforcement and criminal justice; and b) in the development of the capacity to manage and coordinate the development of criminal justice programs."

While I agree that these are the most important aspects of the program, I also believe funds must be made available in order to meet the problems facing local communities, problems which the individual community cannot solve with its own limited resources. The Study Group found (page 9) that the block grant programs "responded to a *significant need for additional* criminal justice funding at the State and local levels" (emphasis added). In recommending the adoption of Option A, in Issue 3, the Study Group appears to recognize this need. The elaboration in the discussion of issues 4, 5, 6, and 8, particularly 8, however, seems to negate this conclusion, however. Although I generally be-

lieve that the use of direct assistance should be limited to "system improvements", I think some money must be made available for situations where severe local hardships exist. Even if alternative sources of funding are available, as Mr. Madden and Ms. Wald point out on page 30, a community in desperate need of funds for law enforcement will likewise have need in other areas for which the alternative funding source dollars might be used. For example, a city unable to pay its policemen may also be unable to pay its sanitation workers and the sources cited in the Madden-Wald statement could just as properly be used for the sanitation workers as the police, in which case, the law enforcement agency would be left without funds if an alternate source of funding is not available. Consequently, I urge that a limited part of the funds to be distributed as direct assistance be earmarked for hardship cases where extreme need can be shown to exist. If these funds are not required for hardship cases, they could be reapportioned for special research or demonstration programs.

II. THE VEHICLE AND STRUCTURE OF DISTRIBUTION OF FUNDS

The Study Group Report, as well as many other reports, have documented many of the administrative problems which have plagued LEAA in its nine year existence. I would prefer not to dwell on such problems, but with one exception move on to suggestions for improving the method of distributing Federal financial assistance.

I have been particularly impressed with figures developed by the National League of Cities—United States Conference of Mayors furnished to me by the Louisville and Jefferson County Regional Crime Commission, concerning the percentage of Safe Street Funds actually reaching local communities.

According to the National League, the ratio of Congressional appropriations, in general terms, of Community Development funds to Safe Street funds is 4 to 1. By the time funds for both programs are channeled into a city such as Louisville, the ratio is 17 to 1. In Salt Lake City, the ratio is close to 40 to 1. Obviously, a substantially greater percentage of Community Development funds reach local programs than do Safe Street funds. Again, according to the National League of Cities—United States Conference of Mayors, only 37 percent of Safe Street money ever reaches local projects.

Although statistics can play funny games, it is clear that a substantial part of the difference relates to administrative costs. One of the key issues which must be faced in any reorganization of the plan by which law enforcements funds are to be expended is how to reduce these administrative costs.

It is very easy to be critical of LEAA for excessive "red tape" and bureaucratic delays. Many NDAA members have become so frustrated with such problems as to refuse to participate in LEAA programs. In my personal experience, LEAA personnel have been much more helpful and available than have some of the "checkpoint" agencies, required to act on grant proposals prior to LEAA approval.

We basically agree with the Study Group that there should be two major thrusts of Federal financial assistance:

(A) A centralized Federal program which combines basic and applied research with "follow-on" demonstration closely linked to the research program. (Study Group Issues 1 and 2.)

(B) Replacement of the present block (formula) portion of the program with a simpler program of direct assistance to State and local governments. (Study Group Issues 3 through 8.)

The research-demonstration functions are essential if new programs are to be developed. The change to direct assistance is important if the program is to be administered, in the words of the Study Group on page 17, "in such a way as to *guarantee* a *minimum* of disruption to general governmental processes at the State and local levels. (Emphasis added.)

Rather than reiterate the specific individual recommendations of the Study Group and their rationale for each, I think it is sufficient to state for the record that the NDAA Committee, of which I am chairman, agrees with both the recommendations and the rationale for each. Having given this general endorsement, let me raise some issues which I believe are not adequately dealt with in the Study Group Report.

Issue 2.—The research-demonstration programs must be given some relief from what the Study Group calls "numerous Federal strings" attached to grant funds. Although in its discussion of such problems on pages 8 and 9 of its Re-

port, the Study Group refers to block grant programs, the problem is similarly applicable to discretionary programs.

Issue 5.—In its discussion of Issue No. 5, the Study Group concentrates on the question of "implementation costs", suggesting that the Federal government be willing to pay such costs for a specified period. The Study Group does not, however, focus on the question of what constitutes an "implementation cost".

Experience has shown that even in a city where an LEAA-sponsored program has proven successful, many times these local units of government are financially unable to continue worthwhile LEAA funded programs after such assistance terminates. It is crucial to ask at what point a program ceases to be "implemented". In a program where there are easily identifiable one-time capital outlays, for example, implementation costs might be fairly easy to determine. A program where a substantially larger percentage of the costs is involved in personnel, however, is harder to evaluate as to implementation costs but the burden of such expenditures on state and local governments are just as great.

As in the disccussion of Issue 8, the obligation/benefit/necessity of continuing Federal support for a program it has initially funded, particularly as a research or demonstration program, should be at the heart of our discussion. Asked differently, should a successful demonstration program end because a local unit of government cannot assume funding responsibilities at the end of a one, two or three year period?

Issue 6.—The Study Group recommends in response to issue #6 that there be support for specified functional areas in the direct assistance program. We endorse this concept as particularly necessary in the area of courts and prosecution. As Mr. Madden and Ms. Wald point out on page 31 in their separate views, such set aside "is critical if we are not to undermine the courts under the separation of powers doctrine found in each State constitution."

In reviewing the particular programs which the Study Group found most significant, it is noteworthy that two of the three programs mentioned lay within the prosecutorial component of the criminal justice system. Notwithstanding the fact that the prosecutor in every system acts as the "gatekeeper" for the system, prior to LEAA involvement, this area of criminal justice received the least attention. It is important that funding of research for continued innovation in prosecution be continued.

Issue 8.—The discussion of issue 8 regarding an "improvement" in many ways raises the same question as the discussion of "implementation costs" in issue #5. I agree with the general principle that Federal financial assistance should be used for improvements rather than relieving State and local governments of their traditional responsibility for law enforcement.

It is important to focus, however, on the question of what is an "improvement". What is new today will be old tomorrow. Throughout the history of the Law Enforcement Assistance Administration, we have seen programs, good and bad alike, discontinued by State and local government due to the inability on the part of such governmental units to continue funding. We would urge that whatever definition of "improvements" be adopted, the definition be broad enough to prevent State and local governments the obligation of assuming all funding of LEAA-created programs.

Mr. Chairman, I am personally most familiar with law enforcement problems in metropolitan areas. For example, roughly 60 percent of the violent crimes committed in the Commonwealth of Kentucky occur in my jurisdiction, Jefferson County. Neither I nor my Committee is, however, unaware of problems facing State governments and local rural areas. We would concur with the suggestion of Mr. Madden and Ms. Wald on this subject:

"Each State government and each local government over a certain population should be entitled to receive direct assistance. A portion of the State entitlement should be available for discretionary distribution by the States to those units of local government whose population is below the limit set in the statute. A portion of the State entitlement should also be available to support programs requiring statewide coordination. Such programs could include development of statewide information and tele-communication systems." (P. 31)

III. MATTERS NOT DEALT WITH BY THE STUDY GROUP

Mr. Chairman, the prime focus of the report and the various eight recommendations contained therein is on financial assistance to governmental units at various levels. A number of LEAA's more successful programs have resulted from aid to non-governmental organizations, having as their basic interest par-

ticular problems within the criminal justice system. In the area of prosecution, the National District Attorneys Association has been the recipient of extensive federal financial assistance. The Association has provided invaluable aid not only to prosecutors but to other parts of the criminal justice system through its demonstration projects, its training programs, its technical assistance functions, and its National College of District Attorneys in Houston, Texas. In determining the expenditure of research-demonstration funds, it is important that the Department of Justice continue to look to such non-governmental organizations for their continuing contributions to the criminal justice system.

The Study Group Report discusses the need to allow Federal funds to be incorporated into local planning processes, but did not refer to Congress' part in the current problem. By giving relatively short extentions of LEAA authorizations and continually varying appropriation levels, Congress has made it difficult for State and local governments to budget criminal justice expenditures. For example, the Federal government is now on a fiscal year which ends September 30th and often appropriates on a continuation basis, while many State and local governments, such as ours, continue to operate on a June 30th fiscal year basis. With such overlapping times and unpredictable changes in levels of appropriation, it is difficult for a local government to determine how much it will be called upon to spend for specific purposes. We have found this to be true with our LEAA-assisted programs where we cannot anticipate the level of Congressional appropriation to LEAA or when LEAA would receive the funding. Consequently, our local funding sources have been unable to anticipate our needs. I would hope that as a result of these and additional hearings on the role of Federal financial assistance to state and local governments, Congress will make a long term and substantial commitment to helping such governments in their struggle to make their residents safe and secure from the threat of crime.

Those of us at the local level, as well as the Legislative and Executive branches of the Federal government must commit ourselves to change. We involved in law enforcement at the State and local level must adopt an interdisciplinary approach to law enforcement and cease to treat various constituent areas of the criminal justice system as separate functions vying with one another for limited resources. We must strengthen our capacity to plan for the most efficient use of what will always be limited funds. You in Congress must make a strong commitment to continue adequate levels of Federal financial assistance to law enforcement programs. At the same time, the Department of Justice must commit itself to provide enthusiastic and imaginative leadership to stimulate innovative research and to link the results of such research with continuing action programs.

Mr. Chairman, the Roman statesman Cato is said to have concluded each of his speeches with the statement, "Delenda est Carthago", Carthage must be destroyed. It is similarly appropriate for me to end as I began: I cannot overstate the absolute necessity of Federal financial assistance to State and local governments in their efforts to combat crime.

Mr. Chairman and Distinguished Members of the Subcommittee, I appreciate the opportunity to meet with you, and I applaud your interest in this vital area. I would be pleased to respond to your questions.

Mr. CONYERS. We move now to the chairman of the Regional Criminal Justice Planning Board for Santa Clara County, Mr. Greg Morris, an attorney, former police officer for 7 years, a member of the council in Sunnyvale, and a person who probably has to catch a plane to get back to one of those pending responsibilities.

We welcome you before our subcommittee. You have been very patient.

We will incorporate your 39-page prepared testimony into the record. And that will allow you to place the emphasis where you like.

Welcome before the Subcommittee on Crime.

TESTIMONY OF GREG MORRIS, CHAIRMAN, REGIONAL CHAIRMAN, JUSTICE PLANNING BOARD, SAN JOSE, CALIF.

Mr. MORRIS. Thank you, Mr. Chairman.

I will attempt to chop up the 39 pages in a workable form in the interest of time. I feel comfortable in doing so after listening to the

comments of the chairman and Mr. McClory. My impression is that your comments certainly demonstrate a more than adequate grasp of the situation as perceived from the local level.

And I am pleased to see in your comments from yesterday, Mr. Chairman, that you intend to keep a close and watchful eye on the reorganization efforts of LEAA. I am sure from the perspective you demonstrated to us in the past that local needs will be well served.

I appear here today as the chairman of the criminal justice planning board which is a regional planning unit for Santa Clara County, 1 of 21 regional planning units in the State of California. I will try to address some specific issues which I have heard you raise today.

First, the revenue sharing concept. The task force report concerns of revenue sharing are reported by several special interest groups because they offer a simple solution to the bureaucracy of LEAA and provide substantial sums of money for large cities. But like many easy answers, revenue sharing is an oversimplification.

If there is a basic message today, it would be to rely on the old adage "don't throw the baby out with the bathwater," the bathwater being the redtape and the baby being planning.

We have seen attempts at changing LEAA funding to revenue sharing a number of times, starting about 6 years ago when the administration of President Nixon twice attempted to bring that matter to some conclusion. Both times, Congress saw fit, once after lengthy debate, to maintain the existing system of block grants.

Four years later, after the last attempt, we now find the same plan proposed by an advisory group in the Justice Department. Like the bills put forth by President Nixon over 6 years ago, the current revenue sharing plan fails to recognize the intent of Congress, at least as perceived by local government units.

We believe there are a variety of deficiencies in the revenue sharing concept proposal:

First, that the innovative use of LEAA funds would be eliminated if direct assistance were provided and funds were lost in the general expenditure of local government.

Second, that a formula distribution of funds would leave smaller communities with little or nothing, regardless of how severe their problems might be.

Third, that arbitrary quotas would inevitably reward large communities with large sums whether or not they needed such amounts. And let me point out that I represent as a councilman a city which under the last formula would qualify as a large city. So in that sense, I am speaking against my own interest.

Fourth, as direct assistance would not require identification of regional problems, funds would be spent within individual units of government and not used to support interjurisdictional programs.

Further, the development of a formula for distribution presupposes that Washington officials understand the needs of distant local communities, and history has shown that this is far from the truth.

Next, that the flexibility to respond to local problems and to set priorities would be terminated by fixed percentage distributions.

Since 1971, we have learned to create programs which respond to our most critical needs. Revenue sharing would reverse this reasoning by compelling units of government to devise projects which match

available Federal dollars rather than encouraging development of solutions to their real problems.

I don't mean to suggest those two don't overlap, but that overlap is not always as efficient as we would like to be. And we are talking about Federal funds which equate out to somewhere between 3 and 5 percent of the total criminal justice budget of our county. We can't afford to waste any LEAA funds.

Another proposed rule of the task force would restrict the use of LEAA funds for implementation of improvements in criminal justice. Such a requirement represents a desperate attempt to prevent the inevitable abuse of revenue-sharing funds, attempting to correct their own suggestion.

Several studies have demonstrated that revenue sharing would allow LEAA dollars to be consumed by routine expenditures of local government.

I have cited some study reports in the 39-page document.

Supplanting by direct revenue funds at least in the experience at my level is not just a vague fear; it occurs. If you removed from the city of San Jose, for example, a city of appproximately one-half million in our county, all of the Federal funds from communities having the block grant, public works, employment act, and so on, I doubt that they would be able to make it to closing time without folding up shop.

Large cities have no choice, at least in our area, other than to use revenue-sharing funds or any other kind of Federal funds they can to supplant local budgets merely in order to avoid bankruptcy.

There are a number of myths which surround the block grant process. I realize it is kind of a bastard child between categorical grants and direct revenue sharing anyway. I will attempt to dispell some of those myths. The citations in support of these statements are available in the document:

First, there is a myth that large cities have not received their "fair share" of LEAA funds through the block grant process.

The ACIR record which we cite extensively has pointed out cities and counties throughout the United States have been the recipients of an equitable distribution of funds.

There is a myth LEAA funds are used primarily to support the police and that there is not an even distribution of dollars throughout the criminal justice system.

There are a number of studies that show that the block grant system has produced an appropriate distribution of funds. I cite those to you in the report.

A myth exists that a substantial amount of LEAA money has been used to buy hardware for law enforcement agencies. A variety of study groups, including those of Congress and GAO, have determined that this is simply not the case.

There are some good horror stories around, but there are also some good examples of how many agencies have managed to resist the temptation to purchase machine guns and helicopters and computer systems, but have used these funds for people programs which is what we perceive at our level they were originally intended to be.

Our attempt has been to use the dollars to change the system for example, to have narcotics addicts rehabilitated, to not handle alcoholism as another criminal problem, and to make some necessary changes in the jail system.

When we buy hardware, we attempt to do so in a way that it will directly aid the system. If we put computers in police cars, it makes the police cars look fancier, but also allows them to get faster to the scene of a call. We perceive these as people programs.

I believe that was part of the original intent of Congress.

There is also a myth LEAA is merely another source of revenue for local governments. Without the block grant system, it will become another source of revenue, a supplanting source.

There is a myth in that block grants provide only temporary support for poorly conceived programs, and there is not much pickup. I invite you to come to Santa Clara County where over 90 percent of the programs funded by the LEAA in the last 6 years have been picked up by local units of government. And we intend to continue that. We make an ongoing effort to insure this and require from each project proponent that a local unit of government include a resolution indicating that if the budget allows, they will keep the program alive.

Mr. CONYERS. Do you have much contact with your State SPA?

Mr. MORRIS. Mr. Chairman, I was afraid you were going to ask me that question, and I don't mean to sound at all facetious in giving you the answer, but the SPA in California has served primarily to accomplish two functions.

One, to devise a method of withholding funds for State discretionary programs which we have objected to.

And two, to remove the staples from the 21 regional plants that come in and restaple the documents into one State plan.

I think a portion of the reason that our State planning agency has been less than efficient recently is that Governor Brown a couple of years ago made some serious attempts to change its characteristics. Our State plan 2 years ago was three pages long. Our regional plan this year—and I commend the 3-page plan—just to comply with LEAA compliance for 1 region is over 200 pages long.

Mr. CONYERS. Were the Governor's recommendations followed in the long run? He made some criticisms that were quite pointed about LEAA.

Mr. MORRIS. I believe Governor Brown aided distribution of LEAA funding and cut the size of the State agency down considerably for some bureaucratic hangups which aren't the fault of his policies; I believe he has done an effective job in recreating that agency.

We would like to see less emphasis on SPA.

Mr. CONYERS. Well, do you spend much time putting together your annual planning report?

Mr. MORRIS. An unfortunate amount of time, and we are usually caught doing three at once. We are evaluating last year's, putting together next year's, and working with this year's.

Mr. CONYERS. And too frequently, they are not used in the day-to-day operations; they are merely reporting requirements that consume a great deal of time.

Mr. MORRIS. That is a highly accurate perception.

Mr. CONYERS. It seems like everybody is organizing into interest groups, and I assume the RPU's have gotten together to form their own union or association.

Have the RPU's ever attempted to communicate this complaint to the people at the State level or is that a requirement that emanates from Washington over which both of you are——

Mr. MORRIS. Two-part answer. The first part, the organizations of regional planning unit personnel are, as far as I know, organizations of paid staff members, which is one of the reasons I didn't send my staff director, but came in person today. And I don't know that there is an organization of regional planning unit nonpaid staff people.

We have attempted time and again to communicate our message both to the State and to the Fed level and have had almost no success.

I think one of the things that needs to be interjected—and I am sure the chairman is aware of this—is that LEAA is probably the worst example of a Federal bureaucracy. Among other reasons for it is the fact that it hasn't had leadership for quite some period of time.

If we were talking, for example, about EDA, I couldn't make any complaints at all about Federal bureaucracy, but we are not. And sometimes, it is difficult to separate the inherent problems with LEAA from the operational problems of LEAA.

Let me give you one quick example of one of the problems that we have with LEAA in our county. We wanted to fund a career criminal project which seems to be very fashionable these days. We asked our district attorney's office to apply for some discretionary funds because we didn't have enough money. And I am speaking to this issue as a method of showing you how I believe discretionary funding is a way to accomplish something Congress didn't intend to accomplish. And that is intervene in the operation of local crime fighting units.

Our district attorney prepared a grant application, submitted it, and called Washington on a number of occasions to discuss the application and couldn't get his call returned on any of those occasions.

After several weeks, he received a letter from an LEAA official stating that our application had been turned down. The reason given for this denial was the failure of our DA to promise he would restructure his office and supervise his staff according to LEAA guidelines.

There was no question as to the certainty of our crime program; there was a need for the program. Moreover, Washington had already given a discretionary grant to the San Jose Police Department specifically designed to operate together with the proposed program in the DA's office.

It should be noted that our DA's office meets all standards for speedy trial and our district attorney is one of the most highly respected district attorneys in the country. In fact, he is the chairman of the National District Attorneys Association.

Here we have an example of LEAA interference into local control. Our DA is told he can't get a grant because he wouldn't run his office the way Washington tells him he should without any additional attempt to demonstrate to us that is an appropriate way to do it.

Mr. CONYERS. What did you do then?

Mr. MORRIS. We are still doing it.

Mr. CONYERS. Usually, people then reach for the number of their local Congressman and begin moving it through those channels. I would be surprised if that didn't happen in this case.

Mr. MORRIS. Mr. Conyers, I think one step beyond this. I bought an airplane ticket and came back 2 weeks ago to lobby directly with members of the Judiciary Committee on that as well as a number of other programs having to do with LEAA.

Mr. CONYERS. Of course, that example, dismaying as it is, is not a case to be lodged against discretionary programs per se. After all, if you could have gotten a grant through the discretionary program, it would have worked out pretty well, wouldn't it?

Mr. MORRIS. I suspect in an isolated incident, it would have. The attempt in the document I prepared for you is to use that example as one which shows that the original plan in which we perceive a partnership between the Fed and local units of government included a recognition at the Federal level, not only are there some constitutional prohibitions against Federal intervention, but that there are some additional reasons that the Federal didn't want to get involved in telling local units of government how to run their shops.

And that is exactly what occurs when you get too far into the discretionary grant business.

One of the remarks I would have disagreed with earlier from Congressman McClory, I want to bring to your attention, had to do with the National Research Agency.

We would take the position in opposition to an enhancement of the National Research Agency. Our feeling is that national research agencies and national demonstration projects are extremely efficient when you are dealing in areas where we have no local expertise, for example, in EPA, UMTA, or health or National Science Institute, but that where you are dealing in an area where we have some local expertise, we are probably wasting dollars setting up demonstration projects when you are looking at 3 to 5 percent of our total criminal justice expenditure.

Those dollars would be more effective in the streets, used for community anticrime projects and to continue the type of local planning effort that we are doing.

Mr. CONYERS. Everybody has local expertise concerning their local crime problem. What we are doing with it and how it is being handled is a different matter.

I guess anybody residing in a place for any period of time, especially if they are in law enforcement, becomes a local expert. But what bearing that has on the quality of justice and how the system of law enforcement might be more effectively and efficiently delivered, could be a completely different question. Maybe their local expertise, for example, has precluded them from finding out about other techniques that other local experts were successfully using.

And there, the research arm might play a very primary role possibly. Hopefully, maybe it has in the course of 8 or 9 years.

Mr. MORRIS. I agree with both the words and the spirit behind the words. But what we are attempting to do is tell you we don't want to see, if possible, the funds distilled any further than they are. There

are darn few enough of them when they get down to our level; and maybe it would be nice to be able to do some demonstration projects in some areas, but we are not sure everybody needs the lesson.

Mr. CONYERS. You know, I almost hate to raise it, but there may be a time in the Federal experience when there will be a diminution of Federal funds for LEAA or, horror of horrors, there may not be an LEAA some day.

This raises a very gloomy picture because, you know, it is only 8 years old. Its success has been limited, I think, at best. What would happen in all the places where there is local expertise if there were no LEAA in 1979?

Mr. MORRIS. Well, local units of government would continue to help themselves; they would not continue to help one another. What LEAA does, which is good, is it encourages, in fact mandates, intergovernmental cooperation by the block grant device and enables us to put together some local planning.

We would probably survive, and you have already stimulated local intergovernmental relations far beyond those which are funded by LEAA moneys.

Mr. CONYERS. I am glad to hear you say that because we think the planning systems have been broadened in terms of their scope because of LEAA. And although I have frequently criticized many aspects of their program, it seems clear that we have had to widen our range and understanding at the local level.

I think that has been all to the good. At the same time, we have a continued expectation that this program must not at least diminish any of its appropriations, and hopefully, will expand it.

Recently, LEAA has been experiencing small, but very pointed reductions in one way or the other. And it may be further reduced. It is hard to say. We are hopeful that the understanding that is coming out on the need to professionalize law enforcement and broaden it to include many people who are not members of it—namely, citizen participation and support—is very critical to understanding the whole problem.

As a former law enforcement officer, I want to ask you, isn't it true that our understanding of law enforcement is still at a very elementary level?

Emotion, I am sorry to say, too frequently influences the decisions that are made at a legislative level. And frequently, the best way to start a political career for many people is to jump on an anticrime bandwagon. This could consist of absurd kinds of increments in the punitive part of the law which leads us to find that we are dealing in many myths.

I remember, studies to the contrary, that police associations refused to go on one-man patrols. They wanted two-man patrols. They didn't care what the studies showed.

Frequently, these were LEAA studies. It seems to me that you might have some views on this in terms of your rather extensive background, both in law and politics.

Mr. MORRIS. Again, your comments are on the nose. The effort we have been making through the device of the criminal justice planning board in our county has been to move out of the antidiluvian stage of police function and into a new approach.

I suspect that is most succinctly described as moving from catching the bad guys to stopping the crime in the first place, from apprehension of the wrongdoers to applied intervention and target hardening.

Certainly that is a function which is either not going to occur or is going to occur much more slowly without the Federal carrot of LEAA funds.

I suspect also that almost anyone would agree that most police agencies doesn't operate with any surpluses in the budget, and that the dollars they spend are dollars they are going to spend on basic delivery of services and in many areas only responding to calls for assistance.

So, as you cut back the budget here, you cut back the possibility that we are going to move into a different mode of police functioning unless you want to take these dollars and put them somewhere else, for example to prevent root causes of crime.

If you are going to spend them in law enforcement, we are not going to see much innovation without some additional bucks.

Mr. CONYERS. Of course, Mr. Morris, you are probably aware of some of the inefficient situations in law enforcement. There have been a number of studies on inefficiency which raised such serious problems that they were buried.

They said, "Look, let's not even get into it."

And in a way, I would like to explain that many people in law enforcement are not particularly effective or professional administrators, especially people who work their way up through the ranks.

So you can have a lot of things going on that don't stand the test of real zero based budgeting.

There is the example of the 270-pound policeman who is trying to keep his gun from getting tangled up in the chair as he types up a report that probably could be handled better by somebody who was either a paraprofessional or just a civilian.

You no doubt know of many examples where we don't maximize police availability because, at the critical moment, many of them are either working inside offices and not available for street duty or they get promoted. Some of the best officers get promoted out of that area of law enforcement where we need the best police officers.

And these are very common kinds of administrative problems that are just coming to light that we are all beginning to look at.

So I think that although they try to use money as effectively as they can, the inefficiencies have been built in for such a long range of time that we are just beginning to address them in many areas.

Mr. MORRIS. That is quite true. I worked for a police department which was much like the one you describe. And I now serve in a city which has a police department which uses zero-based budgeting and

performance auditing, has its financial records all computerized, and uses paraprofessionals in administrative capacities whenever possible.

Mr. CONYERS. It makes a great difference.

Mr. MORRIS. It sure as heck does.

Mr. CONYERS. Let me ask if the members of the subcommittee staff would have questions at this point. Mr. Yeager?

Mr. YEAGER. What percentage of total criminal justice expenditures, Mr. Morris, in the county of Santa Clara does the RPU administer?

Mr. MORRIS. Three percent.

Mr. YEAGER. Are those primarily LEAA funds?

Mr. MORRIS. Yes. We receive some direct assistance from local units of government to fund part of our staffing in order to spend more of the LEAA money on action projects. Those are all LEAA funds.

Mr. YEAGER. In reading your statment, I was struck by a strange paradox. On the one hand, you state that local planning was, in your words, possibly the most valuable example of LEAA success. And then, you stated on the other hand that if LEAA funds are cut off, apparently a great majority, if not possibly almost all RPU's, would literally cease to exist.

The question I want to raise for you is if RPU's are so essential, so valuable, so instrumental in criminal justice planning, how come they seem to be viewed as appendages to the system?

Mr. MORRIS. Because we don't have any money to pay for them.

Mr. YEAGER. That is possibly one explanation. Is there another one having to do with control or lack of control of the RPU over the total criminal justice budget?

Mr. MORRIS. Well, first, we are all operating under a delusion if we accept the premise there is a criminal justice system, because there isn't. No unit of government has control over all elements of what we have called since 1967 the criminal justice system.

The agency which I am the chairman of this year was formed by a joint powers agreement of 16 cities in the county of Santa Clara. Fortunately, the county gets to administer the local court system even though that is a separate entity by law.

I think that joint powers agreement, at least in my area, demonstrates that we are willing to give up some local autonomy in the name of intergovernmental or regional planning.

Mr. YEAGER. Thank you.

One final question: Does that not now, therefore, indicate the problem with LEAA is not lack of funds, but in fact a very serious structural problem in terms of the fragmentation that exists across various criminal justice agencies who, historically, compete like mad for their share of the funds?

Mr. MORRIS. No question. And closing the 10 regional offices didn't do anything to ease the strain on that situation.

Mr. CONYERS. Mr. Gregory?

Mr. GREGORY. You make a very persuasive argument for the concept of local decisionmaking autonomy, but it seems to me there is one glaring exception to that, to your call for local autonomy. And that relates to the decision of whether or not to have regional planning bodies like your own, when you say that delivering funds directly to individual municipalities would preclude regional cooperation.

Should that decision be left to local authorities—that is, whether they want regional planning?

Mr. MORRIS. That is a philosophical question which will probably get answered across the street. My original impression was, the first answer was, there was a partnership between the Federal and local units of government. And this is the way you worked it out if you wanted local units of government to use the money to supplement their local budgets.

I guess you can give it to us directly, and that is what we will do with it. If you want to encourage planning in intergovernmental cooperation, you better put some strings on it like you have for the last 7 or 8 years on the block grant system.

I think the system is well conceived; it just hasn't been well executed.

Mr. CONYERS. Mr. Stovall.

Mr. STOVALL. Thank you, Mr. Chairman.

This points up a very good question. If the strings were to be minimized and if, as some people have said before the committee, the dedicated funds or categorization be minimized, if you were able to pick just a few areas in which you would support the continued categorization, what would those areas be?

Mr. MORRIS. Well, the Federal categorization attempts have been in some commendable areas—the building of correctional facilities and in the juvenile justice area. We don't have any particular problem with finding urgent needs in both of those areas with which to use the Federal funds.

However, the most recent categorization had to do with devoting a certain percentage of our funds to judiciary, the court system. As I understand it now, that has been worked out so there isn't a percentage, but there is sort of a recognition, a certain amount of money is going to go into the court system.

Mr. CONYERS. Goals and not quotas.

Mr. MORRIS. I am glad you said that. That has caused us no end of chaos in Santa Clara County because the courts haven't been able to come up with projects that adequately fit into the pigeon hole the Fed has prescribed we are going to put the money in. And that is precisely the problem with categorical grants.

With direct revenue, you have a problem because you don't have any control. And with categorical, you have a problem because you have too much control.

Mr. STOVALL. Would you care to comment on the idea of not setting specific percentage quotas and simply setting a list of goals or shopping list, so to speak?

Mr. MORRIS. Sure. And I think the best example is the example that occurred right here in 1968 when Congress decided that it was going to require certain amounts of money to be spent on certain kinds of things. You just had the streets full of people who had ended up getting arrested and herded off into the pen somewhere. And Robert Kennedy had just been assassinated. So a heckuva lot of money was required to be spent buying night sticks and batons and sending people to riot classes.

And if something else occurs and the wind changes outside, you may make changes which don't have anything to do with what is going on in the rest of the country maybe.

What I am saying is that the emotionalism described by Mr. Conyers earlier expresses itself in terms of the categorical requirements. And I share his prejudice against legislation by emotionalism.

Mr. STOVALL. Do you have any comments on the idea that perhaps the LEAA task force report would cause more emphasis on bargaining with the various regional planning units or the city planning units to the standpoint of burgeoning redtape, enlarging the number of people, enlarging the number of cities and municipalities dealing with the Attorney General to obtain funds?

Do you have any feeling as to whether or not this might cause more of an emphasis on large urban areas getting funds and less emphasis on rural or regional planning units in those rural areas getting money?

Mr. MORRIS. I believe the answer to that question is, yes; if you are going to make it an advocacy system, those people most able to afford eloquent advocacy are going to win.

I don't believe that is the concept that the study group had in mind. And let me parenthetically add I had the opportunity to spend a couple of hours with Mr. Fedorowitz and Patricia Wald in the Justice Department a couple of week ago. The perceptions they shared with me and the people who met with them with regard to the function of that study group report were reassuring.

They attempted not to draft a comprehensive document, but rather to address some significant issues to raise those issues for debate.

And I think they have certainly done an excellent job of raising for debate a number of issues.

Mr. CONYERS. If counsel will yield, don't you feel they should go to the next step? I mean somewhere along the lines of a detailed report?

I think now our subcommittee could almost put together such a report just from the reactions that we have received. I mean, it is a beginning point, but there ought to be something far more definitive in my view. I am wondering if you feel the same.

Mr. MORRIS. Two things are needed over there, Mr. Chairman. One, a director, and two, a lot more energy put into reorganization of that branch of the Government. If what we see is merely a cosmetic change, then we are better off without it.

Let's not create a new monster until we have tamed the old one. And that is precisely what they are attempting to do.

Mr. CONYERS. I want to thank you very much. Your discussion here has been not only stimulating, but enjoyable. I wish you great success as chairman of the Regional Justice Planning Board.

[The complete statement of Mr. Morris follows:]

STATEMENT OF GREG MORRIS

BACKGROUND: CRIMINAL JUSTICE PLANNING IN SANTA CLARA COUNTY

It is my pleasure to appear before you today, as Chairman of the Regional Criminal Justice Planning Board of Santa Clara County, California. Our agency was created in 1971 by a Joint Exercise of Powers Agreement between the County of Santa Clara and the fifteen incorporated cities within its boundaries. Our jurisdiction lies in the San Francisco Bay area, and represents a total population of approximately 1.3 million. The County Seat is San Jose. Under the guidelines set forth in the Safe Streets Act, we function both as a criminal justice coordinating council, and as a regional planning unit.

The Regional Criminal Justice Planning Board is composed of elected and appointed public officials, as well as criminal justice administrators and members of the community. As we have been deeply involved in the local operation of the LEAA program for over six years, we appreciate this invitation to address the Committee. We trust that you will consider this testimony as a representative statement of local government in California.

Since 1971, it has been our job to make LEAA a success for the 16 units of local government which we represent. To carry out this mission, we have performed three tasks:

Planning.—We systematically identify problems in the criminal justice system; develop grant projects which address these areas of need; implement demonstration programs; and monitor their progress through the duration of LEAA funding.

Evaluation.—Every project supported by LEAA funds in our jurisdiction is required to contain an evaluation component. In this way, we endeavor to ascertain which aspects of our grant projects are most effective, and assist local officials in their determination of how LEAA projects may become permanent elements of the criminal justice system.

Technical assistance.—Our staff provide a variety of professional services to criminal justice agencies, which would not otherwise be available. Upon request, we serve as consultants to police, courts, corrections and juvenile justice agencies in Santa Clara County. As a result of these efforts, local government supports a third of our budget.

To change hats for a moment, I am also here as a city councilman, on behalf of the City of Sunnyvale. I view my role today as equally important in this capacity, and wish to stress three reasons for my testimony before this Committee.

LEAA is of critical importance to local government. Although the appropriation for LEAA is far less than that of most federal assistance programs, it has become an integral element of criminal justice in California. I'm here today to explain how LEAA, which provides less than 3% of the funds expended for criminal justice in my jurisdiction, has become a driving force for progress.

The federal crime control program was conceived in the Congress and represents an effort of the Congress to join to create a unique partnership with cities like mine. Accordingly, I appreciate this opportunity to assist the Congress in correcting the present weaknesses of LEAA, and hope that I can help you to build upon its strengths.

The units of local government which comprise the Regional Criminal Justice Planning Board of Santa Clara County have been distressed by the report recently submitted to the Attorney General. I am here to explain how the report, prepared by the Justice Department Study Group, is contradicted by the experiences of Stanta Clara County. Several of the recommendations made to the Attorney General are antagonistic to our efforts, and their implementation would be destructive of the improvements we have endeavored to introduce during our six years of experience. Moreover, the Report proposes the creation of a federal assistance program which, in our opinion, would not respond to the problems which we now face. On the contrary, the implementation of the proposals would result in a program far less desirable than the one we are here to improve.

Let me first address the proposals to which we object.

WHY NOT REVENUE SHARING?

Current suggestions for revenue sharing were supported by several interest groups because they offer a simple solution to the bureaucracy of LEAA, and provide substantial sums of money for large cities. But like many easy answers, revenue sharing is an oversimplification. To rely up an old cliche, it would "throw the baby out with the bathwater." Ironically, today's proposals for revenue sharing were born in another administration over six years ago, and the idea has not improved at all.

On March 2, 1971, President Richard Nixon proposed a revenue sharing plan for LEAA. Like the plans offered by a variety of interest groups today, the Nixon Administration sought to replace block grants with a simplified program of revenue sharing. The Administration proposals (S1987 and HR5408) were presented to the Congress during 1971 and 1972. In its wisdom, Congress did not act on these bills.

On March 14, 1973, President Richard Nixon again submitted a revenue sharing proposal to Congress. This plan (S1234 and HR5613) brought months of

agonizing testimony and bitter debate. After Congress raised numerous and detailed objections to the proposal, compromise legislation was eventually offered (HR5746). Yet, careful scrutiny brought an end to the bi-1 as well. Congress was convinced that revenue sharing would defeat the purpose of the Act, to stimulate creativity at the local level.

On June 5, 1973, the House Committee on Judiciary reported a bill (HRS152) which was eventually to become the Crime Control Act of 1973. By June 28, 1973, the Senate passed an amended version of this bill which, much to the chagrin of President Nixon, contained no trace of revenue sharing.

Four years later we now find the same plan proposed by an advisory group in the Justice Department. Like the bills put forth by President Nixon over six years ago, the current revenue sharing plan fails to recognize the intent of Congress.

Coincidentally, the agency which I represent was created in 1971, at the time those debates were underway, and we have since endeavored to carry out the will of Congress through the block grant program. Based upon our experience, we have identified a variety of deficiencies in the present revenue sharing proposal.

The innovative use of LEAA funds would be eliminated if direct assistance were provided and funds were lost in the general expenditures of local government.

A formula distribution of funds would leave smaller communities with little or nothing, regardless of how severe their problems might be.

Arbitrary quotas would inevitably reward large communities with large sums, whether or not they needed such amounts.

As direct assistance would not require identification of regional problems, funds would be spent within individual units of government and not used to support inter-jurisdictional programs.

The development of a formula for distribution presupposes that Washington officials understand the needs of distant local communities, and history has shown that this is far from the truth.

The flexibility to respond to local problems and to set priorities would be terminated by fixed percentage distributions.

Now, there is an incentive for creativity. This is the case because our regional board will not provide LEAA funds to a unit of government unless the proposed project is innovative and critically needed. This process would vanish if funds were simply added to the revenues of local government.

Since 1971, we have learned to create programs which respond to our most critical needs. Revenue sharing would reverse this reasoning by compelling units of government to devise projects which match available federal dollars, rather than encouraging development of solutions to their real problems. In this way, direct assistance provided through an arbitrary formula would achieve federal efficiency at the cost of local effectiveness.

While revenue sharing might enable some units of government to help themselves, it would eliminate forever their opportunity to help each other. Regional problems can never be solved by individual efforts, and revenue sharing will not support the cooperative interjurisdictional programs which are essential for success. The present incentive for cooperation in California is the regional system. The 58 counties and their cities are grouped into 21 regional planning units. If separate awards were made to each county and city, the basis for cooperation would be gone.

It has been recommended to the Attorney General that minimum levels of support be specified for functional areas of the criminal justice system. The concept of required and specific levels of support contradicts the purpose of criminal justice planning, as defined by Congress. Agencies like ours systematically identify the areas of greatest need and then provide LEAA dollars for those problems where funding can do the most good. Such a planning process cannot be dictated by quotas determined in Washington; it must be responsive to local priorities. It is clear to us that this recommendation was made to preserve the balanced distribution of funds which now results from the block grant, but which would be precluded by pure revenue sharing.

Another regulation now under study at the Justice Department would require units of local government to undertake criminal justice coordination. From our perspective, the suggestion that revenue sharing be provided directly to individual the proposal that coordination be required. We are unable to comprehend how such a rule can be realistically considered if the primary duties of criminal justice coordinating councils are to be eliminated. Termination of block grants would relieve us of our responsibility to plan for their use. Provision of direct assistance in lieu of block grants would eliminate the funds we now utilize to implement the

programs which we have developed. It would appear that this new rule is proposed in an effort to salvage the planning which was intended by Congress and which would otherwise be eliminated by revenue sharing. Upon further study, we hope the Committee will recognize that revenue sharing and regional planning are contradictory concepts.

Another proposed rule would restrict the use of LEAA funds to implementation of improvements in criminal justice. Such a requirement represents a desperate attempt to prevent the inevitable abuse of revenue sharing funds. Several studies have demonstrated that revenue sharing would allow LEAA dollars to be consumed by routine expenditures of local government. The Brookings Institution has conducted a study which even the Justice Department cannot ignore:

". . . a recent study of state and local public safety expenditures under the revenue sharing program revealed that without some minimal 'strings attached' the direct assistance funds would probably be funneled into support of normal day to day operation expenses such as basic personnel compensation, capital improvements and routine equipment purchases." (Quoted in the Report of the Justice Department Study Group, p. 24, from Nathan, Richard P., "Where Have All the Dollars Gone—Implications of General Revenue Sharing for the Law Enforcement Assistance Administration," Brookings Institution, Washington, D.C., December 1976.)

Revenue sharing would turn back the clock to the time which preceded our agency. Creativity would disappear. How could a supplement to local coffers, which amounts to less than 3 percent of what we spend on criminal justice, possibly make any difference? Some speak of a requirement for innovative expenditures, but how can you require creativity when you have removed the only mechanism we have for the development of new ideas?

Revenue sharing means the destruction of what Congress has intended by the Act. Congress wanted units of local government to set priorities and plan ways to solve their problems. Revenue sharing would manipulate where funds were to be spent, not by planning and assessment of need, but by population or some other arbitrary formula. Congress wanted local agencies to join together in cooperative efforts which solve crime problems. Revenue sharing would supplement budgets in individual communities and eliminate the block grants which now support intergovernmental planning. Congress wanted local governments to develop innovative solutions to criminal justice problems. Revenue sharing would preclude the regional evaluation and review process which now insures creativity, by eliminating the applications for block grant funding which communities now submit to agencies like the one I represent.

WHY KEEP BLOCK GRANTS?

Since 1968, Congress has carefully scrutinized the operation of LEAA. As the present legislation expires, Congress will have an opportunity to review nearly ten years of experience with the block grant system. In Santa Clara County, it is clear to us that the block grant instrument is both appropriate and viable. We are confident that you will agree. It is time to build upon the successes of LEAA and to terminate those efforts which have resulted in failure. From our perspective, the block grant approach is not to blame for the deficiencies of LEAA. On the contrary, it is responsible for the achievements of the program.

Somehow the device of the block grant has been blamed for a multitude of sins which have nothing whatever to do with the concept itself. As early as 1970, the Advisory Commission for Intergovernmental Relations concluded that the block grant was, "A significant device for achieving greater cooperation and coordination of criminal justice efforts between the states and their political subdivisions." ("Safe Streets Reconsidered: The Block Grant Experience 1968–1975," ACIR, p. iii.)

At that time, the Commission recommended that the Congress retain the block grant approach and that efforts be undertaken to improve the administration of the program. In other words, it was suggested over seven years ago that the problem with LEAA was not a device we call the block grant. Rather, the difficulty had resulted from the way Administrations had chosen to carry out the act. The problems we face today are no different. The block grant concept has been plagued by myths. Let me discuss a few of them.

There is a myth that large cities have not received their "fair share" of LEAA funds. Yet, a 1975 survey of cities and counties throughout the United States demonstrated that there had been an equitable distribution of funds.

"Collectively, the larger cities and counties, experiencing more serious crime problems, have received a percentage of Safe Streets block grant funds in excess of their percentage of population and slightly below their percentage of all reported crimes." (ACIR, Ibid., p. 151).

"A greater proportion of LEAA discretionary funds than block grant funds has been directed to large urban jurisdictions and private agencies . . ." (ACIR, Ibid., p. 152.)

There is a myth that LEAA funds are used primarily to support the police and that there is not an even distribution of dollars throughout the criminal justice system. Several studies have shown that the block grant system has produced an appropriate distribution of funds.

"A generally balanced pattern has evolved in the distribution of Safe Streets funds to jurisdictions having serious crime problems as well as among the functional proponents of the criminal justice system." (ACIR, Ibid., p. 189)

"Safe Streets block grant funding for different functional areas (police, courts, corrections, etc.) has stabilized over the years. Of particular note, the percentage of funds awarded to police activities has declined from more than 66 percent in 1969 to 36 percent in 1974." (ACIR, Ibid., p. 151)

There is a myth that a substantial amount of LEAA money has been used to buy hardware for law enforcement agencies. A variety of study groups, including those of Congress and GAO, have determined that this is simply not the case.

"A small proportion of Safe Streets funds has been used to purchase equipment or construct facilities, while the overwhelming majority of the funds has been used for law enforcement and criminal justice services." (ACIR, Ibid., p. 151)

". . . As in other states, California awarded the majority of its Part C block funds (81 percent) for service activities and only a small percentage for equipment, construction, personnel and training. Only 8 percent of the funds were awarded for equipment project, . . ." (ACIR, Ibid., Part B, p. 259)

There is a myth that LEAA is merely another source of revenue for local government, and the block grant system has not resulted in change for improvement. On the contrary, all the evidence indicates that significant changes have been made with block grant funds, and it is clear that these improvements would not have taken place in the absence of this funding device.

". . . Safe Streets block grant funds have been used to support activities that are new to the jurisdictions receiving the funds, rather than for routine undertakings or as a substitute for normal local expenditures." (ACIR, Ibid. p. 151)

"Safe Streets funds have supported many law enforcement and criminal justice activities that recipients otherwise would have been unable or unwilling to undertake." (ACIR, Ibid., p. 189)

"Although early critics of the program claimed that too much money was spent on routine purposes, particularly in the law enforcement area, the available evidence indicates that most Safe Streets dollars have been used for new programs that would not have been launched without federal aid." (ACIR, Ibid., p. 189)

Even the Justice Department's Study Group has recognized the success of local criminal justice planning.

". . . one of the accomplishments of this federal financial assistance has been the development at the state and local levels of a systemwide perspective in responding to the problems of the criminal justice system and the creation mechanisms for fostering systemwide responses." (P. 22 of the Report.)

What the Study Group failed to acknowledge was that these successes in criminal justice planning are attributable to the block grant concept. As described by the Advisory Commission on Intergovernmental Relations, block grants have allowed units of local government to carry out the intent of Congress " . . . while maximizing state and local flexibility in addressing their crime problems." (ACIR, Ibid., p. 193)

There is a myth that block grants provide only temporary support for poorly conceived programs. The opposite has been true in our jurisdiction. Almost 90 percent of the grants funded by LEAA in Santa Clara County have become permanent agencies of criminal justice. It appears that this experience is not an isolated example, as studies have shown a high rate of assumption throughout the country.

"State and local governments have assumed the cost of a substantial number of Safe Streets initiated activities." (ACIR, Ibid., p. 190)

"A key barometer of the impact and importance of Safe Streets supported activities is the extent to which they have been institutionalized and their cost assumed by state agencies and local governments. It appears that once federal funding ends a rather high percentage of programs or projects continue to operate with state or local revenues . . . the mean estimate by SPA's for the percentage of Safe Streets supported activities assumed by state and local governments was 64 percent. City and county estimates were even higher, with 83 percent of the former's and 78 percent of the latter's projects estimated as having been assumed." (ACIR. Ibid., p. 190)

There is a myth that meaningful planning has not occurred and LEAA has created a process of mechanical paperflow as a requirement for distribution of dollars. In fact, planning has become a reality in many jurisdictions throughout the United States, and LEAA funds are the only incentive for continued progress. Criminal justice planning in our jurisdiction has been a meaningful and productive activity. It is the collective result of Staff and Board efforts. Our Board is composed of persons from all walks of life, bound together by mutual dedication to reduce crime and improve the quailty of justice in our community.

The Advisory Commission on Intergovernmental Relations has recognized the importance of such participation, and the success of local planning.

"This varied representation pattern has helped make activities supported with Safe Streets Dollars more responsive to community needs and priorities. In addition, these priorities have been more realistic in light of state and local fiscal capacities, and more closely linked with nonfederally funded crime reduction activities than otheriwse might have been the case." (ACIR, Ibid., p. 189)

"The Safe Streets act has provided an incentive for elected officials, criminal justice professionals and the general public to work together in attempting to reduce the crime. Representation of these interests on state planning agency and regional planning unit (RPU) supervisory boards has been the chief vehicle for achieving greater cooperation in the day to day operations of criminal justice agencies and encouraging more joint undertaking across functional and jurisdictional lines." (ACIR, Ibid., p. 189)

The block grant concept has created a new consciousness in local government. For the first time, this federal program has enabled local officials to work together in an effort to reduce crime and improve the quality of justice. I am here to assure members of the Committee that a mechanical distribution of dollars, as intended by revenue sharing, would be destructive of the most important accomplishment of LEAA to date—criminal justice planning.

In 1968, Congress created agencies like the one I represent today, and gave each of them an important role to play in our justice system. That role has demanded an identification of critical needs, a setting of priorities, and the creation of solutions to the serious problems which affect our daily lives. We take these responsibilities seriously. Quite frankly, we are shocked and dismayed that our role in the justice system would be precluded by the current proposals for revenue sharing. The Advisory Commission on Intergovernmental Relations has described this new consciousness and the block grant program in this way:

"Much of this consciousness raising was the result of the intergovernmental and multi-functional framework established by the block grant and is a necessary precondition to building an effective criminal justice system." (ACIR, Ibid., p. 189.)

The National Governor's Conference provides eloquent testimony to the importance of block grants.

". . . the most striking examples of crminal justice systemic improvement have resulted from the state block grant programs, further reason why the governors believe that the block grant program is the part of LEAA most deserving preservation . . ." (National Governors Conference, Committee of Crime Reduction and Public Saefty, Hall of the States, 444 N. Capitol St., Washington, D.C.)

The National Conference of State Criminal Justice Planning Directors has said,

"We believe the recommendations of the Study Group for restructuring the LEAA program are less likely to promote its own stated purposes than the current LEAA program . . ."

The National Conference strongly disagrees with the rejection of comprehensive planning in the block grant concept.

"Coordination, in whatever form, cannot be effective without good planning, priority setting and programmatic resource allocation . . . The mechanism which can best deliver this assistance is the block grant approach . . ."

The value of the block grant is in the planning process which it has engendered in local government. The block grant is a tool with which local officials can repair and build their criminal justice system. The way we have chosen to perform these tasks in California is through: 21 intergovernmental bodies. As I have explained, these local agencies use block grants as the means to implement what they believe to be the answers to their problems. If Congress takes away the block grant, we would be without the tools we need to do the job. We would be without a reason for these planning bodies. We would be without an incentive to improve upon existing conditions.

We urge you to examine the real problems associated with how the Executive Branch has carried out the will of Congress. Pleas don't throw the "baby" of local planning out with the "bathwater" of red tape and confusion.

ADMINISTRATION OF THE PROGRAM

The first issue I wish to address is a deficiency most painful to local government—LEAA paperwork. Each of the last four administrations has developed additional guidelines, regulations, and restrictions for the use of LEAA funds. This growing period of rules has overwhelmed the limited personnel of local government.

As local representatives of LEAA in Santa Clara County, we must often apologize for the "red tape" which accompanies federal grants. This situation is regrettable because we are often blamed for requirements over which we have no control. Criminal justice agencies are outraged by the paperwork which always accompanies LEAA funding. It is important to note these objections have been raised to the confusing maze of an LEAA bureaucracy in which agencies must operate after our local planning decisions have been made. We have to remind our constituents that these administrative problems subsequent to the selection of their project should not be confused with the initial decision by our Board to spend LEAA funds where are most critically needed.

The administrative hurdles which LEAA places in the path of the grant recipient represent only problems. The other problem is the incredible burden of the number of rules imposed upon our agency before we can ever develop the projects. The Advisory Commission on Intergovernmental Relations conducted a survey in 1975 which placed great emphasis upon the desire of California's Governor to reduce the paperwork of LEAA. The 1975 survey cited California's 3 page state plan as a conscientious effort to eliminate excessive red tape. (Part B ACIR p. 273.).

Today I have with me the result of LEAA's latest guidelines: a plan for our Region alone, one of the 21 regions in the state of California, which is over 300 pages in length. One cannot help but ask where all this is taking us.

The plan requirements promulgated by LEAA have reached the point of absurdity. Over two years ago the following observation was submitted to the Congress:

"In some states the SPA, RPU's, or a local planning agency may be involved in various phases of three comprehensive plans at one time—evaluation of one, implementation of another, and data collection and analysis for a third. As the result of these factors, Safe Streets Planning has been largely directed to the allocation of federal dollars." (ACIR p. 199.)

The 1975 survey of the states found unanimous displeasure with the LEAA bureaucracy.

". . . a major object of complaints is LEAA guidelines, which are considered restrictive, incomplete, repetitive, and overly detailed. In some states, compliance with guidelines requirements leaves little time for comprehensive planning." (ACIR p. 97.)

From a series of simple memoranda in 1968, the guidelines for local planning had grown to over 196 pages by 1975. (CIR p. 44.)

A variety of organizations across the country have recognized that achievement of objectives set forth by Congress is hindered by the statutory and administrative requirements imposed upon local government. For example, the National Association of Counties has passed a resolution urging Congress to "reduce administrative requirements that impede the ability of county and other

local officials to target funds on local priorities, eliminate state comprehensive planning requirements that discourage local planning and coordination, . . ." (National Association of Counties, Criminal Justice Program, 1735 New York Avenue, N.W., Washington, D.C.)

At the local level, we have found that the time regional staff should devote to the task of project development and criminal justice planning must instead be sacrificed to LEAA guidelines compliance. In the words of the ACIR, "Too often planning has been eclipsed by grant administration, making the planning process only an annual ritual." (ACIR p. 186.)

Those of us who have endeavored to make a sucess of LEAA have become increasingly frustrated by the extent to which these rules have undermined the flexibility intended by the block grant system which Congress has adopted for LEAA funding.

FRAGMENTATION OF PLANNING

The reauthorization hearings of 1970 served as the first opportunity for Congress to hear complaints about LEAA. At that time, a variety of interest groups exerted considerable pressure upon Congress to provide increased emphasis for particular subject areas. A wide variety of organizations appeared before the committees responsible for LEAA, including the National Association of Counties, The International City Management Association, The National Governors Conference and the National Urban Coalition. As I noted earlier, the Advisory Commission on Intergovernmental Research found that such protests were justified as early as 1970, because LEAA had not evenly distributed funds where they were most needed during the early years. It was clear that LEAA had not yet matured to a stage where funds were intelligently distributed. In response to this problem, and in face of such widespread protest, Congress took action to create specific funding categories within the Act. Unfortunately, the scenario of protests in Congressional reaction was to be repeated on several subsequent occasions. Hearings on the 1973 Crime Control Act again brought demands for categorized funding. The Juvenile Justice and Delinquency Prevention Act of 1974 introduced yet another area of specialization.

This process of evolution has brought LEAA to a point of mass confusion. The multitude of funding categories, and their attendant planning requirements, has consumed more time and effort than originally intended by Congress. Today we see the product of these developments as an LEAA overburdened by regulations and procedures for particular areas of emphasis and specialization. We strongly suggest that Congress carefully reconsider categorization.

Upon further investigation, this Committee may determine that such requirements are no longer necessary or appropriate. Available evidence seems to indicate that the original reason for categorization, an inequitable distribution of funds between jurisdictions and functional components of the criminal justice system, is simply no longer a problem. Ironically, it appears that this administrative response to that difficulty has itself become a significant problem for LEAA.

To begin with, this arbitrary division of subject areas and the enforced "pie cutting" philosophy are antagonistic to effective planning in local government. It is now practically axiomatic that crime must be addressed by an integrated criminal justice system, and not by individual or isolated elements. Congress should reinforce coordination, and this simply cannot be done while requiring functional separation.

The procedures and paperwork which have resulted from functional categorization are evils not anticipated by those who originally supported this approach. As an inevitable concomitant to separate planning requirements, this red tape has consumed the time and effort which should be devoted to meaningful criminal justice planning. The ritual of compliance with several different categories is wasteful and unnecessary. To echo the words of the Advisory Commission of Intergovernmental Relations * * *

"The requirement for SPA's to prepare and submit an additional functional plan, which may or may not be incorporated into the state's comprehensive criminal justice plan, appears to be especially duplicative, time consuming and costly." (P. 194 ACIR.)

Recent studies have indicated that the original reason for categorization should no longer be of concern to Congress. The survey conducted by the Advisory Commission on Intergovernmental Relations in 1970 found that LEAA had not yet achieved an equitable balance of funds between functional categories of the criminal justice system, and among local jurisdictions with serious crime problems. In 1975, the Commission reported that an evolution of local planning had corrected this problem.

"A generally balanced pattern has evolved in the distribution of Safe Streets funds to jurisdictions having serious crime problems as well as among functional components of criminal justice system." (P. 190 ACIR.)

Evidence also indicates that the failure of LEAA to allocate a proportionate share of funds to units of government with critical crime problems is a "straw man". In 1975, a survey of cities and counties throughout the country revealed that:

"The flow of block grant assistance over the years in terms of city/county criminal justice systems across the country reveals that larger jurisdictions have received a portion of action funds generally in accord with their share of population and slightly below their share of proported crime." (P. 196 ACIR.)

Obviously, the "mini block" provision of the 1976 Crime Control Act will serve to guarantee that this balance continues. We support the "mini block" concept, as it provides a method for effective and efficient allocation of funds. The consolidation of several grants for a particular unit of government into a single package provides an opportunity to streamline the funding process. We join with the Advisory Commission on Intergovernmental Relations in urging Congress to prevent further jurisdictional categorization of the Act, and to ensure that "mini block" grants are restricted to the administrative purposes originally intended.

There is one threat which the committee should recognize, if individual units of government, particularly large cities, develop an independent planning process for "mini block" grants it would disrupt intergovernmental relations and regional planning. It is important to remember that this device was intended ot eliminate red tape, and was not conceived as an "end run" on established regional planning units. Without clear guidelines, there is a danger that jurisdictions entitled to a "mini block" will secede from the criminal justice coordination councils mandated by Congress. In this way, jurisdictional categorization may promote undesirable competition and devisiveness between jurisdictions of different sizes. As a regional planning unit, our agency strives to maintain a cohesiveness between the cities, and a commonality of purpose. We ask the Committee not to undo the good which has been done through regional planning, and to recognize the threat of fragmentation which will result from isolated "mini block" planning.

Certainly, safeguards are needed. We would not suggest that Congress abandon its efforts to assure a well balanced distribution of LEAA funds. Our experience suggests that an equitable distribution of dollars may be achieved through the block grant system without functional and jurisdictional categorization. Two methods have been attempted. The percentage requirements in separate planning processes for components such as corrections (Part E) and juvenile justice, represents one approach. It has been the finding of several study groups, and our experience in Santa Clara County, that these arbitrary separations have failed. An alternative approach has been embodied in the Crime Control Act of 1976.

I refer to the "adequate share" requirement for the courts, a far more desirable safeguard. This new approach achieves the objective of a balanced distribution of funds, without creating the duplication and additional costs of formal categorization. It enables regional planning units such as ours to address the criminal justice system as one system, and is supportive of comprehensive planning. We strongly urge the Committee to consider this device for replacement of the isolated components created in 1971, 1973 and 1974.

Together with the Advisory Commission and Intergovernmental Relations, we suggest that Congress consider the repeal of such divisive elements as Part E and juvenile justice. I offer for your consideration this eloquent commentary contained in the 1975 Report of the ACIR:

"In the Commission's judgement, experience has proved that the block grant approach is the most feasible way to develop an effective intergovernmental criminal justice system. Functional categorization and the earmarking of funds undermine the block grant principle. They raise questions concerning the degree to which Congress is willing to give recipients real flexibility in arriving at appropriate functional and jurisdictional funding balance and in adapting federal aid to their own needs. They generate needless duplication of effort and increase administrative cost. Indeed, they strengthen the very functional fragmentation that Congress ostensibly is attempting to curve through the block grant mechanism. By reversing the categorization trend, the Act can be a more effective catalyst for police, prosecution and defense, judicial and correctional activity within individual jurisdictions as well as between cities, counties and their state governments." (P. 194 ACIR.)

LOCAL RESPONSIBILITY AND THE FEDERAL ROLE

The role of the Federal Government in local criminal justice has come a long way from what Congress originally had in mind. While, this may sound like a provocative statement, I base the observation upon a layman's reading of the opening words of the 1968 Crime Control Act—Congress finds further that crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively. (Title 1, Omnibus Crime Control and Safe Streets Act of 1968, 42 USC 3701.)

Over the years, four administrations have paid lip service to the concept of local control. It has yet to become a reality. The most recent proposals contained in the Report to the Attorney General prepared by the Justice Department Study Group exemplify the dichotomy. By way of introduction, the Study Group acknowledged constitutional limitations imposed upon the Federal role. As in the three previous administrations, it was noted that the primary responsibility for law enforcement and criminal justice rests with state and local governments; that Federal resources devoted to the nations crime problem are but a small fraction of the amount expended by state and local governments; and that local control of law enforcement was intentionally designed to prevent concentration of Federal power. (Pp. 4 and 5 of the Study Group Report.)

Like so many of its predecessors, this Group then proceeded to outline a role of Federal domination and local compliance.

This desire to issue criminal justice dictates from Washington not only contradicts the intent of Congress, but also flys in the face of several studies on LEAA. The LEAA track record shows that local government has been it's key to success and Federal manipulation has been it's consistent failure.

We are somewhat dismayed by the degree of emphasis often placed upon a dominant Federal role in research and planning. In an era of limited resources it would appear that funds might best be used for local criminal justice efforts and not to subsidize Federal research projects. Since 1968, LEAA has maintained a national study center to provide discretionary funding for projects it believes to be appropriate. Study after study has shown that the limited success of these research efforts have not justified their cost. The discretionary grant process has engendered divisive competition, excessive red tape, and program fragmentation. In these ways, the centralized Federal "think shop" exemplifies the abuses of a self perpetuating bureaucracy. We take this position after careful review of practical economic issues. If a realistic set of priorities is to be established by the Congress, research must rank far below direct efforts to combat crime. If sufficient funds were made available, national research is an endeavor which might be reconsidered. Until that time, we respectfully submit that the taxpayers can no longer afford to support Federal research at the expense of their own safety.

Our six years of experience have demonstrated many examples of the failure and disruption which can result from the discretionary grant process. LEAA has periodically made funds available to a select few agencies without regard for the orderly regional planning and budgeting which may be underway in local government. The grants awarded by Washington have never differed in any significant way from those which have been developed through local processes. The past practices of LEAA in awarding discretionary contracts have encouraged divisive competition between local jurisdictions, and have created political conflict. Moreover, experience has shown that Washington officials may not understand local problems as well as the persons who deal with these issues on a daily basis. In your review of the LEAA bureaucracy, the Committee may wish to note that the administrative machinery in Washington which evaluates discretionary applications and makes these awards represents yet another unnecessary and expensive element of the system. Based upon our experience in what we have seen of national studies it appears that these research efforts are simply not cost effective.

In the face of massive Congressional reductions in LEAA appropriations, Federal research efforts seem to be a luxury that we can simply no longer afford. Dollars invested in basic research are by definition not directly related to crime problems. Even applied research diverts funds away from projects which fight crime in the streets. Please do not construe these statements as anti-academic. Although we recognize the need for research it simply seems that these activities are the logical sacrifice to follow reductions in the LEAA budget.

We echo the words of the National Governors Conference:

"Too often, state programs have been mistakenly criticized for activities involved in unnecessary and unwise research and discretionary grant projects sponsored by LEAA's Washington office. In fact, much of the abuse directed at the LEAA program, in general, would have been better directed at the agency's administration of grants and programs over which it had direct control. Questionable LEAA sponsored projects abound, resulting largely from the Agency's failure to work closely with state and local recipients to better develop a sense of the needs and concerns of those directly responsible for law enforcement and crime prevention." (National Governor's Conference, address previously given.)

Major federal demonstration projects share this dubious record. Both the Pilot Cities and Impact Cities' projects represent massive expenditures and insignificant results. The Pilot cities project represented an effort by Washington to demonstrate and evaluate innovative ideas and technologies in eight cities throughout the county, at a cost of over million dollars. The Impact Cities program was designed to reduce specific crimes by 20 percent and expended over $160,000,000 during its two years of operation in eight urban areas. Neither program was successful. Of Pilot Cities, the GAO concluded ". . . that the Program had not been successful and was unlikely to become so." (P. 1 Evaluation: Pilot Cities NILECJ, LEAA, from Comptroller General of the United States, The Pilot Cities Program: Phase Out Needed Due to Limited National Benefits, GAO, 1974.)

It should be noted that the San Jose Pilot Project was evaluated as the most successful of all eight offices, and was not a reason for the early termination of the Program.

Discretionary grants awarded by Washington have traditionally comprised a substantial portion of LEAA funds. The amount has ranged from $145,250,000 in 1973 to $134,469,000 in 1977, including the new categories of juvenile justice and community anti-crime. This represents a reduction of approximately 7 percent. During this same period, block grants for the states and units of local government have moved from $536,750,000 in 1973 to $349,961,000 in 1977, a reduction of $186,789,000 or a decrease of about 35 percent. The priorities which these changes indicate are hardly supportive of local efforts. On the contrary, it's clear that local government has suffered a massive loss of resources while Washington bureaucrats continue to control a colossal amount of crime control dollars.

The impact of the discretionary grant process upon local crime problems is highly questionable. To begin with, the planning for discretionary grants occurs at LEAA headquarters in Washington and not in the communities where the funds are eventually to be utilized. In this way, local officials have been compelled to plan for dollars made available by Washington, and not to plan for problems in their own communities. There is no evidence to support the notion that LEAA officials are better able to assess the needs of local communities than the persons who face these problems on a daily basis. The programs developed by LEAA headquarters have never been shown to be any more effective developed by regional planning units and local government. The periodic solicitation of applications for discretionary grants does not coincide with local planning and budgetary processes, and as such it has become a disruptive process.

Local government has suffered a massive loss of resources while LEAA bureaucrats continue to control a colossal amount of crime control dollars.

The impact of the discretionary grant process upon local crime problems is highly questionable. To begin with, the planning for discretionary grants occurs at LEAA headquarters in Washington and not in the communities where the funds are eventually to be used. In this way, local officials have been compelled to plan for problems in their own communities. There is no evidence to support the notion that LEAA officials are better able to assess the needs of local communities than the persons who face these problems on a daily basis. The programs developed by LEAA headquarters have never been shown to be any more effective than those developed by regional planning units and local government. The periodic solicitation of applications for discretionary grants does not coincide with local planning and budgetary processes, and as such it has become a disruptive process. The ACIR noted the political trend of discretionary funding:

"As mentioned earlier, the frequent shifts in policies and priorities may have greatly limited the potential impact of discretionary funds. These shifts certainly produced confusion and uncertainty among the potential recipients." (ACIR p. 47.)

There have been many abuses of discretionary grants. Evidence has surfaced that LEAA discretionary funds have been used as political support for the ad-

ministration in selected jurisdictions across the country. (Epstein, Edward J., "The Krogh File—The Politics of Law and Order," The Public Interests Number 39, New York, National Affairs Inc. 1975, pp. 110–111.)

There is also reason to believe that discretionary grants have been awarded to private interest groups in return for their support of LEAA and the Executive Branch. (National Journal No. 7, Washington, D.C. Government Research Corporation, 1975).

Let me turn away from the Washington problems for a moment and tell you what its like at home. Let me first point out that the impact of LEAA in Santa Clara County has declined with the years. In 1973, when the criminal justice system in our jurisdiction had an aggregate operating budget of approximately 58.6 million dollars our regional planning unit disbursed approximately 2.5 million dollars. During 1977 the budget for criminal justice in Santa Clara County is 87 million dollars and the LEAA has contributed 1.25 million. In other words, during a period of tremendous increases in criminal justice costs LEAA funding has been reduced by over 50 percent. I should point out that funds at the local level have been limited in part by the practice of our state planning agency in retaining approximately 25 percent of Part C block funds allocated for the State.

California is an example of what the ACIR has described as "decentralized" criminal justice planning. That is to say that the 21 regional planning units have assumed most of the responsibility for LEAA funding and programs. As such, the comprehensive plan for the State is merely a compilation of regional plans prepared by the 21 agencies such as ours. At the same time, the Safe Streets Act leaves ultimate responsibility for the program not in the hands of local units of government, such as the 15 cities and county which comprise our region, but rather in the hands of the state planning agency. For this reason, local officials feel that they have little discretion in how LEAA funds are ultimately controlled. This frustration was succinctly described in a recent study.

"Some local and elected criminal justice officials strongly believe that this discretionary feature is illusory and that to argue its existence is naive, bordering on nonsensical. In the real world of administration, they point out, a block grant is a federal/state, not a federal/state/local partnership. Under this arrangement, the state, not local government, is the beneficiary of the discretion, because it becomes the senior partner in determining the use of funds." (ACIR p. 179.)

If local control of the program were a reality, then local units of government would have direct control of LEAA funds. Even in states such as California, where regional planning units have assumed most of the duties of the program, there is a prevailing feeling that Safe Streets is a state and not a local effort. Until Congress makes regional planning units legally responsible, this frustration will continue. Clearly, state government is best equipped to assume such responsibilities as audit, civil rights enforcement, and other administrative duties. When it comes to planning for crime control, however, local units should have the responsibility and authority, as originally defined in the Safe Streets Act as the intent of Congress. In California, the real planning has always been a local process. The ACIR team found no evidence that evaluation results had been used in the planning processes at the state level. Such evaluations were used and did affect decisionmaking at the local level. (ACIR Part B page 256). California's reliance local planning units was described in this way:

". . . Although statewide crime and system performance data were available for integration into the decision making process, they were rarely used. Instead, the state relied upon the decisions already made by regional officials as incorporated in their annual plan . . ." (ACIR p. 254.)

California is no exception to the rule that state planning agencies operate as administrative bodies and have little to do with planning. From our perspective at the local level, it appears that the state planning agency is a weak link in our relationship with the federal government. Our frustration at the local level is aggravated by the orientation of LEAA headquarters. It has been our experience that LEAA has been primarily interested in financial management and has exhibited only a passing interest in planning. We now face the situation where Washington generates a plethora of guidelines and requirements. State planning agencies furiously generate paperwork to respond and planning is left to those of us at the local level.

For this reason, there are those of us who regret that LEAA did not develop as originally planned. Members of the Committee may recall that in 1967 following President Johnson's February 6 message to Congress on Crime in America, the administration proposed a Safe Streets Act to implement the recommenda-

tions of the President's Commission on Law Enforcement and the Administration of Justice. When first proposed, the federal crime control program was envisioned as a direct partnership of federal and local government. Attorney General Ramsey Clark described the reasoning in this way:

"When you look at state governments and look at their involvement in local law enforcement, you will see that it is almost nil . . . the state doesn't have the experience, it doesn't have the people, it doesn't make the investment in law enforcement and police that local governments make. So they could not contribute." (U.S. Congress, House Committee on the Judiciary, Subcommittee No. 5, Anti-Crime Program Hearings, 90th Congress, 1st session, 1967 p. 65.)

By August of 1967 the concept of a federal/local relationship had become quite controversial. The program as we know it today began with the introduction of an amendment, offered by Representative William Cahill of New Jersey. That amendment provided for state planning agencies and block grants. This amendment seemed to satisfy the concern that the authority of the Attorney General be limited, and that administrative responsibility be assumed by state governments. Among the leaders of the coalition which supported this approach was the then House Minority Leader, Gerald Ford, who said: ". . . dollar help should be channeled through the states, through a designated state agency. (U.S. Congress, House, Remarks of Gerald Ford, Congressional Record, August 3, 1967, page 21201.

Opponents of this position argued that local jurisdictions would resent a state governments' threat to their autonomy and that ultimate responsibility for the program would inevitably revolve to local government regardless of the administrative structure. When the Bill reached the Senate it agonized through a month long debate. The controversy of state versus local control was resolved by a compromise agreement that state planning agencies would be created, but required by law to pass through a specific percentage of federal funds to units of local government. Over a year after debate had begun in the House, the Senate passed the Omnibus Crime Control and Safe Streets Act of 1968.

In retrospect, it is clear that the Congressmen who argued for greater local control and against federal manipulation during those debates in 1967 and 1968 were able to accurately predict the problems of LEAA which we face today. Perhaps it is time for Congress to reopen those debates, and reconsider the role of local government in our nation's crime control efforts. We now have the work and responsibility, but not the control. When Congress looks at the history of LEAA, we are confident that federal and state layers of bureaucracy will be recognized as the major obstacles to our progress as conceived by the Congress and carried out at the local level.

A prime example of the poor federal/state/local relationship which has resulted from the present LEAA procedures is the closure of the LEAA regional offices. Without consulting any of the agencies or organizations who have relied upon those offices, the Administration unilaterally terminated their functions. Those of us who are required by LEAA regulations to obtain approval for certain expenditures now face the uncertain future of a Washington bureaucracy. For example, if a grant involves the use of data processing equipment, it will now be necessary for regional planning units staff to conduct "lease purchase" analysis and submit that study to Washington for approval. Average turn around time with regional offices was about 90 days, and we are not optimistic about the prospect of one new office doing the work of ten. Hundreds of criminal justice agencies from throughout the country will now be compelled to correspond directly with LEAA headquarters. We concur with this statement of the National Governors Conference:

"A recent example of LEAA's lack of cooperation in communication is the announced closing of LEAA regional offices. This is to be done without consultation with the elected officials of the state or state agencies which use these offices." (National Governors Conference, op cit)

At a time when the need for federal and local cooperation is most critical, this action comes as a slap in the face. If the present Administration proceeds on the course set by the Justice Department's Study Group, the concept of local may soon be completely forgotten.

In response to the Report submitted to the Attorney General, an organization of local criminal justice planning officials passed a resolution which reiterates what we always understood to be the intent of Congress:

"Any federal assistance program addressing the crime problem should recognize and support the authority of cities, counties or combinations thereof to deter-

mine their own local program priorities." (National Association of Criminal Justice Planning Directors, 1012 14th Street, NW., Washington, D.C.)

In our view of the federal crime control program, the four Administrations in office since 1968 appear to have increased dominance of the program and decreased sensitivity to local needs. In many ways, the fears originally voiced by Congress in 1967 have gradually become realities.

In fear of how what was to become LEAA might erode local control, a 1967 Congressional Committee report said: "We don't want this bill to become the vehicle for the imposition of federal guidelines, controls, and domination." (U.S. Congress, Senate, "General Minority Views", Report of the Omnibus Crime Control and Safe Streets Act of 1968, 99th Congress, 2nd session, page 230.

Let me give you an example of how that fear has come to life in Santa Clara County. Because of a cutback in Part C funds to our area, the Regional Criminal Justice Planning Board has insufficient monies to fund specialized unit for District Attorney's office. In response to Washington's solicitation for a "career criminal" project our District Attorney prepared a grant application and submitted it to LEAA. The District Attorney called Washington on several occasions to discuss his application with LEAA. Not once was his call returned. After several weeks we received a letter from an LEAA official stating that the application had been turned down. The reason given for this denial was the failure of our District Attorney to promise that he would restructure his office and supervise his staff according to a particular LEAA program guideline. There was no question of the severity of our crime problem, nor was the need for this program at issue. Moreover, Washington had already given a discretionary grant to the San Jose Police Department which was specifically designed to operate together with the proposed program at the office of the District Attorney.

It should also be noted that our District Attorney's office is in compliance with all-state and federal standards for speedy trial despite present heavy caseloads and our District Attorney is one of the most highly respected D.A.s in the country. Here we have an example of LEAA consideration for local control. Our District Attorney, President of the National District Attorney's Association, is told that he cannot have an LEAA grant because he will not run his office according to the prosecution procedures established by a Washington bureaucrat. Such action is a far cry from the intent of Congress as described in this section of the Act:

"Nothing in the Act is to be construed to authorize any federal department agency, officer or employee to exercise any direction, supervision, or control over the organization, administration or personnel of any state or local police force or other law enforcement agency." (Law Enforcement Assistance Act of 1965, Public Law 89-197, § 7, September 22, 1965)

AN ANALYSIS BY THE REGIONAL CRIMINAL JUSTICE PLANNING BOARD, SANTA CLARA COUNTY, CALIF., OF THE REPORT: "RESTRUCTURING THE JUSTICE DEPARTMENT'S PROGRAM OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS FOR CRIME CONTROL AND CRIMINAL JUSTICE SYSTEM IMPROVEMENT"

I. THE NATION'S CRIME PROBLEM

The Regional Criminal Justice Planning Board concurs with the observations in this discussion of crime.

Santa Clara County has exhibited the volume of crime, expenditures by the criminal justice system, and level of public concern which are each delineated in this section of the report. Our trends in these subject areas exemplify the National problems which have been cited by the Study Group.

II. A FEDERAL RESPONSE TO THE NATION'S CRIME PROBLEM

A. The need for a Federal response.

The Regional Criminal Justice Planning Board further agrees with the analysis in this section.

Our local officials requested a Federal response to the crime problem as early as the publication of the President's Crime Commission in 1967. Since then, local criminal justice expenditures have increased in Santa Clara County by over 172%. This increasing economic burden of the crime problem has become critical, and local government now relies upon the Federal government for the relief which is provided through LEAA.

Through the many programs that the RCJPB has developed, local government has learned that the value of this Federal support cannot be measured by dollars alone. The most significant contribution made by LEAA has been its incentive for creativity and innovation in the local criminal justice agencies. We strongly believe that this stimulus for need improvements must be retained.

Accordingly, we emphatically support the concept that

". . . funds provided to state and local governments must be more than fiscal relief to those governments.

"These funds should enable state and local governments to undertake the implementation of criminal justice programs and practices which give evidence of some level of systematic program development and some promise of success." [1]

B. Constraints imposed upon the Federal response

We appreciate the acknowledgement and discussion of constitutional limitations imposed upon the federal role. The Report correctly describes the crime problem as primarily a local issue, and recognizes that local governments have the primary responsibility for law enforcement and criminal justice. Three observations made by the Study Group are particularly noteworthy:

"1. The primary responsibility for law enforcement and criminal justice rests with state and local governments.

2. Federal resources devoted to the nation's crime problem are only a small fraction of the amount expended by state and local governments for criminal justice. The present LEAA budget of approximately $700,000,000 amounts to only 1/20 of the funds devoted to criminal justice puposes at the state and local levels.

3. The criminal justice systems of this country have always been plagued by extensive fragmentation. In some cases the fragmentation was intentionally designed to prevent the concentration of government power." [2]

We would have expected that the Report's recommendations would have been based upon these concerns, and would support the efforts made by local governments: unfortunately, this is not the case. Because several of the recommendations are antagonistic to our efforts, their implementation would destroy the improvements we have endeavored to introduce during the RCJPB's six years of experience. The need for future changes should be consistent with these concerns and sensitive to local needs. In this spirit the recommendations below are made.

C. Components of a Federal response to the Nation's crime problem

The report prepared by the Study Group sets forth

". . . two major strategy components." [3]

Both elements are recommended with equal emphasis, and both are embodied in the present system. The first outlines aspects of a centralized federal program for research and development. The second provides for financal assistance to state and local governments.

With respect to the first component, it is the experience of local government that the national products generated in Washington have been of less value than local programs supported by federal funds. Since 1975, Congress has cut the LEAA appropriation by over $240,000,000. Consequently, we have been compelled to establish more stringent priorities for development of grant projects. Furthermore, we have found it necessary to reduce or eliminate our research efforts in favor of direct action programs. Since these massive Congressional reductions have necessitated reevaluation of our local priorities, we question the proposed national research effort as a federal priority.

In regard to the second component, funds are allocated for the central LEAA bureaucracy at the expense of local government. We feel that the provision of financial assistance to state and local governments should be given a higher priority, so that the limited funds may be first used to directly address the problems in our communities.

III. THE CURRENT LEAA PROGRAM

The Report sets forth a detailed analysis of past and present LEAA operations. The Study Group correctly identifies the problems which have concerned the Regional Board for so long. However, our experience compels us to object

[1] Page 19 of the report.
[2] Pages 4 and 5 of the report.
[3] Page 5 of the report.

to two statements in this section, as they contain observations which are not applicable in the RCJPB's jurisdiction.

"Even the planning that was done for the use of the LEAA block funds often amounted to little more than a paperwork exercise required by the statute and the LEAA guidelines in order to qualify for block grant funds . . ." [4]

"The requirement for state comprehensive criminal justice planning has proved to be unworkable in most instances because of the different responsibilities and authorities of state and local governments and because of the great difficulty experienced in specifying planning roles, responsibilities and relationships among state, regional and local governments in ways that all levels of government agree meet their needs." [5]

We do not support these observations and disagree with the conclusion that planning has been unsuccessful. Criminal justice planning in our jurisdiction is both meaningful and productive, and is the collective result of staff and board efforts. The Board is composed of persons from all walks of life, bound together by a mutual dedication to reduce crime and improve the system of justice in our community.

Please note the conclusion reached by the Advisory Commission on Intergovernmental Relations, as it relates to our contribution to the war on crime:

"This varied representation pattern has helped make activities supported with Safe Streets dollars more responsive to community needs and priorities. In addition, these programs have been more realistic in light of state and local fiscal capacities, and more closely linked with non-Federally funded crime reduction activities than otherwise might have been the case." [6]

IV. FUTURE DIRECTIONS

The Study Group has made two general recommendations:

"Refocus the national research and development role into a coherent strategy of basic and applied research and systematic national program developments, testing, demonstration and evaluation." [7]

"Replace the present block (formula) portion of the program with a simpler program of direct assistance to state and local governments with an innovative feature that would allow State and local governments to use the direct assistance funds as 'matching funds' to buy into the implementation of national program models which would be developed through the refocused national research and development program." [8]

We are dismayed by the degree of emphasis placed upon the first recommendation. In an era of limited resources, funds could best be used to support local criminal justice efforts and not to subsidize federal research projects. LEAA has maintained a national study center and has provided discretionary funding for many years; the limited success of this research effort has not justified its cost. This process has engendered divisive competition, excessive red tape, and program fragmentation. In several ways, the centralized federal "think shop" exemplifies the abuses of self-perpetuating bureaucracy.

The second major proposal would dismantle the most valuable example of LEAA success—local planning. We are shocked by the proposal that funds be provided directly to units of government without consideration for the problems they face. Consider the following statement of the National League of Cities and U.S. Conference of Mayors:

"Current thinking about LEAA in the Carter Administration is leaning toward a 'revenue sharing' approach to revamping the program. This sounds promising, because it would minimize the administrative problems which have plagued LEAA for almost ten years. Carried too far, however, a revenue sharing approach would destroy one of the most valuable elements of the program—criminal justice planning." [9]

In California, regional planning units are the only agencies in which all elements of the criminal justice system and local units of government work together. Surely you must recognize the need for such inter-governmental coop-

[4] Page 7 of the report.
[5] Page 8 of the report.
[6] Page 189 ACIR.
[7] Page 10 of the report.
[8] Page 14 of the report.
[9] "Developments in Criminal Justice," July 1977, published by the criminal justice program, National League of Cities and U.S. Conference of Mayors, page 2.

eration. Each planning board provides a forum in which the problems of all agencies and jurisdictions, both large and small, can be examined and addressed. LEAA funds are the only resources which these planning agencies can use to implement innovative solutions to their regional problems. Without some form of block grant program, administered through the regional planning units and criminal justice coordinating councils, all this would cease to exist. Direct financial assistance to state and local governments, in the form of revenue sharing, would preclude these needed functions.

Our planning process has produced projects which represent innovative solutions to the most critical problems faced by local government. The Board as a whole, and the public officials who serve on it, have demonstrated to the criminal justice community that comprehensive planning can result in improvements that cut across the criminal justice system and political subdivisions.

Local criminal justice agencies have not viewed this Board as one of the "strings" attached to LEAA funds. Objections have not been raised as to the procedure by which grants are obtained. Our constituents recognize that we have an obligation to identify critical problems and fund only those projects which address important needs of the criminal justice system. Rather, they object to the confusing maze of the LEAA bureaucracy in which they must operate after the award of funds. Accordingly, while we welcome criticism of red tape associated with the present block grant program, those administrative problems subsequent to the grant award should not be confused with the initial decision to spend LEAA funds where they are most needed.

We agree with the Study Group's concise condemnation of requirements for planning documents. No one knows better than local officials how burdensome this process has become. Moreover, we support the objections to the multitude of regulations governing the expenditure of funds. Excessive time which must be devoted to compliance with this myriad of rules has become a constant source of aggravation, as it represents valuable time which should be given to our local crime problem.

Unfortunately, the recommendation for direct assistance is not the solution to these problems. The appropriate response should be to eliminate unreasonable requirements for planning documents and streamline complex regulations. This would correct the deficiencies of the LEAA program without destroying its successes.

The following recommendation of the Advisory Commission on Intergovernmental Relations is appropriate:

"The Commission recommends that in lieu of an annual comprehensive plan, SPA's be required to prepare five-year comprehensive plans and submit annual statements relating to the implementation thereof to LEAA for review and approval." [10]

This procedure will cause Federal, State and Regional staff to be used more effectively and focus human and monetary resources upon the important problems of crime, delinquency and criminal justice.

COMMENTS AND RECOMMENDATIONS

The following statements follow the format of the study Group's report:

Issue No. 1.—"Should there be a centralized federal program in criminal justice research and, if so, should it be limited to basic research, to applied research or should it encompass both?"

Study Group Recommendation D:

"There should be a centralized federal research program including both basic and applied components."

The RCJPB disagrees with this recommendation.

Based upon past LEAA experience, these research efforts are not cost effective.

With limited funds available, research represents a luxury which local government can no longer afford.

Diversion of funds into research reduces the amount available for direct action in local communities.

Basic research, by its definition, is generally an academic pursuit not directly related to the problem of crime.

Universities now receive financial support of criminal justice research from many sources other than LEAA.

[10] Page 199 ACIR.

Evidence has not been presented which demonstrates that LEAA can conduct or manage research more effectively than American universities.

Alternatively, we recommend option A. "There should be no centralized federal program in criminal justice research."

We base this conclusion on careful consideration of practical economic issues. If a realistic set of priorities is to be established for LEAA, research must rank far below direct efforts to combat crime. If sufficient funds were made available by Congress, national research is an endeavor which should be reconsidered. Until that time, the taxpayers can no longer afford to support research at the expense of their own safety.

Issue No. 2.—"Should there be a national level demonstration program to provide funding for State and local governments and private organizations for the implementation of nationally developed programs?"

Study Group Recommendation B:

"The federal research role should include a national demonstration program designed to emphasize the maximum utilization of research findings in program design, systematic program development, testing and evaluation and eventual application on a broad national basis."

We disagree with this recommendation.

It logically follows (from our previous recommendation on Issue No. 1) that an economic decision to eliminate research should preclude this option as well.

Previous LEAA discretionary programs have not been shown to be any more effective than projects developed with LEAA funds provided locally.

The development of local projects adapted from a national demonstration program requires more, if not the same, energy locally and hardly inspires commitment to identification with "nationally" promulgated designs and development guides.

"Maximum utilization of research findings "does not produce more effective projects compared to the locally felt pressures to do something about crime and the administration of justice.

The creation of administrative machinery in Washington to evaluate applications and award grants represents another unnecessary and expensive bureaucratic element.

The number of criminal justice agencies in the United States precludes effective solicitation and demonstration of selected projects.

The RCJPB recommends option A: "There should be no federal funding of national demonstrations."

Experience has shown that Washington officials may not understand local problems as well as the persons who deal with these issues on a daily basis—"Crime is, in essence, a local problem and locally developed responses may in many cases prove to be more effective; . . ." [11]

Issue No. 3.—"Should the federal government provide financial assistance to state and local governments to undertake crime control and criminal justice programs?"

Study Group Recommendation A:

"Federal financial assistance should be provided to state and local governments to undertake crime control and criminal justice programs."

We agree with this recommendation. We emphasize that this financial assistance can be constructive only if it is directed by planning. The Report indicates that these funds could be used by local government to ". . . continue their efforts in making improvements in administration of justice." [12]

The intent of this statement is appreciated, however it must be pointed out that improvements will not result from direct assistance alone. As previously noted by the Study Group, a fragmented federal system of law enforcement and criminal justice is in direct need of coordination. Only regional planning can produce that comprehensive, interjurisdictionel coordination needed. We assert that regional planning cannot function effectively without the block grant program to accomplish locally planned objectives.

Issue No. 4.—"Assuming that the Federal government provides financial assistance to State and local governments, should it do so through the mechanism of the block grant requiring submission of a comprehensive plan or should such a system be provided through some alternative mechanism?"

Study Group Recommendation C:

[11] Page 15 of the report.
[12] Page 15 of the report.

"Replace the block grant portion of the LEAA program (Parts B, C and E) with a simpler program of direct assistance to State and local governments which would distribute Federal funds according to a formula which includes population among other factors and which does not require the submission and approval of a detailed comprehensive plan."

We disagree with this recommendation.

If direct assistance were provided these funds would be subject to the increasing pressures in local governments' general operating budget.

A formula distribution would leave smaller communities with nothing, regardless of the severity of their problems.

Any formula would inevitably provide large sums to large communities whether or not they needed such amounts.

Because direct assistance would not require identification of regional problems, funds would most likely be spent only on the single jurisdiction's programs.

Direct revenue sharing to individual municipalities would eliminate funding for a staff to support the regional bodies which are now the only means of interjurisdictional cooperation.

The RCJPB recommends option B: "Continue to provide financial assistance through the block grant but streamline the plan requirements by eliminating red tape, thus enabling state and local governments to focus more on effective planning and less on federal guidelines compliance."

The RCJPB concurs with the desire of the Study Group to streamline the LEAA process and provide a simpler program of assistance to units of local government. As noted above, implementation of direct assistance without planning would eliminate much of LEAA's progressive achievements. Clearly, future changes should emphasize such strengths as planning and eliminate such weaknesses as "red tape." Frankly, we are shocked by the simplicity with which the Study Group has rejected any opportunity for continued planning.

"An attempt to remedy flaws of the existing planning concept by streamlining requirements or by focusing on a tighter federal plan review and approval function would in our opinion be fruitless." Nowhere in the Report of the Study Group is there an explanation of why LEAA cannot be simplified and streamlined. Although the Report describes the complexity and futility of existing rules and procedures, and further documents the limitations of existing comprehensive state plans, it does not explain why a simplified system could not be substituted for the present bureaucracy. Revenue sharing is not the only answer to the current problems of LEAA. We strongly suggest that you consider other approaches which would not sacrifice the most important accomplishment of LEAA to date—criminal justice planning.

Please remember that the block grant programs, despite its obvious limitations in the past, deserves credit for the successes of local planning. Without these grants, there would not be tools with which we could meet our crime problems and rebuild the criminal justice system.

Issue No. 5.—"Should there be any link between the national research development program and the provision of financial assistance to state and local governments through the direct assistance program?"

Study Group Recommendation B:

"The national research and development program and the direct assistance program should be linked in a program under which State and local governments are provided with financial incentives to use direct assistance funds as their share for the implementation of nationally developed program models."

We disagree with this recommendation.

As the Study Group recommendation presupposes acceptance of the recommendations set forth in issues No. 1 and No. 2, we reaffirm our objections as set forth in those sections. Alternatively, we recommend option A: "State and local governments should be given the maximum of discretion in selecting criminal justice programs and projects which they want to fund with their assistance funds."

As previously stated, we believe that a national research effort should be abandoned in order to provide maximum funds to local governments, and block grants should be retained in order to facilitate planning. We simply suggest that units of local government be allowed sufficient flexibility to design programs responsive to their unique needs. The Study Group expressed concern that funds be used for more than fiscal relief. This can best be realized through strong local planning, and not by the Federal dictates implied in this recommendation.

Issue No. 6.—"Should there be minimum levels of support for functional areas specified in the direct assistance program to ensure the application of these funds at the state and local levels to areas of recognized high priority?"

Study Group Recommendation B:

"There should be minimum levels of support for functional areas specified in the direct assistance program."

We disagree with this recommendation.

Specification of percentage quotas for particular subject areas is impractical unless large sums of money are available for distribution.

National standards for minimum levels of support will not be universally applicable throughout different jurisdictions across the U.S.

Creation of arbitrary percentage quotas promotes divisiveness and competition between elements of the criminal justice system.

Specification of minimum support levels in Washington presupposes that federal officials know the relative needs of local criminal justice agencies.

The RCJPB recommends option A: "There should be no minimum levels of support for functional areas specified."

The Study Group recommendation presumes that local government has not and will not provide LEAA funds in "areas of recognized high priority." [13] Such a belief is not based upon the facts presented by the Advisory Commission on Intergovernmental Relations. On the contrary, the ACIR found that local planning has resulted in an equitable and appropriate distribution of LEAA funds to both the jurisdictions and subjects areas of greatest need:

"A generally balanced pattern has evolved in the distribution of Safe Streets funds to jurisdictions having serious crime problems as well as among the functional components of the criminal justice system." (Page 189, ACIR.)

We are perplexed by the recommendation of the Study Group. Even if a direct assistance program were adopted, it would be unrealistic to impose a percentage distribution to subject areas for jurisdictions achieving less than substantial federal funding. As previously stated, the proposed plan for direct assistance would cause smaller jurisdictions to receive an insignificant level of funding. To further specify minimum levels of support in particular subject areas would reduce the available amounts to the point of uselessness. If a system of criminal justice planning were retained at the local level, the recommendation for minimum support would serve no useful purpose.

After extensive study, a commission formed by the United States Congress came to the same conclusion:

"The Commission recommends that: a) Congress refrain from establishing additional categories of planning and action grant assistance to particular functional components of the criminal justice system . . ." [14]

If the Study Group wishes to "ensure the application of these funds at the State and local levels" then it should support the concept of criminal justice planning for only in this way have "areas of recognized high priority," as determined locally, actually been addressed in the past. Criminal justice planning boards and coordinating councils do this as a matter of good, sound planning, and not because of dictates. Quotas would not simply manipulate where funds were to be spent, they would also eliminate the reasoning which determines how they should be spent. It appears that the Study Group made this recommendation because it recognized that some form of planning is needed. The Study Group recommendation for minimum funding levels represents an effort to compensate for the obvious lack of planning which would result from adoption of its previous recommendations.

Issue No. 7.—"Should the Federal government encourage criminal justice system coordination under the direct assistance program by requiring recipient governments to undertake criminal justice system coordination efforts and by permitting the use of direct assistance funds for the implementation of such a function?"

Study Group Recommendation D:

"The federal government should both require recipient governments under the direct assistance program to undertake criminal justice coordination and permit the use of direct assistance funds for the implementation of such a function."

We agree with the recommendation of the Study Group.[15]

---

[13] Page 21 of the report.
[14] Page 193 ACIR.
[15] Page 22 of the report.

In this instance, the Study Group has recommended that agencies such as ours be continued. In fact, the Report contains flattering praise for the work we have done:

". . . One of the accomplishments of this Federal financial assistance has been the development at the State and local levels of a systemwide perspective in responding to the problems of the criminal justice system and the creation of mechanisms for fostering systemwide responses. The Study Group believes that such a coordination function is critical." [16]

However, we are unable to comprehend how this recommendation can be realistically considered if the primary duties of such agencies are to be eliminated. From our perspective, the suggestion that revenue sharing be provided directly to individual units of government and regional plans be eliminated contradicts the proposal that regional coordinating councils be retained. We agree with the Study Group's suggestion that such councils not become preoccupied with the preparation of voluminous planning documents, and adherence to complex funding regulations. The functions recommended by the Study Group would ". . . recommend to decisionmakers objectives and programs for the appropriation and allocation of State and local revenues to these various elements." [17]

It might be said that this requirement for coordination would maintain agencies such as ours, and preserve the valuable elements of LEAA. This is an oversimplification of our role. In fact, the revenue sharing model would destroy our effectiveness, despite that recommended requirement.

Elimination of block grants would relieve us of our primary duty, the allocation of funds where they are most critically needed.

Provision of direct assistance in lieu of block grants would take away grant funds needed to implement locally developed programs.

Delivery of funds directly to individual municipalities would preclude regional cooperation.

Practical experience indicates that the enforcement of such a rule would require more of what we want to eliminate: rules, regulations and the bureaucrats to interpret and enforce them.

Issue No. 8.—"What limitations should be established by the Federal government on the uses of the direct assistance funds provided to State and local governments?"

Study Group Recommendation B:

"In addition to the prohibitions included in option A, there should also be a requirement that direct assistance funds be used only for implementation of criminal justice system improvements."

We agree with this recommendation.

Like the recommendations for Issues No. 7 and No. 8, the Study Group has again proposed a requirement which is necessitated by the elimination of planning. Appropriate levels of support (Issue No. 6) coordination (Issue No. 7), and improvement (Issue No. 8), are each precluded by the revenue sharing concept. Without question, the greatest loss is the opportunity for improvement. Accordingly, this final recommendation of the Study Group is an effort to rescue the potential for progress from the threat posed by revenue sharing. As we have previously stated, revenue sharing would reduce LEAA to a mechanical distributor of dollars, lacking creativity and innovation. The Study Group has apparently recognized that something is needed to prevent LEAA dollars from being swallowed by the daily routine expenditures of local government:

". . . a recent study of state and local public safety expenditures under the revenue sharing program revealed that without some minimal 'strings attached' the direct assistance funds would probably be funneled into support of normal day to day operation expenses such as basic personnel compensation, capital improvements and routine equipment purchases." [18]

Ironically, the Study Group, after a lengthy criticism of rules promulgated by LEAA, recommends yet another regulation to prevent this ultimate abuse of funds. If block grant planning is continued we would not need another rule to prevent this misuse of funds.

SUMMARY

The Study Group recommendations for minimum funding levels, coordination, and improvement exemplify the fundamental weakness of the revenue sharing

[16] Please note our objection "direct" assistance.
[17] Page 23 of the report.
[18] Page 24 of the report taken from Richard P. Nathan, "Where Have All the Dollars Gone—Implications of General Revenue Sharing for the Law Enforcement Assistance Administration," Washington, D.C., December 1976.

model. These requirements are necessary only because the proposed system of direct assistance lacks the reasoning which local planning now provides. If LEAA can ensure that planning is effective, neither revenue sharing nor its attendant rules are needed.

Since 1971, the RCJPB has grown from "project oriented plans" to "plan oriented projects." Revenue sharing would reverse this trend by compelling units of local government to devise projects which match their available LEAA dollars rather than their real needs. Direct assistance provided through an arbitrary formula would thus achieve federal efficiency at the cost of local effectiveness.

The elimination of detailed criminal justice plans and streamlining of the LEAA administration would achieve the objective of simplification without precluding the opportunity for progress. While revenue sharing might enable some units of government to help themselves, it would eliminate forever their opportunity to help each other. Only through block grants can LEAA ensure that programs remain responsive to regional needs.

The present planning process has proved that local government can produce innovative solutions to crime problems:

"Although early critics of the program claimed that too much money was spent on routine purposes, particularly in the law enforcement area, the available evidence indicates that most Safe Streets Act dollars have been used for *new programs that would not have been launched without Federal Aid.*" (Italic added.) (page 189 ACIR).

Plannng is the "baby" which could be thrown out with the "bathwater" of red tape. Local criminal justice planning should be given a chance to mature.

Mr. CONYERS. The subcommittee will return to order. We do have an additional witness from the National Governors Association who has been waiting here for a great deal of time, Mr. John Lagomarcino. He is also appearing on behalf of the chairman of the association, the Governor of Indiana, Gov. Otis Bowen.

I welcome you here. We will incorporate your statement into the record at this point and invite you to proceed, sir.

[The prepared statement of Mr. Lagomarcino follows:]

STATEMENT OF THE NATIONAL GOVERNORS' ASSOCIATION BY JOHN LAGOMARCINO

My name is John Lagomarcino and I am Staff Director for the Committee on Criminal Justice and Public Protection of the National Governors' Association. Governor Otis Bowen of Indiana, the committee chairman, and Governor James B. Hunt of North Carolina, the chairman of the Subcommittee on Criminal Justice and Crime Reduction, have asked me to appear here today on behalf of the National Governors' Association to convey its views concerning the recent report of the Department of Justice Study Group on the reorganization of the Law Enforcement Assistance Administration. The National Governors' Association appreciates the opportunity to make its position known to this Subcommittee and is anxious to cooperate in any way to improve this vital federal program.

As you know, the National Governors' Association submitted its written remarks to the Department of Justice in late August. Our response was grounded on the general policy position of the Association concerning the Safe Streets Act, and then dealt with the specific points, contentions, and proposals made in the Study Group's June 23, report.

Subsequent to the submission of our written response, and largely because of the report, the National Governors' Association amended its LEAA policy position. NGA called upon the Department of Justice to appoint strong and dedicated new leaders to head the Agency, something that is now lacking, and to establish a new panel, consisting of state, local, and citizen users, to review the responses

mailed to the Attorney General. I will discuss these points in more detail later. A copy of the current NGA resolution on LEAA is attached to my testimony.

What follows is a summary of the principal points made by the National Governors' Association in its formal response.

First, the National Governors' Association strongly reaffirms its support for the block grant as the best method for distributing financial assistance through the Omnibus Crime Control Act. We believe that the record bears out the assertion that the block grant has produced notable and significant improvements in individual state criminal justice systems and that support from LEAA has led to the implementation of a vast number of criminal justice programs and improvements that otherwise would not have been undertaken. We believe that the statewide criminal justice planning resulting from the LEAA program has produced notable advances in bringing together the divergent and often fragmented components of the criminal justice system. We believe that this systemic improvement has heightened the ability of law enforcement officials to control and reduce crime. In fact, these actions have probably contributed to recent figures which indicate a slight lessening in the rate of crime increase, in some instances, and an actual reduction in the crime rate in others. By no means do we claim that LEAA is responsible for a reduction in crime. However, we have the confidence to say that the criminal justice system is greatly improved because of LEAA and that the block grant portion of LEAA's program remains its strongest feature.

Second, the Governors believe that the program lacks strong, dynamic and creative leadership. In fact, LEAA may be in the most demoralized state in its history. At a time when public concern with crime remains high, it is tragic that the one federal agency charged with the responsibility to aid state and local governments in the control of crime is in a state of disarray, bordering on chaos. At its recent meeting in Detroit, the National Governors' Association called upon the Attorney General to appoint the kind of strong and dynamic leadership the agency has often lacked. We believe that despite differences that may exist among various parties concerned with the make-up and future role of the program, we can all agree that strong leadership is needed to give direction to the program and to attempt to restore faith in its purpose and mission.

Third, the Governors believe that a strong research program is called for, but that much closer coordination between the program and the needs of state and local law enforcement officials is essential. One of the principal failings of the present program is that with a few notable exceptions, the program has been largely peripheral, and often irrelevant to the day-to-day needs of state and local law enforcement officials.

Fourth, the study group failed to analyze LEAA's own internal organizational structure and administration. Instead, in pointed fingers of blame in several different directions but refused to take a hard look at its own operation. If it had done so, it would have discovered that many of the problems and much of the red tape which have concerned state and local recipients for years have been inflicted by LEAA, itself. We believe that this failure seriously reduced the Study Group's credibility.

Fifth, we believe that the Study Group's recommendation of direct funding in lieu of the present block grant approach is a mistake of major proportions. We believe that direct funding, or special revenue sharing, would cause a return to the fragmented criminal justice system that existed prior to 1968, which would lead, in turn, to a great increase in hardware expenditures. The Study Group asserts that there is no "persuasive evidence" that the state planning process has produced "better programs or projects." This statement, which flies in the face of considerable evidence to the contrary, seems to be the linchpin for the Study Group's contention that direct formula funding to local governments would be an improvement over the present block grant mechanism. The Governors reject this contention. The Study Group failed to meet with representatives of a single state program to determine if there was any accuracy to its statement. It rejected extensive ACIR gathered evidence to the contrary. Governor Arthur Link of North Dakota recently summed up a belief widely held by the Governors

as to why this evidence was ignored when he wrote Governor Bowen: "It appears that the Study Group has ignored the ACIR recommendations because they are contrary to the group's own preconceived conclusions."

The report contains other glaring deficiencies. The Study Group calls for coordination but does not indicate how this would be accomplished. The Study Group calls for wide discretion in the use of funds by recipients, but would saddle recipients with a series of categorical requirements. The Study Group asserts that coordinated planning would benefit the system, but calls for the elimination of state planning agencies, which are the best means to accomplish this goal. The Study Group fails to explain how such a system will prevent a massive increase in monitoring requirements and red tape, or how local units of government which have little or no responsibility for certain aspects of the criminal justice system can make good use of funds mandated to be spent for those purposes.

Sixth, the Governors believe that a reduction in the present level of categorization is called for and would greatly improve program administration. We believe that guidelines concerning general functional needs would be useful, and probably desirable. We do object, however, to the interminable list of categorical requirements which the Act has imposed on the states and the resulting series of guidelines. It would be to everyone's advantage if LEAA spent more time on a thoughtful analysis of program content and program goals and less on procedural and administrative niceties. A certain amount of red tape is inherent in any federal program. However, we believe that the Study Group's report and recommendations have not solved this dilemma, and, indeed, would create more red tape by a series of inconsistent and superficial recommendations.

Finally, the National Governors' Association at its recent meeting in Detroit, called upon the Attorney General to establish a new and more equitably balanced study group to analyze responses to the June 23, report. This analysis would then serve as a basis for further departmental and congressional action on the LEAA program. As matters now stand, the same group which drafted the original recommendations will review responses to those recommendations. Such a procedure is not likely to inspire confidence that outside views will be objectively screened. We call upon this Subcommittee, which has been so intimately involved in the review of LEAA over the past few years, to urge the Attorney General to establish such a study group as another step in our mutual effort to restore confidence in LEAA and its program.

In summary, the National Governors' Association recommends that the block grant method of funding distribution be retained for LEAA and that adequate funding be provided the program in the next fiscal year. Congress has cut back appropriations regularly for the past three years, and we strongly urge the Congress to reverse that trend in the fiscal '79 budget. The National Governors' Association stands second to none in its concern with the proliferation of programmatic red tape and in the need to streamline the administration of LEAA and to improve its deliverey of services. We believe that the Study Group's report is a diligent first step in framing issues for the debate. But now that debate must proceed to higher and more informed levels. The Governors can assure this Subcommittee that they are ready and anxious to engage in that debate and to contribute to the improvement of LEAA. These hearings help serve that purpose and we applaud the Subcommittee for undertaking them. We can assure you that we will work closely with you in our mutual aim of controlling and reducing crime in this country.

Criminal Justice and Public Protection

A.–1—Administration and Implementation of the Omnibus Crime Control and Safe Streets Act

The National Governors' Association commends the Law Enforcement Assistance Administration for its extensive and helpful cooperation with the states in implementing the Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Crime Control Act of 1973. LEAA's actions in fostering the development of qualified staff at the state level, providing wide latitude to the states in devising plans to improve the entire criminal justice system, promoting a spirit of cooperation between the various criminal justice disciplines, and generally supporting the state partnership required in a block grant program set an outstanding example which could well be emulated by other federal departments.

Therefore, the Association reaffirms its confidence in the LEAA program and urges Congress and the Administration to form a partnership with the Governors in working to strengthen LEAA to assure effective intergovernmental action in dealing with one of the nation's most serious domestic problems.

Crime is one of the nation's primary domestic issues. The Governors, as well as independent assessments, have concluded that the Crime Control Act of 1968 has brought about critical and significant improvements to state local criminal justice systems.

The Governors, as well as independent assessments, have concluded that the block grant is the most effective federal financial assistance delivery mechanism to states and local units of government to address crime and comprehensive criminal justice system improvement.

The success, momentum, and thrust of the LEAA program are jeopardized and undermined by a failure to appoint strong and effective federal leadership to LEAA, and a failure to support the LEAA program with adequate appropriations. The National Governors' Association calls upon the attorney general to appoint a strong and dedicated administrator of LEAA and to give that individual full support in carrying out the purposes of the program.

The National Governors' Association calls upon the Administration to support, and the Congress to appropriate, the full authorization level of the LEAA programs for fiscal year 1979.

The National Governors' Association strongly reaffirms its support for the block grant as the federal financial assistance delivery mechanism for the LEAA program and, therefore, rejects the principal recommendation of the Department of Justice study group report to the attorney general which calls for replacing the block grant with a program of special revenue sharing.

In addition, the National Governors' Association calls upon the attorney general to appoint a new reorganization study group, at least half of whose members would be Governors or their designees and other State and local representatives, whose principal task would be to review and analyze the responses to the June 23, 1977, report which were submitted to the Department of Justice by September 1, 1977. The newly constituted study group would then make its own recommendations to the attorney general for improving LEAA. It is the strong feeling of the National Governors' Association that a new study group is needed to replace the existing study group which is made up entirely of LEAA and Justice Department personnel and which has no representatives from State or local government.

The National Governors' Association calls upon Congress and the Administration to streamline and simplify the LEAA program.

The Association urges each State to review immediately its State planning agency supervisory board to determine whether certain components of a State's criminal justice system are underrepresented and to rectify any imbalance that may exist. Governors particularly are urged to examine representation by local officials, the State judiciary system, and the State legislature.

The Association further urges State planning agencies to give greater attention to the needs of the courts through greater participation by representatives of the judiciary on State supervisory boards. Where feasible, a planning group representing the courts should be established to prepare plans and make recommendations on funding to the State planning agency.

The Association renews its intention to work closely with State legislatures in developing comprehensive State plans and to consult appropriate legislative committees, where feasible, to elicit their suggestions and ideas concerning the content of State plans.

The Association urges State planning agencies to emphasize programs to aid population centers with high crime rates. The Association renews its opposition to the creation of new categories and reaffirms its support for the current comprehensive State planning process.

TESTIMONY OF JOHN LAGOMARCINO, STAFF DIRECTOR, NATIONAL GOVERNORS ASSOCIATION

Mr. LAGOMARCINO. Thank you, Mr. Chairman; no need to apologize. It is perfectly all right.

I will proceed as quickly as possible.

If I may at the outset correct one point, I represent Governor Bowen who is the chairman of the National Governors' Association Committee on Criminal Justice and Public Protection. This is the group of Governors most immediately concerned with criminal justice and for this reason, of course, the reorganization of LEAA.

The National Governors' Association filed a formal written response with the Department. I think you have a copy of that. A copy has been delivered to the committee. I will briefly try to summarize the principal points made by the association in response to the June 23 report.

Before doing that, however, Mr. Chairman, the committee did meet with Deputy Attorney General Peter Flaherty in Detroit about 3 weeks ago at the annual conference of the National Governors' Association. We had a good meeting with him.

Our committee task force had previously met with the study group so we have had a certain amount of input to the Department prior to these hearings.

It is interesting to note, however, Mr. Chairman, that after meeting with Deputy Attorney General Flaherty and prior to these hearings, the Governors came to the same conclusion that you apparently have. And that is that a new or a next tier, so to speak, is needed in terms of dealing with the study group's report.

And the first point I would make, then, Mr. Chairman, is to draw attention to the resolution which I have attached to the statement which calls upon the Attorney General to set up another study group or another committee, whatever we want to call it, at least half of which would consist of State and local representatives.

And I would add further explanation that by "local," the Governors also mean users, not restricting that to State and local elected officials.

We believe that this group is needed, as we note in our resolution, to analyze the responses submitted to the Department of Justice reacting to the June 23 report, and then culling from that certain points and making a further set of recommendations.

We don't have a definite set of procedures to recommend other than to agree with you, Mr. Chairman, that another level or another group is now needed to analyze the June 23 report.

Briefly, Mr. Chairman, the Governors' Association made the following points: They made a few in addition to these, but these are the main points made to the Department in response to the report.

As I have noted, we need a new group to review the responses. The Governors' Association feels very strongly that new, strong, and dedicated leadership is needed at LEAA; that it has been lacking for some time, and that the program has greatly suffered because of that lack of leadership.

And if I may make a personal observation, Mr. Chairman, in response to an issue you raised yesterday, that is the lack of a strong, affirmative action policy at the agency level. To my way of thinking, it is a bitter irony that new leadership has not been named because if the rumor mill is accurate, and I think it is, a couple of the top program spots at LEAA would now be filled by a member of a minority on the one hand and a woman on the other.

And those positions are now in limbo. And I don't know what will happen with these positions. I hope they go ahead eventually. But because of the failure to appoint a top person, man or woman, whoever it may be, the rest of the slots remain unfilled.

Consequently, in that area as in many others, the lack of leadership means there is a program void, and nothing happens. And when nothing happens, that is usually a move back because other things are moving in ahead of it.

Second, we support a research program, but we don't have any particular feelings as to whether it should be located in or out of LEAA, although I think it is the consensus of the committee that it should be located within the Department of Justice.

The principal point we would make, however, Mr. Chairman, is that it should be more closely linked to the actual needs of the people on the line, law enforcement officials at the State and local level.

I think as Mr. Wertz noted yesterday—and I am sure the Governors on our committee would agree with this—although there are a number of research sponsored programs that have been productive and have been useful, a great deal of the research work is seen by State and local law enforcement people as somewhat peripheral, if not, indeed, just plain irrelevant. I think what we can do is not to eliminate the program, but to make it work more closely with State and local law enforcement people.

An additional point: we believe that the study group's failure to review the internal management and administration of LEAA is a major failing and a major weakness of the study report.

For example, they did not analyze the Agency's guideline formulation process, it's communication or lack of communication with State and local government officials, and State and local users.

We believe, as has been noted by several other witnesses, that a more meaningful and substantive review of State plans is called for rather than the somewhat nitpicking administrative overview that LEAA now gives many State plans and operations.

An analysis of how they review plans and what improvements might be made would have been, I think, a useful exercise for the study group. Evaluation procedures could have been looked at more carefully, as well as other aspects of LEAA's internal operation.

Apparently, the study group decided that subject was off limits. As I said, this is a weakness of the report, and it should be rectified, and could be rectified, in fact, by the actions of another study group, if one were appointed.

I think the most fundamental point that the Governors would wish to make, and did make in their response to the Department, is continued support for the block grant funding procedure and the State planning function. The Governors specifically rejected direct funding, direct assistance, or special revenue sharing as an alternative to that mechanism.

I think that I could do little more than echo the remarks of the previous witness, Mr. Morris, who, I think, very eloquently stated what we consider to be the strengths of the block grant program. It has faults, as I suppose every delivery mechanism has, but the fact is that you cannot get the interrelationships, you can't get the coordina-

tion that is needed, which is the main purpose of this program, without some kind of State planning overview that is brought about through a block grant mechanism.

In fact, the study group cited examples of major accomplishments as a result of the block grant planning process. They cited the ACIR report and then proceeded to reject those findings on page 17, I think it is, when they said that no persuasive evidence is available to indicate that any good things have resulted from the State planning process. We think that flies in the face of existing evidence. It flies in the face, as I said, Mr. Chairman, of the ACIR Report which the study group itself had cited in its own publication.

They call for coordination even though they advocate direct assistance to a multitude of State and local jurisdictions. They give no guidance as to how that coordination is to come about. They call for wide discretion on the part and the use of the funds by recipients, and then they proceed to categorize by listing several areas where they think moneys should be spent, and presumably a specific percentage of funds.

We feel that the direct assistance program would produce the explosion of redtape that counsel has referred to, and was referred to yesterday.

Obviously, the Federal Government is entitled to monitor the use of those moneys by local recipients; but direct funding will generate a vast amount of reports and a vast amount of additional redtape that does not now exist.

Finally, we think that there will be another explosion of equipment or hardware purchases if a large number of rather small grants go out to a large number of communities. I don't say that critically. It is a fact of life.

And, in fact, in private conversations, members of the task force or study group agreed to this that the best way to expend small amounts of money is to put it into a specific hardware item. It may be a useful item or may not be, but nonetheless, there may be a move toward purchases of equipment and away from programmatic emphasis.

Mr. CONYERS. Based on what rationale?

Mr. LAGOMARCINO. The rationale, Mr. Chairman, is that under a formula allocation, which would be called for by the direct assistance program, many communities would receive rather small, individual, yearly allocations. And it is a natural tendency of local officials, which, as I say, is not said critically, to put that money where they can get a maximum return on it. And it is more often going to be the case, we suspect, that that money will be expended on equipment rather than programs which may require a greater initial investment and a greater long-term, local financial investment.

Mr. CONYERS. I presume this is the argument against the special revenue sharing.

Mr. LAGOMARCINO. Yes, sir, that is correct.

The final point, Mr. Chairman, is simply to repeat a long-standing position of the Governors. That is to reduce categorization and to give maximum flexibility to the States in terms of how Federal LEAA dollars should be spent.

In summary, it is our view that the report doesn't wear well; that it is somewhat superficial in many respects. It is, as ACIR noted yesterday, simplistic in some respects. We think it is a commendable first step. We believe, as you do, apparently, Mr. Chairman, that it should be seen as a first step.

And I was encouraged by the previous witness' comments that Justice Department officials see this as a debate generator. If that is the case, we are prepared to move forward and offer whatever assistance and input we can to that debate and work with this subcommittee in moving ahead to improve this program.

Mr. CONYERS. Well, thank you. I am very happy to hear from the Governors. I keep wondering if the standard boilerplate language against any more categories is merely designed to head off any more restrictions in the area.

When we set aside the money for prisons that goes to the States, it would seem to me the Governors would welcome that. Most of their budgets are in real trouble in this area. Very few of them can set aside anywhere near the kind of State resources necessary to deal with the problem.

So I would have been prepared to have you tell me that although you are against categoricals being extended in this one area, they may have had a possible redeeming effect.

Mr. LAGOMARCINO. We have discussed this issue to a great extent in the committee among the Governors and in the committee task force which is made up of principal staff advisors to the individual Governors.

It is my view, Mr. Chairman, that you could develop a consensus around the proposition that a listing of functional categories, would not be inappropriate; indeed, might be appropriate.

It is probably the percentage allocation that Governors find most objectionable. *X* percent shall be spent on thus and so and *Y* percent on something else. I am sure that if Governor Bowen were here, he would heartily agree that corrections money is needed. It is a perceived need; it is a dramatic need in every State, practically every State.

There are, however, some States that might say that we need to spend less in some categories, or in some States, if we had a list of categories, a list of functional areas, they may say there are certain categories where we need to spend nothing.

But if flexibility is given the States to move within that range and to put their resources within that framework, but not be required to spend a certain sum on any given category, I think they would find that a good deal more acceptable.

I think it is a percentage allocation as much as anything or percentage requirement that would disturb them.

Mr. CONYERS. Well, I think your views here have been helpful. I am glad that the subcommittee of the National Governors' Association is clearly following this matter closely and with great concern.

I would like to find out if any of the staff of the subcommittee have questions.

Mr. GREGORY. I would like to ask one.

I am sure you heard the testimony of the National Conference on State Legislatures and their complaint that the present law excludes the legislatures from establishing policy and priorities in the use of the LEAA funds.

Would the Governors be willing to share that authority? Suppose the law was amended to uncouple comprehensive planning from the present arrangement whereby, rightly or wrongly, the State legislatures feel they are not permitted to participate in that.

Mr. LAGOMARCINO. The Governors' Association position is stated again in the attachment to my statement.

The Association renews its intention to work closely with State legislatures in developing comprehensive State plans and to consult appropriate legislative committees where feasible to elicit their suggestions and ideas concerning the content of State plans.

The Governors' Association position—and this has been reviewed periodically—would oppose categorically including State legislatures on the same basis as Governors in the review of comprehensive State plans. However, of course, I guess it is a difference of perspective, but Governors will tell you as a matter of course State legislatures, and appropriate committees, particularly, are very much involved in the general priority setting process.

And one additional point I would like to make in response to the Senator's statements. It is true, of course, that State legislatures are responsive to their constituencies, but so are Governors. They are elected by statewide constituencies. And it is just as appropriate for a Governor and his or her administration to initiate new and innovative ideas and programs in a State administration as it is for a State legislature to do so.

Mr. GREGORY. What about taking advantage of that new section 206 in last year's amendments to allow them to review?

Mr. LAGOMARCINO. I cannot give you an across-the-board answer, but my understanding is more and more of them are, and especially in light of the additional requirement that Congress imposed last year, that State legislatures act, I believe by the close of fiscal 1978 or maybe by the end of 1978——

Mr. GREGORY. Calendar 1978.

Mr. LAGOMARCINO [continuing]. To pass State laws establishing the State planning agencies.

That dual process, I think, has opened the lines of communication to a greater extent, perhaps, than they existed in the past.

It wasn't a perfect system by any means before that. The Governors would be the first to acknowledge that.

Mr. CONYERS. Do you have a question, Mr. Stovall?

Mr. STOVALL. Yes. Thank you, Mr. Chairman.

Some witnesses have said, Mr. Lagomarcino, that if Federal money were eliminated in the system, State planning agencies would discontinue their operations. They would be dismantled and cease to exist.

I believe Dr. Feeley made that statement yesterday. He may or may not have been quoting from the 20th Century Fund Report which he referred to.

I wonder if you could comment on that and also comment on the use to which Federal moneys are put on the State levels in terms of administrative costs and action operations.

Mr. LARGOMARCINO. In answer to your first question, the subject has been discussed within the committee on several occasions. I think it is a mixed answer.

Part of it would depend on how precipitously Federal moneys were removed. If they were taken out tomorrow, obviously, there would be some State agencies that would have a substantial amount of their budget removed and probably would find it very difficult to continue operation.

On the other hand, the ACIR—no, I correct that. I think it is the SPA Conference that has noted over half of the State planning agencies or States put in more than the matched requirements. So that the investment may be fairly significant in many instances.

The answer is that if a phase in time were made part of that change—in other words, if a transition period of 2 or 3 years were called for, from my unofficial soundings, but asking this question of many people at the State level, a large number of those programs and agencies would survive in some form.

I would suspect, however, that they would not all survive in their present form.

Again, if I may refer back to the previous question, as State legislatures move to establish these agencies by State law, there may be a greater incentive at the State level to maintain a State planning agency in some form with State funds, even though LEAA moneys might be removed in whole or in part.

Mr. CONYERS. He is pretty optimistic.

Mr. LARGOMARCINO. Well, Mr. Chairman, I was curious about this because the question has been raised in a number of forms, not so much would the program go out of existence, but what if, as the Department seems intend on doing, they phase out part B money. As they reportedly intend to reduce the next budget request to $30 million for part B, they might accomplish the same thing. Simply put, they might not fund part B.

So we have to be mindful of this possibility. And we have had to inquire, and we have had to alert, if you will, the States, the Governors and their people, to this possibility.

The response was fairly optimistic.

Now, it may very well be that it is easiest to respond in an optimistic fashion when you are not faced with the immediate prospect of losing the money. And it may be that if that prospect were immediate, the answers might be somewhat different.

But at least, in the abstract, the answers are optimistic.

Mr. STOVALL. What effect will this actually have when the legislature passes, if it does, on the State level? Will the budgetary process and will the implementation of what the State planning agencies do really be affected on the State legislative level?

Is there that much room to really operate?

Mr. LAGOMARCINO. Well, again, I think it is a function of the type of agency constructed by the State legislature. And if an agency designed to carry out a State's criminal justice planning function is set up, then it could operate in such a fashion.

Mr. STOVALL. With the requirements that currently exist, would it be able to operate?

Mr. LARGOMARCINO. I see your point. There has been some apparent conflict that LEAA itself, has noted that if the States were to cosy up to State legislative bodies in the fashion some would like, that that is running contrary to the dictates of the act.

I think you can get around that by forceful and dramatic leadership at the Federal level to encourage closer cooperation at the State level.

Mr. STOVALL. Some people have talked about discretionary grant programs. The task force report, at least, emphasized discretionary grants too much. Do you think the present discretionary grant program works? And do you believe the concept of buying into model projects on a Federal level is a good one?

Mr. LAGOMARCINO. One of the complaints I have heard from several State people is that there is little coordination between the discretionary grant program and State programs. Several have told me that they find out about discretionary grants after the money has been spent and the program is in place. And the discretionary program may not fit comfortably in the general statewide planning effort.

Better communication could be affected, better communication that would result in programs that would be more closely tied to the needs of State and local government. I am going to have to apologize, I can't remember what your second question was.

Mr. STOVALL. What do you think about the concept of buying in, the idea of having model projects on the Federal level?

Mr. LAGOMARCINO. Your concern there is that those model projects may be Federal model projects and again be out of sync with true State and local needs; and that again if a special revenue-sharing formula process were followed and the actual allocations to a number of communities were small, there may be an added inducement to use that money to buy into a Federal project, whether it fits the local conditions or not, and again bring about, perhaps, an unhealthy increase in Federal influence on State and local criminal justice decisions.

We have some fear that will happen, and we are not entirely happy with that proposal.

Mr. STOVALL. Thank you.

Mr. CONYERS. Staff member, Mr. Yeager.

Mr. YEAGER. On page 2 of your statement, you claim that systematic improvements have probably contributed to recent figures which indicate a slight lessening in the rate of crime increase and an actual reduction in the crime rate in others.

Do you have any hard data?

Mr. LAGOMARCINO. No more than anybody else——

Mr. YEAGER. To support that claim?

Mr. LAGOMARCINO [continuing]. Who says LEAA was a failure because the crime rate continued to go up.

Mr. YEAGER. But isn't it true that in the high impact program——

Mr. LAGOMARCINO. Which was generally considered a failure.

Mr. YEAGER [continuing]. Spending over $160 million, using victimization data to measure the fear of crime, victimization rates, reporting rates to the police, isn't it true that it failed almost on all those categories?

Mr. LAGOMARCINO. It was generally considered to be a failure. But that is an irrelevant point and does not meet the point I make.

The fact is you can argue that systemic improvement has in fact aided law enforcement officials in dealing with the problems of crime. They believe that; they have asserted that. The ACIR report asserts that. So it is not an illogical next step to say that that has had some effect on controlling crime rate increases and, in fact, may have helped to reduce the rate of crime.

Mr. CONYERS. One further question.

Mr. YEAGER. Do you have any qualms about relying on the opinion of people who have a, shall we say, budgetary interest in continuing to receive LEAA funds?

Mr. LAGOMARCINO. Right. That assumes that State and local people who are involved in law enforcement and the administration of these programs are only interested in the Federal buck, and have no interest in reducing crime because it may benefit society or their constituents.

I reject that. And I know the Governors would reject that. And I know State and local law enforcement officials would reject that. That is that the only reason they are there is to get more Federal bucks. That is an absurd contention.

Mr. CONYERS. Couldn't they have, let's say, both a high motive and a low motive? I don't think they are mutually exclusive, are they?

Mr. LAGOMARCINO. I don't think they are mutually exclusive, Mr. Chairman, but the tenor of the question was their only interest is . . . that their answers will be colored by the fact that Federal bucks are involved.

I think that is a contention that is not necessarily borne out by the facts. And if that is the case, then any inquiry made of local officials receiving any Federal dollars must be rejected as colored by the fact that it may affect whether or not he gets more money.

Mr. CONYERS. Well, let's just examine it more closely, rather than rejecting it completely. In other words, I mean, to me, it is not beyond the realm of possibility.

As a matter of fact, as we checked the testimony, nobody here representing the State planning administrators supported the cuts that were made recently. Everybody spoke to their own self-interests.

We feel that we should take those views into some consideration, we shouldn't reject anybody who has a vested interest.

Mr. LAGOMARCINO. I didn't say you should reject it, Mr. Chairman.

Mr. CONYERS. But at the same time, a person may have very good motives and may be after getting as much money into their locality. Maybe Detroit is different, but the people that I talked to in and around the area that I represent, are completely concerned with how much they are getting. And the city has never had a large surplus.

As long as it is not an illegal source, there would be nothing wrong with money coming in any way that it gets there; it is a great help to a city that is on the edge of being fiscally insolvent.

Mr. LAGOMARCINO. I agree.

Mr. CONYERS. Which is a case that is replicated across the country. So I don't want to leave this discussion on the fact that local units and States need as much Federal assistance as they can get. I don't think it makes them venal.

Mr. LAGOMARCINO. That is the point.

Mr. CONYERS. I don't think that it subverts their purposes of improving the delivery of law enforcement programs.

But I think that is a consideration which should not be entirely overlooked.

Mr. LAGOMARCINO. I agree with you.

What I am saying, Mr. Chairman, and I concur completely with what you said, is that simply because a local official may want more Federal dollars, it does not necessarily skewer the way he or she would answer the question as to how those Federal dollars are being spent.

If they are being usefully spent, it is quite natural that local official would seek more. And that is all I am saying.

The implication, or my inference from the question was that you can't trust the answers because there are Federal dollars involved. And that I reject. And I think the Governors would strongly reject it. I think State and local officials generally would reject that.

Mr. CONYERS. I don't think Mr. Yeager went quite that far. It may have been a question of tone.

If I can conclude, Mr. Lagomarcino, I have appreciated what you have said on behalf of the Governors' Committee on Criminal Justice. I hope you will continue to give us any information to assist our work in this area.

Mr. LAGOMARCINO. We would be pleased to do that.

Mr. CONYERS. I consider us all working together toward the same end.

Thank you very much.

Mr. LAGOMARCINO. Thank you.

Mr. CONYERS. The subcommittee will continue hearings on this same subject at a date to be announced subsequently.

The subcommittee stands in adjournment.

[Whereupon, at 4:04 p.m., the subcommittee adjourned to reconvene at a subsequent date.]

RESTRUCTURING THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, OCTOBER 20, 1977

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:50 a.m. in room 2237, Rayburn House Office Building, the Honorable John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers and Gudger.

Staff present: Leslie Freed, counsel; Roscoe Stovall, associate counsel; and Matthew G. Yeager, criminologist.

Mr. CONYERS. The Subcommittee on Crime will continue hearings on the Task Force Report to Restructure the Law Enforcement Assistance Administration.

We are pleased to begin with the former Director of the Community Relations Service of the U.S. Department of Justice, Mr. Ben Holman, who brings with him a background in journalism and has been on the Hill numerous times in his earlier capacity before the Judiciary Committee and other committees.

We welcome you this morning, sir. We have your prepared statement, and like all others in this hearing, it will be included in the bound record of the subcommittee hearing. That will give you as much time as you need for elaboration.

Mr. HOLMAN. Thank you, Mr. Chairman; my remarks will be very brief. I will be delighted, if I can, to answer any questions that members of the Subcommittee have.

TESTIMONY OF BENJAMIN F. HOLMAN, FORMER DIRECTOR OF THE COMMUNITY RELATIONS SERVICE, U.S. DEPARTMENT OF JUSTICE

Mr. HOLMAN. My name is Ben Holman. For 11 years I served, first as Assistant Director and then Director, of the Community Relations Service of the U.S. Department of Justice. For 15 years prior to and between my two tours of duty in Government, I was a journalist with local and national media.

Therefore, I welcome this opportunity to submit my views on consideration of reorganization and restructuring of the Law Enforcement Assistance Administration, based on my experience both chronicling national problems and helping to find solutions to some of those pressing national problems.

It is my view that the mission of LEAA ought to be restructured to eliminate direct assistance grants—block grants—to States and local communities and concern itself totally with funding of research and demonstration programs to bring about change in our system of justice.

I believe this should be done for the following reasons: One, unquestionably, there is a continued need for Federal assistance; two, massive Federal funding over the past 9 years already has succeeded in a much needed physical overhaul and modernization of our State and local systems, particularly the law enforcement component; three, our continuing alarming crime problem stems primarily from factors outside the criminal justice system and will not yield to mere infusion of more dollars into that system; four, any hope of improving the systems' capacity to cope with crime will depend, increasingly, on systematic change that speaks, for example, to what is in a law enforcer's head rather than his hand; five, only firm Federal leadership and not the direct assistance formula will bring about a desirable diminution of current fragmentation and overlap in our State and local systems.

I don't believe it is necessary to dwell on the rationale for a continued Federal role. Citizens' concerns over crime crept into the top 10 of most opinion polls a decade ago and continue to hover near the top of these lists. Apprehension pervades every urban, suburban, and rural area of our Nation.

It is also not difficult to document the success of our modernization program. As one who spent many years of my early career working in and observing the dilapidated and outmoded facilities of our police stations, courts, and jails, I am particularly aware of how much they need improvement, and, in my more recent endeavors, how well it has been done.

As we acknowledge the emergence of an era of limited national resources, it is not unreasonable to return to States' and localities responsibility for further progress in this area. It seems to me a rare opportunity to declare a Federal program has reached a successful conclusion, as mandated by Congress, and eliminate it.

LEAA appropriations crossed the $500-million mark in fiscal 1971. Almost three-fourths of it, namely $391 million, went to direct assistance grants. Today these grants represent half of LEAA's nearly $750 million appropriation.

Although I am not prepared to suggest an appropriation level, it does not take an expert to realize that the conservation of critical resources that could be brought about by redirection of direct assistance funds in or out of the systems of justice.

My strong preference for a Federal role comprised totally of research and demonstration programs stems from my strong association over the past 25 years with our systems of justice. My experiences tell me that these systems depend primarily upon a voluntarily cooperative citizenry for their effectiveness. We never can hire enough policemen who, in themselves, can make our streets safe. We never will have enough lawyers, judges, and courtrooms which, within themselves, can reduce our court loads. We never can provide enough jailors or jails, which, in themselves, can reduce our prison population. Yet under the guise of professionalism, too often our systems

attempt to do just that, and beg for more funds to accomplish these ends.

Somehow, we must find a way to make these systems more open to others, laymen and other professionals. A police chief of a large eastern city once told, in an unusual instance of candor, that the rise and fall of his city's crime rate had little to do with what his department did. He talked instead of involvement of aroused businessmen, school officials, and parents, with whom he and his subordinates met and planned periodically on police strategy. The warden of a large west coast prison once told me he was totally frustrated in making a work release program work until he brought a volunteer citizen group inside the prison.

These examples, unfortunately, are exceptions. The systems heavily supported by LEAA, too often are resistant to what is seen as outside intervention. A change in this attitude will not attain unless firmly directed by the Congress. A centrally funded and controlled program through research and demonstrations, I believe, is the vehicle necessary.

A frequent criticism of this approach is that it cannot be responsive to peculiar State, regional or local conditions. My experiences tell me this argument is based on fallacious assumptions about provincialism in our country. We were confronted with similar arguments in the community relations service in our efforts to help solve racial problems. I find the argument as specious in law enforcement as it is in race relations. Indeed, I find it an important cause for our inability to deal more effectively with crime.

Indeed, some of the most widely acknowledged successes of LEAA have come in the utilization of the approach I advocate. I need only cite the recently string of "Sting" operations that originated here in Washington, D.C. This centralized research and demonstration model does not stifle local initiative; rather, it encourages it.

We found, in CRS, that a community desperately confronted by a crisis was quite eager to adopt and adapt an approach of another. I believe it can operate equally as well to further advance our systems of justice. A restructured LEAA, mandated with a program of research and demonstration projects for systemic change, and staffed by a core of professionals recruited from within and without the system of justice, can accomplish that goal.

We have wallowed too long in our Nation in outdated notions of provincialism. That day has passed and will never return.

Thank you, Mr. Chairman and members of the committee.

[Complete prepared statement of Mr. Holman follows:]

STATEMENT OF BENJAMIN F. HOLMAN

My name is Ben Holman. For 11 years I served first as Assistant Director and then Director of the Community Relations Service of the U.S. Department of Justice. For 15 years prior to and between my two tours of duty in government I was a journalist with local and national media. I welcome this opportunity to submit my views on consideration of reorganization and restructuring of the Law Enforcement Assistance Administration, based on my experience both chronicling and helping to find solutions to some of our pressing national problems.

It is my view that the mission of LEAA ought to be restructured to eliminate direct assistance grants to states and local communities and concern itself totally with funding of research and demonstration programs to bring about change in our systems of justice. I believe this should be done for the following reasons: (1)

Unquestionably, there is a continued need for federal assistance. (2) Massive federal funding over the past nine years already has succeeded in a much needed physical overhaul and modernization of our state and local systems, particularly the law enforcement component. (3) Our continuing alarming crime problem stems primarily from factors outside the criminal justice system and will not yield to mere infusion of more dollars into that system. (4) Any hope of improving the systems' capacity to cope with crime will depend increasingly on systemic change that speaks, for example, to what is in a law enforcer's head rather than his hand. (5) Only firm federal leadership and not the direct assistance formula will bring about a desirable diminution of current fragmentation and overlap in our state and local systems.

It is not necessary to dwell on the rationale for a continued federal role. Citizens' concern over crime crept into the top ten of most opinion polls a decade ago and continue to hover near the top of these lists. Apprehension pervades every urban, suburban and rural area of our nation.

It also is not difficult to document the success of our modernization program. As one who spent many years of my nearly career working in and observing the dilapidated and outmoded facilities of our police stations, courts and jails, I am particularly aware of how much they needed improvement, and in my more recent endeavors, how well it has been done. As we acknowledge the emergence of an era of limited national resources, it is not unreasonable to return to states and localities responsibility for further progress in this area. It seems to me a rare opportunity to declare a federal program has reached a successful conclusion and eliminate it.

LEAA appropriations cross the half billion dollar mark in Fiscal Year 1971. Almost three fourths of it, namely 391 million, went for direct assistance grants. Today these grants represent almost half of LEAA's nearly three quarters of a billion dollar appropriation. Although I am not prepared to suggest an appropriation level, it does not take an expert to realize the conservation of critical resources that could be brought about by re-direction of direct assistance funds in or out of the systems of justice.

My strong preference for a federal role comprised totally of research and demonstration programs stems from my strong association over the past 25 years with our systems of justice. My experiences tell me that these systems depend primarily upon a voluntarily cooperative citizenry for their effectiveness. We never can hire enough policemen, who, in themselves, can make our streets safe. We never will have enough lawyers, judges and courtrooms, which within themselves, can reduce our courtloads. We never can provide enough jailors or jails, which, in themselves, can reduce our prison population. Yet, under the guise of professionalism, our systems attempt to do just that, and beg for more funds to accomplish these ends.

Somehow we must find a way to make these systems more open to others, laymen and other professionals. A police chief of a large Eastern city once told me, in an unusual instance of candor, that the rise and fall of his city's crime rate had little to do with what his department did. He talked instead of involvement of aroused businessmen, school officials and parents with whom he and his subordinates met and planned periodically on police strategy. The warden of a large West Coast prison once told me he was totally frustrated in making a work release program work until he brought a volunteer citizen group inside the prison.

These examples unfortunately, are exceptions. The systems, heavily supported by LEAA, too often are resistant to what is seen as outside intervention. A change in this attitude will not attain unless firmly directed by the Congress. A centrally funded and controlled program through research and demonstrations is the vehicle necessary.

A frequent criticism of this approach is that it cannot be responsive to peculiar state, regional or local conditions. My experiences tell me this argument is based on fallacious assumptions about provincialism in our country. We were confronted with similar arguments in the Community Relations Service in our efforts to help solve racial problems. I find the argument as specious in law enforcement as it is in race relations. Indeed, I find it an important cause for our inability to deal more effectively with crime.

Indeed, some of the most widely acknowledged successes of LEA have come in the utilization of the approach I advocate. I need only cite the recent string of "Sting" operations that originated here in Washington, D.C. This centralized research and demonstration model does not stifle local initiative. Rather, it

encourages it. We found in CRS that a community desperately confronted by a crisis was quite eager to adopt and adapt an approach of another. I believe it can operate equally as well to further advance our systems of justice. A restructured LEAA, mandated with a program of research and demonstration projects for systemic change, and staffed by a core of professionals recruited from within and without the systems of justice, can accomplish that goal.

We have wallowed too long in our nation in outdated notions of provincialism. That day has passed and will never return.

Mr. CONYERS. Ben, what's wrong with the system? Is LEAA trapped in a larger dilemma of what direction justice should go itself? That's going to be a suggestion of one of the witnesses who will follow you.

Mr. HOLMAN. I'm not so certain that I subscribe to that position. As I recall, back in 1968 when the program was conceived, as I indicated in my remarks, the country was expressing a rising concern about the impact of crime on our citizens. And I happen to be one who had no great quarrel with the wisdom of Congress in those days in passing the original legislation that set up LEAA. I think there was clearly a need to update and to modernize our systems, particularly in the field of law enforcement.

It required the kind of massive funding that Congress provided for that purpose. It is my view that what has happened is that that mission has, largely, been achieved.

I realize there is reluctance in this country to end a program once it has started, for various reasons which I will not go into; but I think the biggest problem with LEAA is that it was successful, it did carry out the mandate that you set for it—the primary mandate as we envisioned in those days.

Mr. CONYERS. Curbing riots?

Mr. HOLMAN. I'm not so sure, as I recall the legislation. I don't want to second guess the intentions of Members of Congress that that alone was the intent of the original legislation—just to curb riots. You can argue that there were those in the Congress who were concerned about the massive disorders, and, perhaps, saw LEAA as a means of dealing with them. As you know, it didn't work.

But I would assume there were Members of Congress sincerely concerned about crime. The law was originally called The Safe Streets Act. And I, for one, had no quarrel with this objective at the time, even though that was not a fairly popular position, because many people felt that it did have an ulterior purpose.

It is just my view that this was a noble goal to be achieved. It is my view that it has, largely, been achieved. The current difficulty with LEAA is that too often these funds are still being channeled toward that direction. And I don't think—as I indicated in my prepared remarks—that continuing the channeling of funds in that direction is going to get at the still lingering problem. That is that crime is still rampant in the city—in our country.

Mr. CONYERS. Well, it always has been and maybe it always will be. You know, after several years on the Crime Subcommittee, I'm sort of getting used to the fact that it seems to be here to stay.

I have two questions, Ben. First of all, I want you to describe to me the model that you would give us for LEAA if the Attorney General or even the President asked you. I would like you just to describe what the components would be.

Mr. HOLMAN. I think it would be a much streamlined model. As I indicated, first of all I would eliminate, totally, the old block grant program. Those funds could be redirected within the system, or outside the system.

I envision perhaps even a renaming of the organization, to something called, maybe, National Institute for Justice, similar to the organization that currently exists. I would make this not only the centerpiece, but the total program. I frankly, would probably keep it in the Department of Justice—my view of the Department of Justice is not just one of law enforcement but of justice in a broader sense—under the control of the Attorney General.

The program would consist primarily of funding, somewhat like some of our current Federal institutes of research seeking the causes of crime and ways to prevent crime, and of demonstration projects. I cited one example, "Sting," and there have been many, many examples of very fine programs that LEAA has funded through its discretionary funds.

I envision a great interchange between State and local officials in proposing projects that would, in turn, be funded by the Federal agency; hence, my notions would not necessarily stifle initiative. Any State or community which felt it had a good idea it wanted the Federal Government to fund would have an opportunity to submit such a proposal to this new agency, have it reviewed, and if it met whatever broad standards set by either this Congress or by the organization it would be funded.

I envision a centralized agency with an evaluative capacity to determine whether a project was workable, and then have a vehicle, perhaps through a technical assistance arm, to promulgate results to other communities which have similar problems on the basis that if they like it, they could try it.

This is the kind of model I have in mind.

Mr. CONYERS. Categorically, is that what you're thinking, then?

Mr. HOLMAN. Well, I would suspect that in structuring such a model you would have to establish some sort of categories; otherwise, you run the risk of it going all over the place. The focus still should be on problems in the criminal justice system rather than all the social problems that obviously impact upon crime. There should be categorical restrictions, presumably certain funds allocated for the correctional system, for the court system, for the law enforcement system.

I envision this, but with broad latitude. Let me speak from some of my personal experiences at CRS. Most of the time we had excellent relations with LEAA. We frequently met with the various administrators to discuss as ideas. We were like frontline troops; we were out there in the communities; we knew that crime was a very real problem in communities. And I was particularly pained that a lot of people here in Washington were too late in realizing that black people were concerned about crime as were white people, and that blacks ought to be enlisted as allies in the so-called fight against crime rather than as targets.

I had many conversations with the leadership of LEAA about these problems. Too often I found they felt that in carrying out your man-

date some of the notions we presented could not be legally funded by LEAA. It was terribly frustrating to see them take a rather narrow view of your mandate. If we suggested, for example, funding a particular community group that we had carefully researched—vouched for its credibility and reliability—often we would run into a stone wall at LEAA. They would insist—as we interpret the will of Congress, it was not their intent that Federal funds should be used for these groups. That is the sort of inflexibility we just so frequently encountered.

Mr. CONYERS. Finally, do you view creeping federalism as conflicting with the attempt to reform the entire justice system?

Mr. HOLMAN. Not at all.

Mr. CONYERS. I mean, can we have one without the other? Can we reduce the Federal input in crime, and yet reform the justice system?

Mr. HOLMAN. I happen to be one who is not particularly concerned about creeping federalism. I don't know why it is termed creeping federalism.

Mr. CONYERS. That term is mine, by the way.

Mr. HOLMAN. The impact of the Federal Government upon our lives is actually here. It isn't creeping. It has arrived. It arrived a long time ago, before many of us were born. It's a reality, and in our complex and sophisticated society, it is dangerous to worry too much about growing federalism. To the contrary, as a result of my years of travel across this land, I often wonder where people in Congress get the notion that people are afraid of federalism. People look to Washington—to the Federal Government—for leadership and guidance in so many of their problems because they are sophisicated enough to realize you need a central focus.

As I've seen it—and this is not just in the larger cities—30 to 40 percent of the CRS caseload is in the smaller communities under 100,000 population—people do look to Washington for answers. I believe this is true at least to the extent of setting broad standards and guidelines. What concerns me is not so much federalism and the impact of federalism upon the lives of the people, but the confusion people often run into as to whether they ought to look to the statehouse or to the city or to Washington, and the difficulty of trying to coordinate with three levels of government.

Whatever you do I think it is wise to set responsibility firmly. If you are going to have a program of centralized funding, you must have the last word in Washington. If you're going to adopt a pure reserve sharing model, then you've got to keep strings off or reduce the strings. Part of the confusion in seeking Federal assistance for local problems is the frustration, the tremendous frustration, of having to meet State and local requirements and, at the same time, meet Federal requirements. Certain matters, like primary responsibility for the fight on crime, ought to be left at the State and local level.

Mr. CONYERS. One of the things that begins to worry me about what the witness that follows you is going to say, and I've begun to think about it, is that we are federalizing everything. As soon as there is a porno scandal, there is a rush to enact more Federal antipornography laws. Committees competing with one another, as soon as there is any kind of insistence that the response be legislative, to make more

laws. And they are all Federal. And gradually it keeps getting bigger and more confused, and then someone comes along and says—let's revise all several hundred laws in one bill and get them straightened out. And then you get S. 1 and the son of S. 1.

Mr. HOLMAN. Clearly, there are some things that ought to be done by the Federal Government, others ought to be done by State and local government.

Mr. CONYERS. But do people care anymore? I mean, really; a law is a law, but what we may be innocently doing is totally enlarging Federal jurisdiction. Now most of the criminal action is reserved for the States. It's gradually beginning to escalate to the Federal Government level.

Mr. HOLMAN. Well, if you reflect upon the model I suggested more carefully, you would see that I say give back to the States and local government the primary responsibility for dealing with the problem of crime. I say cut back the role of the Federal Government, narrow it to research and demonstration on a broad plane.

But then I say make certain the lines of division are very clear. The Federal Government should exert leadership and have ultimate responsibility in research and demonstration. The general responsibility for fighting crime should be that of the States and the localities.

No, I don't think you should federalize everything, but this is an area where you ought to admit a role for the Federal Government. Crime built up into a massive concern across the country, and it was obvious that State and local communities a decade ago were not capable of developing resources to deal with it. The Federal Government stepped in. I think it should step out now. This is, basically, what I'm advocating.

I said I still see a Federal role. Obviously, I do not have all the answers as to why we still have a high crime level, but it seems to me the answers—the solutions—will not yield to the approach that we are using now. If we continue massive block grants from the Federal Government, I just don't think they are going to bring the crime rate down any further—if that is your objective.

My view perhaps is in the middle. I happen to think that there is a role for the Federal Government. And I am attempting—or have attempted—in the model outlined to suggest how that role can be accomplished.

Mr. CONYERS. You have been very helpful.

I recognize Mr. Gudger.

Mr. GUDGER. Thank you, Mr. Chairman.

Mr. Holman, I'm trying to get clearer appreciation of your idea of these demonstration projects for systematic change—that is the term that you used. I think it's a good term.

In our State of North Carolina some years ago, we fostered a rather remarkable man, Albert Coates, a teacher of law, initially, who later became director of something called the Institute of Government, which conducted surveys and studies to find out what was then being done 25 years ago in each of the counties in administering their various independent county structures. And it got into law enforcement. We had, at one time, 1,200 different forms of court in our State: mag-

istrates court, recorders court, and a vast array. We now have a single court of justice.

What I am leading up to is this. I seem to perceive that knowledge can be sought out on the national level, taking advantage of everything that has developed on the State level, and using, perhaps, the LEAA structure to pass upon projects and programs and developments which may have a law enforcing potential, and that these will be passed from the local community, perhaps, through a State screening process and on into Washington where there will be continuing research and review.

Is that something of what you had in mind?

Mr. HOLMAN. That kind of process, certainly, would not be precluded. In fact, I think it should be encouraged.

I did not go into great detail with my prepared remarks, but I am not suggesting that the only place you can find new ideas on dealing with problems in our system of justice is Washington. To the contrary, I would envision a model which would permit precisely the process whereby ideas would flow from the State.

What I really feel so strongly about, what I really learned so often in traveling around the country is that a community in North Carolina, a community in Minnesota, or any place in the 50, would be doing something that was quite worthwhile, quite effective, and it would be totally unheard of in another community with a very similar problem. In spite of the tremendous means of communication we have today, worthwhile experiences were often lost.

I certainly would envision that kind of process. If a State had developed an approach dealing with a particular problem that worked, the agency in Washington could determine whether or not it truly was peculiar to the problems of that particular community or whether or not those problems were, indeed, present in other communities and could be promulgated there.

I am not just talking about a small corps of people in Washington merely dreaming up ideas and testing them. I think that there ought to be an exchange of ideas.

Mr. GUDGER. Let me throw out some ideas. I remember some years ago a small group of people organized a program using teaching parents in foster home settings of 8 and 10, at maximum, youngsters who had gone through adjudication and delinquency in a juvenile court structure. This gained some State support in my State. Later, I think, it was emulated all over the country. And it soon got to the point where to qualify for any funds, so far as juvenile correction was concerned, regulations prohibited status offenders being incarcerated in training schools.

Do you sort of envision this as an illustration of what you are talking about?

I also recall one county that had a junior deputy program at one point, out of a county population of 160,000 had about 4,000 youngsters who were part of this junior deputy program, who were going through an educational process. And it became more popular than Boy Scouts and Girl Scouts in that particular county.

Is this something like what you're thinking about? Or, could you give me some examples of what you consider "systemic change demonstration projects."

Mr. HOLMAN. It is, indeed, the sort of thing that I'm talking about.

Most of my experiences in recent years have dealt with problems affecting communities—primarily minority communities. I realize Congress passed last year the community anticrime program approach on which I conferred with members of this committee many, many times over the years as being desirable. Most of the examples I am personally familiar with are in this area.

A very well-publicized program, for example, in Philadelphia, went to the heart of street crime. Efforts were made to get youngsters on the streets, not as vigilantes, but as trained observers. So as muggers and purse snatchers preyed upon old people or young children, these trained youngsters would be in a position to observe and notify the authorities.

Community-police relations got popular in the wake of the disorders in the 1960's. Many police departments went through the motions of setting up community relations programs. But the difficulty was that too many of them were established as police public relations.

For example, many police departments in the latter part of the 1960's and early 1970's, thought the storefront police station approach would be a way of developing better community relations. It didn't quite work out that way.

I recall an evaluation of this program in a midwestern city close to the chairman. They found the basic problem was that the people were afraid to come in. They were just as reluctant to go into those storefront police stations as they were to come downtown. Yet a lot of money was squandered around the county trying that approach.

One of the suburban communities outside of Denver tried another notion that was popular a while ago, namely, that you ought to put policemen in blazers and make them look like college students. The notion was that the uniform somehow turned off youngsters. In a meeting with an official of the city, I was told the program was a total disaster. The problem is that you just can't put on a blazer and change the attitudes of kids.

Mr. CONYERS. A policeman is still a policeman.

Mr. HOLMAN. Yes, and the uniform should be made an item of respect.

There is another broad area CRS has worked very heavily, namely, minority recruitment. I found, in talking to literally scores of police chiefs throughout the country over the past 10 years, that most said they wanted to get more minorities in the department. They also said that they were terribly frustrated in doing that.

I am reluctant to identify some of these cities I am referring to, because I don't want to stigmatize them. But again, in a city in Tennessee CRS worked very strongly with the police department in trying to identify the difficulties in attracting minorities into the police department. We were able to diagnose some of the difficulties; for example, the lie-detector test was a problem.

Frequently, after we had done a very careful analysis of some of the things that tend to turn off minorities, the department was unwilling even to consider alteration of their programs. We ran into the

old argument of—"Well, you want to lower the standards." And as a result, of course, they continued to exclude minorities.

On the other hand, in a suburban town outside Seattle we did a similar analysis. We jointly came up with some recommendations for attempting to change some police practices. They were put into effect; the chief caught a lot of heat. But he did get minorities.

I can go through countless examples in the area in which I have had experience of the kind of things I'm talking about. I would assume that in other areas, in which I don't consider myself an expert, there would be other demonstration projects that would be effective.

These are the kinds of programs that I think ought to be tried, demonstrated, guided, tested, in communities.

Mr. GUDGER. Thank you very much.

I have no further questions.

Mr. CONYERS. I think it should be noted that you have been consistently helpful to this subcommittee and to this staff in the course of our present deliberations. I want to express my appreciation.

Mr. HOLMAN. Thank you.

Mr. CONYERS. Thank you very much.

Our next witness is the president of the National Council on Crime and Delinquency, Mr. Milton Rector, whose activities as a spokesman in reform of the justice system are well known to all of us.

We are very grateful that you could come to this hearing. We have already inserted your full statement in the record, and I would like to begin by summing up what seems to stand out in your very excellent statement.

You say that LEAA should be linked with other Government domestic and economic programs because street crime is not an unrelated phenomenon. So, we have the question posed, even beyond the DOJ Study Group consideration, of a Federal strategy to address the whole problem of social justice. That seems to be one big area. And you have objected to isolating street crime without taking into consideration white-collar crime and consumer crime and organized crime.

And that raises another consideration. You have also asserted that the research capacity of LEAA ought to be more interdisciplinary than it is now.

And, finally, you raise a question about comprehensive planning. I can only relate a warning that another excellent witness, Professor Feeley, pointed out. One of our dilemmas has been that everybody interprets "comprehensive planning" exactly as they see it. That makes for different interpretations in different directions.

With that synopsis, I'm pleased to welcome you before the subcommittee.

TESTIMONY OF MILTON RECTOR, PRESIDENT, NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Mr. RECTOR. Thank you, Mr. Chairman. I am grateful to you for having invited me to testify on behalf of the NCCD. I won't read the statement; it's obvious you have done that.

I think, on the second page of that statement—as you were discussing with Mr. Holman—we use the word which he finally got back to, and that was "federalization," not "federalism." Because——

Mr. CONYERS. That's blurry up here. Is there worlds of difference?

Mr. RECTOR. Well, I don't know, really, but I understood the thesis underlying the new "federalism" was that maximum input in decisionmaking would go back to the local level, that the Federal Government would not pretend to be a service deliverer but a leadership deliverer, and give help in funding and in maximizing local leadership and local decisionmaking on local problems and priority establishing at the local level.

Now, "federalization" to me conflicts with that definition. For example, in the criminal justice system we have a continuing increase and enlargement of Federal police power. In terms of delivery of human services, the only Federal agency delivering those services are the Justice Department and the Administrative Office of the U.S. courts. The latter strangely operates a major sector of Federal corrections, probation, and parole, which deals with the majority of Federal offenders, and still which is sort of a silent partner in the development of community corrections, which is a worldwide thrust in corrections, everywhere but in the United States.

And still, when we have meetings and discuss legislation pertaining to the Federal role, LEAA has been very silent on the Federal role and has not pointed up the need to involve Federal probation and parole in planning. Maybe that reflects its own disability in helping State and local governments really enter into system planning. I like system better than comprehensive, because system means police, courts, corrections, prosecution are basic to that planning. I think we could also coin the phrase, "social and economic impact studies" as essential to planning.

In other words, you have a proposal for a new criminal code or a new sentencing code. A system plan should outline for the legislators, the city council, county commissioners, or the Congress, just exactly what the social and economic consequences are. We have that requirement in construction; environmental impact studies are required, but we do not require the same for criminal justice planning. And I think maybe the disability in LEAA's leadership has been that there is no total Federal commitment to planning.

One of the most disarrayed criminal justice systems in the United States is the Federal system. We well know the common criticism of the problems of sharing information between Federal law enforcement agencies. We well know the problem that the Federal Government has by asking the Bureau of Prisons—the prison system—to develop a model correction plan which, not surprisingly, has been a multimillion-dollar institution plan. No one behind the scenes has said "Look, the immediate consequence of construction will be the escalation of poor and minorities into that system." Community corrections does survive and exist and expand for middle- and upper-income crimes. No leadership has evolved from LEAA for strategies to reduce the population in the institutions and thereby free Federal allocations and develop leadership that will help States free allocations to develop more rational criminal justice, and especially correctional systems.

Now, we in criminal justice certainly can't say that the public has not been generous. I don't think there is any other field in the hu-

man resource area where we have seen a five times escalation in 10 years of aggregate funds.

Dr. Eisenhower and the Commission on Violence report, submitted to Congress in 1968, said that:

> Aggregate annual cost of Federal and local criminal justice is $4.5 billion, and that simply must be doubled if we are going to have an effective system capable of controlling, and hopefully reducing, crime and violence.

At the end of this year, that aggregate will be almost—if not over—$20 billion. So, we can't say it has been a lack of money.

I'm on record in many hearings saying probably LEAA's greatest contribution to the United States will be introducing, helping develop, and institutionalizing co nprehensive system planning—I think that is critical. But I think it has lost the opportunity. The block grant system, by the way it has been administered, has forced the States to stay pretty much in grant management. It has not really helped the States bridge all of the other kinds of problems in agencies and services which impinge on the principal problems of crime and delinquency.

So, I think we can say today, probably LEAA's greatest contribution has been to help the criminal justice system. But the leadership that I associated myself with admit to the public that we have proof that the criminal justice system is not the system to reduce the crime and violence in America by itself. If that was the public expectation, we funded the wrong system.

It's a real dilemma to recommend what the new structure of LEAA should be; but it should wrap itself around the need for Federal leadership, not Federal delivery of services. You know—we've been hearing testimony in Congress for almost 5 years on the need to begin to reduce and gradually do away with the Federal Bureau of Prisons; let people, no matter where they live, what courts they come into, be dealt with in the local community.

That's a dramatic leadership role. It demands a kind of independence and protection. In the almost 40 years I've been in the field, we've seen a vacillation of public administration from commissions, to the executive responsible, to the chief executive officer. I really don't know what kind of buffering there has to be to give an LEAA independence so that the priorities that it espouses do not pick up political fads. It should not help fool the American public as we have for so long, that changes in severity and sentencing and greater use of incarceration will reduce violence with absolutely no proof, when there are really indications the other way showing a lesser use of incarceration, might have greater chances of reducing violence in the community.

But that requires protection so that that LEAA cannot be captured by a particular president or an attorney general. I remember with real embarrassment when I found myself dismissed from the United Nations Delegation which I proudly served for many years. The Attorney General under the last administration came to a national meeting in Wisconsin, and was recommending mandatory sentences and the death penalty, that this would reduce crime and violence. It was embarrassing to have to get up, after the United States Attorney General, and say,

You know, the Federal Government should use Wisconsin as a model; it hasn't had the death penalty for over a hundred years. It's always had 90 percent of its felony offenders on the street in community corrections under probation or parole. It has, consistently, had one of the lowest crime rates. That should serve as a model for the Federal Government.

We submit these data to LEAA. We submit proposals to try to document these data. And you don't find any commitment for LEAA to serve as a base for Federal leadership for Federal public policy. Again, I think, in that context we would hope that leadership would be debunking myths for public policy.

Mr. CONYERS. Do you think this administration has tossed away the opportunity to reinvigorate the justice system by pulling it in different directions? There's a great feeling that——

Mr. RECTOR. Congressman Conyers, I wish I knew, but from a nongovernmental standpoint, I find our agency very confused. We took real heart with the President's statements in the crime area. One I remember so well, because this one we're committed to nationally, was that at least 50 percent of the people in our prison system at present shouldn't be there.

And, then, without any recommendations at all as to the consequences of—I like the way you framed Senate bill 1437 "the son of S. 1"—which, by our estimation, would further escalate that prison cost with a model which the States increasingly are following, the Attorney General endorsed Senate bill 1437. Some of us who oppose S. 1437 would much rather be classified as in the realm of rationality rather than liberalism. I don't know why we discuss crime in terms of whether we are conservative and liberal; it's either rational or irrational. We were told that if we didn't support S. 1437 we were liberals, and we weren't making the necessary compromise to get through what we can. Well, I think those of us who have worked a generation in this field, and have looked with dismay at where the United States has gone on the world scene—which has been totally backward in terms of progress in the last decade—wonder if any Federal code could be passed that we would be proud of 10 years from now. We have not had the top Federal leadership, technical assistance, and guideline-developing national organizations to help States and counties by really calling the shots and producing data that could serve to help critique what is being proposed at Federal, State, and local levels.

Instead, what we have seen has been accommodation. What has been tossed out is Federal policy, and then we've seen grants go out to help the States follow a construction policy even though there has been no basis in objective fact that the policy was a sound one.

Another of my criticisms of LEAA is the failure to take cognizance of the research and piloting being done in other nations. I mean, the United States doesn't stand alone with crime problems. Denmark has always stood out in my mind because, having started in the field and watching Denmark back in the early 1940's go to an indeterminate sentence plan and in the 1970's moving away from indeterminate sentencing, it seems the natural, rational way to go in the United States. And we did.

The Danish Parliament does not adopt new public policy without insisting on research, assessment, and social-economic impact studies first. We watched for several years as they started to move away from the failures and the disparities of indeterminate sentencing. Their research showed that they could only afford to do it economically and humanely if they moved to a dramatically shorter sentencing system. So, they looked at the Holland model, and then they applied that. And then they adopted a model code of short maximum sentences, 2 and 3 years, where we go to 10-, 20-, and 40-year sentences in the United States.

They adopted it, but they also created an independent citizen committee with research backup to monitor the new determinate sentencing, saying that if they see the consequences are escalating imprisonment, then they must do something about the length of sentences. All the research they've done and we've done shows that the length of sentences has nothing to do with the crime rate. And, in terms of disabling individuals, the shorter it can be, the better the sentencing system is.

That is why we've been critical of LEAA for not helping the States concentrate on criteria for the determination of who are the dangerous, the ones who need long-term caging. We do have to admit there are people like that, but our estimate is that they are probably only about 15 to 20 percent of those presently confined. Federal courts last year sentenced only 11 percent of those sentenced to the Federal prisons for any kind of violence.

Mr. CONYERS. We have been critical of the Department of Justice for not moving more quickly in reorganizing LEAA and naming its top personnel. In view of your suggestion that there is a larger problem, maybe we ought to continue the state of suspended animation and determine a way to push the administration to take another look at everything that it is doing. Obviously, there are conflicts between the promise and the action, the commitment and the deed.

I find myself stopping in my tracks. If I agree with you, then I can't be urging them to quickly conclude this tortured study business and name some people.

Mr. RECTOR. We suggest that it may be the time to create the LEAA in the form of a national institute. Where it should be located in an administrative setting I don't know. We have said that the institute must have independence, must be able to give real leadership regardless of the political themes or the professional fads at the time. But we've hesitated to say where it should be. I don't see how, with the work the Justice Department has to do, it can also administer, with the essential independent and political buffering, such a national institute.

Also, we see no evidence that the collaboration and the joint research, and the joint testing, and the involvement of the behavioral sciences with other sciences is going to be done apart from the National Institute of Mental Health, Education, Social Welfare, or from the basic health issues, the problems of housing and the problems of employment.

You know, I started out working with Mexican American youngsters while still a student at the university in Los Angeles during 1938, and I find some of those I worked with who are now grandparents, living in the same community with two or three times more youngsters and with unemployment worse now than it was in the 1930's during the depression. They now have, instead of knives and bicycle chains, handguns. In Los Angeles, the debate is whether or not to build another security detention home for these kids.

You see, the American public has to understand it's a reactive system; that's what criminal justice is. Commitment to proaction seems to be needed for the national institute—to probe, to be a critic of Federal as well as State policy.

And that is my personal view, that the institute should not be housed in the Justice Department; but our agency's statement does not go that far. I cannot represent our board's position on it.

Mr. CONYERS. Well, I started out with a recommendation that we put the Federal emphasis for LEAA in four areas: One, community anticrime activity; two, in prison alternatives; three, in juvenile delinquency; and four, in a reinvigorated, basic research mechanism.

I now hear you saying that we stop trying to be a service deliverer. What kind of reaction do you have to the model that I have?

Mr. RECTOR. I think it's very good; and knowing your philosophy, and having heard you speak, I know you include very close liaison and research with HUD and HEW—with NIMH—because I know your ultimate goal is social justice. I hope someday that we see criminal justice as a subheading, just a part of a ladder of American social justice programs.

I guess that's why I am uncomfortable with just leaving LEAA in the Justice Department to establish the kind of linkages even for the program you are talking about.

Mr. CONYERS. Of course, we may be pipedreaming. If we don't get either of the changes—that is, a redesignated block grant program or revenue sharing—we may not be able to make distinctions. Maybe neither is in the works and maybe neither will work.

Mr. RECTOR. Well, I'm anxious to see the President's policy statement on crime. He has had many other severe problems to deal with, but I would doubt if, from a political standpoint, he can address the need for decriminalization of not only what we call victimless crimes, by looking at where other nations are going in terms of shoplifting, saying to the merchandizing people: "You've simply got to merchandize with it in the showcases rather than on top. Deal with your own insurance program because our criminal justice system is too expensive for that. It's too expensive to protect the banks from bad checks."

This Nation doesn't even know how much money it is spending on hard drug enforcement. We have data from one department that says $10 billion a year, and another that says as high as maybe $20 billion a year, and the problem is escalating. And still, we refuse to

hear any voices say, "Put it where other nations have; deal with it as a medical problem and drop the cost to 5 cents a day for the addict who is there for treatment, as they do in England."

We may discover many new options, but we refuse to experiment with them because politically it is controversial to even raise the drug treatment issue. And, so, we need an agency, regardless of what this administration's policy statement is going to be, to have sufficient independence to come back in with the data, most of which will be found in other nations. An LEAA should say to the President that 2 or 3 years hence, a new drug policy could free up $10 billion or $20 billion from enforcement that can be used in social justice programs elsewhere.

Congressman, a long time ago at NCCD—we've been around 70 years. I've been with the organization 31 years—we tried to find out where studies and research in communities made a difference. We found a direct correlation, to the degree the study process brought in independent citizen understanding and leadership. So we have always insisted that the Governor or the mayor appoint independent citizen committees for our studies.

We also found that when we wanted to induce change in the public system, we seldom found anything but resistance to change; and that we best use private foundation money to put the demonstration project in the public agency. We requested a commitment by the public agency that if the project really started to produce results, it would gradually pick up costs by starting the second year with a reallocation of one-third of the funds over to this new program. By not doing the same, LEAA money has been adding to existing programs, much of which are not cost effective.

While it's not in the shared revenue method, and it hasn't been incorporated into the block grant method, but there can be a formula whereby Federal funding carry some of the changeover costs. Federal leadership could induce system change so that a board of supervisors or legislators don't say, "I don't want any more of that damned LEAA project money because all it means is we've got to ante up more money." And I don't think that's the intent Congress had when it passed the first omnibus crime bill. The intent was to improve the system, not just to enlarge it.

And we have enlarged it, but we haven't improved it very much. And if there were such a formula that had the startup cost money for new tested programs that are ready to be installed and the leadership within the agency to change, then there'd be decreasing funding. Within 3 subsequent years that agency will have had to have made reallocations of staff and fund resources, and thereby make changes which we just haven't seen.

Now, there is one other sector, and I would be disloyal to the field I work in—the voluntary field—if I didn't mention it. The voluntary field has given up its leadership in planning. It used to be the leader

of community planning groups, but they evolved into luncheon clubs, primarily dominated by the source of funding, the United Ways. They left out the public system. Now the public system, which is doing the planning is learning how to contract with private volunteer agencies. We've seen offender restitution programs start primarily that way. We've seen diversion programs—referring offenders from the justice system to other social systems—done by the volunteer sector, which will always, if there's leadership, take risk that the public system isn't ready to take.

But even though they serve the clientele of the justice system and reduce the workload—and, therefore, should reduce the cost expenditures—of the justice system, we have not had—not just from LEAA, but from any other Federal agency, plans worked out with private voluntary agencies for sustained funding as long as they maintain service for public agency clients—the offenders.

We're getting the first real leadership in this area from the LEAA juvenile justice division. It's been thwarted, but some of the earlier statements I've seen from my namesake, John Rector—who, I'm sure, is going to do much more than I've ever seen—is that he's going to try to find a way of solving that problem without destroying the independence of the private agencies. They have to be held accountable if they are using public funds. But they also have to stay up front in dealing with the teenage prostitutes, and the teenage drug addicts and the runaways, and the hard core, and so on, that they have long ignored. And if they succeed, we'll see a juvenile justice caseload less than 50 percent of what it is today.

And I would vouch for the fact that in the adult criminal field, we would see the same. So, there is a whole new bridge to be addressed with voluntary agencies and LEAA has been silent on that.

Mr. CONYERS. Is the administration going to give the leadership? After all, LEAA is just a small part of the Department of Justice.

Mr. RECTOR. Well, that is why I started saying that LEAA's disabilities may have been caused by a lack of total commitment from the Federal Government itself.

Mr. CONYERS. Well, let's pause in our continuing discussion at this point. We have my colleague from Alabama who wants to present the chief of police of Birmingham. But I do appreciate this discussion, and as you know, our committee is indebted to you and to counsel for its continued assistance on this subject.

Mr. RECTOR. Sir, you, Senator Bayh, Congressman Railsback, I could just name many who have enabled us as a nongovernmental agency to serve, to critique, to raise options, in the way that is the role of a voluntary sector, and we are deeply appreciative to you.

Mr. CONYERS. Thank you, sir.

[The prepared statement of Mr. Rector follows:]

STATEMENT OF MILTON G. RECTOR, PRESIDENT, NATIONAL COUNCIL ON CRIME AND DELINQUENCY

It is a pleasure to be here this morning on behalf of the National Council on Crime and Delinquency to discuss the subject of reorganization of the Law Enforcement Assistance Administration. Unlike the Department of Justice study group, whose recommendations for restructuring LEAA you are considering, we believe that the future of LEAA cannot be assessed meaningfully without

considering the total Federal role in the area of crime reduction and delinquency prevention. Thus, my testimony will address both the direct Federal role and the role the Federal Government plays in aiding States, localities, and citizens in reducing crime, preventing delinquency, and improving the criminal justice system.

DIRECT FEDERAL ROLE

Direct Federal involvement in criminal justice operations should be reduced, returning most criminal justice responsibilities to State and local governments. Creeping federalization of matters that are most appropriate for State action has had the effects of enlarging Federal law enforcement agencies, clogging the Federal courts, yielding calls for more Federal prisons, and other such undesirable trends. Jurisdiction over most crimes should rest with the States. Federal jurisdiction should be invoked only when there is a clear Federal interest that can be served effectively in no other way. Thus, the Federal Government should establish a short term objective of reducing Federal involvement in criminal justice operations, taking necessary steps to reform the Federal criminal laws to eliminate duplicate jurisdiction, victimless-type "crimes," and other matters that could be handled through alternatives to criminal justice processing. Where Federal jurisdiction is retained, the objective should be to serve as a model to the States and localities, involving demonstration of new approaches and policies, accompanied by careful evaluation. Such changes would represent a rather dramatic departure from the existing situation in which Federal justice operations are lagging behind many States and localities in such areas of citizen involvement, comprehensive planning development, and use of a broad range of alternatives to confinement, etc. Sometimes the Federal Government has imposed requirements on the States, such as comprehensive planning as a condition of LEAA funding, that the Federal Government clearly does not meet. It is no wonder that States and localities are sometimes reluctant to implement policies and methods preached, but not practiced, at the Federal level.

We believe that the Federal Government also has a role in the performance of functions or activities designed to protect civil and human rights, advance knowledge, enhance planning and coordination, assist or enrich the capacity of non-Federal agencies, and stimulate affirmative social change. As a necessary first step in performing these functions effectively, goals and standards must be developed. The Congress has established some national goals, such as deinstitutionalization of status offenders and full involvement of citizens in reducing crime, but the executive branch has failed to follow through on such overriding goals or to define the sub-goals and objectives necessary for their implementation. Assuming a leadership role will require the Federal Government to assert values and objectives, followed by more detailed articulation of standards. Unless this is done, there will be no point in discussing "criminal justice improvements," affirmative change, or other such concepts which require values against which they can be measured.

Serving as a model in law and practice and setting standards and goals are activities that should be informed by the opinions and experiences of a broad range of individuals and organizations, but performed by the Federal Government. A number of other appropriate Federal functions should be performed in part on the Federal level, but should be directed toward and most often conducted in concert with, States, localities, and private groups and organizations. For example, the Federal Government should perform some research directly, but often research activities will involve smaller jurisdictions and non-governmental entities and a variety of funding sources. Similarly, development of automated criminal justice information systems may be stimulated and initially supported by the Federal Government, but maintained by State Governments, with back-up and coordination from a centralized information and statistics service that also would maintain the victimization surveys and other national data. Let me suggest a number of functions appropriate for the Federal Government, many of which are not purely or solely Federal functions, but contain an appropriate Federal role.

RESEARCH AND DEMONSTRATION

The Federal Government has an important role to play in the conduct and funding of research and demonstration programs. This function is appropriate to the Federal Government as consistent with Federal interest in serving to

stimulate affirmative change and impractical for the many State and local jurisdictions to perform independently.

The research and development program conducted by L.E.A.A. to date has been far too narrowly conceived, concentrating almost exclusively on law enforcement and traditional criminal justice components. L.E.A.A. has tended to operate in a vacuum, as if street crime, its major and almost exclusive target, were a phenomenon unrelated to mental and physical health, poverty, housing, racism, job opportunities, or education. Failure to take into account these correlates of crime, while adding muscle to the criminal justice system, has resulted in increased prison and jail populations in which blacks, Spanish Americans, the poor, and the uneducated are disproportionately represented. A much broader interdisciplinary approach to research on crime and delinquency is needed. In this vein, joint research and demonstration should be undertaken with HEW, NIH, HUD, DOL, DOJ, as well as independent research by each of these agencies that may touch on or relate to problems of crime and justice. Much of the research formerly carried on by these agencies was discontinued with the emergence of LEAA's research arm, resulting in less outside behavioral science research in such areas as violent crime.

A corollary of the lesser amount of non-justice research on crime being conducted has been a tendency to conceive of approaches to reducing or preventing crime almost totally within the law enforcement context. NCCD believes that interdisciplinary approaches to delinquency and crime are essential and that States and localities must be aided to experiment and adopt new policies within their own systems for delivering services to people. The research and demonstration program must address non-criminal justice deliverers of service and linkages among them. For example, the deinstitutionalization of status offenders is a goal which obviously requires involvement of a broad range of human resources and social service agencies and individual citizens.

The research and demonstration program also needs to be broader in the sense that street crime should not be its sole focus. Within the LEAA program to date, crime in the workplace and crime against consumers have been treated as though they do not exist. Preoccupation with street crime seems to support tolerance for non-street crime, although the latter has more significant economic impact than the former and a dramatic, although less clear impact on public attitudes and behaviors. Similarly, European Research and experience have been ignored almost entirely, thereby depriving the field of valuable guidance and evidence as to the workability of varying models already in operation elsewhere.

The distinction often made between basic and applied research and between those two concepts and demonstration seems to confuse more than clarify, but NCCD believes that research of each of these kinds should be supported by the Federal Government. Much of the research that is needed will be long term in nature and much may appear from the outside to be only indirectly related to crime, such as assessing the impact of a negative income tax. But other research can be conducted that will be of more immediate use. Decision-makers should be able to rely on a Federal Justice Research Agency to inform them on current issues, such as the likely impact of determinate sentencing proposals.

The agency responsible for such research and demonstration needs to be placed and staffed so as to be as free as possible to make decisions that are in effect nonpolitical. NCCD takes no specific position on the placement of the research agency or institute, but urges that steps be taken in law to insure its substantive independence and a strong interdisciplinary advisory board and staff.

FEDERAL SUPPORT OF PLANNING, CITIZEN PARTICIPATION, PRIVATE SECTOR INVOLVEMENT AND INITIAL SYSTEMS CHANGE

The Federal Government should provide both technical and financial assistance to States, localities and private organizations and groups in planning, citizen participation, private sector involvement, and major systems change. Such assistance should be time-limited and quite specifically focused. NCCD questions the DOJ study group's belief that the block grant portion of LEAA's program responded to a need for additional criminal justice funding and that it fostered the development of criminal justice system coordination, except in a minor and superficial sense. It is our belief that through better comprehensive criminal justice planning and a reallocation of expenditures on a cost effective basis, curent expenditures for criminal justice services in most States would be ample. The infusion of

LEAA funds in many instances has enabled States to use Federal funds for programs "in addition to" rather than "instead of" wasteful and non-productive programs. We, therefore, are opposed to the block grant principle. We support more carefully selected funding and technical assistance limited to helping improve planning, citizen involvement, and implementation of change, but not supplementing usual criminal justice operations.

It is often stated that the current Federal expenditures for criminal justice constitute only 5 percent of such expenditures and thus cannot be expected to influence or control the other 95 percent. We believe that even fewer total expenditures could have a desirable impact if more selectively placed. NCCD would favor use of a funding formula based on a declining supplement of Federal dollars over a period of 3 to 5 years so that programs are fully financed from the State or local funds by the end of that period. Otherwise, new programs will not have been institutionalized when Federal funding runs out.

PLANNING

Federal financial and technical assistance should be geared to helping States and communities develop planning, coordination, and research capabilities. In addition to local and regional planning and coordination, Federal support of efforts such as those designed to make information systems and evaluation methodologies compatible across States are appropriate. It should also be reemphasized that the planning and coordination envisioned will necessarily involve efforts to mobilize and coordinate resources available through housing, employment, education, and other human service programs.

CITIZEN PARTICIPATION

Federal assistance in identifying resources in communities to address crime and prevention is appropriate. A clear Federal objective should be to help States and communities involve broad citizen participation as volunteers in planning, monitoring, and direct service operations by tapping the vast resources of talent, time, and energy of retirees, loaned executives, student interns, and voluntary organizations. Some training and technical assistance may also be appropriate in building the capacity of such new actors as they get involved.

PRIVATE SECTOR INVOLVEMENT

The problems of crime and delinquency are not the realm of government exclusively. Not only private individuals, but also the private sector should be assisted and encouraged to assume a more full role in crime prevention and control. Involvement of corporate leaders and organized labor offers largely untapped potential for involving a broad range of talents and other resources in addressing problems of crime.

CHANGEOVER COSTS

NCCD recommends that funds be provided to help meet the change-over costs of implementing new policy. Although many needed system changes may actually reduce costs in the long run, making the transition may entail new or duplicative costs. Thus, there is an important Federal role in helping States and communities bear change-over costs necessary for the implementation of systems change and new approaches. Such assistance will also serve as a catalyst or incentive for making such change.

In summary, NCCD believes that Federal leadership and clear direction may be more important than Federal dollars. We would see the Federal leadership role as (1) serving as a model in limited criminal justice operations carried out on the Federal level, including better planning, development of standards and goals, research, demonstration, and information systems, and (2) providing financial and technical assistance to States, communities and private organizations to increase their own capabilities in planning, research and demonstration, citizen and private sector participation, and implementation of innovation and systems change. We do not favor long-term financial supplements to States and localities through block grants or similar programs.

Mr. CONYERS. I see that Representative John Buchanan, the distinguished member from Alabama, is here. We welcome you before the subcommittee, and we know your purpose.

Chief of police, Mr. Parsons, we welcome you.

Congressman Buchanan, you may begin.

Mr. BUCHANAN. Thank you, Mr. Chairman. It is my privilege to present to you James C. Parsons. He has worked with the Birmingham Police Department since 1954, rising from the rank of patrolman to chief of police, the position he assumed in 1972.

Chief Parsons holds both a bachelor of arts in Sociology and a master of arts in Educational Administration from the University of Alabama, where he is currently pursuing his Ph. D. Chief Parsons is presently serving as treasurer of the Police Executive Research Forum, an organization of major city police chiefs interested in researching critical issues in policing.

Chief Parsons also serves as an advisory consultant to the Law Enforcement Assistance Administration, a consultant to the National League of Cities, and a member of the advisory board of the Criminal Justice Center at the John Jay College in New York City.

Chief Parsons is the author of numerous articles, including a candid analysis of police corruption, police organizations, and the art of effective change, which appeared in the International Journal of Criminology and Penology.

Chief Parsons manages a department of 900 persons, which has been described in a recent book as a department which, "has been transformed into one of the most open, progressive, and approachable police forces in the Nation." I can, personally, attest to the quality of his work. All of us in the city of Birmingham are deeply proud of Chief James Parsons, and I am proud to present him to you.

Mr. CONYERS. Thank you, Congressman.

And welcome to you, Mr. Parsons. You have succeeded, Mr. Parsons, in a difficult role, indeed. We welcome you before the subcommittee.

TESTIMONY OF JAMES C. PARSONS, CHIEF OF POLICE, BIRMINGHAM, ALA., REPRESENTING THE POLICE EXECUTIVE RESEARCH FORUM

Mr. PARSONS. Thank you, sir. I wish to present a letter for the record, to Hon. Griffin Bell from the Police Executive Research Forum, to be introduced into the record.

Mr. CONYERS. What does it say?

Mr. PARSONS. It is the Police Executive Research Forum's response to the task force report. Most of the remarks will be covered in my remarks here.

Mr. CONYERS. All right.

Mr. PARSONS. Mr. Chairman, thank you for the opportunity to present the views of the Police Executive Research Forum on the future course of the Law Enforcement Assistance Administration.

The forum is a 1-year-old organization of 50 chiefs from the Nation's larger police departments. We believe that, as yet, policing does not provide citizens with the level of services to which they are entitled and that improvement of policing demands research, open debate of issues, and development of better management and innovative programs.

Our position on LEAA recognizes the tremendous potential that a Federal funding program can have for improving policing and the rest of the criminal justice system in the United States.

Our faith in Federal efforts to date is tempered by our own experiences with the shortcomings of LEAA. But I am not here today as the forum's representative to dwell on the failures of the past. Rather, we of the Police Executive Research Forum want to focus our hopes on the future.

We believe that a significant restructuring of the Federal criminal justice assistance effort is required. We recommend a program of direct Federal criminal justice assistance to State and local units of government and the creation of an independent Federal criminal justice research institute responsible for conducting and supporting basic and applied research.

LEAA was conceived as a means for the Federal Government to assist State and local jurisdictions in their fight against crime. Regrettably, sufficient Federal funds have not been funneled to where serious crime is most prevalent, the nature of crime most complex, the control of crime most difficult, and the delivery of productive police services most important to the maintenance of the social fabric.

Mr. CONYERS. Well, Chief Parsons, you're going to recommend that we have direct funding to the larger cities?

Mr. PARSONS. Yes, sir.

Mr. CONYERS. Twenty-five largest?

Mr. PARSONS. Cities with a population of over 100,000.

Mr. CONYERS. And in Congress, that is always a problem, because there are more members who come from places that are not as large as those cities you define. I may go along with the form of that, but my colleague from Alabama, I'm sure will agree that, we've seen formulas change in bills right out on the floor. People say, "Well, look, if you go along with this one, you'll get more." And, usually, it works to the detriment of larger urban areas. Sometimes there have been ingenious staff people who have figured out how large cities and certain selected smaller ones will both get an ample amount, but it's come to be a work of statistical art.

So, you know, in the pragmatic world of the Congress, it's very difficult to stand up and say that—even if Congressman Buchanan and Congressman Conyers jointly, on either side of the aisle, rose and were in mutual and total agreement on this proposition, I shudder to think what might happen anyway.

What do you think?

Mr. BUCHANAN. I'm afraid you may be right, Mr. Chairman, although I fully support my chief. [Laughter.]

Mr. PARSONS. That is precisely the problem the larger cities have with the State planning agencies, precisely.

But we think that in cities of over 100,000 the population density, the heterogeneity of the population and the skills that are required in the labor market, are such that the problems there have a multiplier effect and are much more serious than they are otherwise.

Mr. CONYERS. Could there be funding along the lines of the national priorities grant-in-aid program—for example, juvenile delinquency,

corrections, and community crimes priorities for criminal justice funding?

Mr. PARSONS. Yes, sir, I think the——

Mr. CONYERS. Are those areas that you have in mind concentrating on, or do you have different ones.

Mr. PARSONS. Well, they will be different for each jurisdiction, I'm sure, and that is why it is so important that the national policies speak only on a broad level in strategic planning, with the tactical planning remaining at the lowest level, because each jurisdiction may have a different problem.

Mr. CONYERS. Tell me, what is Birmingham like now? I mean, you're on the line. What is the nature of the crime problem as you see it?

Mr. PARSONS. Speaking as the chief of Birmingham, you have to look at the evolution of the problem. Initially the problem was with the police. We have received Federal funding by way of the LEEP program, law enforcement education program, which is one of the most important programs, I think, LEAA has, and which has raised the level of education in each agency.

And, as our problems were solved, we began to innundate the court system, and the court had serious problems. These were responded to by LEAA, and now, as you know, through national publications, our big problem is corrections. And I think this is what happens in each one of our jurisdictions. We'll have weak spots, and as we correct those, it will put a strain on other elements of the systems, and then you have to address those issues. But those have to be of a local concern.

Mr. CONYERS. Do you believe that there are other aspects of our society that create the crime problem? What is the impact of unemployment, of poor housing, of racism? How do all of those factors impact on your responsibility as a police chief?

Mr. PARSONS. I think the thing that we have to look at is the four environments that are present in each city; and they are the social, legal, economic, and political environments. And each of these have internal changes that occur practically continually, and each one impinges upon the other.

Now, those things that you have mentioned no doubt contribute quite a bit to whether a city has a good quality or a poor quality of life, and these are part of the issues that create crime problems. I do think that about the only ones that we can speak to with any validity, any reliability with our statements, is that of population density and cultural conflicts that exist within the cities. But these are problems that the police confront on a symptomatic basis; crime is simply a symptom of those other problems.

Mr. CONYERS. Do you feel that there is a growing sentiment among police chiefs for this kind of explanation that you are giving the committee? The old style approach toward the police chief, I remember from Detroit, was a pretty simplistic approach. He was the keeper of the peace, and he kept the peace, usually, by exerting violence in the name of the law. And anybody that talked about sociological circumstances impacting on a person's conduct didn't have any right

to wear a badge or carry a gun. I mean, this guy belonged in social sciences or somewhere outside of law enforcement.

Is there any change coming about in terms of the large cities' police representatives?

Mr. PARSONS. Yes; unfortunately the change is very slow. That is why I have been so high on the LEEP program. There is a change in the role for law enforcement, one from the role that you spoke of—a crimefighting role—to a service role around the late sixties and early seventies. And we now see ourselves moving into a therapeutic role, which deals with the causal factors of crime, and with becoming part of a larger team within government with our policy analysis in concert with the other parts of government, such as education, housing, and so forth.

So, those chiefs who do not respond to these changes in the police role will find themselves on the outside in a very short time, and there are younger officers being recruited today with higher salaries and better working environment that will be there to take their place.

Mr. CONYERS. What about the problems of bringing minority and female police officers onto the force? In your experience, has LEAA been a help? What is the state-of-the-art in your city?

Mr. PARSONS. I do not believe that LEAA or any other organization has an impact upon that. I think that the environment in the city, the managerial style of the leaders and commanding officers, strong commitment to minority recruiting, and good treatment after the first ones are recruited, are probably your greatest inducements to increase minority recruiting.

When I became chief of police in 1972, there were 13 sworn police officers—minority police officers—in the Birmingham Police Department. According to my last account, Monday, there were 95.

Mr. CONYERS. That's out of how many?

Mr. PARSONS. 750. The first black minority hired with the Birmingham Police Department was in 1967. It's a strong civil service organization which has strong competition for each position. And in 4 years since I have been chief, there was a moratorium on hiring; so, you see, we are just now gaining speed. And the success that you have will depend upon the number that you have within the department and the treatment they receive as members.

Mr. CONYERS. Are you in a position to tell us, Chief Parsons, what kind of resistance you've encountered in moving affirmative action programs along, both in and out of the department? That seems to be a problem that develops, especially where there is an employment moratorium. We had a police riot in Detroit—you may have heard about it—and it wasn't over hiring; it was over who was going to get laid off. It was a very freightening situation. Several hundred citizens, all with guns, happended to come into a Federal courtroom just to help make sure the judge was aware of the implications of his decision.

Have you run into any of those situations?

Mr. PARSONS. Yes, sir, and the first time the department ran into that problem was during the war, when they reduced standards, so to speak, to meet requirements—just to meet hiring standards, period. And some of those older officers had——

Mr. CONYERS. World War II?

Mr. PARSONS. That's right. They had hearing problems, and for many years—they were stigmatized by that.

We have continued to raise our standards, and there are minority members in our community that can meet these very easily if you search them out and promise them fair treatment once they come with the department. We have a very, very high quality of personnel, both white and black, and we are not having any problems recruiting out of these groups, because we feel that it is a very healthy work climate and one which any young person that meets these qualifications would seek out.

Mr. CONYERS. Has it helped you, in the discharge of your various obligations as police chief, to have a more integrated police force under your command?

Mr. PARSONS. Certainly. Police power is the basic power of any city government, and everyone wishes to share in it—women, minorities—and if they can't share in this, then this generates heat, generates emotions.

Mr. CONYERS. Do women want in, too?

Mr. PARSONS. Oh, yes.

Mr. CONYERS. Well, how are you making out there?

Mr. PARSONS. We have around 40.

Mr. CONYERS. Strike that last remark. That's a sexist remark. [Laughter.]

Mr. PARSONS. They're serving very well and very admirably, and we're very proud of them as members of the Birmingham Police Department.

Mr. CONYERS. What would happen if LEAA funding was suddenly taken back. How would you operate? Could you continue on the way you're operating, for example?

You see, the LEEP program is bothering more and more people. I would concede that in your area, and under the circumstances you describe, if LEEP had any validity, it would be in that area. However, Black law enforcement people in the South complain to me about their superiors may have not graduated from high school under any kind of varied circumstances, and this created a void that, in the end, led them to go somewhere else.

Do you see what I mean?

Mr. PARSONS. Yes, sir.

Mr. CONYERS. So, it seems to me that LEEP could have some redeeming qualities, but in the overall, more and more people have been asking why, with all due respect to the importance of law enforcement work, should there be free education here as opposed to every other form of Government service. And that, I'm afraid, is the feeling that we've been receiving in the subcommittee.

Mr. PARSONS. The medical profession went through this a few years ago—why should they receive preference in education funding from the Federal Government? But it is such a basic service, like police, one in which we all have a tremendous stake. And, you know, as far as education within law enforcement, we've all agreed, in most part, that basic research is very important. It's very difficult to get a

high school graduate who thinks traditionally, in most cases, to react to research, to accept research, to help with implementing research, and very difficult for one to evaluate research.

So, if our officers are not educated, then it's very difficult to take advantage of the research that is conducted.

Mr. CONYERS. Do you have any experience with the LEAA victimization surveys in which crime rates have been calculated, and has that been of any help to you as a police chief?

Mr. PARSONS. I think it confirmed to me that there is much more crime than is reported to police, and much more crime reported to the police than finally reflects itself in official statistics. I did not realize just how much until these victimization studies came out.

Mr. CONYERS. So, they do serve a useful purpose to you.

Mr. PARSONS. Yes, they do. I think you know it's an outside service, one in which the group collecting the data is not graded by how the data turns out. I think it's very important that someone audit the amount of crime in America besides the police themselves.

Mr. CONYERS. What are the kinds of problems that you experience? Are you involved in juvenile matters? Are they becoming troublesome to you, or are street crimes and violence the main problems that consume your attention? Are they internal police problems? Are they racial conflicts that occupy your time as a police chief? How would you describe them?

Mr. PARSONS. We do sit and talk about crime as if it is the only thing police do, when actually about 85 percent of the work police officers do is providing a broad array of services in a given city.

Now as the changes in the city occur, the older people stay there, the service demands change drastically. However, if you ask a person on the street, his highest concern, of course, is about crime on the street. It's the one that gets the most attention and one you have to address.

Now, if the juvenile problem could ever be solved, the crime problem would be solved, because criminals are, practically always, juvenile delinquents before they become adult criminals. We had hoped to leave that to some other agency of government, because our resources are limited, but we have established a neighborhood police center and the commander of that particular precinct has been very innovative in that all of the youngsters come to that neighborhood center and sign up for work, and all of the businessmen, all of the household owners in that community, know that they can call there and get someone to do the things that they want done—like cleaning out gutters, cutting grass, doing other chores, small chores. So, he acts an intermediary between these two and serves a need for both. And he just recently asked the school board to identify the children in that community that needed special tutorial services, and then he now has enlisted some volunteer teachers who will provide that service in the afternoon.

So, you see, it's only limited by a person's imagination. I'll have to admit that most police commanders would not go to these lengths, but this particular one is an exception, and it will improve the quality of life in that community, I'm sure.

Mr. CONYERS. The subcommittee will stand in recess. Two bells are on, and we are demanded on the floor for a required vote. So, we will stand in recess for 10 minutes.

[Recess.]

Mr. CONYERS. The subcommittee will come to order.

Chief Parsons, in summary, what kind of an LEAA model do you recommend to the subcommittee?

Mr. PARSONS. I would hope to see, certainly, a continuation of the LEEP program. To me that is very important, because without education you can't see the need for change or see strategies for change that affect change. So, I think the existence of a broad liberal arts education for police officers is very important in this regard.

I would like to see a national research institute where sustained research can occur across a broad base and be interrelated with research in the other areas of housing, education, and welfare. I would hope to see a continuation of funding—of direct funding—to the States in use of local government where the priorities can be determined locally by local need.

This is the form that I would like to see LEAA take.

Mr. CONYERS. I recognize our subcommittee counsel, Mr. Stovall.

Mr. STOVALL. Thank you, Mr. Chairman.

Chief Parsons, would you care to extend comments on what you just referred to? You mentioned a national research institute. This subcommittee has been going through hearings of oversight with the Science and Technology Committee as well, on the issue of a national institute of law enforcement and criminal justice. And during many of those hearings we've heard continuing complaints that there needed to be more refined research mechanisms, there needed to be a better way of handling research outside—or generally outside—the institute, rather than inside the institute.

There seems to be a need for separating the research from the political component—the immediate political component—of the Justice Department, and we heard many people complain that research might require 10–15 years or more to determine root causes of crime and so forth.

Now, knowing your background in law enforcement, just exactly how much good do those long-term research programs do, and what kinds of research do you think ought to be done?

Mr. PARSONS. Yes; first of all, I think the research should deal with the system as it operates to make it functional, to see if the approach that we're taking at this time is proper or not. I know, in social science research, however, that throughout the United States we have universities that are funded with Federal stipends, with State funds, with local funds. Their mission throughout the years has been education, and research, and public service, and I think it is time that these universities shouldered some of the responsibility for research in the social and behavioral sciences. I think they're probably better equipped to do that.

Mr. STOVALL. You mean independent of the Federal Government? Is that what you are saying?

Mr. PARSONS. Yes.

Mr. STOVALL. Without Federal funds?

Mr. PARSONS. I think that's a legitimate function of a university.

Mr. STOVALL. Should that be with or without funds?

Mr. PARSONS. I'm sure they would have to have funding to provide this, although the mechanism is there already. Of course, it would take staff and would be expensive. Long-term research is a very expensive endeavor, and whether you use it or not depends upon the problems that an individual faces. You know, I hope to see research continue in criminal justice.

Mr. STOVALL. Where would you apply the research dollars? Would you apply, given a choice, say, in order of priority: Would you apply them to computer technology? Would you apply it to hardware improvement? Would you apply it to law enforcement education? Would you apply it to determining whether poverty and economic circumstances cause crime? Would you apply it to research on deterrents to crime? Where would you set the priorities?

Mr. PARSONS. Well, initially, before one conducts any kind of research, there has to be a data base, and I think this has been the failing of the criminal justice system and has caused the research to be faulty that we have produced so far.

I think that we are going to have to develop a national clearing house for criminal justice statistics, and we're going to have to improve the collection of data at the lower level before problems can be identified, before research projects can be designed, and, certainly, before research projects can be evaluated. And I think this is a must; it was one of my recommendations in 1967 at the start of LEAA that this money would be spent and that there would be no way to evaluate it because of the data collection at that time. And, unfortunately, the data collection has not improved too much since 1967.

Mr. STOVALL. Thank you.

During comments that were submitted by your organization to the attorney general's office under the signature of Mr. Purdie as president and director of Public Safety in Metropolitan Dade County—which I think is what you sent for the record, isn't it?

Mr. PARSONS. Yes.

Mr. STOVALL. OK.

I noted in recommendation six there was criticism of certain minimum funding by program categories. Do you favor the elimination of categorical grants, or the categorization of grants—the abolition of categorization of grants that currently exist today?

Mr. PARSONS. Yes, I do, and I think a good analogy for that is that as the chief of police, and as the former director of planning research at the highest level in the police department, which is really a microcosm of the criminal justice system, so to speak, you can develop strategic plans at the top, but when you get down to the very nuts and bolts of technical operations at the lowest level, the only people that can make good decisions about that are those people that are doing it on that level.

Mr. STOVALL. Sir, in one of the other recommendations there was a mention of support of the organization for statutory prohibitions against criminal misuse—discrimination and supplantation. Do you

think there is any need for congressional earmarking for any other areas besides those that your organization supports?

Mr. PARSONS. I think the supplantation, discrimination—I think the Jordan amendment, the criminal misuse of those funds—I think it's absolutely adequate. Monitoring of these may need to be strengthened, but the mechanism for control is already there.

Mr. STOVALL. One other thing that you and Mr. Conyers were discussing earlier is the fact that you would like to see minimum level of funding to areas of 100,000 or more. Now, don't you see that that conflicts with the current statistics that show that crime is increasing in rural areas by a greater percentage than it is in urban areas? Doesn't that conflict with the notion that there have been crime impact programs already where there have been efforts to spend large amounts of money in urban areas with no apparent results in decreasing crime?

Mr. PARSONS. You know, any discussion in that area gets you into that game of statistics about what is a 100 percent increase of full crimes versus 1-percent increase of 100,000. And the way that data is collected today throughout the United States, and especially in the criminal justice system, I am very skeptical about making any statements at all about where the crime problem is up or down in what areas. It all depends upon the management expertise that exists in the department in the collection of data, and the confidence the citizens have in the police. There are a myriad of variables that determine criminal statistics, and I don't think we can address those at this time. We're not in a position to.

Mr. STOVALL. Do you agree that the percentage of increase in the rural areas is higher than in urban areas?

Mr. PARSONS. I would really be hesitant to make that statement.

Mr. STOVALL. Thank you, sir.

Mr. CONYERS. Chief Parsons, we are grateful for your visit here, and we hope to continue as often as you are able to build up our understanding of the problems with which you're faced in terms of law enforcement in the New South. I think your leadership is representative of the kind of change that I think is quite important, and makes our colleague from Alabama, John Buchanan, very proud of your efforts.

Mr. PARSONS. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you for being with us.

[The prepared complete statement of Mr. Parsons follows:]

STATEMENT OF JAMES C. PARSONS, TREASURER, POLICE EXECUTIVE RESEARCH FORUM, AND CHIEF OF POLICE, BIRMINGHAM, ALA. DEPARTMENT OF POLICE

Mr. Chairman, thank you for this opportunity to present the views of the Police Executive Research Forum on the future course of the Law Enforcement Assistance Administration.

The Forum is a year-old organization of 50 chiefs from the nation's larger police departments. We believe that, as yet, policing does not provide citizens with the level of services to which they are entitled and that improvement of policing demands research, open debate of issues, and development of better management and innovative programs.

Our position on LEAA recognizes the tremendous potential that a Federal funding program can have for improving policing and the rest of the criminal justice system in the United States.

Our faith in Federal efforts to date is tempered by our own experiences with the shortcomings of LEAA. But I am not here today as the Forum's representa-

tive to dwell on the failures of the past. Rather, we of the Police Executive Research Forum want to focus our hopes on the future.

We believe that a significant restructuring of the federal criminal justice assistance effort is required. We recommend:

A program of direct Federal criminal justice assistance to state and local units of government; and

The creation of an independent Federal criminal justice research institute responsible for conducting and supporting basic and applied research.

LEAA was conceived as a means for the Federal Government to assist State and local jurisdictions in their fight against crime. Regrettably, sufficient Federal funds have not been funneled to where serious crime is most prevalent, the nature of crime most complex, the control of crime most difficult, and the delivery of productive police services most important to the maintenance of the social fabric. It has long been obvious to concerned police executives and officers that the density and heterogeneity of urban populations contribute measurably to the tough and delicate job of serving and protecting citizens. In sum, too often Federal criminal justice money has not been directed to the larger cities and suburban areas where it is most needed, both to curb crime and assure an efficient criminal justice system.

The 250 police departments which qualify for membership in our organization, based on a minimum of 200 full-time employees, account for 1.4 percent of the 18,500 police agencies in this country. Yet, in 1974 this small number of departments accounted for 49 percent of full-time police employees who had to deal with 67 percent of the violent crimes, 79 percent of the robberies, and 74 percent of the murders.

With half the police personnel employed by a relative handful of agencies and confronted with most of the nation's serious crime, it makes obvious sense to put most of the available federal anticrime resources in these jurisdictions.

This has not happened in the past. And, frankly, there are probably police chiefs from some smaller jurisdictions who would be happy for old formulas of distribution to continue. LEAA has granted money to the States, which in turn have retained a sizable portion and allocated the remainder to cities of all sizes. Under this arrangement, larger jurisdictions have been forced to compete with all other local jurisdictions in a State for what funds are available. This competition was not necessarily based on need, but in many cases was simply a process of political accommodation. In the worst cases, where state planning agencies have been controlled by small jurisdictions, there has been an active effort to undercut larger jurisdictions.

To remedy this situation, the Police Executive Research Forum recommends a program of direct Federal criminal justice assistance to state and local units of government. The funds should go directly to the local jurisdiction rather than through an extra layer of State bureaucracy. Minimum levels of assistance to all local units of government serving a population of 100,000 or more should be established. Supplemental grants should be provided to jurisdictions of 100,000 or more based on a formula which takes into account total population and the percentage of total State criminal justice expenditures provided by the jurisdictions.

This formula does not include crime rates as an element in determining direct assistance allocations. While we agree that crime rates eventually should be a consideration, we question the accuracy of currently available crime measures for use as a specific factor in allocation formulas. Perhaps with the creation of a centralized criminal justice statistics agency in the Department of Justice, we will, some time in the future, have more reliable crime indicators which can be used in the formula. While the formula we propose favors more heavily populated jurisdictions, states and other local jurisdictions, of course, would also receive direct assistance in proportion to their population and percentage of State criminal justice expenditures.

District assistance has two advantages: First, it eliminates a level of bureaucracy which previously had biased the allocations against local needs. Second, it removes earmarking and other forms of federal direction and restores local initiative and discretion. Rather than the Federal Government determining the solution to local problems, local jurisdictions should have the job. If the control of crime is to be a local responsibility, let localities decide their own programs for dealing with the problem. They can far better decide their own priorities, and their own unique needs based on their history, than some far-removed bureaucrat.

In describing our position, I want to stress that the Police Executive Research Forum does not believe that with direct assistance localities can do anything they want. Obviously, the Federal Government must maintain strong restrictions prohibiting supplantation, criminal misuse, and discrimination. For example, it would be a great mistake if the Jordan Amendment on civil rights requirements were dropped in any new crime control bill.

Of course, new Federal funds must be used to improve the criminal justice system. However, if the Congress legislatively attempts to define "improvement," it undertakes an almost impossible task in light of local variations in needs and guarantees extensive, subjective executive branch guidelines with accompanying red tape. The Forum does, however, recommend that there be some restrictions which assure that Federal monies are not wasted. Examples of these restrictions are:

1. Outlays for ongoing personnel costs for employees not involved in short-term demonstration projects;
2. Expenditures for capital construction and renovation; and
3. Purchase and maintenance of hardware not related to demonstration programs.

The Forum's other major recommendation, as I indicated, involves research. Belief in research as a means for improving policing is one of the cornerstones of our organization. We, therefore, believe that research in policing must be an essential component of the Federal Government's efforts to improve criminal justice. A Federal institute of research should be established to lead the way in searching for new knowledge and better methods for controlling crime. Local jurisdictions alone cannot fulfill this need.

Research is expensive. Local government is financially burdened just in maintaining continually increasing operating budgets for criminal justice agencies. Research is long term. Local jurisdictions are pressed by everyday crises. Research requires skilled resources. Municipalities cannot easily obtain the many different technical skills necessary for complex research. Research builds on a series of interrelated findings. Localities cannot coordinate research results as easily as the federal government. This is not to say that local jurisdictions cannot conduct research. They can; they just cannot carry out the systematic development of a body of knowledge about crime and criminal justice administration which is envisioned for a Federal institute of criminal justice research.

The Police Executive Research Forum believes that an independent research institute, led by a director appointed by the President and confirmed by Congress, offers the best hope of developing the type of research the police need. The work of an independent institute must be coordinated so that its findings are not unrelated to each other. And its policies must be guided by criminal justice practitioners so that its efforts are not impractical.

The productive utilization of research findings, of course, can only occur when police officers have a certain basic level of education. Indeed, efficient and effective policing today increasingly demands that officers receive academic training. For these reasons, it is important that the Federal Government continue the Law Enforcement Education Program which, in recent years, has done so much to assist law enforcement officers in obtaining the benefits of a college education.

Before concluding, the chiefs in the Police Executive Research Forum do not believe—as may be the belief of some other police executives—that the police never get a fair share of Federal criminal justice funds. We recognize the interdependence of the agencies in the criminal justice system and the importance of improving the whole system. We also recognize the critical function citizens play in crime control. There is much that must be done in policing. But there is also need for improvement in other components of the system.

More efficient courts, more productive and effective prosecutor and public defender offices, better corrections systems, and improved citizens' programs all aid the job of the police.

Because the police are not solely responsible for the control of crime, we must work in cooperation with our associates in the criminal justice system and with the public so that crime rates can be curbed.

Finally, Mr. Chairman, the Police Executive Research Forum recognizes that this is a time for reevaluation and reorganization of the Federal criminal justice funding effort. This process could be a very beneficial one. That is why we are privileged to appear before you and your Committee in its efforts to

give a new, stronger, and more productive form to the expenditure of Federal anticrime funds. But we caution that the Federal anticrime effort should not be allowed to drift too long without firm direction. Study of and reflection on the future of Federal criminal justice programs may be necessary, but they must not be allowed to continue to the point that shortcomings of the past are compounded. We therefore urge the President to appoint an Administrator of LEAA so that changes in the program can begin while deliberations continue. And we strongly urge that funding for Federal criminal justice programs be maintained at least at current levels.

Thank you, Mr. Chairman, for the opportunity of appearing at this hearing.

Mr. CONYERS. Our next witness is Mr. Alan Bosch, who is a staff representative of AFL–CIO, Department of Community Services. He's been responsible for CSA, crime and criminal justice activities, and is a former professor of English.

We welcome you here today, sir, and include in the record the letter to the Attorney General from Director Leo Perlis, Department of Community Services, and the statement by the AFL Executive Council on Crime and the Criminal Justice System.

[Documents follow:]

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON CRIME AND THE CRIMINAL JUSTICE SYSTEM

The AFL–CIO Executive Council believes that American workers reject extreme solutions but demand immediate action to solve the problem of crime in America, based on the principle of law, order and justice.

The entire criminal justice system, including law enforcement, the courts and corrections facilities must be overhauled.

Therefore, we recommend the following:

1. Adequately-funded programs targeted to preventing juvenile crime, including education, training, job placement, counselling and federally-sponsored youth conservation corps.

2. Diversion of youthful offenders from the corrections system through expanded properly-supervised community-based treatment programs.

3. Emphasis on treatment—health care, social services and counselling—for those accused of so-called victimless and non-violent crimes.

4. Removing children who have not committed criminal offenses from institutional confinement, and treating them in community-based treatment centers.

5. Increased staffing and training for police departments and improvement of corrections institutions. Pay must be improved for police and correction officers and their rights to union organization and collective bargaining secured and respected.

6. Law enforcement priorities should be concentrated on the prevention of the seven index or most serious crimes. Since law enforcement personnel is limited, it should be concentrated against serious, violent crimes first and then on the non-violent and so-called victimless crimes.

7. Development of citizen volunteer corps, under official authority and supervision to promote crime prevention programs in neighborhoods and to prevent vigilante actions which are inherently destructive of a system based on law order and justice.

8. The number of judges should be increased, training and pay improved, and selection based on legal competence, impeccable character, and judicial temperament.

9. Enactment of legislation to provide long prison terms for those convicted of crimes of violence to isolate offenders from potential victims and to deter the commission of crime.

10. Appointment of a broadly-based presidential commission to study the facts concerning capital punishment, whether it is a deterrent or not to the most violent crime and whether it is applied in a discriminatory fashion.

11. Full funding of community school programs, substitute homes and other service systems, including alternative education for disruptive students and early childhood education to correct learning problems associated with crime. Youthful offenders, except for the most violent should be rehabilitated without incarceration and within the normal community.

12. Reformation of the prison, bail, probation and parole system to extend: educational training of offenders; work-release programs under proper supervision; handling of prisoner grievances; the separation of youth from adult offenders; the bail-bond system to provide equality for the poor; and refocusing the probation and parole system to protect potential victims and facilitate recovery of the offender.

13. Expansion of community programs, under public and voluntary auspices, for the education, training and employment of ex-offenders, such as the successful projects sponsored by the AFL–CIO Human Resources Development Institute and United Labor Agencies and Community Service Committees of central labor bodies.

14. Enactment of Federal legislation requiring police check on all purchases of handguns and Saturday night specials and to prevent the sale of all firearms to felons, minors and the emotionally unstable.

15. Involvement of union members and other citizens in community-wide programs designed to prevent crime, improve the criminal justice system, develop relationships between law enforcement agencies and citizen organizations and help recover ex-offenders as useful citizens.

Most essential, however, is a need to restore a climate of morality and ethical conduct in America. President Carter's commitment to high standards of morality and ethical conduct is an example all Americans should follow, particularly leaders of all segments of society.

The answer lies not in more and more jails, but in directing society's efforts against crime with an unswerving commitment to justice and eradication of the social ills that underlies the increase in crime.

BACKGROUND PAPER FOR THE AFL–CIO EXECUTIVE COUNCIL ON CRIME AND THE CRIMINAL JUSTICE SYSTEM

Crime in America has been on the increase for several years. In 1974 the increase was 18 percent; and in 1975 serious crime rose 11 percent in the first 9 months over the 1974 rate.

Murder rates in major urban centers are among the highest in the world. In 1975 there were 1,640 homicides (murders and non-negligent manslaughter cases) in New York, 818 in Chicago, 594 in Detroit, 574 in Los Angeles, 418 in Philadelphia, 343 in Houston, 303 in Cleveland, 259 in Baltimore and 244 in the Nation's capital.

As of January 1, 1976 there were 249,716 persons in the country's prisons or 10 percent more than in 1975.

Millions of Americans are afraid to walk the streets at night, isolating themselves behind locked doors in fear of life, limb and loss of property.

The extent of the crime problem is evidenced by the number of arrests for all crimes. Total arrests in the United States for 1975 numbered 9,273,600. Included in this number are 2,295,900 people arrested for burglary, larceny and auto theft—the so-called "index" crimes. More than 3.5 million were arrested for crimes not directed against other persons or their property—sometimes referred to as "victimless crimes."

According to some authorities, these numbers constitute only the tip of the iceberg. Nevertheless, they reflect three basic problems confronting this society and its criminal justice system.

The first is that less than 1 percent of the population is charged with index crimes.

The second is that the criminal justice system, including police, prisons and courts, is diverted to the seven index and so-called victimless categories of crime to the extent that the system cannot cope adequately with violent crime.

The third is that instead of coming to grips with the causes and cures of crime, many are now asking Americans to surrender more individual liberties in the name of crime prevention.

There is, of course, no single reason for this crime wave. Many unresolved social, economic, political and psychological problems have accumulated over the years, creating a climate of lawlessness. The disorders of the 1960's, compounded by Watergate, and exacerbated by bands of international terrorists, provided a spacious rationale that justifies the most heinous crimes.

Societal changes that have occurred worldwide since World War II have caused an increase in crime in many countries, East and West. In the United States, the causes included unemployment and poverty, alienation between the races, the deterioration of family life and the destruction of old verities. The in-

stant dissemination of new, untried and questionable ideas, fads and fashions through the media, including the exploitation of violence and over-emphasis on material values, has to some extent glorified crime and violence. White collar crime, including political and corporate corruption, graft, bribery and consumer exploitation have defrauded the people and diminished the democratic system. All these and more have contributed to criminal conduct.

To make the streets safe, particular attention must be paid to the rise in juvenile crime—a 215 percent increase in violent offenses over the past 12 years. The most recent reports show that almost 50 percent of arrests for serious crimes are of juveniles under 18. Prevention of juvenile crime, therefore, must have top priority.

As with other problems in a democratic society, there is a divergence of opinion on how to solve the problem of crime in America.

At one extreme are those who would lock up criminals and "throw the key away." Then there are those who appear to be more concerned with the offender than with the security of the victim. Finally, there is the great majority of law-abiding Americans who want to be secure in their homes and streets against the lawlessness, without endangering individual civil liberties and freedom. While they want to assist in the rehabilitation of the offender and ex-offender and help them to become constructive citizens, most Americans are concerned first with the victims and potential victims of crime.

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., August 1, 1977.

HON. GRIFFIN B. BELL,
Attorney General of the United States,
Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I appreciate your request for comments concerning the proposed reorganization of the Law Enforcement Assistance Administration.

While I do not wish at this time to evaluate all the proposals, I do wish to emphasize the importance of citizen participation.

It seems to me that the value of citizen participation in crime resistance has been given short shrift by your select group.

In the face of climbing crime rates, and the apparent inability of our law enforcement agencies to cope with it, it would seem to me that citizens must be encouraged to involved themselves in two specific areas:

1. Individual resistance to crime.
2. Individual and collective involvement in the criminal justice system.

The director of the Federal Bureau of Investigation and the former administrator of the Law Enforcement Assistance Administration have told us, time and time again, that approaches are absolutely essential if crime is to be reduced. We agree with them.

It was largely because we do agree with them that we have joined with the National Council on Crime and Delinquency to involve our affiliates and members in community programs designed to inform union members, their families and others of the nature of the problem, to encourage their involvement in the criminal justice system, to protect themselves and their property against criminal elements and to help ex-offenders recover themselves as productive workers and useful citizens.

We have proposed also the development of a national coalition of citizen organizations, as well as local coalitions, to spearhead this citizens' march against crime.

Ours is an organized society and our fellow citizens are members of both local and national organizations; it makes sense, therefore, for the government to help our national organizations to initiate, encourage, guide and coordinate such legitimate movements against crime without violating basic human rights—thereby preventing the formation of vigilante groups.

One would imagine that the government would invite such interested citizen organizations to cooperate and participate. This, however, was not the case.

It was we who initiated the approach, and we have made much progress in this direction.

However, I am sad to say that despite the fact that we have offered our cooperation and despite the fact that we have made much progress, the current

staff of LEAA has made it most difficult for us to carry on our work. There has been harassment, pettifogging, discourtesies and down right lack of cooperation.

I hope that you personally will take a good look at what has happened so that in a reorganized LEAA citizens will be involved with some enthusiasm and good grace.

We are prepared to meet with you to lay before you such facts and figures as we have available and to present our case for citizen involvement.

May I hear from you?

With all good wishes,

Sincerely,

LEO PERLIS,
Director, Department of Community Services.

Mr. CONYER. And are there any other documents?

Mr. BOSCH. Yes, sir, we have a couple more that we aren't able to supply complete copies on: A speech that Mr. Meany's assistant, Tom Donahue, made before one of our conferences that tells why the AFL–CIO is concerned about crime and describes a little bit about some of the things that we have done; and, two booklets—pamphlets—that were generated out of a couple of the projects that we have conducted around the country.

Mr. CONYERS. All right, you may submit them. We'll take them under advisement since I haven't seen them, and pending any parliamentary objections, or evidentiary problems, we probably will be able to accept them.

[Submitted materials may be found in subcommittee files.]

TESTIMONY OF ALAN BOSCH, STAFF REPRESENTATIVE, DEPARTMENT OF COMMUNITY SERVICES, AFL–CIO; ACCOMPANIED BY HARRY BOGGS, DIRECTOR OF COMMUNITY SERVICES' LABOR PARTICIPATION DEPARTMENT WITH NCCD

Mr. BOSCH. Well, let me begin by thanking you very much for giving us a chance to comment—to come and lay out some of our comments on the report to Attorney General Bell and our concerns in general with the system.

Community Services Director Perlis was unable to be here today. He sends his apologies, and sends me in his place.

And I have, to my left, Harry Boggs, who is director of our AFL Community Services' Labor Participation Department with the NCCD.

I don't have a drafted statement for you; I have kind of a script, an outline here. If it would be useful to get that in polished prose, I would be happy to do it.

Mr. CONYERS. I don't think that is going to be necessary.

Mr. BOSCH. OK, let me start, then.

The point that I made earlier, when you asked about additions for the record, is that we keep getting questions about why the AFL–CIO is into crime and criminal justice and prevention and all that's involved. Let me take a moment to sketch that.

We're an organization of 14 million laymen. We're concerned about five groups of people in this broad area: The victims, the potential victims, society in general, potential criminals, and criminals—in that order, with shifts of attention appropriate to circumstance and issue.

We see a need for four things: Prevention of crime—long-term socioeconomic efforts to neutralize the causes of and reduce the incentives to crime; we see a need for protection, for enforcement and incarceration that will protect the public, especially from dangerous and persistent offenders; we see a need for resistance, for equipping our members and the public to reduce their own chances of becoming victimized, as individuals and working through their communities; and we see a need for rehabilitation, for deflecting youth and adult offenders from a life of crime and for salvaging offenders through programs of services, et cetera, after their release and getting them reintegrated back into their communities as useful citizens.

Against that background of concern we see also that crime has become, really, an infestation—in the old sense of that word—in the body politic. In response to that conception, we see a need for what we've come to speak of as an organic approach to crime and criminal justice that comprehends social and economic improvements and citizen education and participation, as complements to improved enforcement and adjudication, corrections, and rehabilitation—a total community effort.

Now, we have—and you have in the record—that 15-point executive council statement, which the policy background for our federation. That was passed unanimously after a year's very careful preparation and consultation with members of the council. It lays out a lot of items that, taken together, would constitute what we envision in an organic approach.

A few of those items have implications at the Federal level. One of them is No. 9. I think there is a need for prison terms that are sufficient to deter criminals—sufficiently long, perhaps—to deter criminals and protect citizens. That concept should be applied to Federal crimes, especially white-collar crimes, because we are convinced that what is fair in the tool room is fair in the board room.

Another item, item 6 on the enforcement emphasis being directed at the FBI index crimes and at violent crimes rather than victimless crimes. That means closer cooperation between the Federal agencies and State and local enforcement on such things as that NCIC computer information center and the career criminal programs.

Third, and last, in this sample, two items—7 and 15—on citizen participation in crime resistance, system change, rehabilitation, et cetera. That's a crucial area as far as we are concerned, and it calls for sustained Federal initiative and support for research and development on the best methods of involving citizens, and for efforts to encourage State and local jurisdictions to collaborate with voluntary groups at the local level in their common interests.

What, then, generally, does the organic approach call for in the way of a Federal role? I think there are, probably, three basic parts. First, that it be essentially a leadership posture—a model posture to follow—where the Federal Government bends its skills and energies to exploring and energizing, coordinating and expediting, and, above all, collaborating with and supporting public priorities that are developed in the areas of crime and criminal justice, both in its own field and at the local and State levels.

The second basic item is a legislative authority which will sanction these public priorities (those being generated out of input from the Congress, from the administration, from State and local governments, and citizens groups), and authority that will fund a response that is suitable to those priorities and sufficient to the magnitude of the concerns.

Mr. CONYERS. Excuse me, sir. We have two bells that require our presence on the floor for a recorded vote, so we will have to suspend.

When we come back, and when you finish, I'm going to ask you what the statement passed in Florida by an executive council, means in terms of action. I have no problem whatever with the concern and the reasons that have been articulated by you on behalf of AFL–CIO, but I keep thinking that you are representing several million working people.

Mr. BOSCH. 14 million.

Mr. CONYERS They are the prime victims of crime.

Mr. BOSCH. That's right.

Mr. CONYERS. They need an enlarged response, although it's not clear to me exactly what you're doing in this area. But it would seem to me that you could play a huge role, especially one in helping us relate the problems of unemployment to crime, and urban and working conditions to crime.

Mr. BOSCH. Yes.

Mr. CONYERS. In the Detroit plants, for example, drug addiction now has become a commonplace problem. As a matter of fact, we've worked out ways to treat it through the health insurance plan as an occupational and employment problem.

I see a very, very enlarged role of AFL in working with us on these problems, and there are a number of considerations that I would go into with you in detail as soon as we resume.

Mr. BOSCH. Very good.

[Recess.]

Mr. CONYERS. The subcommittee will come to order. We'll continue with the testimony of Mr. Bosch.

Mr. BOSCH. OK, let me, if I may, finish sketching the picture here, and give you an insight on what we have been doing in this particular area, just to fill out the background.

We were talking about a generalized legislative authority. The last thing, I think, might be this, that we need a single, integrated, independent, operational entity that is going to do several things. It's going to help define and articulate those public priorities that were generated at all levels. It is going to commission appropriate research and support relevant demonstration and action programs along those lines. It's going on to consult and coordinate within and between the Federal, State, and local systems. And it is going to assist in expediting State and local government efforts and community responses to the national priorities as established, and to local needs that pop up.

Now, let me say here that the above, that I have just sketched, I think is really a layman's intuition about the role for one element within what has to be a comprehensive, integrated, organic response to

a whole constellation of problems. We are laymen: We are not criminal justice experts. Indeed, there may not be any experts on the causes and cures of crime, but just experts on its consequences—and that is what we have, where we have a little ad hoc experience.

So, against that background, it is going to be premature for us to go into a detailed gloss on the report to the Attorney General. You will find, however, in our picture of the system, a basic consonance between our outline of the Federal role and the operational agency portion of it that's attended to by the report to the Attorney General in the matters of research, development, demonstrations, and things like that.

Our chief concern with that report arises from the narrowness of its focus. It looks at what you might call the mechanical aspects of the Federal role from the Federal end of the telescope. And, by way of allusions that amount almost to effective omissions, it does not confront two things which are crucial to us in an organization of laymen.

The first one is crime resistance (as distinct from prevention as I described). It is implicit in the report in terms of community anti-crime, and that gets mentioned once on page 26 under the discussion of issue 6. But there, nicely enough, they declare it to be of sufficient national priority to be eligible as one of the functional areas deserving minimum funding levels.

Our second concern, tied in with this, is citizen participation by way of voluntary groups, which isn't specified anywhere in the report to the Attorney General, but may be implicit in the mention of community anticrime in that single reference to private organizations, which you'll find on page 13 under issue 2.

So, Director Perlis was right in his letter to the Attorney General, when he said that the value of citizen participation in crime resistance has been given short shrift in that report. That omission, viewed against the background of our basic structures and our capabilities as a federation, and the history of our work in crime and criminal justice, puts us in a real bind.

We have a question: Where do we—and other private, voluntary laymen's groups like ourselves—go now?

The AFL–CIO is a group within the movement of organized labor which has been, traditionally, geared to a national approach, and it is ideally structured to make national concepts and progams work at the local level. We are, broadly speaking, active in the long-range prevention of crime by way of efforts on behalf of full employment, relevant education, better race relations—all of the things that we have been on record for years and years in behalf of.

We are experienced and we are persistent in several things, too, under this specific heading of crime work of the local level, one is engaging our members in criminal community justice improvement. We did a study of the court systems in San Diego. Another is retrieving delinquents and rehabilitating offenders. We have projects that do that in Fort Worth, Portland, Oreg., and in Cleveland.

We've been into crime resistance, particularly in West Palm Beach, Fla.—and several dozen more cities, under a grant that we are getting off the ground now that works through international unions.

We are good at enlisting participation by other national local groups in our efforts. Out in Salt Lake City, members of the junior league participated in the training course that we had for our members on protecting themselves from victimization. Out in Rock Island, the bar association and the school system were all working together with organized labor on an effort to minimize dropouts by detailing career opportunities.

And, lastly, we are good at devising other approaches. We are working on starting a national coalition of voluntary agencies that will take up kind of where the "Safer Cities" group left off. And we're also working on a nationwide media assistance program—media assisted, I'm sorry—program on public education and public information in crime resistance.

So, we came, in fact, to the LEAA back in 1968 with an education to action proposal. We've been working with them on three grants that I'm familiar with since 1974.

We've been out there where the citizen participation is; we're authorized to continue those efforts under items 7 and 15 in the executive council statement. And we still have a question: Where do we go for the guidance, for the assistance, that will let us march along——

Mr. CONYERS. Are you asking what good is it doing?

Mr. BOSCH. No; I'm asking where we go. We've been to LEAA.

Mr. CONYERS. Well, we could keep on granting almost $1 billion to everybody that writes the proper grant that meets the draftsmanship requirement. We could keep doing that. The general consensus, however, is that LEAA has not been successful.

Mr. BOSCH. In the broadest terms in its efforts, as you indicated?

Mr. CONYERS. You know, 8 years and $5½ billion later, there are bound to have been some successes. It's inevitable that something worked.

Mr. BOSCH. Not solely. The problem, I would say, with action grants—action project topical grants—to agencies, local agencies—it's my sense——

Mr. CONYERS. What does this suggest, then? Have those been more successful than anything else? Based on what?

Mr. BOSCH. Experience and the fact that we are, in a sense, here. We've been bounced around from pillar to post, we've had several programs; we have been told that the kind of work we're doing is a priority in terms of community anticrime, and then we're told that we don't fit the guidelines for community anticrime; right?

So, it's this kind of hassle. I guess my point here is this—and I certainly don't mean to make a special plea for our case with the LEAA. But the problems we've had with them in involving citizens in crime resistance, victim assistance, juvenile diversion, whatever—getting, keeping, their noses to the grindstone—that is part of the problem we have when looking through to a vision of the future.

That difficulty is compounded by the omissions in the Attorney General's report, which I sketched to you. So, we're in a quandary, you see. We're convinced that citizen participation and crime resistance are essential components to a successful organic approach.

And I guess I could sum it up back saying that, essentially, we hope we don't get planned out of, or overlooked in, the reorganization—ourselves and groups like us in this same business.

Mr. CONYERS. Well, one of the questions we are studying, Mr. Bosch, is the threshold question of whether there should be an LEAA, and what form and what name—what model—should it emulate. We don't know if there's going to be anybody left out or not. It may not even take that form. There are a lot of people, especially citizens groups, that never got to the door to get any support.

We have had a tremendous experience in trying to acquaint LEAA with the fundamental notion that ordinary people, many of them working folks, would like to cooperate more extensively with their local police in making their particular areas safer, a principle that is so elementary, it really is disturbing to know that it is being met with pretty stiff resistance in some quarters.

Mr. BOSCH. You found the same difficult pupils we did in that respect.

Mr. CONYERS. I would like to make a suggestion if I may. It may not be part of the standard protocol, but it would seem to me that perhaps there could be some further meeting with the Director of Community Services and with this subcommittee in terms of discussing not only the future of LEAA but the tremendously important impact that AFL can make in this whole area. You are the one organization that has come before the subcommittee that represents the interests of more citizens, workers, some of whom are not working, than anybody else that's been before us.

I encourage your involvement in this area. I think it needs no justification whatsoever, and it would be my inclination to expand our understanding.

So, I'd be looking forward to any extended contracts you might be able to make.

Mr. BOSCH. I will convey that message.

Mr. CONYERS. I recognize the subcommittee counsel, Mr. Stovall.

Mr. STOVALL. Thank you, Mr. Chairman.

I see, in recommendations which you have submitted to the committee, that you suggest that the Carpenters and Joiners engage in some activities. Not being entirely familiar with the union membership, I wonder if you could describe to us, perhaps, what the union is doing in the projects that you describe in that literature, the community action mobilization projects, what the various unions are doing to bring in ex-offenders into various carpentry trades and your various aspects of union activity.

More specifically, I saw, in reading the literature which you submitted, that in Des Moines there have been 250 parolees who have been placed in employment, there have been 150 workers—people—who have been placed in Cleveland, 900 clients have been served in that project, and there was some elaboration on other activities.

Can you elaborate on the extent that these ex-convicts are being placed in unions?

Mr. BOSCH. In the Cleveland situation, it's my recollection that most of those are people who got jobs in organized shops. They averaged—I believe their average hourly wage was on the order of $3.75 or $4.00 an hour, something like this. But I couldn't give you, today, a hard count on unions—for example, whether they joined organizations that interfaced with unions afters they came out.

We can put that together for you if it would be useful.

Mr. STOVALL. Would you? Another interest would be in the area of trade unions, the breakdown as to whether or not any of these people have been able to, let's say, build up into areas of more competency that the trade unions would involve—carpentry and so forth.

Another area that is of interest, particularly, is whether or not you feel the projects that the LEAA has been pursuing in regard to your organization are monitored. Do you have any feed back in method whereby the success or failure of what you're doing is being monitored by the agency?

Mr. BOSCH. Yes; the grants that we are operating under now, there are two of them—the crime prevention counseling project and the labor leadership development project, which, essentially, take two different tracks approaching the same basic problem—each having an evaluation monitoring. And we have an independent consultant who keeps a beady eye on us and reports.

In terms of day-to-day concern and monitoring of that nature out of the Office of Regional Operations, it's practically nonexistent. They call us when something explodes or when they think something is going to explode.

Mr. STOVALL. Also, you agree that—you feel that the regional office operation is not being utilized—when it was in existence.

Mr. BOSCH. It is my sense that their monitoring efforts are, in a sense, passive and preemptive. They emphasize the negative; encouragement comes as an afterthought with them. But we are, in a sense, very literally put on our own best behavior. We have an excellent working relationship with our own evaluator.

Mr. STOVALL. So, because of the way you wrote the grant—incorporated in the grant—a mechanism by which it would be evaluated, you have a good evaluation system, but only because of that.

Mr. BOSCH. Yes; in a sense, and this was stipulated at the onset that we would have this kind of evaluation. But, in a sense, we are out here doing things, and we have a very scrupulous fellow keeping an eye on us. The Office of Regional Operations' interest in what we are up to—or what we're up against—is only intermittent, although they could call us at any time.

Mr. STOVALL. The reason for the question is that there is some comment that perhaps there isn't a way of following up on what is being done in the field, and I think what you are saying backs up that statement—doesn't it—that the LEAA itself doesn't effectively monitor programmatically or physically what's being done in the field.

Mr. BOSCH. It has a mechanism; it has quarterly reports that we are required to turn in. It has far more useful lines, the U.S. Postal Service and Bell Telephone; those two it doesn't use.

Mr. STOVALL. I'm sorry; I don't understand. Oh, it doesn't communicate, all right. In other words, there's a one-way communication.

Mr. BOSCH. We can file reports, and if a question arises in the context of the report, or if there's an unclarity, we'll get an inquiry.

I guess I'm trying to sketch rather awkwardly the difference between concern and unconcern. Their concern with monitoring what we do is not day to day.

Mr. STOVALL. All right, thank you very much.

Thank you, Mr. Chairman.

Mr. CONYERS. This, Mr. Bosch and Mr. Boggs, has been a good beginning. We are glad you were before the subcommittee today. I'm hopeful that we can further explore the rather large responsibility it seems to me that AFL–CIO has been willing to express concerning the area that includes criminal justice.

Thank you both for coming.

The subcommittee stands adjourned.

[Whereupon, at 1:30 p.m., the hearing was adjourned.]

RESTRUCTURING THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

WEDNESDAY, MARCH 1, 1978

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:05 a.m. in room 2141 of the Rayburn House Office Building, Hon. John Conyers, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Conyers, Holtzman, Volkmer, and McClory.

Staff present: Hayden Gregory, counsel; Matthew G. Yeager, criminologist; and Thomas N. Boyd, associate counsel.

Mr. CONYERS. The Subcommittee on Crime of the Judiciary Committee will come to order.

Today it is our privilege to hear the Attorney General of the United States in connection with the proposal to restructure LEAA. We begin this hearing of the subcommittee with authorizing jurisdiction over LEAA, with the realization that the history of this particular agency in the Department of Justice has been quite controversial.

A recent GAO report has indicated that even after expenditure of nearly $6 billion, GAO is still unable to evaluate the effectiveness of LEAA's programs.

During the first session of this Congress, the Subcommittee on Crime held two special hearings in order to rescue the national crime survey and to urge and prod LEAA into implementing the provisions of the community anticrime program.

And even more disheartening was the fact that in the 1979 budget submission, $8 million had been cut from the $15 million annual community anticrime authorization.

So we find that we have a great number of problems. We are, though, heartened by the concern that the Attorney General has evidenced about this program.

The questions, far too numerous to recall here, include:

Should the Federal Government provide criminal justice assistance to States and localities, or perhaps more properly, should that assistance be continued? How should it be administered—through categorization, general revenue sharing, or block grant mechanisms?

Should these funds flow directly to cities and counties, or should all funds be funneled through the State?

Should the Congress specify by legislation the purpose for which the money must be spent? Should the Federal funding agency exercise substantial review and approval authority over the use of such funds?

The issues are literally endless.

What we know, though, is that we are operating under some time constraints now. We had a present authorization enacted on October 15, 1976, that will expire on September 30, 1979; a 3-year authorization, while in fact the House of Representatives recommended only a 1-year extension.

We also know that on May 15th of 1978, the Department of Justice must submit its proposal for LEAA reauthorization. And on May 15th of 1979, the full Judiciary, after this subcommittee has done its work, must report to the House.

And so it is with great pleasure that we now recognize the Attorney General of the United States, the Honorable Griffin Bell, and a number of his key staff, to this subcommittee to initiate a discussion on the future of LEAA.

We are very pleased, Mr. Attorney General, to have you before the subcommittee. We have your prepared statement which will be incorporated into the record at this point, which will free you for any and all observations that you may wish to make.

[The prepared statement of Hon. Griffin B. Bell follows:]

STATEMENT OF ATTORNEY GENERAL GRIFFIN B. BELL

Mr. Chairman, Members of the Committee, I am pleased to be here today and to have the opportunity to testify before your Committee concerning the Law Enforcement Assistance Administration. I would like to discuss with you the initiatives which I have undertaken to review the LEAA program and the proposals which I have made to enhance the efficiency and effectiveness of LEAA and its financial assistance, research and statistical programs.

During my tenure as Attorney General, I have been fortunate in receiving the advice and counsel of the Judiciary Committee in a number of areas of mutual interest and concern to your Committee and the Department of Justice. I recognize your deep interest in and concern for the future of LEAA and trust we can cooperatively examine LEAA and its history and chart its future. These hearings and your hearings last year on the subject of LEAA reorganization evidence the Committee's interest in maintaining a dialogue with the Department of Justice on this important issue. I would like to assure you of my interest in maintaining an effective and continuing dialogue, for as I said last year in releasing a Department of Justice report on LEAA, "a Federal role in this area must be shaped with the greatest possible participation of the American people and their elected leaders."

Upon being appointed Attorney General, it became eminently clear to me that there were serious problems with the LEAA program. I found, for example, that it was not possible to determine what impact the LEAA program has had on the criminal justice systems of State and local agencies. I found that an incredible amount of LEAA money has gone for overhead and bureaucratic reviews. I asked one State Supreme Court Justice if he was interested in filling the top LEAA post. He studied the program for a week and told me it could not be managed. During meetings with State and local officials and national organizations, LEAA was frequently a major topic of discussion, and at those meetings I received numerous complaints regarding the inefficiency and ineffectiveness of the LEAA program. As a result of those experiences, it became clear to me that as Attorney General I had a responsibility to conduct a thorough review of the LEAA program and to ascertain whether its criminal justice research and financial assistance programs could be managed more effectively.

On April 8, 1977, I created a Department of Justice study group to review the LEAA program and to present for my consideration recommendations for changes in the program. This study group examined all aspects of the LEAA program. In hearings your Committee held in August 1977, it is my understanding that members of the study group discussed the manner in which they conducted their reviw and provided you with detailed information regarding consultation with LEAA managers and employees, State and local officials and members of the general public.

On June 23, 1977, the study group submitted its report to me. The report contained a detailed discussion of the strengths and weaknesses of the LEAA program and included a series of specific recommendations for undertaking major restructuring of Federal assistance to State and local governments in crime control and criminal justice system improvement. Before considering the recommendations of the study group, I believed it was critical that the Congress, State and local public officials, and the general public be afforded an opportunity to comment upon the report and to provide their suggestions for shaping the future of LEAA. Accordingly, on June 30, 1977, I broadly distributed the report and actively solicited comments.

Approximately four thousand copies of the report were disseminated and to date 450 letters have been received, reviewed and analyzed by the Department of Justice. Copies of all these letters and our analysis of the comments have been forwarded to this Committee.

On November 21, 1977, after reviewing the report and the comments forwarded to the Department of Justice, I submitted to the President my initial proposal for restructuring the Department of Justice's criminal justice research and financial assistance programs. In submitting that proposal, I sought to achieve six objectives:

1. To build on the strengths of LEAA and its existing programs;
2. To provide national leadership for the improvement of criminal justice;
3. To improve management and accountability;
4. To eliminate red tape and to streamline the delivery of financial assistance;
5. To strengthen the role of local governments in the program; and
6. To enhance national research, development, and evaluation programs and assure their relevance to practitioners.

I continue to believe that any initiatives to reorganize or restructure LEAA should strive to attain these objectives.

My November proposal included amendments to the Omnibus Crime Control and Safe Streets Act and a reorganization plan. My examination of the LEAA program suggested to me that its efficiency and effectiveness could be enhanced through reorganization. Accordingly, I recommended certain reorganization initiatives to the President dealing primarily with justice research and statistical activities. It was my feeling last November and it continues to be my feeling that a reorganization should go forward as soon as possible to provide LEAA and other justice research and statistics programs with an effective operating structure. At the same time, it was my intention in November and it remains my intention to make changes in the financial assistance program only by amendment of the Crime Control Act and only as part of the Congressional reauthorization process for LEAA.

PROPOSED AMENDMENTS TO THE CRIME CONTROL ACT

The key features of the amendments I have proposed to the Crime Control Act would (1) streamline the planning requirements in the LEAA program, (2) strengthen the role of units of local government in the program, and (3) eliminate red tape. They contemplate retention of the basic block grant structure of the LEAA program.

1. *Planning.*—The proposed amendments would improve the planning process by consolidating the Part B and Part C grant programs of the current LEAA Act into a single grant program. No separate grant would be made for planning. A ceiling would be placed upon the funds used for planning, but otherwise States and local governments are provided the discretion to determine for themselves the appropriate mixture of planning and action programs. Each dollar of Federal grant funds spent for planning would have to be matched with a dollar of State or local government funds.

The proposed amendments would retain current requirements for States to establish or designate a State planning agency subject to the authority of the Governor and would continue the authority for the court of last resort of each State to establish judicial planning committees.

The proposed amendments would provide for the submission of a plan every three years in lieu of the current requirement that a State have a plan not more than one year in age. The plans would be simplified and would not have to include such items as a description of the existing criminal justice system and the available criminal justice resources throughout the State.

2. *Role of Units of Local Government.*—The proposed amendments would give greater recognition to the role of local governments in the criminal justice proc-

ess. The amendments would assure that units of local government or combinations thereof with populations in excess of 250,000 must receive a share of the grant funds given by LEAA to the State which approximates their share of total State and local expenditures on criminal justice matters. This assures a more equitable distribution of funds.

The amendments would also strengthen the so-called mini-block provisions of the Crime Control Act which now authorize units of general local government or combinations having a population of at least 250,000 to submit plans to the State planning agency annually for approval. The amendments would provide that mini-block grant plans would be approved automatically unless the supervisory board of the State planning agency finds for good cause in writing that the implementation of the plan would be inconsistent with the overall State plan.

3. *Elimination of Red Tape.*—I have received numerous complaints regarding red tape and unnecessary paperwork requirements on the existing LEAA program. A major amount of red tape would be eliminated under my proposed amendments by moving to a streamlined three-year planning process.

Red tape would also be eliminated by deleting the requirement that State and local governments provide cash matching funds for LEAA programs. Accounting for match and buy-in would thus be eliminated. The matching requirement would only be retained for planning funds and construction which would also be matched on a dollar-for-dollar basis.

I want to emphasize that the amendments submitted to the President in November are only proposed amendments. I anticipate that we will make changes in these amendments before May 15, 1978, when we expect to formally submit the bill in accordance with the requirements of the Congressional Budget Act. Since November, representatives of the Department have been meeting with State and local officials and others interested in the LEAA program to discuss the proposed amendments and to solicit possible changes. I would welcome any comments or suggestions for change that any members of the Committee would care to make. I also want to assure you that I will be available to work with you after the bill is formally submitted and will be responsive to concerns you may have on the bill.

I also want to emphasize that in evaluating the Omnibus Crime Control and Safe Streets Act and proposing changes, we have proposed to retain virtually all of the amendments made by the Congress in 1976. These 1976 amendments are now being vigorously implemented by LEAA and are having a beneficial effect on the LEAA program. I understand that LEAA recently submitted to this Committee a report on implementation of the 1976 amendments.

REORGANIZATION INITIATIVES

My November reorganization proposal contemplated the creation of a National Institute of Justice which would encompass various justice research, statistics and financial assistance programs within the Department of Justice. As described in my November 21, 1977, memorandum to the President, the Institute would be composed of five separate units dealing with research, statistics, community anti-crime, juvenile justice and delinquency prevention and State and local assistance.

The proposal contemplated a close cooperation among the five units and was based upon the model of the National Institutes of Health.

As I have done already with regard to the proposed amendments to the Crime Control Act, I would like to emphasize that we are open to suggestions for improving the organizational structure outlined to the President last November. As you know, at the same time that the Department was preparing its plan to refocus its statistics, research, and financial assistance efforts, the President's Reorganization Project was independently reviewing all Federal justice research programs. Both prior to and after submission of my November proposal to the President we have been working closely with the Reorganization Project to coordinate and integrate our initiatives with the broader studies being conducted by the Reorganization Project.

Both the Reorganization Project and the Department of Justice efforts have the same objective: To improve the efficiency and effectiveness of justice financial assistance, research and statistics programs. At the same time, we recognize, as this Committee has, the need to protect the integrity and independence of the research and statistics programs.

We feel it is essential, moreover, to achieve an appropriate balance between the need for independence and integrity in the research and statistical activities on the one hand, and the desire of State and local governments for new knowledge to resolve their very real and immediate operational needs. This balance can be found, we believe, in the creation of an organizational arrangement designed to ensure coordination and mutual support of the justice research, statistics and financial assistance activities while maintaining separate organizational identity and focus for these activities.

At this time, we are giving consideration to a reorganization proposal in which LEAA would be continued as an effective and viable agency to provide financial assistance for criminal justice system improvement. LEAA would perform all of the functions currently authorized by the Crime Control Act and the Juvenile Justice Act with the exception of its research and statistics programs. It remains our intention to streamline the LEAA program and improve its efficiency and effectiveness through amendments of the Crime Control Act. Earlier in my testimony, I described the key features of the amendments I proposed in November, and I continue to believe that they are necessary to an improved LEAA program.

We are also giving consideration to the creation of a research institute and bureau of justice statistics separate and distinct from the LEAA financial assistance program. The research institute and the bureau of justice statistics would be headed by Presidential appointees and would have available to them advisory boards to help ensure the integrity and independence of their operations. There are also other safeguards identified in the Report of the Committee on Science and Technology Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation which we expect to adopt.

We envision that the research entity would undertake basic and applied research in the areas of criminal and civil justice; the bureau of justice statistics would be charged with the responsibility of developing and disseminating statistics on a wide variety of justice matters.

In developing our initiatives we have sought to enhance the independence, integrity and utility of the research and statistics programs and to develop a coherent strategy for program development. We have also sought to streamline the delivery of financial assistance to State and local governments, eliminate red tape and strengthen the role of units of local government in the program.

I hope that as a result of our current discussions with the Reorganization Project and as a result of these hearings and a continuing dialogue with the Congress, State and local officials and others interested in the LEAA program, we will have a final proposal for the President and to the Congress which will meet the objectives I have outlined in this testimony. I would like to emphasize that we are open to your suggestions for improving our recommendations.

As I stated in my November 21, 1977, memorandum to the President: "I believe that it is necessary to take a very significant step to restore public confidence in the ability of the Federal government to respond to the problems faced by the criminal justice system throughout the country and to improve the effectiveness and responsiveness of the Department of Justice's program of assistance to State and local governments for crime control and criminal justice system improvement."

I look forward to working with you on this important endeavor.

Mr. McCLORY. Will the chairman yield?

Mr. CONYERS. Of course.

Mr. McCLORY. I thank the chairman for yielding.

Not being a member of this subcommittee this year, although I was last year, and being the ranking member on our side on the full committee, I have given great attention to the whole subject of Law Enforcement Assistance Administration ever since its creation, and was myself the author of that amendment to the law which established the National Institute on Law Enforcement and Criminal Justice, which I hope we can continue and perhaps strengthen in the course of time.

I do want to say that we recognize that it certainly hasn't been a perfect law, but I am encouraged to believe that out of these hearings and the actions of yourself, Judge Bell, we are going to

continue this extremely important activity of the Federal Government, which is the principal support for local and state law enforcement where most law enforcement has to necessarily take place.

I am encouraged to hope that we can, working together, find out those principal areas of disagreement and resolve them so that whatever we do will be in the best interest of helping to reduce crime in America and improve the quality of criminal justice.

Thank you, Mr. Chairman.

Mr. CONYERS. Thank you, Mr. McClory.

TESTIMONY OF ATTORNEY GENERAL GRIFFIN B. BELL, ACCOMPANIED BY, JAMES GREGG, ASSISTANT ADMINISTRATOR, OFFICE OF PLANNING AND MANAGEMENT, LEAA; THOMAS MADDEN, GENERAL COUNSEL, LEAA; WALTER FIEDEROWICZ, ASSOCIATE DEPUTY ATTORNEY GENERAL

Mr. BELL. Mr. Chairman and members of the committee, as the chairman stated, I prepared a statement of 11 pages and I think I will not read that, but skip around some.

And I want to first introduce the people with me; Jim Gregg, on my immediate right is the Assistant Administrator, Office of Planning and Management of LEAA. He is a senior career person in the LEAA. There are only three people above him. They are political appointees and they have departed the scene. So he has been, really, the top person there and has succeeded to the management under some regulation at LEAA dated 1974.

I call him the acting director or acting administrator, but he signs his name on official papers by using his official title.

Tom Madden on his right is general counsel of the LEAA.

On my left Walter Fiederowicz, who is Associate Deputy Attorney General. He is formerly a Special Assistant to the Attorney General. He was a White House Scholar. I found him at the Justice Department when I came. He is a fellow, not a scholar, although you claim to be a scholar. [Laughter.]

I talked him into staying awhile longer. So he is really in the Deputy's office now, but I claim half interest in him. He has worked on the LEAA from the beginning. He has been the prime person in the Department who has been working on standards for prisons, for jails and prisons, that we are getting ready to come out with. Those are two projects he has had.

I have these charts prepared to use to make a better presentation.

This first chart shows what have done in the Department, to study the problem of LEAA and come up with what we hope is a good solution. We started in March. I established a study group. We had discussions.

DEPARTMENT OF JUSTICE REVIEW OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

MARCH 1977	ATTORNEY GENERAL ESTABLISHES STUDY GROUP
MARCH-JUNE 1977	STUDY GROUP REVIEW OF LEAA PROGRAM NUMEROUS DISCUSSIONS WITH INTERESTED OUTSIDE PARTIES
JUNE 30, 1977	REPORT OF STUDY GROUP DISSEMINATED FOR PUBLIC COMMENT
AUGUST 1977	HOUSE JUDICIARY HEARINGS ON STUDY GROUP REPORT BEGIN
SEPTEMBER-OCTOBER 1977	COMMENT PERIOD CLOSED. 400 COMMENTS RECEIVED AND ANALYZED
OCTOBER 1977	HOUSE HEARINGS CONTINUE
NOVEMBER 21, 1977	ATTORNEY GENERAL'S PROPOSAL SUBMITTED TO PRESIDENT

Mr. BELL. We have a policy at the Department that we don't do anything without having wide-ranging discussions with interest groups.

We did in this case. We talked with governors, attorneys general, chairmen of State planning commissions, mayors and the like.

We heard from many people. We sent out, I think 4,000 letters on the LEAA, asking for suggestions. We had this preliminary report that was sent to 4,000 people. It was disseminated to 4,000 people to comment.

And then you had hearings, and then we closed the comment period. We had 400 comments received and analyzed, and then more House hearings.

Meanwhile we have been keeping in touch with Senator Kennedy's office in the Senate, that being the office that has the main interest in the LEAA.

And then we got up our own proposal and submitted it to the President. At that time, wide-ranging discussions ensued between different groups in the White House, the reorganization group in the OMB and the budget group in the OMB.

And meanwhile we were keeping your staff advised of what was going on. There has been a departure from my November 1977 recommendation, which I will show in just a few minutes.

Now what I hope to do is identify the problems and then go to the objectives.

These were the problems we found:

Excessive overhead costs. No one—I don't think we could find anyone—who wouldn't want to reduce overhead and deliver the money for crime fighting.

We found excessive redtape.

MAJOR PROBLEMS WITH THE LEAA PROGRAM

1. EXCESSIVE OVERHEAD COST
2. EXCESSIVE REDTAPE
3. FAILURE TO ACHIEVE EFFECTIVE COMPREHENSIVE PLANNING
4. ABSENCE OF SYSTEMATIC PROGRAM DEVELOPMENT
5. FAILURE TO LINK RESEARCH AND ACTION PROGRAMS
6. LACK OF EFFECTIVE PROGRAM ACCOUNTABILITY

Mr. McCLORY. Mr. Chairman, may I just ask a question?

Mr. CONYERS. Yes.

Mr. McCLORY. When you talk about excessive overhead costs, you are not talking about the Administrator's Office of LEAA, Department of Justice? You are talking about what they do with the money at the local level?

Mr. BELL. In the planning area on the State and local level; that is, the State planning and what they call regional planning, which may be just for a town. There are over 400 regional planning groups, advisory boards for which we expect to eliminate Federal funding.

Our general proposition is that it is all right with us for the States to have all the planners they want, but they need to pay half the cost.

The planning has got to be larger than putting the money out to fight crime.

Mr. McCLORY. The point I want to make is that from the standpoint of overhead in LEAA, the Federal agency under your jurisdiction has a very low overhead.

Mr. BELL. Very low, and we have even reduced it some.

But to put it in focus, there are about 600 people working for LEAA as an agency. There are over 1,000 people being paid by LEAA in the State of Georgia alone. That give you some idea.

I just said one State. I asked LEAA to study one State, and I didn't tell them what State. And I don't know what possessed them to do such a thing, but they studied Georgia. [Laughter.]

I have that study here if the committee would like to see it, just what all is being done in one State. It was very helpful to me to get a handle on this problem. [See app. 4 at p. 297.]

Failure to achieve effective comprehensive planning. The planning that was being done, we thought was inadequate.

Absence of systematic program development.

Failure to link research and action programs. There is a glaring lack of effective program accountability.

We then started out with these general proposals to build on strengths of existing programs.

The LEAA, everyone recognizes, is generally a good program, a needed program. So we want to build on what strengths have been developed.

OBJECTIVES OF ATTORNEY GENERAL'S PROPOSALS

1. BUILD ON STRENGTHS OF EXISTING PROGRAM
2. PROVIDE NATIONAL LEADERSHIP FOR THE IMPROVEMENT OF CRIMINAL JUSTICE
3. IMPROVE MANAGEMENT AND ACCOUNTABILITY
4. ELIMINATE RED TAPE AND STREAMLINE DELIVERY OF FINANCIAL ASSISTANCE
5. STRENGTHEN ROLE OF LOCAL GOVERNMENTS IN PROGRAM
6. ENHANCE NATIONAL RESEARCH, DEVELOPMENT AND EVALUATION AND ASSURE RELEVANCE TO PRACTITIONERS

Mr. BELL. Provide national leadership for the improvement of criminal justice. I think that that has been a failure on the part of the Federal Government. I don't believe that there has been the kind of national leadership that is possible.

Improve management and accountability.

Eliminate redtape and streamline delivery of financial assistance.

Strengthen the role of local governments in the program.

Enhance national research development nad evaluation and assure relevance to practitioners.

Those are our general objectives.

Now this is the plan I came up with, which as I say, will be modified:

Create a national institute of justice within the Department of Justice to be responsible for justice research and development, justice statistics, and the provision of financial assistance to States and localities for criminal justice improvement.

I was going to give the whole thing the name, National Institute of Justice instead of LEAA. I have found, though, by talking to the people in the Congress and outside the Congress, that LEAA has come to mean more than just a name. It is like a trademark. It has some acceptability and maybe we ought to be a little careful about changing it, eliminating the name all together.

REORGANIZATION PLAN

- CREATE A NATIONAL INSTITUTE OF JUSTICE (NIJ) WITHIN THE DEPARTMENT OF JUSTICE TO BE RESPONSIBLE FOR JUSTICE RESEARCH AND DEVELOPMENT, JUSTICE STATISTICS, AND THE PROVISION OF FINANCIAL ASSISTANCE TO STATES AND LOCALITIES FOR CRIMINAL JUSTICE IMPROVEMENT

- TRANSFER TO THE NIJ WITHOUT MODIFICATION THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND THE OFFICE OF COMMUNITY ANTI-CRIME

- ESTABLISH WITHIN THE NIJ A NEW OFFICE OF STATE AND LOCAL ASSISTANCE TO FOCUS ON PROVISION OF RESOURCES TO STATES AND LOCALITIES FOR JUSTICE IMPROVEMENT AND CRIME CONTROL PROJECTS

- ESTABLISH WITHIN THE NIJ A NEW BUREAU OF JUSTICE STATISTICS AND A NEW JUSTICE RESEARCH AND DEVELOPMENT INSTITUTE

- TRANSFER OUT OF LEAA THE LAW ENFORCEMENT EDUCATION PROGRAM AND THE PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

Transfer to the National Institute of Justice without modification the Office of Juvenile Justice and Delinquency Prevention, and the Office of Community Anti-Crime.

Establish within the NIJ a new office of State and local assistance to focus on provision of resources to States and localities for justice improvement and crime control projects.

And establish within the NIJ a bureau of statistics, which I will get to in a minute.

And a new justice research and development institute.

Transfer out of the LEAA two programs; law enforcement education programs, and the public safety officers benefit program.

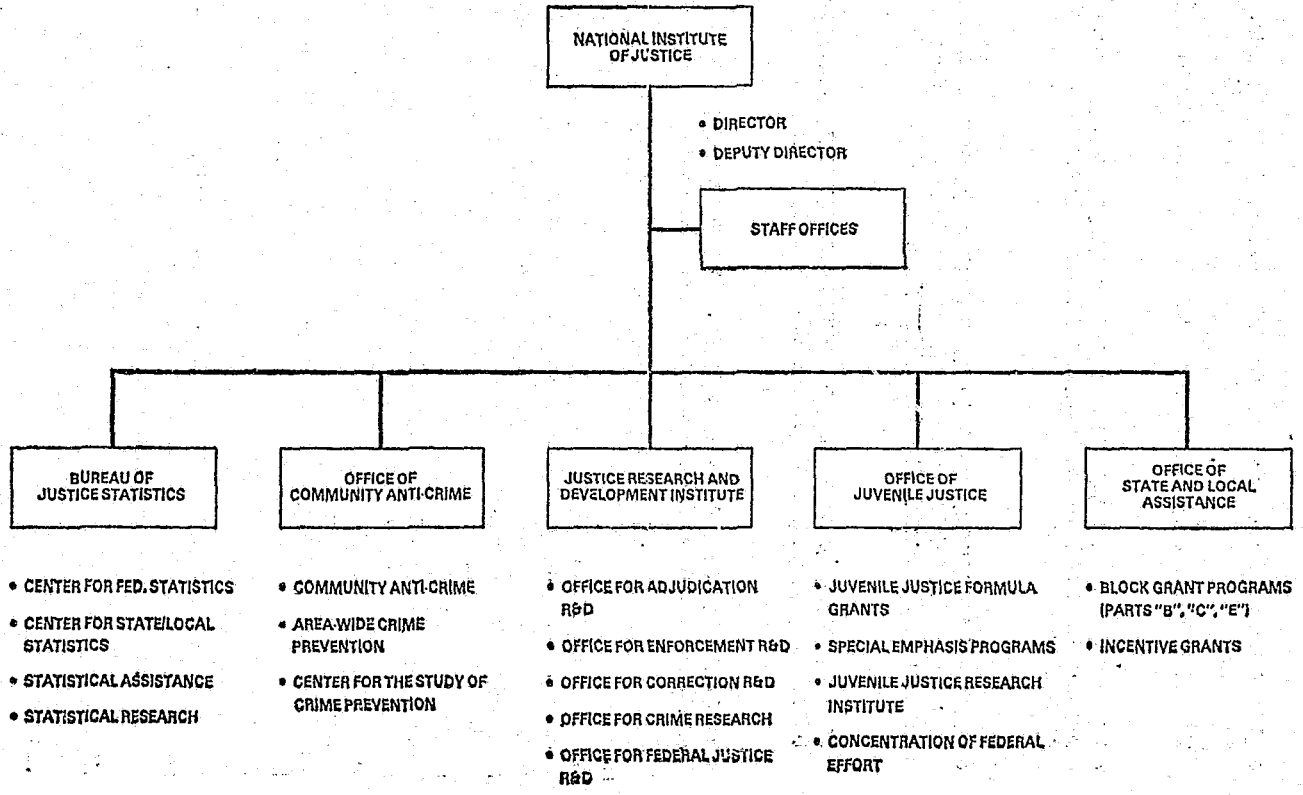
It is apparent to me that those things could really be best run somewhere else. It is not that there is anything wrong with the programs, but one of them is an education program and the other is an insurance program.

And I was going to move them over into our Office of Management and Finance until we put them in the Labor Department of HEW because I think they are mislocated within LEAA.

Now, this is how my plan would look on a chart. We have the national institute of justice instead of the LEAA. You would have a director and a deputy director. Now there are three of those positions.

And then you would have the divisions in the national institute of justice. You would have the bureau of justice statistics.

November 21 Attorney General Proposal



Mr. BELL. And I might say here that since we proposed a bureau of statistics, I think we have had more favorable comment over the country, newspaper editorials and that sort of thing about that one program, than anything that has happened since I have been in Washington. And it shows a great concern on the part of the public about statistics.

Hardly anyone would believe that we have adequate statistics, and I am amongst those. I am not ever certain about the crime rate, for example.

And even this committee, when you had the Omnibus Judgeship bill, had some doubt about the statistics on cases that the Administrative Office of the U.S. Courts was keeping, for example.

So this is something that is needed, and we get all of these statistics in one place. And we would be certain that this office had the protection and integrity in its systems and in the people, so that we could believe the statistics that they published.

And we thought that, since the LEAA, or the national institute of justice is the only group working with State and local law enforcement people, that they would be—it would be the agency that gathers the statistics.

Then we would have the office of community anti-crime, which the chairman is very familiar with.

And then we would have justice research and development institute. There have been a lot of complaints that our research is not properly focused, that the researchers are not truly independent in the sense that the researchers would like to be, and we need to upgrade that office—office of juvenile justice.

Office of State and local assistance. That is the grant office right there.

And I don't want to show the rest of the chart because I am going to get into another chart in a minute, which will change that.

Now, our reorganization plan simply stated would change the name to the national institute of justice and set up these different divisions that you see there.

We would do it partly by reorganization plan, which would have to be filed with the Government Operations Committee. And that is why I wanted to have a hearing before the Judiciary Committee to find out just what the Judiciary Committee feels about what we are doing.

And the other thing, the other parts of the plan would be done by statute.

There has got to be a parallel procedure; a reorganization plan and statutory changes.

Mr. CONYERS. I didn't know you were still thinking about reorganization. I thought that had been disposed of, more or less. You are talking about reorganization now, at a time when you are only a year away from the entire authorization running out.

Mr. BELL. Well, the reorganization plan has to do with the management of the program, as you will see, and not with the program itself.

I don't see how we can justify going another year without changing the management procedure, which can be done by reorganization. That is the purpose of reorganization in Government, but as you

will see, it has nothing to do with the programs that the Congress wants that are now being run by LEAA. I will explain that more in a minute.

This reorganization plan generally does what I explained on the chart there.

But let's go into the reconstituted institute of justice. These are the things here on this chart that would have to be done by statutory amendment:

CRIME CONTROL ACT AMENDMENTS

- CONSOLIDATE PARTS B AND C AND PERMIT STATES AND LOCALITIES TO DETERMINE FOR THEMSELVES THE APPROPRIATE MIXTURE OF PLANNING AND ACTION PROGRAMS
- PROVIDE LARGER UNITS OF LOCAL GOVERNMENT WITH AN ENTITLED SHARE OF FUNDS
- CONVERT STATE COMPREHENSIVE PLANS TO THREE YEAR PLANS AND SIMPLIFY PLAN REQUIREMENTS
- ELIMINATE RED TAPE BY DELETING THE REQUIREMENTS ASSOCIATED WITH CASH MATCH, ASSUMPTION OF COSTS, AND THE ONE-THIRD SALARY LIMITATION
- LIMIT STATE AND LOCAL USE OF FEDERAL FUNDS FOR ADMINISTRATIVE COSTS BY REQUIRING THAT EVERY FEDERAL DOLLAR SPENT BY STATES AND LOCALITIES ON ADMINISTRATION BE MATCHED BY A STATE AND LOCAL DOLLAR
- EFFECT A MORE COMPREHENSIVE VIEW OF THE JUSTICE SYSTEM BY ALLOWING THE NIJ TO INITIATE CIVIL JUSTICE RESEARCH AND DEMONSTRATION PROGRAMS

Mr. BELL. Consolidate parts B and C and permit States and localities to determine for themselves the appropriate mixture of planning and action programs;

Provide larger units of local government with an entitled share of funds from the State;

Convert State comprehensive plans to 3-year plans rather than 1-year plans and simplify plan requirements. Planning has gotten to be—it seems to me—out of proportion to what we are doing.

Eliminate redtape by deleting the requirements associated with cash match, assumption of cost and one-third salary limitations;

Limit State and local use of Federal funds for administrative costs by requiring that every Federal dollar spent by States and localities on administration be matched by a State or local dollar;

Effect a more comprehensive view of the justice system by allowing the National Institute of Justice to initiate civil justice research and demonstration programs.

Now, there is a good deal of feeling that we ought not to get into civil justice, but it is difficult to have an adequate court system when we just consider criminal justice, because all civil justice is handled in the same courts as criminal justice. And I think necessarily you have to go somewhat into civil justice to have a comprehensive approach to the problem of crime.

Now these, on this chart, are things we can do on our own initiative—administrative actions:

We can strengthen the role of local governments in the block grant program.

ADMINISTRATIVE ACTIONS

- STRENGTHEN THE ROLE OF LOCAL GOVERNMENTS IN THE BLOCK GRANT PROGRAM
- ASSESS LEAA GUIDELINES WITH THE VIEW TOWARDS THEIR REDUCTION
- SEEK A REDUCTION IN FEDERAL FUNDING SUPPORT OF THE ADMINISTRATIVE COSTS OF STATE AND LOCAL PLANNING EFFORTS
- INCREASE TRAINING OF STATE AND LOCAL OFFICIALS IN NEW CRIMINAL JUSTICE PROGRAM TECHNIQUES
- INTEGRATE EXISTING DISCRETIONARY PROGRAMS INTO A SYSTEMATIC RESEARCH AND DEVELOPMENT PROCESS
- TEST THE FEASIBILITY AND IMPACT OF INCENTIVE PROGRAMS

Mr. BELL. We can assess the LEAA guidelines with the view to cutting down the number of guidelines.

We can seek a reduction in Federal funding support of the administrative costs of State and local planning efforts. We have done that, hoping that the States will come up with more money to support their own operating expenses.

Increase training of State and local officials in new criminal justice program techniques. That is something we can do on our own.

Integrate existing discretionary programs into a systematic research and development process.

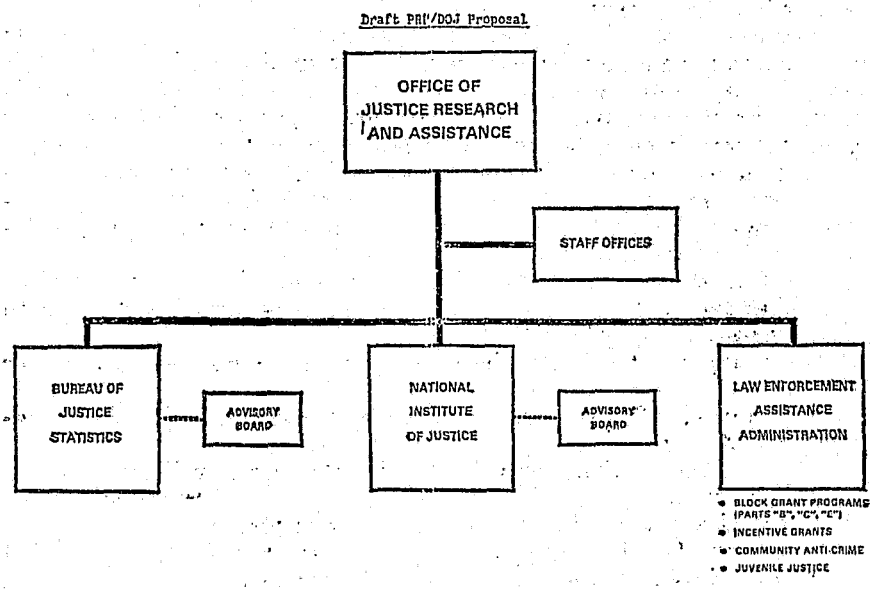
Test the feasibility and impact of incentive programs.

All of those things we can do and are doing.

Now, I will save this chart in case anybody wants to ask what we have done to implement the 1976 act. And if somebody says that we have not implemented an amendment, I can show on this chart what we have done to date, if anyone has an interest in that, or a question.

IMPLEMENTATION OF 1976 CRIME CONTROL ACT AMENDMENTS

1976 AMENDMENT	ACTION TO DATE
CIVIL RIGHTS	STRICTER REGULATIONS ISSUED FEBRUARY 1977
	OVER 25 MAJOR ENFORCEMENT ACTIONS INITIATED; INVESTIGATION OF 300 COMPLAINTS COMPLETED; FUNDS SUSPENDED TO FOUR JURISDICTIONS
PLAN REVIEW	PLAN REVIEW STANDARDS PUBLISHED IN FEDERAL REGISTER JULY 1977
	TO DATE, 24 STATE PLANS APPROVED WITHOUT SUBSTANTIAL CHANGE; 30 APPROVED ONLY AFTER SUBSTANTIAL CHANGE; 2 DISAPPROVED
EVALUATION	LEAA-SPA COMMITTEE ON EVALUATION FORMED; EVALUATION TRAINING AND TECHNICAL ASSISTANCE INITIATED
	48 STATES HAVE SUBMITTED SECTION 519 REPORTS ON PLAN EFFECTIVENESS
COURT FUNDING	36 STATES ESTABLISH JUDICIAL PLANNING COMMITTEES; LEAA PLAN APPROVAL PROCEDURES MODIFIED TO ENSURE "ADEQUATE SHARE" COMPLIANCE REVIEW
	$3 MILLION ALLOCATED BY LEAA TO COURT DELAY REDUCTION AND $4.5 MILLION TO FUNDAMENTAL COURT IMPROVEMENTS
JUVENILE JUSTICE MAINTENANCE OF EFFORT	STATE PLANNING AGENCY GRANTS GUIDELINE REVISED
	TO DATE, FY 1977 DATA INDICATE LEAA AND STATE JUVENILE DELINQUENCY EXPENDITURES HAVE EXCEEDED THE MAINTENANCE OF EFFORT LEVEL
COMMUNITY ANTI-CRIME	JUNE 1977, CAC GUIDELINES ISSUED; OVER 400 GRANT APPLICATIONS HAVE BEEN RECEIVED TO DATE; $1.2 MILLION IN TECHNICAL ASSISTANCE GRANTS AWARDED
	CAC WORKSHOPS HELD ACROSS THE COUNTRY; OVER 1000 LOCAL GROUPS PARTICIPATED
DRUG PROGRAMS	STATES PLANS REQUIRED TO PROVIDE DRUG DEPENDENT OFFENDER PROGRAMS; STATES REQUIRED TO DEVELOP COORDINATION PROCEDURES FOR SPA'S AND DRUG ABUSE OFFICE AND TREATMENT ACT DESIGNATED AGENCIES
	LEAA SPONSORS RESEARCH ON DRUG ABUSE AND CRIME CORRELATION, AND ON THE EFFECTIVENESS OF VARIOUS DRUG TREATMENT PROJECTS
CORRECTIONS	FIRST PHASE OF NATIONAL PRISON SURVEY COMPLETED AND REPORT SUBMITTED TO CONGRESS



Mr. BELL. And here is the way that I think probably we will end up. This is based on all the conversations I have had with these different groups that have been working on the problem.

This has not yet been presented to the President. My plan has been presented to the President. He sent a note back to get in touch with OMB and the Domestic Council and come up with a final plan. Based on what he said, my plan was a good plan.

I think this is the way it is going to come out: The head of the Office of Justice Research and Assistance would be the director. Most everybody has got a name for this Office and we can get a different name.

But it would consist of three divisions.

You would have the Law Enforcement Assistance Administration, which would administer block grant programs, incentive grants, community anticrime, and juvenile justice programs. Changes in the block grant program, as we now have it, would be made by statute.

We would create the Bureau of Justice Statistics.

Would that be done by statute, or can we do it?

Mr. FIEDEROWICZ. We can do it by reorganization.

Mr. BELL. We can do that on a reorganization plan. You see, we have scattered people doing it now. We could put them all together.

We would expect to have an advisory board for that Bureau just to enhance it and to add to its integrity, and also we could get people who are knowledgeable in the field to render some free service to the Government on these advisory boards. I think it would strengthen the Bureau.

And then we would have the National Institute of Justice. It would also have an advisory board. And it would do all the research and the experimentation. We would give it great emphasis. As it is now, it seems to me we have a lot of research going on, but sometimes I am not certain that the research is put to its best use.

So that would be the way it would end up. We would have three divisions. We would have the Office of Justice Research and Assistance—really the director. And we would have these three large divisions in this organization.

The Bureau of Justice Statistics would be small, quite smaller than the other two, but nevertheless, it ought to be separate, and ought to have its own advisory board.

So having said that, Mr. Chairman, I would be glad to help answer questions.

Mr. CONYERS. Thank you, Mr. Attorney General, for this show-and-tell presentation.

We have been waiting expectantly for the first unveiling.

I begin with two threshold considerations. The first refers to this mixture of a reorganization and statutory approach.

I am, first of all, not happy about a quick resort to the reorganization technique. I mean, after all, that's our responsibility here in Congress. Anything that we want to change in the Federal Government, we have the responsibility to deal with here.

So I raise the question: Why reorganization, when we are in the process of obtaining a legislative proposal coming from you that would consider a massive restructuring of LEAA?

The second thing that comes to my mind is, of course, an analysis of what has gone wrong. It is not a secret that there is a great deal of unhappiness about LEAA in and out of Congress.

There has been more than one suggestion that we forget about it; that the difference that this bill makes, despite the $6 billion spent and innumerable amounts of programs created, and despite the paperwork that has flown between us and all kinds of businesses that have been created in connection with this is negligible. It just hasn't done much.

The crime rate and the fear of crime in this country are in about the same shape that they were then, if not worse. So I am very concerned that we begin trying to at least accurately diagnose what the problem is. You know, sometimes you can't cure the patient until all of the docs agree on what is wrong with him in the first place. I would like to see such a dialog between the Department of Justice and the Congress, in the form of a definitive analysis on your part and on our part.

We know that involving people in their communities to support local law enforcement is the only way we are going to ever mount the kind of spirit and coordination that is going to give local police the ability to deal with the crime problem.

And yet, getting the law enforcement apparatus to understand that citizens are interested in working with their local enforcement has been the most frustrating thing I have ever tried to accomplish with LEAA.

It took me 3 years to get this amendment. We recommended $50 million. When it finally passed, it was $15 million.

And now, in the very first year of my party's administration, the first reward we get is a budget of $8 million, and then the audacity of somebody to suggest that the reason it is cut is because we couldn't use the expended funds. LEAA was sleeping over there before they got around to creating a community anticrime program; I mean, talk about bureaucratic double take and penalizing people.

And then there is the National Crime Survey, the one survey that means anything to criminal justice research and policymakers around the country, for, as we all know, we can't always trust all of the official police reports. Here was the one thing LEAA had been credited for, this survey of victims of crime, and we wake up one day and they have announced its suspension.

The Department of Census which does the survey has been thrown into disarray; law enforcement people all over the country and scholars on crimes and criminologists are saying: "What are you doing?"

That is the one program which has been useful and successful. And so, after hearings, we still don't know about the status of the survey. We understand it has been extended temporarily, but that sounds like a reprieve from an ultimate death sentence.

LEAA is the largest single agency within the Department of Justice in terms of appropriations. It has two vacancies that have existed for 14 uninterrupted months.

Mr. BELL. Three, Mr. Chairman.

Mr. CONYERS. Three; I am sorry.

Now we know what happened to OEO in another Administration. I mean, a good way to strangle an organization is not to appoint any leadership.

What does it say to everybody in the public and in Government; that we don't need the heads? That we function better without them? That we don't have any confidence in the people that are going to come on, or that we are going to decide the future of this organization before we appoint the people that we are going to head it up?

How can it be so important if it can exist for 14 months with three of the top heads absent? I ask that, seeking information.

The affirmative action programs of LEAA, I think, deserve very sharp analysis. After we finally got the Jordan amendment passed, the first case I ever heard about was a case of reverse discrimination.

I mean, we have a responsibility in government, particularly in law enforcement, to show that we are setting the trend and not following it, or fighting it, or resisting it as subtly as we can.

Two other observations. One is on the question of innovation. I have a problem with this. You know, the truth of the matter is that our starved localities will take any money, short of money from organized crime, from the Federal Government in any form that it comes in. We all know that. They need it desperately. I had the mayor of my city arguing that he needed CETA money, not LEAA money, CETA money, to hire more policemen. And so this whole notion of guidelines and innovations really requires a lot more analysis than I think has been given.

The reason I say this is because a lot of people have to come to see—particularly the administrators of LEAA, the planners, the local groups—their job as fashioning a grant in order to get the bucks into their town. It is a very American practice. There is nothing wrong with it. It is part of the political process.

But what happens to innovation is that nobody is willing to take a chance. Crime is a very volatile political subject. Nobody wants to risk an experiment on crime, and yet, we continue to talk about innovation. Many of the planners tell us that they work year around sending in the tons of paperwork and plans to make us happy, and that they have another group deciding how to spend all of this money at the end of the fiscal year so that, unlike the community anticrime agency, they won't be accused of not having spent all their money and have that accusation used as a basis for a reduction.

And, of course, there is no one left to innovate. That, sir, is just a reaction to the nature of the problem that we are up against.

There are elements in your program that I think are very commendable, and I welcome and appreciate this very candid and lucid first account that you bring to the subcommittee.

I would like to recognize now, the gentlewoman from New York, Ms. Holtzman.

Ms. HOLTZMAN. Thank you very much, Mr. Chairman.

And, Mr. Attorney General, as a member of the subcommittee, I would like to welcome you here today.

I was very pleased to see in your statement expressions of the need to communicate with the Congress on LEAA. And it is for that reason that I wish to raise the following question.

Last August, Congressman McClory, who is sitting with the subcommittee today and who is the ranking minority member of the full committee, and I wrote you a letter commenting on your study report on LEAA.

At that time, we urged you to fill the vacancies at LEAA.

On November 7, 1977, Congressman McClory and I wrote to the President, again asking that a new administrator be appointed and specifically bringing up a possible violation of the Vacancy Act.

In response to that letter to the President, we received a letter from you on January 2 of this year—2½ months after the letter was sent to the President.

I would like to read your response to the letter dealing with the problem of vacancies.

DEAR CONGRESSWOMAN HOLTZMAN: On behalf of the President, I would like to acknowledge receipt of your recent letter concerning the Law Enforcement Enforcement Administration.

We are strongly committed to maintaining and enhancing the Federal Government's program of financial assistance to the State and local governments for crime control and justice system improvements. We, during the past year, have taken a number of steps to streamline LEAA and to improve the agency's efficiency and effectiveness. We have also submitted to the President a comprehensive set of proposals to restructure and improve our financial assistance program. We look forward to working closely with you and others on the House Judiciary Committee in this endeavor.

In your letter to the President, you characterize morale at LEAA as rapidly deteriorating. I find a different attitude on the part of LEAA personnel. I believe that morale at LEAA is high and will improve as we go forth with the Congress to provide those employees with an organizational structure in which they can work and an effective program which they can administer.

Early in my tenure as Attorney General, I visited the LEAA building on Indiana Avenue. I believe I was the first Attorney General to visit the facility.

By the way, Mr. Attorney General, I understand that the Attorney General who was your predecessor, Mr. Levi, in fact was the first to visit the facility.

I retain a deep interest in the activities of LEAA and look forward to working with you to improve the Federal Government's programs for assistance for crime control and justice system improvements.

Yours sincerely,

GRIFFIN BELL.
Attorney General.

There does not appear in this letter one reference to the question that we posed with respect to filling the vacancies at LEAA.

Mr. Attorney General, finding myself unable to get even a response from you or the President on this matter, much less to get an appointment of an administrator of LEAA, I finally requested an opinion from the General Accounting Office on the legality of the acting administrator's service at LEAA.

The acting director is Mr. Gregg. In your introduction this morning, you said of Mr. Gregg—who is the Assistant Administrator, Office of Planning and Management: "I call him the acting administrator."

Monday night I received an opinion from the General Accounting Office on the legality of his service at LEAA. That opinion finds that the Vacancy Act has been violated. It concludes that:

From March 28, 1977, to date, there was no legal authority for anyone to perform the duties of administrator except the Attorney General himself.

Not only may the acting administrator not perform the duties of the office, but all actions taken since March 28, 1977 could be challenged in court and all future actions taken by LEAA under the guise of an acting administrator could be challenged.

Mr. Chairman with your permission, I would like to enter the opinion of the General Accounting Office in the record.

Mr. CONYERS. Of course, without objection.

[The document referred to follows:]

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., February 27, 1978.

HON. ELIZABETH HOLTZMAN,
House of Representatives.

DEAR MS. HOLTZMAN: This is in response to your letter dated January 30, 1978, concerning the service of Mr. James M. H. Gregg as Acting Administrator of the Law Enforcement Assistance Administration (LEAA). You note that the last presidentially appointed Administrator, Richard W. Velde, resigned on February 25, 1977, and at the time of Mr. Velde's resignation, Mr. Gregg was Assistant Administrator, Office of Planning and Management, the highest ranking official then serving since the two Deputy Administrator positions were vacant. You inquire as to the authority for Mr. Gregg to serve as Acting Administrator for any period in excess of 30 days from the date of Mr. Velde's resignation in view of the provisions of the Vacancies Act, 5 U.S.C. §§ 3345–3349 (1976). You also note that LEAA's enabling legislation does not reveal any provision for the appointment of an acting administrator. By letter dated February 10, 1978, we requested the views of the Department of Justice in regard to Mr. Gregg's service but in consideration of the urgency with which you view this matter, we are responding without benefit of a reply from Justice.

Under 42 U.S.C. section 3711(a) (Supp. V, 1975) Congress provided for appointing the Administrator and two Deputy Administrators of LEAA as follows:

"There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this chapter as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Deputy Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

Sections 3345, 3346, and 3347 of title 5, United States Code, provide methods for the temporary filling of vacancies created by the death, resignation, sickness or absence of the head of an executive or military department, or the head of a bureau thereof whose appointment is not vested in the head of the department. Section 3349 of title 5 makes the methods described in the preceding sections the sole means for filling the vacancies described therein, except in the case of a vacancy occurring during a recess of the Senate.

Section 3348 of title 5, United States Code, imposes a 30-day limit on temporary appointments under sections 3345, 3346, and 3347 for positions which are subject to Presidential appointment and Senate confirmation. That section is worded as follows:

"Section 3348. Details; Limited in time. A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days."

You have furnished our Office with a copy of LEAA Instruction I 1310.18A dated September 10, 1974, entitled "Designation of An Acting Administrator, LEAA" which appears to implement the succession procedure mandated by sections 3345, 3346, and 3347 of title 5, United States Code. However, the internal LEAA instruction is silent as to the 30-day limit imposed by 5 U.S.C. section 3348.

All of the cited sections are derived from the Act of July 23, 1868, ch. 227, 15 Stat. 168, hereinafter referred to as the Vacancies Act. The legislative history of the Act makes it clear that the provisions now codified as sections 3345 through 3349 of title 5 were intended to preclude unreasonable delays in submitting nominations for offices subject to Senate confirmation. See e.g., 39 Congressional Globe 1163, 1164 (February 14, 1868).

In 1973 when Mr. L. Patrick Gray III was designated Acting Director of the Federal Bureau of Investigation (FBI), we were asked to decide whether the Vacancies Act was applicable to the Department of Justice and in turn to the position of Director of the FBI. Our opinion in that case, B–150136, February 22, 1973, holding that the Vacancies Act did apply, would appear to be equally applicable to Mr. Gregg's service.

The Department of Justice disagreed with our conclusion in the Patrick Gray case. The basis for the Department's view was that 28 U.S.C. section 510

supersedes 5 U.S.C. section 3348. Section 509, title 28 United States Code, places all functions of the Department of Justice, with certain exceptions not pertinent here, in the Attorney General. Under section 510 the Attorney General may authorize any other officer or employee of the Department of Justice to perform any function of the Attorney General. Our Office views section 509 as placing full accountability in the Attorney General for the functions of his agency. However, section 510, while permitting him to delegate his functions, does not in our opinion supersede the provisions of the Vacancies Act. B–150136, February 22, 1973.

We note that the position of Administrator has been without a nominee for approximately one year. This appears to be precisely the sort of "unreasonable" delay the Vacancies Act was enacted to prevent. In the absence of any other statutory authority to fill the position on a temporary basis outside the Vacancies Act, we conclude that the 30-day limit is applicable, and began to run on February 26, 1977, the day after the resignation of Mr. Velde. Thus, from March 28, 1977, to date, there was no legal authority for anyone to perform the duties of the Administrator except the Attorney General himself, in whom, by statute, all the Administrator's functions are vested. 28 U.S.C. section 509 (1970).

As indicated by the LEAA instruction cited above, the Assistant Administrator, Office of Planning and Management, the position occupied by Mr. Gregg, may act for the Administrator in the Administrator's absence. The instruction states that the absence of the Administrator and the Deputy Administrators should result from (1) travel outside the Metropolitan Washington area, (2) incapacity, or (3) vacancy of position. The first two types of absences contemplate a situation in which there is a duly appointed Administrator, who may be absent and unable to perform his duties for various reasons, including travel, sickness, etc. This is a duty commonly assigned to deputies or first assistants throughout the Government and is certainly not objectionable per se. The third type of absence contemplates a vacancy in the office of Administrator. Since this situation is covered by the Vacancies Act and the time has expired when anyone—whatever his title—may serve as Acting Administrator, Mr. Gregg may not perform the duties of such office.

We are mindful of the practical difficulties of being forced to run a program with no one at the head to make decisions.

However, until the President submits a nomination to the Senate, such decisions can only be made legally by the Attorney General.

You have called our attention to the fact that official actions taken by Mr. Gregg, such as the signing of grant awards, have at least in some instances been taken in his capacity as Assistant Administrator, Office of Planning and Management. However, since, as indicated above, there is no legal authority for Mr. Gregg to occupy the position of Acting Administrator during the vacancy of the office of Administrator, the validity of Mr. Gregg's actions in the capacity of Acting Administrator could be challenged. Therefore, it would appear that the Attorney General should give consideration to ratifying such actions. See 56 Comp. Gen. 761 (1977).

Sincerely yours,

R.F. KELLER,
Deputy Comptroller General
of the United States.

Ms. HOLTZMAN. Judge Bell, my question is this:

What will you do to fill the vacancies at LEAA, to comply with the law, to bring this administration and this agency in compliance with the Vacancy Act, and to reaffirm this administration's commitment to fighting crime by appointing a legal head at LEAA?

Mr. BELL. May I respond, Mr. Chairman?

Mr. CONYERS. Of course.

Mr. BELL. Well, in the first place, your opinion from the General Accounting Office points out that the Justice Department is in disagreement with their fundamental thesis.

We have had this argument before with the General Accounting Office, and I do not agree that we are in violation of the Vacancy Act.

And some day, I suppose that will be resolved in court. At that time we will decide. We will know who is right about it.

But second, going to what the real question is: When are we going to appoint an administrator?

I began looking for an Administrator last Spring, and I selected someone to be the Administrator. I selected a deputy and I selected a number three person who was to be the expert on administration.

I have those names of the people that I selected. I decided, since they are human beings, I ought not to put them in a job that I was going to put them out of. I don't think it is fair to people to do that to them.

I knew that we were going to reorganize the LEAA. The President had told me early on to transfer all the grant part of it to the Treasury and let it be handled in the way that we send money out, other Federal moneys, to State and local communities.

He had promised in his campaign to create a national institute of justice. That would take the research part, so that there would be nothing left for LEAA to do.

Therefore, I concluded that I would not fill the vacancies until it was decided what was going to be done about reorganizing LEAA, whether it would be dismantled or what.

We have been working assiduously on that task. In November I gave the plan to the President. He studied it, sent it back to me and told me to finish it.

We are at that point now. We will appoint somebody as soon as we get this reorganization done. But I can't deal with everybody just instantaneously or simultaneously. I have got to deal with the people from the executive branch. I have got to deal with this committee. I have got to deal with the Senate committee.

Now, when we finish, it may well be that we will want somebody different from the people I selected before. I have an idea that if we can reorganize, we can get very good persons in to run these things. You can see on this chart, we have got to have somebody that understands, some scientist, really, on statistics, somebody that is well educated and well versed in that field to manage the Bureau of Justice Statistics.

We have got to have top-flight academicians in my judgment to run the National Institute of Justice, and we have got to have really a skilled Administrator to run the Law Enforcement Assistance Administration. Over these three units, we need an outstanding person.

Not to take anything away from the three people I selected, but if I selected again, I may not select those same three people. I don't want to get people in and put them out.

Now the courts will have to decide whether I'm in violation of the law or not. I don't agree that I am in violation. I have a legal opinion that says I am not.

Ms. HOLTZMAN. Mr. Attorney General, would you be kind enough to submit that opinion to the committee?

Mr. BELL. I would be glad to. In fact, I was going to ask that I be allowed to do that. Since you've got one from the General Accounting Office, you might want to get one from the Library of Congress. The Senate got one last week. They got an opinion from the Library of Congress. I didn't know they entered opinions. It was different from my own. [Laughter.] [See App. 3 at p. 285.]

Ms. HOLTZMAN. Do you have that opinion with you, the legal opinion provided to you and your office?

By the way, who wrote this legal opinion?

Mr. BELL. The Office of Legal Counsel. The office that is supposed to render legal opinions.

Ms. HOLTZMAN. To the executive branch?

Mr. BELL. Yes.

Ms. HOLTZMAN. But the Comptroller General is also empowered to render opinions as to whether or not the Vacancy Act has been violated?

Mr. BELL. No question about it.

Ms. HOLTZMAN. There is a very important statement at the bottom of page 3 of the GAO opinion:

"We are mindful of the practical difficulties of being forced to run a program with no one at the head to make a decision."

Six hundred fifty million dollars, Mr. Attorney General, have been placed in the hands of LEAA to be spent. These moneys, I submit to you, and I think you are a practical enough person to understand, can not have been spent in the best possible, most effective method without anybody in charge of the agency.

We are talking about not only the law of this country, but we are talking taxpayers' dollars, and I don't understand how a headless horseman can ride in a straight direction or follow the way in which the law is intended to go.

Mr. BELL. I tell you, I would like to get a commission on the money I have saved the taxpayers of America under my administration, as compared to the last one.

Ms. HOLTZMAN. Well, I remember President Nixon also said he was saving the taxpayer's money—but we called it impoundment. Action on the part of Congress was required to free up those moneys. The Congress is not interested in having LEAA money impounded. The Congress wants to see this program work.

Now let me get back to the question as to when we are going to have someone appointed as head of this agency. You said that you are going to wait until the reorganization plans are accepted.

My undertanding from your testimony is that you are going to wait to propose the reorganization until new authorization legislation is proposed, which would be June, roughly, of 1979.

Do I take it then that we are going to have to wait until September of 1979 before we will get a submission of names for a new head of LEAA?

Mr. BELL. That wasn't my testimony. Would you cite me the page you are referring to?

Ms. HOLTZMAN. When are you going to submit the reorganization plans, Mr. Attorney General?

Mr. BELL. I'm going to submit it as fast as I can.

Ms. HOLTZMAN. When is that?

Mr. BELL. If I could get this committee to agree to the procedure we are following, I would submit it this month. It takes 60 days for the reorganization plan to pass through the Congress.

Ms. HOLTZMAN. I see, so that we would have to wait 2 months, then, before names would be submitted. That's assuming that the reorganization plan goes through, is that correct?

Mr. BELL. I would assume that. That's right. I am assuming it will go through because the Congress granted the President the authority to reorganize the Government, and I haven't seen anything in my plan that would incite people to be against it.

Ms. HOLTZMAN. Well, I guess I am just puzzled by the timetable, sir, because you have just presented a reorganization plan that has not yet been finalized, that is an initial plan, and I don't have any notion of when a final plan is going to be arrived at, and when that will be approved by the President, much less by this committee.

Mr. BELL. Mr. Fiederowicz just pointed out to me that we have to get everything done by May 15. We have got to file our legislation.

Ms. HOLTZMAN. Mr. Attorney General, isn't it true that the proposed reorganization plan on statistics and research has nothing to do with LEAA itself?

Mr. BELL. Well, it has something to do with management, Ms. Holtzman. As you know, I am charged under oath to try to manage things. I can't just go around and hand out jobs and do those sorts of things without regard to management. I am trying to manage the LEAA better than it has been. I am trying to get more money into local communities.

Ms. HOLTZMAN. I don't understand how you could manage LEAA without somebody in charge. I think that the delay in the community anticrime programs and the long delays in processing applications which States claim, are evidence of the problems created by the absence of an administrator.

I think that these examples raise serious questions about the ability to manage LEAA without somebody at the head.

Mr. BELL. My information is that it is being managed now better than it has been. That's what I am told by the people who work at LEAA. [Laughter.]

They think that since we got rid of some people who were there, it has been a lot better off than it was. You know there are some very good career people in the Government. These career people are to be commended.

Ms. HOLTZMAN. Just to get back then, what you are saying is you are going to propose a reorganization that is going to deal with the new Office of Statistics and the new Institute of Justice, but the basic reorganization you propose will not affect the LEAA itself, and yet we are going to have to wait until this reorganization proposal is made, approved and so forth, before you name a new head for LEAA.

Is that correct?

Mr. BELL. Well, I think that the best answer I can give to that is I will appoint an Administrator at the moment. It appears that we are all in agreement about the way we are going to run the LEAA. I don't have to wait until the 60 days ends.

If you told me today that you thought my plan was fundamentally sound, and the President tells me he thinks it is sound, I would go ahead and get somebody now, but I have got to wait until we know where we are going before I know who to select.

Ms. HOLTZMAN. Well, why can't you do something about enforcing the laws that are already on the books with respect to LEAA, and then you can worry about getting the LEAA reorganized later?

What about dealing with the laws that the Congress has already passed to improve the performance of LEAA by having an Administrator appointed subject to confirmation to operate the program?

Mr. BELL. It may not be the person that's going to keep the job. I do not want to get somebody in office for 6 months and tell them to get out.

Ms. HOLTZMAN. I was suggesting, Mr. Attorney General, that is an unlikely occurrence, considering how, when you first proposed a reorganization, I think last August, you said you would get it all wrapped up by November.

In November, we got a new proposal. That was going to be approved by the President in January. We are already in February, and a final proposal is not ready, only a tentative proposal. So it has already been about 8 months since you have come up with plans with regard to LEAA. Given that past history, I would say that 6 months' period of time to come up with a final plan is probably not realistic.

The reason I ask you these questions is because I am profoundly concerned that the actions of LEAA may be subject to legal challenge and I think it is a waste of Government time and money to have the legal validity of LEAA's actions challenged in court. I just think that makes no sense.

I think everybody would understand and agree that an agency needs a head to run it, and that an administrator ought to be appointed promptly.

Finally, there is a statement from the General Accounting Office on this matter. There is a statement, I believe, from Members of Congress that they want to see this agency run properly and with a legally constituted head. There really isn't any excuse or justification for postponing this any longer.

Mr. BELL. I would like you to cite me one thing that has been done in LEAA since I have been Attorney General that is improper.

You keep saying "improper."

Ms. HOLTZMAN. Yes, the fact that you have a person——

Mr. BELL. Give me one example.

Mr. HOLTZMAN. You have somebody serving as acting Administrator, which is in violation of the Vacancy Act. This person is not authorized to sign grant applications and act as head of the agency according to the General Accounting Office.

Mr. BELL. According to the General Accounting Office. I'm glad you added that. It is not according to the legal opinion I have. I would like to fill the vacancies as fast as I can. I have devoted a great deal of time to the LEAA and a great deal of time getting it reconstituted, reorganized, so that the American people have confidence in it, and I will fill the vacancies just as quickly as I can, but I can't set a deadline.

Mr. CONYERS. I think this issue has been more than adequately discussed.

Let me turn now to my colleague from Illinois, Mr. McClory.

Mr. MCCLORY. Thank you very much, Mr. Chairman.

Judge Bell, you seem to have encountered a great many problems here since your advent to Washington, and I don't want to appear unsympathetic to your role. I recognize that.

Mr. BELL. I think you will find that nothing is easy in Washington. [Laughter.]

Mr. McCLORY. Well, let me say on a very personal basis that I find you a very charming and very able individual, and most of the time I understand you, if you don't speak too fast. You have a charming wife and you make a very attractive couple here on the Washington scene. [Laughter.]

I think the immediate problem that you are experiencing, it seems to me, emanates from a campaign statement from the Chief Executive last year, in which he, as I recall, stated quite flatly that he wanted to abolish LEAA, and it seems to me that some of the efforts that have been taken, and some of the things that have been done, including the failure to appoint the Administrator and other officers of LEAA, exacerbate the problem and are creating this confrontation that we are witnessing here today.

The closing of the regional offices, just as a summary action, caused a lot of concern and a lot of questioning at the local and State levels where the regional offices were the principal agencies through which these planning officials and these local officials move.

I just had a meeting here a couple of weeks ago with representatives of the law enforcement planning people from throughout the State of Illinois, from the metropolitan area of Chicago and downstate Illinois, and they all expressed a similar deep concern about the future of the LEAA program.

I am concerned today, as a matter of fact, by the fact that you have evidenced your personal support for the retention of LEAA in the criminal justice field, and I think that is an extremely important move on your part.

I would like you to really consider this very seriously, whether the reorganization approach is the approach you should take.

It seems to me that what you are actually doing, you are asking for a new legislation, you are asking for the establishment of a new agency, this Office of Justice Research, and you are asking for establishment of other new functions.

I would suggest strongly that you attack this directly through the legislative measure, and not to try to accomplish this through the reorganization process.

I was very impressed, for instance, with the 1977 annual report, your annual report with regard to LEAA, and it described in rather broad, brusque language the activities and the successful activities of LEAA training, research, and all of the various improvements that have occurred as a result of this.

I have tried in my own area to analyze how the funds are applied and frankly I am very encouraged by what I have been able to observe, the different things that have been done in the area of law enforcement and criminal justice which otherwise would not have been done except for this incentive and this support which the LEAA grants have provided.

I have some questions even about this new approach. I am concerned about the research approach. I question that it is a good idea for us to initiate the research here in Washington.

The research, it seems to me, should be done primarily at the local level. They are the ones who understand it better than we do here in Washington, and then if the research project is successful, we would monitor it and we would evaluate it, and then we would disseminate it to the extent that it could be made available nationally. That is my concern.

Also, I would like to see an enhancement of the training programs which so far, I think, have not been sufficient, although I know that a number of grants have been made to permit local communities to have training programs.

I might say that, for instance, with respect to training people for handling domestic crisis problems, the LEAA has been tremendously successful. They have demonstrated that you don't have to go in and get the husband and wife and drag them into court and charge one or the other or both with criminal conduct, but you can avoid the criminal process entirely through adequately trained personnel, and it just has been tremendously successful, that's all there is to it.

I am concerned, like my colleagues, though, that we have not sufficiently carried out these community anticrime applications that are pending in your office now. Maybe they are going to get acted upon, but I know I have got one from my district that I am waiting action on and I don't know what has been done in that area.

I feel kind of frustrated, because of what has occurred, that we don't have an administrator to turn to, and we don't have the existing mechanism under which to operate.

Let me just add this. You know I was here when we established the Administrative Office of the Supreme Court, and then the Administrative Office of the Courts of Appeals. We did this to provide better management, better statistics, and then we came along and we established the Judicial Center and I offered the amendment to provide that they should have a computer capability so that they could be a very sophisticated statistical gathering agency and to provide all kinds of modern techniques for improving the administration of justice, civil and criminal.

Now it seems to me we come along with a National Institute of Justice and we are creating a new agency, which is going to provide new statistical information, which we need in order to improve the administration of justice and so on, and I am concerned about creating new agencies, new institutes, or whatever we are going to call the new bureaus, to do things that we thought were being done by existing agencies.

Mr. CONYERS. If I may say, Mr. Attorney General, this hearing was the first opportunity to have a frank discussion about the nature of the problems and the future of LEAA, and rather than carry this too far, I would like to recommend to the subcommittee that we take your remarks, your charts, the colloquies that have ensued, and submit them to the record. We would also like to get a copy of the report that you rely on to resist the suggestions made by the gentlewoman from New York.

Mr. McCLORY. Would the Chairman yield just on the line of that suggestion?

Mr. CONYERS. Yes.

Mr. McCLORY. I think that part of my dilemma here this morning is a lack of liaison and lack of communication, and I would suggest and really urge, Judge Bell, that you have Mr. Gregg and your counsel and others, your General Counsel with whom we have worked for some years now, and have them communicate with our staff and see if the major problems can be resolved before we go headlong into a reorganization plan which could experience disapproval, as you know.

Mr. CONYERS. My colleague makes a very important point. You see, our communication lines aren't that deep in terms of where you are coming. I thought the reorganization notion had been put aside because of the lateness of the year.

We have got to be talking about your submission in May of this year, which we have got to report out, not only from the subcommittee but the full committee, by May of next year.

Now when you start combining reorganization with reauthorization approaches, you might run into some resistance in the Congress, since we are reauthorizing the whole thing legislatively.

I want to have our hearing reproduced, examined by our committee members so I know your expressed views, and we will then be able to get back and continue this discussion on the record, or in more informal circumstances.

I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Thank you very much, Mr. Chairman.

The persons associated with the LEAA program in New York State have submitted to me a series of questions with respect to the reorganization proposal. And I would like to submit those to the Attorney General for his response.

Among other things, they question the use of LEAA funds to support civil justice research and they also raise questions about the current delay by LEAA in responding to applications on the part of the States.

LEAA is apparently taking from 90 to 100 days to process grants and budget revisions and is therefore not operating within the 30 days required by the OMB guidelines.

LEAA is also failing to issue guidelines on a timely basis, according to these people. I would appreciate your comments with respect to that.

I also have one final important question. The budget proposal of the Department of Justice calls for a reduction in the planning grants to States. Presumably, that is based on the reorganization plan under which States will have to assume a greater part of the planning costs. That reorganization plan has yet to be formally submitted.

Neither has any legislation with respect to that plan been submitted.

Since States must, under present law, continue to submit plans on a yearly basis, how do you justify a cut in the planning funds?

Mr. BELL. How do we justify it?

Ms. HOLTZMAN. Yes, sir.

Mr. BELL. For the proposed budget for 1979, we have put in 5 percent for funds for planning. That goes back to what it was in 1971.

By 1975, we went from 5 to 6 percent. In 1978, it got up to 8 percent. And we thought there was too much money being spent for planning and not enough for the end product.

That's in the budget. And of course, we will have to justify the budget to the Congress.

Ms. HOLTZMAN. Well, this committee is the one that is responsible for the authorization figures.

Mr. BELL. For the budget?

Ms. HOLTZMAN. No, but this member is on the budget committee.

Mr. BELL. Then, you will have a second shot.

Ms. HOLTZMAN. But I would appreciate a justification for the cuts, since they depend on a change in the operation of the program which has not yet been legislated.

Mr. MCCLORY. Will the gentlelady yield to me?

Ms. HOLTZMAN. Yes.

Mr. MCCLORY. Thank you.

You know, these expenses for planning are things that the Congress has imposed on the local areas and on the regional areas and on the State areas.

And it seems to me that if we are going to eliminate some of that overlap—and I wouldn't deny that there is overlap, and I wouldn't deny that there is excess redtape and excess planning—we should be able to spell out legislatively how some of these planning functions are to be eliminated.

And that is another thing, it seems to me, that we should be handling through a direct legislative approach and not through reorganization.

Mr. BELL. I don't know how best to make that change, other than through the budget. All we are going to have for 1979 for planning is $30 million. Now, surely we can get by with $30 million for planning.

We are reducing planning funds from $50 million, but we don't think that there is going to be any shortage of planning.

Mr. MCCLORY. The plans must be approved by the State planning agencies, and they must be approved by the LEAA here in Washington.

So that it is all well and good to say: Well, we are going to reduce the amount of money that they can have for planning. But are they going to be able to fulfill the mandate of the Congress with regard to planning for crimes against the elderly, drug abuse programs, neighborhood anticrime programs and all the rest of it they would be required to put into the plans.

Mr. CONYERS. If you would yield?

We are talking about the question that has been raised about the appropriateness of decisionmaking through unilateral budgetary cuts. I mean, we pass a law; we create a responsibility. Then all of a sudden it is determined that the law will not be operationalized. In this instance, we leave the planning agency will all the responsibilities they had before their money was cut.

But you know, Mr. Attorney General, the deeper question is the whole nature of planning in LEAA. These planning requirements and guidelines have been reduced to a sideshow all of their own, in which somebody is detailed frequently in an office of criminal justice, merely

to start writing the planning nonsense for Washington. They end up writing a book which uses the right rhetoric and the language and so forth. And it has nothing to do with the two other tasks; namely: who gets the grants and where does the innovation come from? So that in a way, we are strangling ourselves with redtape in the planning.

It leaves me in a very ambivalent mood. Although I don't like the way that it was decided that part B planning funds would be reduced, I also have to realize that this whole planning business is in many ways a charade.

So I can sympathize with what you are trying to do, but at the same time, it is an inappropriate way to do it.

Ms. HOLTZMAN. In addition, the premise of the planning changes, as I understand it, was that States and local governments would have to pay for half of the costs, so they would have to match on a dollar for dollar basis.

And I don't think that anybody in the Congress, or certainly on this committee, is prepared at this time to endorse that kind of dollar-for-dollar matching approach with respect to planning funds.

Mr. CONYERS. We have met with you, this morning, Mr. Attorney General, and these are our initial reactions.

I hope we have not offended you in any way, or that anybody is going away mad. We are only reacting to our very first glimpse of what is being considered by the Department of Justice. Details will follow.

Mr. MCCLORY. Mr. Chairman, may I make one request?

Mr. CONYERS. Yes.

Mr. MCCLORY. There is just one thing that it seems to me is very critical that we do. I would like someone in your organization, sir, to produce an analysis of the deficiencies. Somewhere along the line of this multibillion apparatus, somebody ought to detail their perception of what is wrong and what needs correcting so that we can have an analysis.

Otherwise, we will all be making decisions based on, perhaps faulty misconceptions.

Mr. BELL. I wanted to respond before I leave.

Mr. CONYERS. All right.

Mr. BELL. Go ahead.

Mr. MCCLORY. Well, I want to make two requests:

One is, these charts are very interesting, particularly this final chart, and I just wonder if you have these in reduced size. If you do, if you could furnish those.

Mr. BELL. We can, yes.

Mr. MCCLORY. The other thing is, I know the chairman of the full committee and other members of the full committee also have a similar interest in this subject.

As I explained earlier, I am not a member of this subcommittee this year. So I am here as a member of the full committee and as a ranking member, indicating my interest in the subject.

But it might be advisable if you do develop some legislative proposals to return and discuss them with the full committee.

Thank you, Mr. Chairman.

Mr. BELL. We have got some legislative proposals.

Mention was made of diverting the funds to civil justice; we have not done that. It would have to be done by legislation.

I have been through three stages with the LEAA. The first one, as I said, was to transfer funds to the Treasury, and research to a new agency, the National Institute of Justice.

The second stage I went through was hoping that the Congress in its wisdom would transfer the program completely out of the Justice Department and give it to somebody else so I would have not have to have anything else to do with it. [Laughter.]

I tried to find people to be the director. I found one very good person who studied LEAA 1 week, a justice of a State supreme court. He said it was impossible to manage. Therefore, he declined to be the Administrator.

Now, I have reached the next stage. I decided I would make the best of it, that I had a duty to try to make it into a better agency and that it was time to stop the complaints about it.

I think we have almost reached that stage now. I have given it my best effort. And I think we have got a combination plan. I don't want to mislead the committee, because I don't think we can do this unless we use the Reorganization Act to change the management structure, and use legislation for all other changes that have to be made.

That combination, I think, will serve the Nation well. I think the Congress will be pleased with our proposals and then we can go ahead and fill the vacancies. And I think that everybody will be better off. That is the note that I would like to close on.

Mr. CONYERS. It has been a very candid appearance on your part, Mr. Attorney General, and we are very deeply grateful for your joining us here this morning.

Thank you very much.

Mr. BELL. Thank you.

Mr. CONYERS. Our next witness is Prof. Austin Sarat, Department of Political Science, Yale University, who has submitted a very thoughtful statement.

Professor Sarat, we have read your testimony and it has been incorporated into the record.

[The prepared statement of Professor Sarat follows:]

STATEMENT OF AUSTIN SARAT, DEPARTMENT OF POLITICAL SCIENCE, YALE UNIVERSITY

Mr. Chairman and members of the Committee, I wish to thank you for the opportunity to testify on the operations, function, and future of the Law Enforcement Assistance Administration. Throughout my professional career I have devoted considerable attention to the administration of justice in the United States and to evaluating reforms designed to improve its efficiency and effectiveness. As part of this general concern, I developed an interest in the performance of LEAA. Working with others I set out to examine the operation of LEAA and the implementation of The Safe Streets Act of 1968. In the course of my research I have analyzed the ways in which federal crime fighting money has been administrated at the state and local level. I began my research with the assumption that the involvement of the federal government in aiding state and local law enforcement through a block grant program was itself a significant change in the administration of justice and thus was of considerable importance in understanding the process of reform in criminal justice as well as the specific efficacy of LEAA. My research is based primarily upon interviews with federal, state and local officials responsible for administering LEAA programs and money as well as interviews with a select number of recipients of such funds. My remarks today derive, for the most part, from that research. What I would like to do is to examine the question of whether the infusion of federal law enforcement money at the state and local level has brought about significant change

and improvement in the administration of justice. It will be my thesis that, with some notable exceptions, the administration of justice in this country is today little different from what it would have been in the absence of The Safe Streets Act in 1968.

The passage of The Safe Streets Act was, to some extent, the product of a growing recognition of the scope and importance of crime as a national problem. The Act laid out a strategy through which the federal government could become a partner in state and local efforts to deal with the rise in the crime rate. That strategy was based upon two assumptions. First crime, although national in its scope and impact, was still perceived as primarily a state and local problem and, second, crime was still understood as primarily a problem of law enforcement. The combination of these assumptions led to the enactment of a block grant program designed to provide federal funds and technical assistance to state and local law enforcement agencies. This money and assistance was to be used to supplement and aid, not to supplant, local efforts and expenditures. The rather clear message of The Act was that federal funds ought not to be used simply to buy more of the same in the way of crime fighting programs since traditional programs and methods have been unable to stem growth in the crime rate. The Act provided resources and expertise which could be used to develop new approaches which would in turn upgrade and improve the performance of the criminal justice system. The political strategy was to use federal money to provide "space" for state and local agencies to try new ideas in carrying out their traditional functions. The implicit message of The Act was that such agencies would not, on their own accord, invest resources to develop such new methods and approaches as might be required to improve existing law enforcement capabilities. The federal government would provide the carrot which would lead law enforcement agencies to think in new ways about old problems. It is above all else this commitment to improving without fundamentally altering the structure of law enforcement activity and responsibility, that characterizes LEAA. It is this commitment, as much as any other, which helps to explain why LEAA's interest in promoting new ideas has produced such mixed results.

What I am arguing is that The Safe Streets Act was a reform designed to buy reform and an innovation designed to stimulate innovation. The language of The Act explicitly directs that federal funds be used to finance the development and application of "innovations and advanced techniques" for fighting crime. The message of The Act was, in one sense, simple—money would be given, innovation produced. What this did was to place the burden squarely on states and localities to become laboratories for fighting crime. It was their responsibility to identify and devise new methods for dealing with crime which would depart from past "failures". The problem of implementation was thus from the start a problem of conceptualization; linked to the requirement for comprehensive planning, the Act required each state each year to devise a new crime fighting package. It is paradoxical that this role was envisioned for those agencies whose primary commitments had been to law enforcement and presumably to the reduction of crime would be to plan and implement, with the assistance of federal revenues, new ideas, ideas which they had not had or tried before.

The Act envisioned a linkage between the development of new ideas and system improvement. What was necessary to deal with the crime problem was improved crime fighting capacity which would be produced by the development of innovative crime fighting techniques, which would in turn be produced through an infusion of federal dollars to state and local governments.

The Safe Streets Act also created the National Institute of Law Enforcement and Criminal Justice and, in so doing, envisioned a linkage between research and development carried out under direct federal auspices and the process of rationally planning for the allocation of criminal justice resources at the state and local level. Presumably the National Institute would sponsor research which would identify new ways of fighting crime which would, in turn, prove relevant to the effort to identify and finance with federal money innovative programs in the various states. One clear thing from my research is that whatever the National Institute has been doing has for the most part not been found useful at the state level. To some extent this results from the way National Institute priorities have been set and the way National Institutes projects have been communicated. Many state planners suggested that National Institute research was either too "faddish" or not responsive to the immediate problems with which they dealt. To the extent The Safe Streets Act envisioned the linkage of a research and development organization at the national level in state planning efforts, such a

linkage has not been effectuated. Thus any reorganization plan must devote more careful attention to the relationship of research and action programs than was devoted in The Safe Streets Act. The justification for federally funded criminal justice research need not be found in its immediate utility in guiding federal action programs, but to the extent Congress intends that such a relationship be established, it must clearly specify mechanisms for accomplishing this purpose.

Most observers of LEAA criticize its record as a source of innovation and improvement in the criminal justice system. Reports by the Advisory Commission on Intergovernmental Relations and a task force of the Twentieth Century Fund fault LEAA for a rather general inability to alter traditional patterns of thinking about crime or to stimulate new approaches to law enforcement. They suggest that Safe Streets' funds have not been cost effective in terms of the goal of improvement. I am not convinced that anyone can determine in a thoroughly reliable fashion whether or not LEAA has or has not been effective. Instead what is possible is to describe the extent to which LEAA has been able to devise and implement innovative approaches in the area of criminal justice. The question of whether or not innovation has bred improvement is, I think, generally unanswerable. No one can now demonstrate that the operation of the law enforcement agencies in the United States is today much different than it would otherwise have been in the absence of Safe Streets funding.

Let me now turn to the question of innovation. Has LEAA been successful in stimulating innovative approaches to the crime problem? When my interest in LEAA first developed I intended to try to measure in quanitative fashion the extent to which Safe Streets funds had, in the various states, been able to foster innovation and to relate this to variations in the structure and practices of state planning agencies. Once my research began I perceived a more basic problem, what I call a problem of understanding. Despite The Safe Streets Act's emphasis on innovation, despite the strictures of LEAA's guidelines and despite the encouragement of National Institute research I found considerable uncertainty and confusion among state planners on the question of what it meant to be innovative. And on the question of whether LEAA funds ought to be reserved for innovative approaches to law enforcement. I believe that it makes no sense to try to measure innovation when those charged with carrying out the Act's mandate to innovate can't agree among themselves on what innovation means and what it requires in the expenditure of federal funds.

Quite simply, The Safe Streets Act required administrators to do something that they were ill equipped, in the absence of clear direction, to do. Furthermore, my interviews revealed another and equally serious problem. Many of my respondents suggested that even if they were able to clearly determine what innovations were required, the organization of state planning agencies and the politics of local law enforcement served to frustrate efforts to devise and implement new approaches to the crime problem. The experience of implementing the Safe Streets Act has been plagued by "crises of theory and practice", by problems of knowledge and understanding as well as organization and structure. What I would like to do is briefly sketch these problems and to suggest what their impact has been on the operation of LEAA and what are their implications for the prospects for effective reorganization.

What does it mean to innovate? Reviewing the academic literature on innovation suggests that academics have been unable to decide among themselves or devise a satisfactory understanding of what it is to be innovative. When academics, insulated from the pressures of operational responsibility, are unable to decipher this term, it isn't surprising that planners and administrators at the state and local level have difficulty in doing so. Nevertheless, I think it is fair to say that the term innovation is usually employed in two different contexts. In one context innovation is comparable to invention; it refers to a process of creation where ideas are combined and recombined in some novel way to produce something which is previously unheard of. The metaphor here is Edison innovating by inventing the electric light bulb. Such invention in an age of complex technology is unusual. Such invention in dealing with social problems is rare. A second meaning for innovation is experimentation, and in this meaning an institution is said to be innovative when it "tries out" an idea not previously recognized or sanctioned within the institution in such a way as to suggest its willingness to endorse or accept a new idea after an initial trial stage. But the idea of innovation as experimentation requires that those innovating be prepared to admit the failure of an "innovative idea". To experiment, that is, to employ a method of trial and error in a politicized environment, requires that those experiment-

ing understand and be willing to accept the political costs of dealing with inevitable failures.

When LEAA, in accord with the language of The Safe Streets Act, suggests that federal funds be used to support innovative programs, it cannot be said to be clear as to whether what is being asked for is invention, experimentation or something else. In the absence of a clear definition of the requirement to innovate, LEAA officials at the state and local level appear to have been overwhelmed and confused. Responding to this confusion many believe that they do not have the capacity or sources to invent new approaches to law enforcement. Several argued that if it was the intention of The Safe Streets Act that they invent new approaches, then the organization of LEAA at the state level impeded their ability to do so. As one planner put it "the first mistake for the Law Enforcement Assistance Administration was to give us responsibilities for both planning and granting. Before we even had a chance to think about what we were doing we found ourselves with a pot of federal bucks and we were inundated with requests for it. From then on what we found was that the year by year planning and granting cycle meant that we didn't have enough time to sit around and think about what we ought to be doing. You can't expect people to do everything that we were called upon to do and at the same time to devise really new ways for spending federal money." To him and others like him the problem of innovation was strategic. It was the pressures of passing out federal money that made innovation difficult. This individual believed that in order for innovation to occur within the structure of LEAA, state planning agencies had to act as research and development units, that is, it had to be the responsibility of planners at the state level to develop ideas for reforming criminal justice operations in the states which they served. Some went so far as to argue that in order for this to occur there should be a cessation of federal money for a period of time while planners in the state were given the responsibility and the opportunity to work out new approaches.

If, on the other hand, The Safe Streets Act intended that federal funds be used to support primarily experimental programs; many planners believe that it was simply unrealistic to expect that law enforcement agencies would be interested in securing federal money. Experimentation requires a trial and error mentality, a willingness to admit when programs fail, and a willingness to move serially from one approach to another. Furthermore to be experimental means to be willing to abandon an idea as soon as it is proven worthwhile. Given the political sensitivity of the crime issue, many state planners argued that it was not possible to foster experimentation within the law enforcement community. What I am suggesting is that state planners have not generally funded projects which were either inventive or experimental. To the extent that they perceived and recognized The Safe Streets Act's mandate to innovate, they had to develop strategies for coping with their self-acknowleged inability to adhere to it. Their strategies go far in determining the pattern of LEAA activity at the state level and the uses to which Safe Streets funds have been put. Let me briefly describe three of the most prevalent strategies.

The first might be called the "packaging strategy". Packaging begins with the view that the development of new techniques is only a technical or formal requirement for federal funding and all that is necessary to meet this requirement is to make projects sound new and different. The job of the planner is thus a public relations job in which the clients are potential grantees and the audience is a federal bureaucracy. As one planner acknowledged, "My job is to come up with imaginative ways for describing what agencies want to get funded. If the project really involves putting more police on neighborhood beats it can be sold as police community relations. I have to be aware of the right words to use in order to satisfy the Guidelines." Much of the content of state plans is thus neither inventive nor experimental in its substance although it may be very inventive in its rhetoric. Packaging occurs because some planners do not think that real innovation is either possible or desirable.

The second strategy for coping with the difficulties of being genuinely innovative is to emphasize "efficiency" as an innovation. Many planners argued that the only real innovation which federal money could buy was a reduction of waste and an increase in productivity within criminal justice agencies. For them federal money is appropriately used to upgrade tradtional law enforcement practices. Politically, their lives as planners and their relationships with ongoing criminal justice agencies might be said to be easier because their sights were set

lower. The approach to such an agency was not to say let's get together and find new ideas to better do what you've been doing. Rather their approach was to suggest that the old ways were indeed the good ways and that whatever problems had been encountered were largely problems of resources and not problems of ideas. They could join hands with the agencies with which they dealt to try to generate ideas for using federal money to increase productivity. This did not mean that the old ways had to be abandoned. It did not mean that agencies had to acknowledge their own inadequacies in order to meet the requirements for federal funding.

The approach of those who understood innovation as efficiency was to suggest to state and local agencies that what they had been doing had indeed been on the right track and that what was necessary was simply to do more of the same, but to do it better. For them federal money could be used to "grease" the machinery of criminal justice agencies. If federal money couldn't be used to buy new ideas, ideas which would be worthwhile enough to exert a claim on practitioners, then, at least, it could be used to help those on the firing line do their jobs a little better.

Packaging and emphasizing efficiency often involved an expressed belief that LEAAs' emphasis on innovation is fraudulent. Planners employing these strategies believe that state and local criminal justice agencies have a right to federal money even if federal funds cannot be used to buy new ideas. They see LEAA's guidelines as illegitimate, as attempting to force diverse criminal justice agencies into a single national mold. They see such guidelines as designed to transform a block grant program into the equivalent of a categorical aid program and they argue that such guidelines are unduly instrusive on the prerogatives of those who know best and those whose primary responsibility is to fight crime. They saw it as one of their functions to "creatively subvert" guidelines so as to be able to use federal money to promote efficiency and at the same time to support the operation of state and local crime fighting agencies. This approach to innovation meant that for many in state planning agencies, there was no need to fight the conceptual battles involved in trying to determine whether or not programs were or were not innovative nor was there the need to fight the political battles of trying to build support for programs and approaches which would be genuinely new and different.

A third strategy for dealing with The Safe Streets Act's mandate to innovate was to redefine innovation as "adoption". It epitomizes the idea that there is nothing new to be invented and suggests that LEAA funds should be used solely on projects that have proved workable in other places within the framework of the Law Enforcement Assistance Administration at the state level. What this means is that many planners see their responsibility in promoting innovation as primarily one of getting the agencies with which they work to try ideas, most of which have been tried elsewhere, but which have not been employed within the state. The argument which we frequently encountered was that the crime problem in every state is different. What works in one state might not necessarily work in another. To talk about innovation in any state is simply to talk about that state's willingness to use ideas developed elsewhere. An idea is regarded as innovative if it is new to an area no matter what its prior history in any other area.

The basic premise of those who understood innovation as adoption was that the states varied considerably in their crime fighting capacity. The states are uneven in what is present in the way of an infrastructure for fighting crime. What is old hat in Massachusetts may be radical breakthrough in Alabama. When it comes to thinking about new ways of fighting crime, those new ways might very well be police cars for rural policemen or police communication systems when none have existed before. To adopt these ideas is, in the view of many of the respondents with whom we talked, an accomplishment in itself and one which should not be taken lightly. Thus the planner seeking to spend federal money on innovative projects could not be rigid in his conception of what the particular projects might be. He had to be sensitive to the needs of particular areas. He had to realize that in many areas the minimum requisites for fighting crime were absent. As one respondent put it "some of the higher-ups in Washington don't seem to realize that merely being able to write up a project and getting it described in one of those glossy brochures isn't the best way to spend money. From where we stand innovation means bringing in ideas which haven't been seen before. There is nothing new under the sun but there is a lot new about fifty miles west from here."

Each of the strategies, which I have described above, is an attempt to cope with LEAA's mandate to innovate by administrators who either are unable or unwilling to live up to a rigorous understanding of the concept of innovation. There are, however, in addition to this conceptual problem issues of organization and structure which help explain the way LEAA operates at the state level. Put most directly, the organization of LEAA at the state level maximizes the influence of state and local law enforcement agencies and in so doing acts to tie state planners closely to the interests of those agencies in obtaining a fair share of federal dollars with the least possible restrictions.

The way in which state planning agencies are typically organized is to designate for each criminal justice function a planner and to charge that planner with the task of working with those agencies in developing grant proposals. What this means is that the planner and the planning process have been given over to an agency perspective. The planning process has been organized so as to make possible and to facilitate what many at the state level call "pie carving". Each agency has its designated planner who in many cases turns into its representative. Instead of acting to jog or prod the agency into developing new ideas, the planner may serve as its spokesman to the state planning agency. The organization of state planning efforts places the planning process at the service of those whose interests have not been in the development of innovative strategies for fighting crime. The very structure of state planning agencies complicates the dilemma of planners whose responsibility it is to apply the federal mandate to innovate in the granting process. Indeed some states have recognized the perils of expecting planners whose day to day responsibility is to interact with and in some cases to serve law enforcement agencies, to develop ideas for new and different crime fighting techniques and to "sell" those ideas to the agencies with whom they work.

In Kentucky, for example, the state planning agency devised an innovative systems section. Its primary responsibility was to develop ideas for innovative programs. At the same time Kentucky did not reorganize its entire planning function. It maintained the agency perspective in its organization. The innovative systems section was an overlay whose responsibility was to deal with problems which do not have a particular agency focus. Its responsibility was to try to develop interagency ideas and to deal with those ideas which could not be generated at the agency level. It seems paradoxical that in its implementation, LEAA even in one state, would have two structures, an agency based planning structure and an innovation planning structure; but such a development is not surprising.

Another structural and organizational feature which affects the ability of state planning agencies to innovate is the composition of their supervisory boards. Since such boards are usually composed of leading criminal justice practitioners in the states, the leverage of the staff, even if it were committed to innovation, would be reduced. Such boards, I believe, are frequently more committed to the kind of "pie carving" which is facilitated by the organization of state planning agencies than to the development of new ideas. What I am arguing is that the commitment manifest in the politics and organization of LEAA at the state level seems not to have been to the development of new strategies. Rather, commitment seems to have been to what might be called minimal disruption. Federal monies would be brought to the states on the premise that such money would be used for new ideas. The structure of LEAA at the state level would help to insure that the new ideas would not depart very far from past practices, for to do so would place those in positions of authority in the criminal justice system in the position of criticizing themselves. To welcome innovation, experimentation, or any pattern of change would be to admit, implicitly, past failures.

What I have tired to argue is that the ability of Safe Streets funds to stimulate innovation is limited by the problems inherent in its block grant approach. This approach seeks to combine federal supervision and state initiative. In so doing it provides supervision which is either vague or regarded as illegitimate and requires initiative from those who are most committed to traditional crime fighting strategies. The mandate to innovate needs to be specified or abandoned. Streamlining the bureaucratic structure of LEAA without altering its basic thrust will not resolve the problems of confusion and colonization which plague its efforts to devise and implement new approaches. I think the Attorney General's Task Force on LEAA fails to come to grips with this problem. At the same time that it called for greater specification and clarity in the mandate to innovate and improve, the group wanted "to avoid, however, any detailed specification of permitted uses of the direct assistance funds since such specifications would deny state and local discretion in the adaptation of these funds to locally perceived needs and priori-

ties . . ." I am not sure that Congress can have it both ways, that is, can specify standards for judging when a program is to be regarded as innovative or when a program is to be regarded as constituting an improvement without undertaking to formulate the kind of detailed rules which the Attorney General's Task Force abhors. It seems to me that Congress must deal with several facts. First, local law enforcement agencies want federal money without restrictions. Second, the block grant approach of The Safe Streets Act did not give state planners sufficient guidance nor could it provide sufficient leverage in dealing with the politically powerful interests of state and local law enforcement agencies.

Third, LEAA sought to accomplish two goals which may be incompatible, namely, to pass out federal money widely and at the same time selectively. In dealing with these facts Congress might reach several conclusions. Perhaps the national scope of the crime problem simply requires investments of resources at the state level without substantial alteration in the present administration of justice. If Congress wishes to abandon the effort to stimulate new approaches to law enforcement through federal funding, and at the same time to continue to provide support for state and local efforts, then a movement towards a revenue sharing model would be most appropriate. On the other hand Congress may wish to use federal funds to support truely innovative programs. In my opinion this is not done well at the state level. If Congress wishes to move in this direction, it should consider a grant and aid program for criminal justice similar to LEAA's current discretionary grant program. In such a program, clear congressional guidelines would, if provided, enable a federal staff insulated from the pressures state and local law enforcement agencies to sponsor, monitor, and evaluate a small number of demonstration projects carefully screened for their inventiveness or experimental value.

While I am not particularly optimistic about the utility of attempting to fight crime through a federal spending program I would, if asked to chose between the alternatives I suggested, opt for the latter. This would allow Congress to determine if federal money administered under close congressional control could indeed promote innovative techniques and if such techniques could contribute to what I perceive to be the necessary improvements in the operation of the criminal justice system.

Mr. CONYERS. If I might begin by just pointing out some highlights which I think are very appropriate, especially in view of our previous testimony:

It seems to me that you have pinpointed the idea that if we don't know where we are going in LEAA, then it is very difficult to come to anything but the rather muddy results that we have.

I was impressed by your reference to the inability to deal with innovation, and the frustration with the guidelines. I would hope you might amplify on that in your own way.

Welcome before the subcommittee

Mr. SARAT. Thank you very much.

TESTIMONY OF PROF. AUSTIN SARAT, DEPARTMENT OF POLITICAL SCIENCE, YALE UNIVERSITY

Mr. SARAT. I appreciate the opportunity to testify on this subject. It has been a subject of continuing concern to me as a researcher and a scholar on criminal justice. I have been involved in a project in examining the Law Enforcement Assistance Administration for 4 years.

That project started out to systematically evaluate the operation of the program, to answer certain questions.

The main question was: Has LEAA been effective? My summary conclusion is that question is impossible to answer.

I have an hypothesis, a guess, and that guess is that the administration of justice in the United States today is little different from

what it would have been, had the Safe Streets Act not been passed.

Mr. CONYERS. You are suggesting that the answer is no.

Mr. SARAT. Understand, Mr. Chairman, that it is a guess, and what I would suggest is that what you heard this morning from the Attorney General, in an interesting way, replicates my experience in talking to people at the State planning level.

No one can oppose good management. Good management, however, will not deal with the substantive problems of LEAA. When you talk to planners at the State level, you get the same kind of response.

Let me just cite a quote from Paul Nejelski, Deputy Assistant Attorney General in the Office for Improvements. He was a member of the Attorney General's task force. In a separate statement dated June 22, 1977, issued with that report, he suggested and I quote: "Unfortunately, the majority recommendation represents the victory of hope over experience."

I think that quote accurately sums up my reaction to the Attorney General's testimony this morning.

What I would like to do is to suggest what I perceive to be the major problems with the program, in particular, with LEAA. I was pleased, although chagrined, to note that the Attorney General in his testimony does not propose to reorganize LEAA. My fear was that in coming here, being prepared to talk about it and its problems, he would have preempted me. But I see he has not.

Briefly stated, I think the intention of the Safe Streets Act was not to provide Federal money to State and local law enforcement officials to continue to do what they have been doing.

Rather, as I read the act, the intention of the act was to supplement, to provide Federal money to produce improvements. The vehicle for improvement was innovation.

The act specifically mandates that Federal funds be used for innovative programs in the criminal justice area. So we have a linkage, a conceptional linkage; we are going to give money and produce ideas, and those ideas will produce improvement.

It is my contention that we cannot with any reliability determine whether or not there has been improvement in the system as a result of the expenditure of Federal money.

We can, at the same time, try to determine whether or not the expenditure of money has produced innovation.

Mr. CONYERS. I can answer that. Out of $6 billion in LEAA expenditures, there have been some examples of innovation.

And it seems to me that there is this strange dichotomy between those of us here in Washington who write the laws and work in the bureaucracy and those people who consider what they have to do to appease us; namely, we are given the right words in the right form, with the right rhetoric, and the grant is approved.

Nobody really expects innovation, and I am sorry to say, not even the Congress. I mean, if we catch somebody innovating, that might be a dirty act. We would want to find out what that fellow is up to. What are you doing out there innovating?

Congress said innovate, but what we really meant was become efficient doing the same old thing, as you pointed out.

Mr. SARAT. I want to disagree with the point that you raised at the beginning. I think that the people in the State planning units accu-

rately caught the intention of the Safe Streets Act, accurately caught the mood of the Congress.

The Safe Streets Act tries to do two things that don't go together. The people at the State planning level have caught that.

What the Safe Streets Act attempted was to provide supervision at the Federal level and what it in effect provides is supervision which is either too vague to be helpful or so intrusive on the prerogatives of the States that they regard it as illegitimate, and they regard it as their proper duty to subvert it. At the same time, it placed the responsibility for initiative at the State and local level, with those very people whose function it had been all along to reduce crime.

You are asking people who had in essence been told by the passage of the Safe Streets Act that Congress regarded their actions as having been inadequate in the past, to acknowledge that by coming up with new approaches to doing what they had already done.

The block grant approach, which I understand from the Attorney General's testimony, he hopes to maintain, is, I think, what is at the heart of the problems with the Law Enforcement Assistance Administration.

The block grant approach reflects ambivalence on the part of Congress about the proper role for national direction. And that ambivalence has been transmitted to the State level.

Mr. CONYERS. Why do you say ambivalence?

Mr. SARAT. It seems to me that Congress had two choices, and it still has two choices.

And those choices were not really made at the time of the passage of the act; I think they ought to be confronted now. The two choices were simply to say the crime problem is so gross and great in its national consequences that the Federal Government has a responsibility to provide money to the States and local agencies dealing with it and not to require them to do any particular thing with that money. That is the revenue-sharing model, simply to give them help. That is one choice.

The second choice was to say: No; we see that the crime rate goes up. And what we need to do as the legislative body is to suggest ways of dealing with it.

And what the Safe Streets Act simply said was: We recognize there is a problem. We recognize we haven't been doing well in the past. We recognize that there are issues of federalism here.

And so now what we are going to do is have somebody else deal with the problem.

And who are those people? Well, those people are State planners.

And I am suggesting that in the Safe Streets Act itself, is an ambivalence about the mission of the Law Enforcement Assistance Administration. That is reflected in the actual day-to-day operation of State planning units.

What I did was I went into 12——

Mr. VOLKMER. Mr. Chairman?

Mr. CONYERS. Mr. Volkmer.

Mr. VOLKMER. Would the chairman yield just a minute? I don't have a lot of time, and I would just like to ask one question:

I think you have pointed out something that isn't true. I don't know if it is ambivalence. Maybe it is disagreement among Members of Congress, which is easy to find as to how it should be used.

The thing I would like to ask you concerns the idea of innovative procedures or innovative ideas in order to correct the problem of crime. Have you got one?

Mr. SARAT. Do I have an innovative idea?

Mr. VOLKMER. Yes.

Mr. SARAT. Yes, I think that the Federal Government should stop spending any money on aid to State and local law enforcement.

Mr. VOLKMER. How is that going to help prevent crime, or reduce the rate of crime?

Mr. SARAT. I am not sure that there is anything that the Congress can do with Federal money to reduce the rate of crime.

Given the LEAA experience, the burden is now on LEAA. It is not on the Congress. It is on LEAA. The money has been spent now for almost 10 years.

Mr. VOLKMER. What I am trying to get at, where is this innovative idea?

Mr. SARAT. Let me share with you my experience——

Mr. VOLKMER. I reject the idea you just gave me. I don't think that is going to reduce crime.

Mr. SARAT [continuing]. I don't think it is going to reduce crime but I am in favor of saving tax dollars.

Mr. VOLKMER. That is another matter, but I asked you for an innovative idea that would help to reduce crime.

Mr. SARAT. Let me share my experience with talking to people at the State level about this very question.

I went into States, 12 States in number and talked to people at the State planning agencies about what it means to them to be innovative; how they met the responsibility to innovate, and asked them to describe for me innovative programs.

Now, let me tell you the response I got. I begin with a story, an anecdote. I got off the plane at the airport in a border State, and I was met by the chief planner for the state.

Being a little anxious to get on with the business, after the amenities were over, I said: Look, I am here to talk to you about what you have been doing. I read the act.

The act tells me that you are here to innovate.

And his response was to laugh. He said to me: "I don't know what it means to innovate. I am not sure what I am doing. I am not sure how I am doing it."

So I said to him: What are you doing?

He said: "I am satisfying the boys in Washington."

Well, how are you satisfying the boys in Washington?

He tells me that he is satisfying the boys in Washington by writing public relations. That was his word. He said he is in essence the representative of State and local enforcement agencies in this State to the national government. And his function as a planner is not to tell the locals what is a good idea, but rather, to take what their ideas or suggestions are and to represent them at the national level.

That experience was replicated in State after State. People in the States do not have a very firm idea of what it means to be innovative, or how one could be innovative.

Let me cite you some examples of programs that were suggested to me as innovative:

Police community relations programs in State after State were regarded as innovative.

Police training programs were regarded as innovative.

Well, it turns out when you talk to people about what a police community relations program is, in many States, just putting more policemen on the beat. Now, it is innovative? I don't know.

I don't know that you are in a position to decide whether it is innovative. From the perspective of the planners, however, this was the best that they could do. And this is what they saw as innovation.

Did they describe it to the people in Washington as putting more police on the beat? No——

Mr. VOLKMER. Let me point out to you that it appears to me, at least from the people from my State and the people I have talked to at the LEAA, that the people that really want the money, want to have more policemen or more equipment. That is the idea behind LEAA.

Mr. SARAT. Well, why is it that we just don't give them, on a population distribution basis, the funds to do with as they wish. Why require them under a block grant approach to conform to some kind of Federal guidelines, simplified or not simplified.

Mr. VOLKMER. Let me ask you What did you find during your analysis of where the breakdown took place on the innovative idea theory? Where did that break down?

Mr. SARAT. There are two places it breaks down. To use academic jargon, it breaks down in theory and practice. The theory simply is innovation might mean one of two things. When Congress says innovate, it might mean invent new ideas; the Edison for the criminal justice process; invent a new lightbulb; invent an idea.

Or it might mean to experiment, try out new ideas, or an idea that has been used somewhere else and engage in trial and error.

If you present those notions of innovation at the State level, they don't recognize them. They don't know how to do them. We were told in our interviews, for example, in one State, when we propounded the idea of invention they said, "Who am I to present new ideas for fighting crime?"

He said, first of all, I am a bureaucrat whose primary responsibility is not thinking about crime but passing out funds.

One of the problems in this area of generating innovation has been the linking of planning and granting at the State level.

The granting function swallows up the planning function, so that the planner, whose function is to think about the crime problem, in essence ends up being a secretary.

Mr. VOLKMER. That is allocating grants.

What about the national level, where are we there on the innovative idea theory?

Mr. SARAT. I talked to people at the State level about the utility of the national institute.

It is interesting how the reorganization of LEAA proposed today, or talked about today, departs almost not at all from the present structure of LEAA.

The National Institute of Justice is the equivalent of the National Institute of Law Enforcement and Criminal Justice.

When you talk to people at the State level about the utility of national institute funded research, generally they will tell you that with

rare exception, they do not find the national institute research useful for two reasons.

One is that it is either faddish and reflects the interest of a particular director, or it is unresponsive. It comes late. It comes after programs have been tried. So at the national level, the problem of innovation involves the linkage of research and action grants.

The Attorney General's plan, to my view, does not raise the critical question, which is:

How is it that we are going to make the research that we have done at the national level more useful? How are we going to get it more effectively communicated? How is it that we are going to get research that is indeed responsive to local needs?

The suggestion that was made earlier, that research ought to take place at the local level is by and large, in my view, a rather good idea. But it does hit on a germ I think is critical: There ought to be State and local input into whatever research is sponsored at the national level, so that people at the national level are responsive to the real concerns of the people at the State level.

Mr. VOLKMER. In other words, people at the State level should have some input into what research is actually done?

Mr. SARAT. Sure.

What I am suggesting is that the National Institute of Justice that the Attorney General proposes ought not to be a think tank.

Mr. VOLKMER. In other words it shouldn't be research for research's sake?

Mr. SARAT. Absolutely.

Mr. VOLKMER. I think some of that has taken place in the past.

If I remember correctly, Mr. Chairman, we had a group that evaluated research programs in LEAA here last year. As I remember, the best thing they could come up with was a lock program in Kansas City.

Mr. SARAT. Yes; the National Academy of Science undertook a systematic evaluation.

Mr. VOLKMER. $250 million.

Mr. SARAT. Of the research of the National Institute of Law Enforcement and Criminal Justice.

And their findings were that: First of all, most of that research was not research at all. To call it research, they argued, was fraudulent.

And second of all, in terms of its utility, the story I heard was that it was the bulletproof vest; it wasn't a lock that was the most useful form of research that had been sponsored.

Mr. CONYERS. I thought it was the Dick Tracy watch.

Mr. VOLKMER. I will go back to the original question, and that is:

What is an innovative idea that will work, or have a chance of working, and should there be some money spent on it.

Mr. SARAT. Again, I want to avoid prescribing it for you. I will give you an example of what I think is an innovative idea, and why I think it is innovative. The PROMIS system, I think, was an innovative idea. It was innovative because it provided law enforcement agencies with a capacity to generate information about what they were doing, which was not previously present.

I think in Massachusetts the closing of juvenile detention facilities was an innovative idea. It was a step at doing something differently than it had been done before in that jurisdiction.

Those are two examples of innovative ideas. What produced them? What systematic process produced those innovative ideas? I don't know.

In Massachusetts it seems, that what produced the idea to close the juvenile detention facilities was a group of people at Harvard University who had nothing to do with the State planning agency.

So in terms of the question of what are innovative ideas, pick your favorites.

I think it is wrong and counterproductive for members of this committee and Members of the Congress to say: Well, I know that in my district have been good projects.

The real question is: Have those projects made any difference?

And as I suggested at the beginning, it seems to me that we have no evidence at all that the expenditure of LEAA money has made a great difference. It hasn't reduced the crime rate. Has it produced greater efficiency, a greater productivity in the criminal justice system? There is no, to my knowledge, systematic study that proves that it has.

So it seems to me that the right question to ask—and it is a question that I think ought to be asked of the Attorney General, and I think it was really at the heart of the question that you were asking—is: Have you resolved the ambivalence about what LEAA is supposed to do?

I come here not to praise LEAA. I disagree with the suggestion that everybody thinks LEAA is a good program that ought to be continued.

Indeed, I am suggesting that the burden of proof ought to be on LEAA, not on its critics.

We can ask questions about its effectiveness. At the State level, there are two phenemona that need to be addressed that the reorganization of the management structure will not deal with.

One involves the confusion of people at the State level about what they are supposed to be doing; confusion about what it means to innovate; as a result people engage in what I believe is packaging, which is essentially public relations from the States to the National Government.

Or they engage in what I call efficiency operations, where they say to the local police chief, you have been doing very well. You have been doing the right sorts of things. You just need a little more resources to do that thing that they have already been doing a little bit better.

Let me say one other thing. Another problem that the Attorney General's proposal does not reach involves the politics of planning at the State and local level. The composition of supervisory boards today insures, I think, that those people whose incentives are least devoted to innovation are in charge of the planning process.

The organization of State planning agencies insures that planning occurs with an agency perspective. Planners are assigned. You are a police planner; you are a court planner; you are a prosecutor planner: Go deal with those people.

Mr. CONYERS. And get as much of the pie back to our sector as possible.

Mr. SARAT. Of course.

What it becomes, as I have described it, is "pie carving," both for the planners and for the supervisory boards. The supervisory boards in particular want minimal disruption.

There is a fact which Congress has to face. The State and local law enforcement agencies want Federal dollars without restriction. And they will endeavor, in quite ingenious ways, to get the Federal dollars and to use the Federal dollars the way they want to and still meet Federal requirements.

Mr. CONYERS. This is very traumatic information you bring to this committee.

Mr. SARAT. The favorite anecdote of my study was I went to the State of Kentucky. The State of Kentucky was identified to me as perhaps the best State in terms of the organization of State planning. It was the State in which the State planning agency had indeed been incorporated into planning for the entire criminal justice system.

I went to Kentucky and what I found was that within the State Planning agency, they had created something called the "innovative systems section." I asked: "What is that? Isn't that what you are supposed to be doing?"

They said the innovative systems section is where we sent grant applications that don't fall neatly into police, prosecutor, courts, juvenile.

Mr. CONYERS. They are just being honest down there.

Mr. SARAT. Absolutely.

Indeed, what they ended up telling me was that the innovative systems section is a grab bag, a catchall, or what academics would call a residual category. And the rest of the planning that goes on in this model state consists of scissors and paste grant applications. That is the word the planners use. The State plan is a scissors and paste grant application. It is not comprehensive.

Mr. CONYERS. Mr. McClory?

Mr. MCCLORY. Thank you, Mr. Chairman.

I think we ought to recognize that these plans that are developed by local, regional and State planners are mandated by the Congress.

On the subject of innovation, that is a greatly overused word. It suggests that somehow there is some magic and some sophisticated technique, some untried method that somebody is going to dream up to provide the magic formula for reducing crime.

Actually, when you talk about a training program for a local police officer, that is innovative; that is very innovative, because they have been hiring people off the street with no training or no background in so many communities.

And when you provide for an integrated communication system, that is innovative. That is brand new. It has not been used before.

These sorts of prosaic programs wouldn't fit the definition of innovative in the classroom at Yale University, but nonetheless, are extremely innovative insofar as the local law enforcement program is concerned.

In our hearings last year, the most convincing testimony, it seems to me, was this:

We want to develop a really improved system of criminal justice and law enforcement; we really want to reduce crime in America; we have got to get people out from behind their locked doors and get them out into the streets.

We are going to improve law enforcement only if we do it in the neighborhood, in the block, in the precinct.

And my colleague, the chairman of the committee, Mr. Conyers, was the one that insisted that we insert in the revision of the Law Enforcement Assistance Administration Act, a program for neighborhood anticrime programs.

Now, I have personally observed this myself, because I have visited the neighborhood, and I find programs just a few blocks from here, so I know what it does, and I know how effective it can be.

I know that it is supported by an LEAA grant. And I know that this is something that has been produced as a sort of a model, where you get the neighbors looking out for neighbors, and you get people helping to provide for the tranquillity, the law-abiding atmosphere in the community and in the area.

So that when there is some criminal activity in my neighborhood right over in Capitol Hill everybody hears about it. It is kind of unusual event. Not that it has become completely law abiding, but this was developed from our hearings and we have tried to encourage it.

Mr. SARAT. Isn't that a lesson to you, Congressman?

Mr. MCCLORY. It is really a revival of the old system of law enforcement, I guess. There is certainly nothing innovative about it in the historic sense.

But it is something that people need to be a reminded of. Nobody sits on the front porch any more, the way they did, and sort of look out. I walk to work and walk home from my office here. Especially when I walk home at night, I am almost the only one I see on the street. If I see anybody on the street at all, he has got a dog. I am afraid of dogs, but——

[Laughter.]

But if we could get more people walking with and without dogs in the neighborhood, these are the kinds of things, it seems to me, that are indeed innovative that we have to encourage. And all we are doing here at the Federal level is providing some guidance and direction with a pittance of funds in comparison to the amount of funds we spend for all kinds of other programs.

Mr. SARAT. But it seems to me that you cite a program I have also cited, but on the opposite side of the point. The very fact that such program had to be fought through by the Congressman from Michigan indicates the problems with LEAA.

Mr. MCCLORY. It wasn't fought through by him. It was presented to us by witnesses and it was convincing to us.

Mr. SARAT. What I am saying is: Those sorts of things are not spontaneously generated at the local level. Why not? Because the people

who are doing the granting at the local level, typically come from law enforcement agencies.

In State after State, the police planner is a former policeman. That has diminished over time with the growth of criminal justice programs in many of the States.

Mr. CONYERS. Watch yourself. There is a judge coming up as our next witness who was a former State planner.

Mr. SARAT. Excuse me.

Mr. CONYERS. That's all right. You are forgiven.

Mr. SARAT. What I am trying to suggest, really, is not that these people are of ill will—but you cannot expect people who have spent their entire life as a policeman or as a prosecutor at X point in time to come up with new ideas to redo what they have already been doing.

It would require them to do something in a politicized environment which most people in politicized environments don't like to do, which is admit the inadequacy of what they have already done.

If the Congress really believes that what is necessary in the area of law enforcement is innovation, new ideas, then Congress must take the responsibility on itself for mandating programs.

It cannot continue through a block grant approach to expect that those ideas will be generated at the local level.

Mr. CONYERS. I think we have learned that. I don't think that there is any resistance to that notion.

Mr. SARAT. It does not inform the thinking of the Attorney General.

Mr. CONYERS. No. That brings us to the point of this subcommittee's collective wisdom as opposed to the Department of Justice, which is, you know, the next big main round coming up.

The colloquy between my colleague from Illinois and yourself is very informative.

I think the universality of the problem of crime sometimes overlooks the fact that all of us go home to our respective neighborhoods, and it is on that terrain that the fight against crime is going to occur. If each of us could develop ways and theories to deal with this problem, we would be able to address it a lot more effectively.

You know, many citizens really see no way out of this thing. The police frequently try to avoid any contact with anybody that wants to report a crime. I know one of the cities within my congressional jurisdiction, we have yet to see a police car at night that was doing anything other than coming from the local coffee shop and going back to police headquarters.

And if you stop a policeman, they have already become so politicized that they tell you: "Well, we can't send anybody out to cover it because we are short of cops. The mayor is laying off policemen." He gives you a political harangue, and you want some law enforcement.

So this is very instructive as to what is happening.

Mr. SARAT. Can I pick up on this. It seems to me that your point about community crime prevention speaks to another issue. If you accept that one of the most effective programs under LEAA has been community crime prevention, then it leads me to say that perhaps the Federal Government itself, to some extent, is responsible for the crime

problem through urban renewal. The urban renewal program in this country went far in many cities toward destroying neighborhoods, not toward rebuilding or revitalizing.

And the destruction of neighborhoods took away the very interest and capacity to engage in the kind of activity that the Congressman from Illinois and yourself cite as being useful.

To view law enforcement in the context strictly of police and prosecution and courts, is itself problematic. It is a comprehensive problem, and the Law Enforcement Assistance Administration is only one slice into that problem.

What I want to suggest to the committee is that the closer you look at the operations of the Law Enforcement Assistance Administration the more convinced, I think, one would become that in its day-to-day operations, it has failed to meet its own mandate.

Another example is evaluation. Congress was very careful about mandating amendments to the Safe Streets Act to evaluate.

At the State level, evaluation is a sham. It is a joke. What State planners tell you is that evaluation turns into project monitoring. The evaluation turns into the question of: Have they spent the dollars on what they said they would spend the dollars or not: Does the program work?

So you say to them: Why is it that you don't do evaluation? And they say: Why should we? We are on a year-by-year granting cycle. By the time we get one of your university-type boys to come down and design an evaluation and carry it out, we would have already made a refunding decision.

Good evaluation takes time. We are in a politicized environment. A local police chief in "X" city wants such-and-such program. Who am I, this very junior person in the State planning agency to say to him: No?

Evaluation, innovation, and planning are the three main components of LEAA's function at the State level; to plan comprehensively, to innovative, to come up with new ideas to improve the system, and to evaluate those ideas to determine whether they do improve the system.

I think it is fair to say that LEAA at this point in time has failed. And improving management and streamlining the process is not going to cure the problem.

Mr. CONYERS. Your testimony is important here today, Professor Sarat, because unless we hook up the problems of the real world in law enforcement with the legislation that we create to authorize LEAA, we will fall into the same old trap and commit the same old errors all over again.

So it is out of that sense of insight and perception that we are very glad to have had the benefit of your testimony today.

Mr. SARAT. Thank you.

I appreciate your time.

Mr. CONYERS. Our next witness is the chief justice of the State of Minnesota, Hon. Robert Sheran, who is currently chairman of the State Federal Relations Commission of the Conference of Chief Justices.

And without any prejudice to his testimony, he was for 3 years a former State planning agency director.

Welcome, Mr. Chief Justice. Your statement has been analyzed and it will be incorporated in the record to free you for any comments that you are inclined to make.

Mr. SHERAN. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Sheran follows:]

STATEMENT BY ROBERT J. SHERAN, CHIEF JUSTICE, SUPREME COURT OF MINNESOTA

The frequency of violent crimes, particularly in urban areas, in the late Fifties and early Sixties led to the adoption of the Safe Streets Act by the United States Congress in 1968 and brought about the establishment of the LEAA. Ten years now have passed since this federal effort to assist the states in the control of crime was inaugurated. In the interval about $6,000,000,000 of federal funds have been expended pursuant to this enactment and the amendments of it. Attorney General Griffin Bell has questioned the worth of the program as now structured. Others have criticized this federal effort, upon grounds ranging from the claim that it was ill conceived initially to assertions of misuse of public funds by persons and institutions receiving assistance under the act.

Given these criticisms, it is appropriate, perhaps necessary, that the United States Congress reexamine the assumptions which led to the adoption of the Safe Streets Act in 1968 and decide whether its failures, where they do in fact exist, are inevitable result of errors which plague any new venture, or are, instead, attributable to inherent defects in the statutory design.

As Chief Justice of the State of Minnesota and as Chairman of the Federal-State Relations Committee of the Conference of Chief Justices I address myself to these questions from the perspective of one charged with the responsibility or the administration of a state judicial system. Three years' experience as Chairman of the Governor's Crime Commission of the State of Minnesota—Minnesota's state planning agency under the act—during a period when I was not a member of the Supreme Court—affords background for these comments, however.

The primary major assumption of the Safe Streets Act of 1968 is that a nation committed to the preservation of the liberty of the individual cannot tolerate the existence of crime at a level where the freedom of law-abiding citizens is significantly limited either by the violent intrusions of lawless people or by the fears and apprehensions which awareness of such intrusions create. I accept this as true.

Another major assumption of the Safe Streets Act with which I agree rests in the belief that the federal government has a legitimate interest in assisting the states in the control of crime by the allocation of federal funds for this purpose. The causes of crime are national in character; the mechanisms by which crime is accomplished are not limited to the boundaries of any one state. The fact that 17 percent of federal expenditures in the proposed budget for the fiscal year of 1978–79 represents grants to state and local units of government reflects general acceptance of the idea that the federal government should, where the need is established, provide financial support for state-administered programs furthering the national interest.

It has also been assumed that there exists in each state a "criminal justice system" made up homogenously of (a) a law enforcement component consisting of state and local law enforcement officials whose responsibility it is to apprehend criminals; (b) a court component made up of prosecutors, judges, and defenders whose responsibility it is to decide whether arrested persons should be charged criminally, convicted, and punished; (c) a correctional component made up of state and local officials whose responsibility it is to mete out punishment for criminal behavior and, if possible, to rehabilitate the criminal offender. This assumption is inaccurate in many respects and particularly as it involves state judicial systems.

I would like to address myself to the subject at hand with a preliminary statement which I believe distinguishes federal funding of programs for the improvement of the judiciary in the states. It is this: The federal funds made available to the states for the improvement of the judicial administration in connection with LEAA have been almost invariably used prudently for essential purposes with

limited "overhead" costs, and have resulted in dramatic improvements in the judicial system of the several states.

This statement is true, I submit, notwithstanding the fact that the Safe Streets Act was not intended primarily as a method for the improvement of judicial administration. It is true notwithstanding the fact that many state court judges are fearful that the employment of federal funds carries with it the risk of unacceptable federal bureacratic control. It is true, I believe, even though LEAA funds allocated to state judicial systems for the improvement of judicial administration (excluding prosecution and defense functions) account for less than five percent of the total of the federal funds expended by the LEAA during the past decade. In making this statement I distinguish the prosecution and defense functions from those strictly judicial because of the differences which should demarcate the processes of advocacy from those of impartial judgment.

During the past ten years our state court systems have been able for the most part to absorb and deal with reasonable effectiveness with a massive increase in judicial work, demonstrating an increased capacity to resolve disputes and controversies arising in the states economically, expeditiously, and fairly. Examples, include:

(1) The National Center for State Courts, which affords a source of information and expertise needed to deal practically and effectively with the administration of justice in each of the states.

(2) Such institutions as the National Judicial College at Reno, Nevada, and the National Institute for Court Management, which afforded to judges and court administrators intensive training in areas essential to our work.

(3) The development in the states of programs for the education of judges, court-related personnel, and members of the legal profession as needed to accommodate for such significant changes in the law as those exemplified by the decisions of the United States Supreme Court establishing minimum standards for trial of criminal cases in state courts.

(4) The inauguration of programs where state judges, both trial and appellate, can meet with one another on a regional basis, sharing their experiences and addressing themselves to common problems.

(5) The development of national and regional programs devoted to the improvement of the law in areas particularly sensitive and of great public concern as, for example, in the field of juvenile delinquency.

(6) The formulation of principles for the guidance of courts in areas which in the past have been altogether neglected as, for example, the development of standards relating to the administration of criminal justice.

(7) The development and enactment in the states of rules of criminal procedure and rules of evidence, which serve to facilitate and make uniform the trial of both criminal and civil cases.

(8) The study and analysis of the operation of state court systems which in the past have been diverse, segmented, and, sometimes, excessively provincial and the formulation of statutory and constitutional improvements which made possible the uniform administration of justice in all parts of the state.

I think it can be fairly stated that the LEAA funds (national discretionary as well as block grant) which have been used in support of these programs for the improvement of judicial administration have been almost without exception extraordinarily beneficial. "Grantsmanship" has been avoided. The cost-benefit ratio has been extremely favorable. The proportion used for "consultants" and "staff" has been limited. Expert advice and assistance has been debated as a form of public service. An anticipated, and perhaps unintended, bit of the "good news" generated by ten years of LEAA has been the renewed strength and vitality characteristic of state judicial systems brought about by undertakings significantly aided by the employment of federal funds. And in my opinion this has been accomplished without loss of judicial independence and without intrusion upon state sovereignty, properly understood.

The fact that federal funds employed for the improvement of state judicial systems have been so useful justifies, or at least permits, one speaking as I do from the perspective of the state judiciary, to call to your attention features of the Safe Streets Act which have proved needlessly burdensome; which have prevented accomplishments greater than those achieved; and which should be eliminated so far as possible and practicable in the restructuring of legislation designed to eliminate defects in this law which have been revealed by experience.

At the outset, it should be recognized that it is impossible to "homogenize" a state judicial system which is a separate, independent, and equal branch of state

government, under the Constitutions of each of the several states, with the law enforcement prosecution and corrections components of the criminal justice system, which are properly a part of its executive branch. To be sure, the efforts of all three separate and equal branches of state government should be coordinated and brought into harmony. But the opposite results when the entity in a state responsible for the operation of the judiciary, which in Minnesota, for example, is the Minnesota Supreme Court, is placed in competition with department heads and others for federal funds the allocation of which is determined by a planning agency controlled through appointment and staffed by the chief executive. Given the restraints upon the judiciary arising from the nature of our responsibilities, this competition is unseemly and, worse perhaps, frequently ineffectual and frustrating. This fault in the Safe Streets Act was relieved in considerable part by the adoption of amendments in 1976 which made it possible for each of the states to establish a judicial planning commission designated by its Supreme Court and given the responsibility for allocating a fair percentage of the LEAA funds coming into that state to undertakings most likely to improve the administration of justice. This amendment to the law had the enthusiastic approval of the Conference of Chief Justices.

Howell Heflin, former Chief Justice of Alabama and Chairman of the Conference of Chief Justices, writing with respect to the 1976 amendments in the Spring 1977 issue of the Judges Journal of the American Bar Association stated:

"This independent judicial planning committee is the major feature of the act which recognizes the separation of powers and allows the judiciary to do its own planning. The state planning agency has the authority to reject a judicial planning committee's annual state judicial plan for only three reasons:

"(1) If it is not in accordance with the LEAA law, which means there is no authorization to carry out a project. A condition which would, I think, hardly, if ever, arise.

"(2) It does not conform with fiscal accountability standards. And that, I think, will be interpreted to mean largely a matter of providing for adequate auditing.

"(3) It is not in conformity with or consistent with the statewide comprehensive law enforcement and criminal justice plan.

"If the state judicial plan is designed to carry out the mandate of Congress—that is, if it emphasizes programs and projects designed to reduce court congestion and backlog or improves the fairness and efficiency of the judicial system—then it would be practically impossible for a state planning agency to reject the judicial plan as inconsistent with the comprehensive state plan.

"Under Section 203(d), the judicial planning committee has the authority to do certain things.

"The first is to 'establish priorities for the improvement of the courts of the state.' This is most important and it is an absolute authority.

"Second, to define, develop and cooordinate' and that word 'coordinate' is most important—'programs and projects for the improvement of the courts of the state.'

"Third, 'to develop . . . an annual state judicial plan for the improvement of the courts of the state to be included in the state comprehensive plan.'

"Section 203(3) provides that 'all requests from the courts of the state for financial assistance shall be received and evaluated by the juudicial planning committee for appropriateness and conformity with the purposes' of the LEAA Act. This section must be read in *pari materia* with other provisions of the act, including those which give special emphasis to court programs, which give the judicial planning committees absolute authority to establish priorities for the judiciary, and which provide that the judicial planning committee shall coordinate projects and programs for improvement of the courts."

The major advantage of this amendment to the law came from the fact that the entity in the state responsible for the administration of the court system was given the opportunity, through the judicial planning committee, to direct the allocation of such federal funds as were available for these purposes.

Judicial planning committees are now functioning in 35 states. In 8 additional states, a comparable agency has been established, and in virtually all of the states court administrators are functioning. Emphatically, judicial planning committees are not agencies engaged in the business of "grantsmanship," a term sometimes used to describe the process by which plans are contrived or invented to qualify state projects for LEAA funding. The function of the judicial planning committees under the 1976 amendments to the Safe Streets Act is to increase the likelihood that federal funds made available to the states for the improvement of judicial administration are used for those of the competing purposes

best calculated to achieve this end—a decision which should be made, and which under the 1976 amendments is made, by people designated by the state entity responsible for effective judicial administration. It is possible that the term "judicial planning committee" as used in the 1976 amendments should be replaced by some other term more descriptive of the function performed. But, by whatever name, the principle that federal funds made available to the states for the improvement of judicial administration should be deployed by an entity having an understanding of the problems that are unique to the judicial branch of the government should be preserved and extended. The Conference of Chief Justices regards this principle as being of the utmost importance.

It seems to me that long-range planning for the improvement of the administration of justice in all of its aspects (not just the criminal) should also be accepted. And if it is, the funding of a national entity which will engage in research dealing with the causes of crime—the most effective ways of apprehension, the preferable methods of confinement, the most just methods of deciding guilt or innocence—and methods for improving the operation of state court systems generally are needed. The only question in this area has to do with the placement of the authority and responsibility for such inquiries. In the view of the American Bar Association, these functions should be performed by a National Institute of Justice established exclusively for that purpose as an independent body appointed by the President of the United States and confirmed by the Senate. Other suggestions range from an entity having some degree of autonomy to proposals which would make the R and D component of the justice system a subordinate department of an agency within the Department of Justice. From the standpoint of the judiciary, the American Bar Association proposal is preferable. And if the research component of any replacement for the LEAA is for practical reasons to be left in the Department of Justice, it should be made, we believe, as visible, independent, and participatory as practical circumstances permit.

Apart from problems of research, it will be necessary in restructuring the LEAA to place responsibility at a federal level in some entity or agency having the duty of allocating federal funds for use by the state court systems. The Conference of Chief Justices favors the placement of this responsibility in an autonomous federal agency which will include in its makeup a significant representation from that entity in the state which is responsible for judicial administration in such states. Here again we note that proposals for change now under consideration allocate this responsibility to an agency within the Department of Justice which will replace the LEAA. If the placement of the agency within the Department of Justice is, as a practical matter, inevitable, it is to be hoped that recommended funding levels, principles of fair allocation, and project priorities will be established insofar as they relate to state judicial systems, with the counsel and assistance of those entities in the states responsible for the administration of these systems.

We have noted previously that the judicial systems of the several states are separate and independent branches of government, and by virtue of this fact different in nature from agencies of law enforcement and corrections. There are other differences which must be kept in mind:

Law enforcement agencies are engaged primarily in the detection of crime and the apprehension of criminals. They have no essential noncriminal responsibilities. Corrections agencies are involved exclusively in the confinement or supervision of people convicted of crime. They have no responsibilities with respect to noncriminals. The functions of our state judicial systems, on the other hand, involve in an inextricable way the resolution of disputes and controversies both civil and criminal. It is simply not possible to place these responsibilities in separate compartments. If, for example, we are to place limitations upon the various steps in the process leading from the first appearance of an accused in court to his commitment after conviction, we must do so by giving a priority to these proceedings over matters pending on the civil calendar; and when this is done, administrative methods must be developed which will make it possible for parties to civil controversies to have these problems resolved with reasonable expedition and economy.

The problems in judicial administration which occur when we seek to achieve speedy trial in criminal cases are inseparable from our administrative responsibilities as they relate to the parties to civil controversies. The necessary efforts which are being made to induce competent professionals to serve as judges; to establish minimum standards of training for those appointed to judicial positions; to provide the necessary training for judges and court-related personnel

which will permit them to carry out their responsibilities effectively; to find methods of diverting some disputes from the courts so that criminal cases can be handled more effectively, are undertakings which simply cannot be put into two compartments, one labeled criminal and the other labeled noncriminal. This is a fact which we believe should be acknowledged in restructuring the LEAA. The entity responsible for judicial administration in each of the states should have a measure of discretion in the employment of federal funds made available for the improvement of justice, both criminal and noncriminal, at the state level.

Another distinguishing characteristic of state judicial systems comes from the fact that state court systems must function uniformly on a statewide basis. The theoretical soundness of a unified system of administrtaion for state courts is for this reason generally recognized. Most of the states are moving in this direction.

Concession is being made as necessary for an orderly and gradual transition from an earlier period when the local courts were frequently a law unto themselves. In the field of judicial administration there are no necessities comparable to those to be found in the area of law enforcement, where the high incidence of violent crime in large urban centers and the absence of a state authority capable of dealing with these problems makes direct funding of local law enforcement efforts desirable. In the field of judicial administration there is no movement of equivalent dimension comparable to the programs for community corrections which lead state agencies to assign to local units of government the responsibility of dealing in innovative ways with the diversion, correction, or confinement of individuals convicted of crime. It is for these reasons that the Conference of Chief Justices believes that any proposals for change in the LEAA as now structured should place the responsibility for the allocation of funds intended for the improvement of a state's court system in the hands of that entity in the state which is responsible for the administration of that system; that is, the Supreme Court of the state, or an agency designated by it to discharge this responsibility.

The LEAA has done much to improve the prosecution and defense functions, and the processes of adjudication benefit as a result.

But our system of jurisprudence is accusatory, as distinguished from inquisitorial, and for this reason the prosecution and defense of criminal cases should not be subject to judicial control, direct or indirect.

In the conversations we have had with people interested in restructuring the LEAA and charged with the responsibility making proposals for doing so, these unique characteristics of state judicial systems seem to be recognized and, perhaps, accepted. But, the proposals which are being made do not incorporate these distinctions. Perhaps this is due to the difficulty inherent in lumping together in one piece of legislation provisions for governmental activities as disparate as law enforcement and corrections on the one hand and judicial functions on the other. Accepting these difficulties as being, at least in part, real, it would seem reasonable to seek as much accommodation to these unique characteristics of state judicial systems as is possible. I respectfully submit that the proposals heretofore submitted have not done this. In the long run, it seems to me that programs for providing federal funds for the improvement of state judicial systems will be most effective if the uniqueness of the process is recognized and if a practical resolution of the problem is separately tailored to meet the needs, limitations, and independent characteristics of state judicial systems.

The comments I have made have been prompted to a considerable degree by proposals made to amend the Safe Street Act as now written.

Given the great good which has been accomplished with the federal funds made available during the last ten years for the improvement of state judicial systems, on the one hand, and the difficulties which stem from the joinder of the executive branch functions, such as law enforcement and corrections, with the judicial branch functions of adjudicating cases and controversies, I really hope that one day principles governing federal funding of state court systems will be cast in a fresh mold.

If this is done, I believe the federal legislation resulting should adhere to these principles:

(1) The amount of federal funds to be allocated for improvement of state judicial systems should be fixed by the United States Congress itself.

(2) The Congress itself should specify the national-interest purposes and objectives for which the federal funds should be expended. These congressionally

defined purposes and objectives should be sufficiently broad to permit each of the states to fund programs for judicial improvement suited specifically to the unique requirements of the particular state.

(3) An autonomous federal agency should be designated by the Congress to administer the programs, with significant representation from state court systems included.

(4) The federal funds appropriated for the improvement of the administration of state court systems should be allocated for this purpose in each of the states by that entity responsible under state law for the administration of the courts.

(5) The use of federal funds for the improvement of state judicial administration should not be directed exclusively at criminal justice or juvenile justice; should not be limited by the requirement of matching funds; and should not be conditioned upon state agreements of assurances for future financial support. However, tight limitations upon expenditures for "administrative overhead" would be appropriate.

(6) The Congress should specify that some part of the funds appropriated for the improvement of state court systems should be used to support research, service, and education by an institution or institutions functioning nationally as a resource available to the courts of all of the states. In this connection, careful consideration must be given to the desirability of separating policy decisions with respect to long-range research from the immediacies of action programs.

(7) Safeguards must be provided to assure that the national objectives justifying the use of federal funds for the improvement of state court systems will be achieved without loss of state responsibility for an authority over state courts.

The Conference of Chief Justices at its midwinter meeting held in New Orleans February 8 to 10, 1978, reviewed a number of the proposals which are currently being discussed dealing with these problems, and formulated and agreed upon the following resolution which, I think, summarizes many of the comments that I have made in my testimony today. It reads:

"WHEREAS, the Conference of Chief Justices is informed of proposed changes in federal legislation effecting the funding of programs for the improvement of state court systems,

"BE IT RESOLVED that the following principles should be respected in this process:

"(1) State judicial systems are and should be a separate and coequal branch of state government, the independence and integrity of which must be preserved.

"(2) The federal entity given responsibility for establishing policies relating to the funding of state court systems should include significant representation from such systems.

"(3) The cohesion of criminal and civil proceedings in judicial systems and the necessity of state-wide rather than local judicial policy formulation must be recognized.

"(4) National institutions serving state courts such as the National Center for State Courts must be assured of adequate financial support."

I am deeply grateful to the chairman and members of this subcommittee of the House Judiciary Committee for this opportunity to present our views on the subject at hand. We appreciate the difficulties of the problem and trust that our suggestions will be received as they are intended to be—an effort to make recommendations, based upon practical experience, which are reasonable and constructive. Whether these recommendations are accepted in whole or in part, or not at all, is a mater which we are prepared to leave to your good judgment. We know that you share with us the conviction that our nation is one of law and not of men; that the rule of law will be effective only to the extent that the disputes and controversies arising under it, whether they be criminal or civil, are decided economically, expeditiously, and, above all else, fairly; that in our system of government the essential responsibility for resolution of these controversies rests with our court systems, both state and federal; that by the nature of things, the great bulk of these disputes will be resoved in state courts; that the national interest is advanced if our state court systems continue to improve their capacity for dealing with these problems; and that the public interest is served if federal funds made available to state court systems for assistance in improving their capacity to deal with these problems are employed in the most efficient way possible. With this broad field of what I believe to be accepted principles, I am confident that a satisfactory solution can be found to the problems to which I have undertaken to direct your attention.

TESTIMONY OF CHIEF JUSTICE ROBERT J. SHERAN, SUPREME COURT OF MINNESOTA, REPRESENTING CONFERENCE OF CHIEF JUSTICES

Mr. SHERAN. I have some concern about imposing on the time of the members of this committee. If there is a time at which you must adjourn, I will shape my comments to accommodate to that.

Mr. CONYERS. We are almost out of time, but it's all right.

[Laughter.]

Mr. SHERAN. Given that fact, I think what I will try to do is summarize the points that are in the writen statement and undertake to emphasize some of the aspects that I think would be of interest to you.

From the standpoint of a chief justice of a State court, and a former chairman of our State planning agency in Minnesota, I don't share the feeling of many that the LEAA has been a useless venture.

I intend to direct my comments today to the use of Federal funds received through the LEAA for the purpose of improving the administration of courts in the States.

At the risk of overstatement, because I have no detailed empirical evidence to support what I am about to say, I think it to be true that the Federal funds made available to the States through LEAA for the improvement of the administration of justice in the States have been spent with remarkably successful results. Almost without exception we have been able with the use of these funds to bring improvements to the State judicial systems with a minimum of overhead and with a maximum of participation by skilled people. The net result has been that during the past 10 years our State court systems have been transformed. They were much more provincial than they are now. They were much more hostile to the Federal scheme of things than they are now. The principle that you must have good administration in the courts if you are going to have justice is now accepted. State courts are willing, able, and prepared to be of assistance to the Federal courts in such ways as, for example, taking over diversity jurisdiction.

I can't help but have a certain sense of pride in the fact that the House yesterday, as I understand it, by a two-thirds vote passed the Kastenmeier bill, returning diversity jurisdiction to the States where, in my judgment, it belongs.

Were it not for the kind of incentive that was involved in the Federal funds that were made available through LEAA, we wouldn't have reached the position where we are in the frame of mind and have the capacity to offer to help out the Federal courts at the time when they are undergoing stress.

In connection with the statement that I have submitted today, I am suggesting that separate consideration be given to the unique characteristics of our court systems, and that certain principles be reflected upon in restructuring Federal funding for State courts in the future.

I am going to state these principles and then comment briefly with respect to each of them, and rely on my written statement for the balance.

The first principle is that the amount of Federal funds to be allocated for improvement of State judicial systems should be fixed by

the U.S. Congress itself. It doesn't work very well for the judicial system to depend upon determinations in this regard made either at the Federal level by the Department of Justice, or at the State level by a State planning agency, which really is an extension of the executive department of Government.

Restraints upon the judiciary, from the nature of our work and the necessity that we maintain a measure of independence and separateness because of our constitutional responsibility, and perhaps ineptness in some instances, places the chief justice of a State court system in a rather awkward position to be in competition for a common pool of funds with representatives of the law enforcement and correction agencies. If the Congress could specify the amount that should be used for the improvement of the administration of justice in the State, this difficulty that we have had in the past would be improved upon.

Second, the Congress itself should specify the national interest purposes and objectives for which the Federal funds should be expended. These congressionally defined purposes and objectives should be sufficiently broad to permit each of the States to fund programs for judicial improvements suited specifically to the unique requirements of the particular state. The level of advancement of the State court systems throughout the country is varied and the judgment has to be made on a State level as to what the programs which are entered into to accomplish the most possible under the circumstances.

I would urge the Congress to leave that judgment, so far as it is possible to do so with the entity in the State responsible for the administration of the court system, which in most cases would be in the Supreme Court.

Mr. CONYERS. Could I ask that we move toward a conclusion, Mr. Chief Justice?

Mr. SHERAN. Yes. In moving toward a conclusion, Mr. Chairman, I would like, if possible, to leave emphaticaly with the members of this committee my conviction that a State court system cannot be separated into criminal and civil sections and, in a sense, compartmentalized on that basis.

Consider the impact of the decisions of the U.S. Supreme Court beginning in 1963 to which the State courts have accommodated.

Consider the standards for the trial of criminal cases, the rules of criminal procedure which move us to try to process criminal cases through our courts within 60 days.

The city of Detroit, State of Michigan, is a remarkable example of how these things can be brought about by LEAA funds, but if we do these things, the impact upon civil cases in other areas is inescapable. So we must, with the improvement of the criminal process, bring improvements in the administrative process applying across the boards.

I realize the limitations upon your time, Mr. Chairman. I am indebted greatly to you for the opportunity of being here.

Mr. CONYERS. We are honored by your presence here and your contribution.

Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

Mr. Chief Justice, you made a very important statement and I appreciate your views. I have had the privilege of visiting the National Center for State Courts in Williamsburg just a couple of weeks ago. I think you likewise were in attendance at the conference that we had in Williamsburg.

That is an extremely important activity and I am satisfied, too, that your references to the State court reorganization is consistent with the overall administration of justice.

I think your suggestion, too, that the Congress should designate the amount and specify what it is being allocated for a State court improvement, should be separated from this general LEAA program because LEAA was part of the omnibus crime bill, safe streets bill, and we were really talking about street crime when we inaugurated this program.

I am concerned that criminal justice could be swallowed up in an overall national institute of justice program if we have the whole civil justice system involved intimately with it, and I don't see any reason why these differences of position can't be resolved.

I think we have to realize the importance of some separation, especially with respect to the allocation of funds.

So I am thankful for your program. You certainly have a tremendous understanding of the whole problem we are faced with, and your views are very, very helpful to us.

Mr. SHERAN. Thank you very, very much, Mr. McClory. I thank you very much for your comments.

Mr. CONYERS. The subcommittee stands in adjournment.

[Whereupon, the hearing was adjourned at 12:20 p.m.]

APPENDIX 1

IMPLEMENTATION OF THE SAFE STREETS ACT: THE ROLE OF STATE PLANNING IN THE DEVELOPMENT OF CRIMINAL JUSTICE FEDERALISM

(By Malcolm Feeley, Austin Sarat, and Susan White)

INTRODUCTION

Crime, criminality and what to do about both have proven to be major problems for the American people and for government officials since the founding of the Republic. Crime has been traditionally perceived as a threat not only to individual well being, but also to the maintenance of social trust and community solidarity (Wilson, 1975). Yet concern about the problem of crime and attempts to deal with it have been episodic. Periodic crime waves have met with—or perhaps been caused by—marked increases in citizen concern and generally futile efforts to "stamp out" crime. The crime problem and efforts to control crime have been traditionally regarded as the responsibility of state and local government. Federal criminal law and federal efforts have never been a major means of crime control in America; the national police force—the FBI—has continued to be legally restricted in its mission, and until the late 1960's little federal money was spent on crime control.[1]

The mid-sixties saw a dramatic change in the attitude of the federal government. Crime, while a problem with localized origins and impacts, appeared to be, when considered in the aggregate, a problem which was national in its scope. Furthermore, the issue of crime and what to do about it became an important national political issue largely as a result of the presidential campaign of 1964. At about the same time, the national government was caught up in a "war mentality"; domestic and social ills, as well as foreign enemies, were dealt with through a massive mobilization of resources and the development of a coherent national strategy. The response to the problem of crime and the application and elaboration of the war metaphor in this area occurred with the passage of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351). This Act was the master plan for the national government's war on crime.[2]

Yet, the Safe Streets Act represented a major departure from the strategy of reform and intervention embodied in other government programs like the war on poverty. Instead of direct national intervention, the Act provided for a block grant approach in which the national government's role was to be primarily that of a provider of revenue and ideas to state and local governments which would, in turn, develop programs for their own use. Fighting crime, although an effort requiring new and expended sources of funds, was to continue to be left to state and local control. Emerging at the time that it did, the Safe Streets Act antedated general revenue sharing and thus became the first major expression of the New Federalism.

Our effort in this paper is to analyze the implementation of federal crime fighting efforts under the Safe Streets Act. Ideally, we would like to be able to evaluate the success or failure of those efforts; however, the analysis of important public policies, especially in the area of crime and law enforcement, does not lend itself to conventional impact analysis; it does not lend itself to even the most hard fought conclusions about what works in reducing crime. Crime is, and

---

[1] The one major effort at developing a policy on crime has been a clearinghouse function in the FBI's collection, compilation, and distribution of its semiannual uniform crime reports.

[2] The 1968 act was preceded by the Law Enforcement Assistance Act of 1965 (Public Law 89–197) which created an Office of Law Enforcement Assistance (OLEA) within the Department of Justice; this was a much smaller scale effort than LEAA, and allocated funds on a categorical grant basis. Also in 1965, President Johnson, created, by Executive order, the President's Commission on Law Enforcement and Administration of Justice which in 1967 produced voluminous reports under the title, "The Challenge of Crime in a Free Society."

should be acknowledged to be, an intractable social problem. There is no technology for, nor very many convincing ideas about how to go about reducing crime. To measure the success of any single public policy against that standard is to measure it against an impossible and unrealistic standard. Policies, like the Safe Streets Act, are usually aimed at affecting continuing and complex social processes rather than specific and soluble social problems; they have multifaceted and ambiguous goals rather than precise and definitive objectives, and they are often designed to foster new structures and processes to cope with continuing problems rather than to tackle social problems directly. As a consequence, their impact is long in coming, indirect and intertwined with a host of other disparate efforts.

Because the reduction of crime is so remote from the actions of any government agency, and because the measurement of crime is itself problematic, we think it important to focus instead on the implementation rather than the impact of the Safe Streets Act. In contrast to a study of the consequences of a policy decision like the Safe Streets Act, our study of implementation examines factors that contribute to the realization or nonrealization of the Act's more proximate policy objectives. (See Van Meter and Van Horn, 1975; and Hargrove, 1975.) Those objectives involve an attempt to foster a new and efficient organizational capability at the state level, a capability to strengthen and improve local law enforcement and criminal justice agencies and thereby combat crime. The implementation of the Safe Streets Act lies with the organizations created under its mandate.

At the national level the most important of these organizations is the Law Enforcement Assistance Administration (LEAA); at the state level the most important are what are generically called State Planning Agencies (SPA's). The Act's success or failure is to an extent likely to be determined by the ability of these organizations to cope with and reconcile the obligations of the Act and the conceptual, technical and political constraints under which any policy delivery system must work. Thus, in this paper we focus primarily on SPA's and on the ways in which they have dealt with the problems of planning, "innovation" and evaluation, for these are the problems which lie at the heart of the Safe Streets approach to crime and to reform in the administration of criminal justice.

To this end we conducted lengthy interviews with SPA staff members in eleven states, talked informally to officials in several other states and held formal and informal discussions with national LEAA officials and state and local criminal justice officials. Our purpose in those interviews and conversations was to gather information about the operations, functions and problems of the Safe Streets Act and the criminal justice federalism which it fostered.[3]

THE PROVISIONS OF THE SAFE STREETS ACT

Any attempt to understand the implementation of legislation must begin with the legislation itself. Its specific goals and requirements as well as the "intention of the framers" provide the broad parameters within which the process of implementation is carried out. Repeatedly during our interviews, reference was made to the language of the Safe Streets Act and to the tasks which it imposes on the LEAA and SPA's. The most general and ambitious of these tasks was to "fight crime", and simultaneously, to improve and upgrade the capacities of state and local law enforcement agencies. (For a complete account of Congressional thinking and debate over the goals of the Safe Streets Act, see "Legislative History," 1973.)

State Planning Agencies were charged, under the terms of the Act, with the task of working with state and local criminal justice agencies in developing and implementing the specific programs through which federal financial assistance was to be channeled. This programatic role at the state level was itself a major reform. The Safe Streets Act mandated the creation of new state agencies and charged them with three general functions. First, these agencies were directed to engage in "comprehensive planning" for the entire criminal justice system, un-

[3] This study does not seek to rank individual SPA's or to make predictions about their futures. Because SPA's are still relatively new and unknown in state governmental structure, they remain unstable, vulnerable to abrupt changes in direction and in leadership. Consequently, a precise description or placement of any single SPA in light of its larger state context is at present less important than an exploration of the major common problems and tensions with which all SPA's must cope.

constrained by the rather rigid and narrow boundaries[4] that characterize most existing criminal justice agencies and officials.

The Act speaks in broad language about encouraging, through the State Planning Agencies, the "states and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of state and local problems of law enforcement." The Safe Streets Act thus mandated a new way of thinking about the administration of criminal justice, a way of thinking which took seriously the metaphorical use of the word "system." (See Freed, 1967). One of the most important parallel responsibilities of LEAA is to supervise the implementation of this new way of thinking and its specific manifestation in statewide criminal justice planning. The Act attempts to improve the capacity of individual states for defining the nature of their particular crime problems and to provide them resources for pursuing their own distinctive solutions.

In addition to their planning function State Planning Agencies were to be the primary funding agencies for Safe Streets money; they were charged with the responsibility of deciding which specific programs and projects were to be funded and which problems tackled with federal money. Yet the language of the Act imposes on SPA's the general requirement that federal funds be used for "the improvement of law enforcement throughout the state." Subsequent interpretations of the Act and the guidelines developed by LEAA to implement it have linked the term "improvement" closely with the term "innovation." SPA's are expected to plan for and fund something other than incremental expansions of existing and traditional criminal justice functions or displacing local sources of funding (which is, by way of contrast, permitted under general revenue sharing). The language of the Act and its "common law" development provides SPA's a role in developing, encouraging, and supporting new and different approaches to the crime problem, approaches which state and local agencies could not have developed or supported themselves.

A third function of SPA's was not directly mentioned in the 1968 Safe Streets Act, yet it has in recent years—through amendments to the Act and guidelines—become an important part of what they are required to do,[5] namely to evaluate their own efforts at improving the administration of criminal justice by evaluating projects and programs funded with Safe Streets money. Here again, as in the area of comprehensive planning, the Safe Streets Act and LEAA have tried to promote a new way of thinking about law enforcement, a greater interest in efficiency and a curiosity about finding out what works. SPA's are not only expected to plan and develop new and different projects, they are also expected to document what works, what doesn't, and why.

UNDERSTANDING THE ACT

The rather broad and general language of the Act and the requirements and tasks which it imposes on those charged with carrying it out poses the first and perhaps most important problem of implementation. It is a problem generic to any important public policy; it is, however, complicated when the policy is as ambitious as is the Safe Streets Act.

The problem to which we refer is a conceptual one. In order for any policy to be effectively implemented it must be possible for those charged with the task to understand what is required and intended under the terms of the original policy. To the extent that either the requirements or intent are ambiguous or are the subject of continuing political contention, the process of implementation becomes complicated and difficult (Pressman and Wildavsky, 1973). The problem of deriving clear and relatively unambiguous understandings of the purpose,

---

[4] What we characterize as "narrow and rigid boundaries" are both jurisdictional and functional. In most states, law enforcement agencies are fragmented into state, county and local jurisdictions; criminal court jurisdictions often include town, city, and county courts, and even special state prosecution offices; correctional institutions range from city jails and "lock-ups" to county jails to state prisons. Furthermore, the functional differences among law enforcement agencies, courts, and correctional institutions are significant and territorial prerogatives are jealously guarded.

[5] Although LEAA guidelines have emphasized evaluation from the beginning, it was not until 1971–72, after the Monagan hearings which publicized waste and mismanagement within LEAA and which resulted in LEAA's interest in insuring accountability, that the commitment to evaluation became a condition of the acceptance of SPA plans and a condition of SPA's awarding of grants. This interest in accountability was translated into an LEAA guideline which required that a percentage of state action grant funds be earmarked for evaluation purposes.

objectives, and intent of a public policy is particularly acute in the case of the Safe Streets Act. It is acute because of the difficulties of defining the proper boundaries of federal and state action under a block grant program and because the specific policy objectives of the Act are so complex. These difficulties hinder the process of implementation and pose problems which structure the way in which federal funds are spent in each state.

The first problem involves the range of permissible federal involvement which the Safe Streets Act envisions and allows, especially involvement in substantive decisions as to what SPA's are to do and how they are to do it. Some of the sponsors of the Act, particularly its conservative congressional supporters, viewed the Act as little more than a means of getting federal money to the states without "strings" attached. The few "strings" that were attached, e.g., the requirement for comprehensive planning, were kept rather general so as to allow for some diversity in the way states would respond. Furthermore, some supporters, including some SPA officials, believe that the combination of responsibilities assigned to SPA's—grants management, developing, reviewing and funding grant proposals from state and local agencies, planning, surveying state needs and developing a coherent strategy for dealing with them—was designed to insure that the responsibilities would overwhelm the SPA's and leave them with little more to do than pass out federal money. In any case, the block grant approach which is the basis of the federal government's war on crime can be interpreted as a way of giving maximum flexibility to state and local officials.

The Safe Streets Act and its block grant philosophy is interpreted by proponents of this "local" view as a political compromise in which the goal of minimum federal involvement was achieved by placing primary responsibiilty for administering that effort in the hands of State government. (For several case studies and other materials illustrating the "local" perspective, see Columbia Human Rights Law Review, 1973.)

The "local" perspective has also informed and influenced many criminal justice practitioners in state and local agencies—the police, corrections, and courts. As seen from their perspective, LEAA is simply a source of additional, "free" funds. (For an extended discussion of an SPA-funded project and the local perspective, see Feeley, 1976.) The conditions placed on them by LEAA and SPA's are requirements to be minimally complied with, simply part of the bureaucratic costs of obtaining "federal grants." If there are requirements to be innovative, project proposals will be described as innovative; if there are requirements to be "crime specific," project proposals will be so characterized. These agencies feel hard-pressed for funds and are willing to accommodate SPA's in order to get support from them. They do not, however, view SPA's as a source of ideas or programs, only of extra money. The recession has only served to reinforce this perspective as local agencies have sought the "federal" money in order to prevent cutbacks in regular program areas.

The block grant approach permits other interpretations of the varying roles of federal, state and local governments. Some would argue, for example, that the block grant approach means more than revenue sharing; it is designed to insure a cooperative federal-state relationship in which both sides have important functions. (See U.S. Advisory Commission of Intergovernmental Relations, 1970.) The Safe Streets Act, according to this "national" perspective, gives the federal government the responsibility for guiding and supervising the way federal funds are spent.

Thus, for example, LEAA through its ten regional offices, is given the responsibility to review and approve state plans. If LEAA is dissatisfied, it may attach "special conditions" to the receipt of Safe Streets money. Furthermore, since the Act does not define what it means when it charges SPA's to plan comprehensively so as to improve law enforcement, it requires interpretation. Unlike the "local" view which would leave the responsibility for doing so to state and local officials, the "national" perspective believes that the development of the Act's "common law" ought to be done by LEAA.[6] Since LEAA officials are accountable to Congress for how federal money is spent and for its impact or lack of impact, they have an easily understandable incentive to take an expansionist (or at least protectionist) view of the Federal government's role.

[6] This debate between a national perspective and a local perspective is clearly a contemporary example of the classic debate of American federalism, going back at least as far as the landmark constitutional case of *McCulloch v. Maryland*, 17 U.S. (Wheat.) 316.

Shaping the meaning of the requirements for "comprehensive plans" and for "improvement" provided one important opportunity for these federal officials to try to work their wills on the states. This was done by developing guidelines which provide content and specific meaning to the ambiguous terms and conditions of the Act. The initial guidelines for comprehensive planning—a hefty document running over a hundred pages, and since then altered and expanded many times—clearly announced the intention of LEAA to affect not only the procedure by which federal funds would be spent, but how and for what purposes. The annual guidelines contain, in essence, a theory of the "problems" of local criminal justice agencies, and propose a solution through greater statewide centralization, a solution in which Safe Streets money would be used to induce change in the administration of criminal justice rather than to support its ongoing operations.

Subsequent interpretations of the Act and provisions in the guidelines have attempted to further direct the efforts and orientations of the SPA's in accordance with this vision. The Act's requirement for "improvement of law enforcement and criminal justice" has come to mean "innovation." The term is understood to require the adoption of new and different techniques and approaches. Likewise the amorphous notion of comprehensive planning has been carefully detailed by national LEAA. The 1976 Guidelines Manual, for instance, includes a two-page definition and enumeration of the components of "comprehensiveness," a list which insists on a provision for evaluation of SPA efforts and the use of the results in subsequent planning efforts. (See Manual, 1976, pp. 62–64.)

Above all the guidelines and direction from national LEAA officials have emphasized a desire to foster and sustain a system-wide perspective in thinking about concerns of criminal justice, one that will contribute to an ability to coordinate the traditionally fragmented and often antagonistic parts of the existing system. This perspective, stated and restated in numerous ways in the Guidelines and by all of LEAA's Administrators, identifies fragmentation of the criminal justice system itself as one factor contributing to the ineffective crime control policies. The analysis contains its own prescription, which is found in the language of the guidelines: "coordinate," "integrate," "consolidate," "cooperate,", and "combine" hitherto fragmented, disparate and inefficient efforts. The "national" perspective accords the SPA's the task of beginning this effort.

The "national" perspective envisions the emergence of SPA's as important state institutions whose potential far exceeds merely the allocation of federal funds. SPA's are, in this view, the forerunners of strong, centralized statewide efforts in organizing and administering the "non-system" of criminal justice. As a result, it is important to require the SPA's to aggressively pursue the tasks of planning—not simply to provide a program for spending federal funds—but to engage in long range, comprehensive planning for the entire criminal justice system.

Likewise it is important to get them to assume an active leadership role among state criminal justice agencies. Because each SPA has a supervisory board composed of representatives of various criminal justice agencies and the public, the SPA is in a prime position to locate and identify common interests, act as a spokesman for the entire law enforcement and criminal justice community, and foster coordinated policies. But the "national" perspective sees the expenditure of federal money as a means through which these ends might be accomplished rather than as the end for which the Safe Streets Act was enacted.

The block grant strategy, because it permits these competing interpretations, provides one of the major factors influencing the implementation of the Safe Streets Act. The different interpretations of the Act and its block grant approach establish an important source of tension which shapes the way state SPA's function. On one side is LEAA, insisting that its guidelines be met and exhorting SPA planning staffs to be "professionals," to think in "system-wide" terms, and to develop plans and projects that "make a difference." On the other side are the criminal justice agencies who want as much money as possible and who tend to view any requirements on applications or restrictions on the use of funds—let alone any requirements for a demonstration of need and an evaluation of results—as hindrances to be avoided, evaded, or ignored.

Another problems in understanding the Act arises from the ambiguity of the functions assigned to SPA's. It is safe to assume that this ambiguity has not been eliminated; some would argue it has been compounded by the development of the minutely detailed, frequently changed, "common law" embodied in LEAA

guidelines. Put quite simply, what we have found is that SPA officials have no common set of concrete ideas about what it means to plan comprehensively, or to improve the criminal justice system, or to evaluate criminal justice programs.

This means that the first task in the implementation of the Safe Streets Act, and its most important continuing problem, is conceptual. SPA officials are called upon to perform tasks for which they perceive no available technology and for which many feel uniquely ill-equipped. Furthermore, the difficulty of developing an understanding of the functions assigned to SPA's allows for competing interpretations such that the "healthy plurism" envisioned in the block grant strategy has, we think, become little more than each state taking its own "shot in the dark" or complying with the letter of LEAA guidelines in ways that often undermine or ignore their spirit and intent.

The difficulty of comprehending and therefore implementing the mandates of the Safe Streets Act was revealed repeatedly in our conversations with SPA staff members. For example, when we asked one planner to explain what "comprehensive planning" meant, she laughed and responded that no one knew and no one would be able to tell us. Other planners were willing to attempt a definition, but they gave a variety of meanings to the concept. To some it is an ideal, a long range goal toward which the SPA ought to be reaching. When queried as to what made a plan comprehensive one staff member replied:

"I would very much like to be involved in the overall criminal justice plan and budget determination. When all the money on criminal justice is being considered, I'd like to see how LEAA money could become the strategic dollar. I'd like to see a central planning and coordinating unit and become part of it."

This respondent echoed the views and desires of many SPA members, to whom the goal of "comprehensive planning" was a coordination of the system's entire efforts "with an eye toward using the LEAA funds for strategic purposes." No one, however, argued that this was the effort they, themselves, were currently engaged in. It was, at best, the eventual goal, a goal many felt was supported by national LEAA officials.

In contrast, the staff of most SPA's who were familiar with their agency's planning functions agreed that "planning" consisted of little more than arranging the applications before them, and presenting them as a package—a description of what they were going to do.

Rarely did we encounter a planner who had an understanding of planning in any traditional sense. Even those who had elaborated views of planning—saying that it involved surveying the domain under their jurisdiction, identifying problems, comparing their magnitude, mobilizing "hard evidence," establishing priorities and goals and organizing a coherent strategy for dealing with them felt that SPA's were ill-equipped to plan in anything close to that way. Many SPA planners view questions about planning and the "philosophical" perspectives held by the national LEAA with a great deal of amusement. They argue that not only are they constrained by the realities of their relatively weak position vis-a-vis the older, established criminal justice agencies, but also their days are literally taken up by pushing paper, by responding to the multitude of grant applications that are submitted to them (they do not control who can submit proposals, and guidelines require that all applications be reviewed and responded to) and by meeting the detailed requirements of the national guidelines. Their jobs as planners, they continue, consist of little more than being reactive to the claims of others. It is a process of responding to others, and reacting to how they—not the planners—define the problems.

Aside from the requirements that funds must be spent in accordance with a comprehensive plan—which as a minimum means that all major segments of the criminal justice system must receive some financial support[7] the SPA's are required under LEAA guidelines to concentrate their support on innovative solutions to persistent problems and to "improve" criminal justice agencies. Innovation is a term used frequently by SPA staff planners and heard even more frequently from national LEAA officials, who regularly exhort the SPA's to be more creative, and develop and apply new ideas and methods in combating crime and increasing the system's efficiency. The purpose of LEAA, many SPA plan-

[7] It is interesting to note that various segments of the criminal justice system have claimed that they are excluded from their "fair share" of the LEAA pie. Such complaints have led Congress to provide special categorical allocations: so-called part E funds for corrections and proposed part F funds for the courts. Ironically, these moves not only run counter to the revenue-sharing basis of block grant funding, but they are also the antithesis of the mandated function of comprehensive planning.

ners and almost all national officials indicate, is not to provide open-ended subsidies for existing criminal justice agencies or to supplant existing funds, but rather to develop programs that are experimental, are new and different, and which would not otherwise be funded from existing sources of support.[8]

Most SPA planners agreed in essence that the call for innovation by the national LEAA is little more than an attempt to convince Congress that it is doing something distinctive. By its very nature, SPA staff planners seemed to be saying, the National LEAA is an agency without a great deal of distinctiveness and the challenge to "be innovative," and the admonition to "discover the undiscovered" was a way of coping, and perhaps trying to protect themselves from an increasingly restive Congress. Trying to respond to the often abstract admonitions, however, proves to be a difficult and frustrating task for SPA planners.

Although committed to the idea that action grant funds should be used to support "new" and "distinctive" projects, many planners understand "new" to be something new in reference to a particular agency, while others view it as new for the state. Thus, for example, some might encourage police departments to apply for funds to support police advisors, because they have been judged to "work" in an initial few departments, while others would take a perspective that the SPA-funding effort should be completed once its projects have been judged as successes after the initial effort. Since it was judged a success, they argue, there is no need for continued SPA support. It is a tried and tested project, ready to sink or swim on its own.

The third component of the SPA mandate is to evaluate. This requirement is, in theory, integrally linked with the planning and innovation functions of SPA's. Not only are they expected to plan and develop new and different projects, they are also expected to document what works, what doesn't, and why. However, as with the other two functions, there is nothing approaching a consensus as to what evaluation is or should be. (See O'Connell and White, 1974.) Evaluation research to some is an experiment, a test of hypotheses which requires measurements of change in experimental and control groups. Evaluation to others is the production of "progress" reports on projects by means of periodic memos from project staff to SPA monitors. Some "evaluation" staffs were found preparing auditing and monitoring reports on their projects, while others appeared to be administrative assistants to SPA directors. Still others take an even more minimalist view of evaluation, viewing it as whatever is required to satisfy the LEAA guidelines and requirements.

LEAA officials and guidelines, on the other hand, make a distinction between project monitoring and evaluation, the former being a continuous social and financial auditing of the projects to see that "things are moving along on pace," that people are doing what they were hired to do, that proper equipment is purchased, and that no one has flown the coop with the money. Essentially, monitoring is to determine if the project is doing what it was intended to do, and if job descriptions square with job performance. Whether what is being done makes any difference is the function of evaluation, according to LEAA.

Despite this difference, SPA evaluators almost invariably gravitate toward the monitoring function, in part because they are one of the few groups within the SPA who remain in continuing communication with the myriad of SPA-funded projects. Before SPA directors are likely to ask: "Does it make any difference?" they want to know, "How many projects are we funding?" "How large are they?" "Where are they?" "Are there any problem with them?" It is supplying answers to these latter types of questions that tends to eat up the time of the evaluation staffs.

---

[8] Our review of the literature on innovation was a distressing experience. The best work in the area seemed to be limited to discussions of the adoption rates of unambiguous technologies, for example, more productive strains of grain or improved vaccines. Although this innovation—adoption approach has been applied to state adoptions of new types of legislation, we are not impressed. Innovation implies a high consensus on values, and while there may be a high consensus among those directly affected on the relative merits of a new type of corn—although even here we are prepared to acknowledge the problematic nature of the assertion—it is difficult to see the same consensus in such government provision as compulsory education, child labor laws, and income taxation. It is difficult to see what understanding results in an examination of adoption rates of those government programs which rely on an epidemiological model. Thus whose understanding of "innovation" which prevails becomes the central problem for study. Because of the lack of advanced technologies in criminal justice and because of the widely varying perspectives held and types of functions pursued by criminal justice agencies, the positing of a single notion of innovation—as a goal to be pursued and as a benchmark against which state activities can be judged—would be meaningless. The meaning of the concept itself must be the primary focus of attention.

The variations in how the SPA evaluation units are organized is in part a function of what they perceive their function to be. Some see themselves as experimenters, people who test particular ideas—projects—to see what works, what doesn't work, and why. Their goal is to focus on new, particularly, innovative ideas and see how effective they are. If the project proves successful, it should be continued and expanded; if not, it should be terminated. This view embodies a more generalized "social engineering" view of public policymaking.

At the other extreme is a belief that evaluation provides little useful information. Proponents of this view appear willing to see the evaluation requirement abandoned by LEAA, although some acknowledge that ideally it could be put to good use. Ironically, proponents of this view held that the better the evaluation, by academic research standards, the less likely it is to be useful. As one planner put it:

"The evaluations come in too late and their impact is minimal. . . . Another problem is that evaluators tend to be equivocal, so they are not useful in making a yes/no decision . . . they keep wanting better data and more detailed information."

Evaluations, especially the more "professional" ones, tend to be hedged with qualifications, and filled with complaints about the limitations of imperfect research designs and sloppy data, and as a consequence are so equivocal as to be of little or no use to planners who want categorical answers. Another problem with "good" evaluation studies is that they take a long time, and as a consequence are received too late to be helpful in the annual planning and budgetary cycle of the agency. Many planners express scorn at evaluators who submit reports hedged with qualifications, obtuse prose, and recommending "continued study," all submitted months after the refunding decision on the project has had to be made and thus too late to be of use to them.

There are other dilemmas for the SPA evaluation staff. Many projects, they feel, fall into two categories for which the value of evaluation is questionable. On one hand many projects are one-shot affairs—training programs for police, prosecutors or judges, or equipment purchase—efforts which are not likely to be repeated within the state. Others are contributions to long and complex efforts at institutional change (e.g., consolidation of smaller police departments or changes in treatment of juveniles), in which the federal money constitutes only an initial and probably small portion of the total in the continuing effort. In the former, SPA planners and evaluators argue, there is little need to evaluate while in the latter, evaluation is rendered difficult because the SPA funding is only a portion of a large and long-term effort.

Ambiguity, uncertainty, and frustration are characteristic of the way in which SPA officials think about the mandates and intentions of the Safe Streets Act. These problems, all of which involve the problem of understanding the Act, complicate the process of implementation and insure that the operations of SPA will be highly unstable and variable from state to state. Ambiguity, uncertainty and frustration prevent the development of an institutionalized formula through which SPA's might operate. As people come and go in SPA's, new interpretations, interpretations often radically different from those which have previously guided an SPA, may take hold.

Furthermore, ambiguity, uncertainty and frustration contribute to the vulnerability of SPA's as organizations. Without a clear idea of their mandate SPA's are caught up in tensions of the block grant approach and are caught between the frequently competing demands of LEAA and their constituents in the criminal justice system. How they adapt to and cope with uncertainty and the pressures it generates goes far in determining how the Safe Streets Act is implemented.

STRATEGIES OF IMPLEMENTATION

The process of implementing any public policy is inevitably a process of adaptation, a process through which the objects and goals of legislation are shaped by and fit into a context of resources, conditions, and pressures operative in the policy environment. This is certainly true of the Safe Streets Act. Among the major pressures and conditions affecting the implementation of that Act perhaps none is more important than the competition between the "national" and "local" interpretations which we have discussed. This competition means that SPA's have had to adjust to and deal with various and frequently contradictory demands. The process of implementation has been further confused by the unique character of the administration of criminal justice and of crime as a social

problem. Introducing new ways of thinking into established legal institutions is no easy task which SPA's, equipped as they are with funds generally totalling no more than 2 or 3 percent of a state's total criminal justice expenditures, may not be in a position to do. Yet the Safe Streets Act's greatest long-run contribution may result from its requirement that states develop such a new and comprehensive way of thinking about crime. The Act has created new structures, structures that may develop the capacity for continuous innovation and reform. It is the way these structures develop and cope with their problems that is crucial to the effort of building at a new "criminal justice federalism."

It is, however, premature to assess the impact this Act has had in achieving this "procedural" or "structural" goal. LEAA has been run almost entirely by a Republican Administration, and has not yet weathered sustained attack by an incumbent Administration or an antagonistic Congress. Nor have SPA's come to be regarded as permanent fixtures in the state house.[9] Nevertheless it is possible to suggest some alternative ways in which SPA's are coping with problems of implementing the Safe Streets Act and some strategies through which the process of implementation is being carried out. In our research we uncovered three kinds of strategies. They are ideal types rather than actual examples, and while individual SPA's tend more toward one than the others, these tendencies may be more in the ideals and goals of the staff rather than any concerete and measurable differences of practice, and they are subject to abrupt shifts as SPA directors and state governors change.

Revenue sharing strategy

One strategy of implementation begins by rejecting the metaphor of the criminal justice system. SPA's which pursue a "revenue sharing" strategy reject the "national" interpretation of the Act according to which SPA's are supposed to plan for the rational development of a system of criminal justice. From the point of view of the revenue sharing strategy, SPA's are not and cannot be in a position to plan for or even coordinate a state's criminal justice agencies.

They handle only about 2 or 3 percent of the total criminal justice budget and have no voice in the expenditure of the other 97–98 percent. Furthermore, they are organized as a state agency while most crime control agencies are local. In fact, no single office or agency has a voice in the total criminal justice budget because there is no single "crime budget." The notion of a unified budget and planning effort is much like the notion of a criminal justice system itself, a fiction of idealists' imaginations. (For a discussion of this general problem see Reich, 1973.)

The revenue sharing strategy assumes that efforts at "comprehensive planning" are fictions, little more than exercises to assure that all segments get some portion of the LEAA pie. It dismisses efforts at identifying program areas, and establishing priorities for funding, arguing that when such priorities are established, they are so broadly construed that they do little to restrict the types of projects which can be funded.

As for innovation, this strategy holds that the SPA's are not in a position to make substantial changes in the operations of criminal justice agencies. Although they may have some marginal effect in suggesting new or additional projects, these are only a small drop in the bucket and are probably not the result of organized comprehensive planning but due to the creativity of a few individuals in the SPA's and their informal contracts in the agencies. If major changes are required to improve existing agencies, the SPA's are not in a position to bring them about.

Under the "revenue sharing" strategy the SPA staff is little more than the agent of its supervisory board which in turn represents and speaks for traditional criminal justice interests. Furthermore, in many states the sub-state "regional planning units" (RPU's) are closely connected to local governments and therefore to local law enforcement. In a revenue sharing strategy, the RPU's can exercise considerable influence over funding decisions in terms of traditional criminal justice interests. Nor is the organization of the SPA's and their planning boards such that it is likely to foster innovation. Innovation, one planning director

[9] Most of the SPA's remain creatures of the Governor, established under Executive order, not statute. None of the SPA staff, when queried, could foresee the continuation of their SPA in the event of congressional deauthorization of LEAA. Only one of the SPA's we visited, Kentucky, has been legislatively established and delegated planning duties beyond the preparation of the annual plan for LEAA. All this is not unexpected. Major alterations in state governments emerge slowly. It is, therefore, somewhat premature to assess the impact of the Safe Streets Act on the structure of state government.

argued, is likely to come about through the quiet and concerted efforts of a small number of people, not public meetings at which vested interests are represented.

As for evaluation, it is of little use. This strategy assumes that change is incremental. Dramatic new projects do not emerge overnight to be tested and pronounced good or bad; they emerge slowly and from within established institutions. New institutions emerge not so much in response to clear goals or objectives, but rather emerge in response to what is not wanted, a movement away from bad practices. Evaluation research, in a classic sense, plays little if any part in this type of change. In any event most SPA's are not in a good position to oversee any serious type of evaluation effort because they do not control the projects they fund in such a way as to assure adequate controls and a disinterested evaluation. Furthermore, evaluation results are not easily coordinated with budgeting and planning cycles, so that they are not particularly useful even when they are produced.

This strategy holds that these inherent limitations on SPA's should be recognized and squarely faced, and that the job of an SPA is only to disperse funds according to a relatively stable formula for distribution. SPA functions are, thus, restricted to the minimal, but nevertheless important, tasks of project auditing and administration, seeing that federal fiscal and other requirements are complied with by the grantees.

The "cutting edge" strategy

A second way in which some SPA staff envision implementation of the Safe Streets Act is by adopting a "cutting edge" strategy. This strategy is based on the view that the influx of federal funds and the establishment of a statewide planning agency provides a unique opportunity for the hitherto fragmented criminal justice system to develop its own research and development capacity. The SPA's and the action grants are conceived of as R. & D. efforts, designed to stimulate new ideas. Control of the action grants means that the SPA is in the position to encourage experimentation by trying out new and different ideas that the already hard-pressed criminal justice agencies are not likely to try with their own limited resources.

The "cutting edge" strategy would like to use comprehensive planning to review existing functions and programs for the purpose of identifying shortcomings and pointing out needs. Planning is intertwined with innovation since the purpose of planning is to identify continuing problems and propose new and different solutions to overcome them.

Although a small fraction of the total criminal justice budget, LEAA funds are considered the "cutting edge" for innovation. They should be used exclusively for R. & D. purposes, and the SPA staff seeks to approximate a think-tank, working in close cooperation with existing criminal justice officials to experiment with projects and forms of operation. Although small in proportion to R. & D. resources in private industry (which can run as high as 15–20 percent of the total budget), SPA's are an important first step in developing the system's capacity to engage in this type of creative activity.

A major problem for a "cutting edge" strategy involves the way projects are funded. Although projects are funded on an annual basis, most of the planners we talked to argued for the necessity of providing project support for several years. They argued that it takes a minimum of two years for a complex project to become properly staffed and be operating in a way that its effectiveness can reasonably be judged. Many, they claim, take even longer.[10]

The cumulative effect of multi-year funding commitments has substantially affected the SPAs ability to do anything at all. Planners acknowledged that in any given year upwards to 60–75 percent of their funds are tied up in carry-over commitments from previous years. Given the faddishness of so much of the discussion of innovation within LEAA, the high turnover, and the attendant changes of emphasis of the new staff members, many planners—recruited with the expectation of designing new and innovative programs—find themselves caught up in the frustrating process of having to honor and administer the commitments of their predecessors. During the first few years of operation, most planners indicated, they operated under the conditions of "rapid growth" and expansion. Receiving large sums of money to dispense even before they themselves were fully

[10] It appears that on the average SPA's fund projects for 3 years, although a number of substantial projects (for example, experiments in restructuring the nature of incarceration) are funded for as long as 6 or 7 years, and many others are one-shot equipment purchases or training programs.

staffed, the SPA's gave little heed to the eventual implications of multi-year commitments. As appropriations have leveled off, this program now looms larger in the minds of the SPA staff.

The response of the "cutting edge" SPA's is to tighten up requirements for multi-year funding. While previously self-imposed restrictions limiting project funding to two or three years were often honored in the breach, they are now being more carefully enforced, and in those states with no formal rules on refunding, time limits are now being introduced.

Reducing long-term commitments, however, is not without its drawbacks. Major and substantial changes are not likely to be forthcoming overnight, and many acknowledge that their most successful projects are those which have been nurtured over extended periods. Thus ironically the interest of "cutting edge" agencies in flexibility and creativity seems to be, at least in part, pursued at the expense of the ability to make large and long-term commitments which may eventually produce substantial changes.

Evaluation is, at least in theory, very important in "cutting edge" agencies. Their major thrust is to find out whether a new idea works and then to disseminate that information. They assume that if an idea works that criminal justice agencies will be able to find other sources of funds to sustain them. Once an idea has proven itself, the "cutting edge" strategy is to abandon it and try something else. At the same time, this strategy requires a high tolerance for failure. Those who subscribe to it are interested in knowing what doesn't work as well as what does. The "experiments" which the "cutting edge" agency seeks to fund thus must be closely watched, sometimes replicated, and carefully assessed before they can be approved and "marketed" for wider distribution.

The likelihood of the "cutting edge" strategy sustaining itself is never very great. However, it is the strategy that many believe is favored by the national LEAA administrators. This strategy assumes that local criminal justice claims for money can be held in abeyance, so that the funds can be used for "timely" experimental projects. Thus, those adhering to the "cutting edge" strategy are sympathetic to the LEAA guidelines insisting on innovative projects, excluding the expenditure of funds for personnel and buildings, and that requiring evaluations. Although at times some criticize the LEAA guidelines as placing unnecessary restrictions on them, they generally appreciate the intent of these guidelines and would, in fact, appreciate additional requirements that would further insulate them from the "politics" of the process of allocating action grant funds and would free an even larger portion of the funds for innovative projects.

Centralized planning strategy

A third strategy of implementation differs from the second in its emphasis on coordination rather than experimentation. This strategy emphasizes the role or opportunity of SPA's to foster the system-wide approach to the problem of crime and to oversee the operations of the criminal justice agencies. The emphasis is on dealing with what is already going on in the criminal justice agencies and on the development of an integrated system rather than on specific program ideas.

Although most SPA's are restricted to planning and administering projects supported by LEAA money, the comprehensive planning strategy requires an SPA to develop a total system perspective and involves it in virtually every facet of law enforcement and criminal justice administration. Its perspective is unique and its information valuable. As state governments grow in size and as efforts to adopt more rational management and budget techniques continue, the SPA is in a natural position to begin to assume expanded planning and oversight functions.

The view of "comprehensive planning" implied in this model is that the SPA should not only develop plans for spending its funds, but that it should, in light of the whole, use these funds strategically, as an incentive to get the existing criminal justice agencies to change. If the "cutting edge" strategy views planning primarily as an isolated R. & D. effort to develop innovative ideas, the centralized planning strategy views planning not only as a means for coming up with new ideas, but also as a means for securing implementation of new ideas and redirecting the allocation of existing resources. Its initial means of doing this is the strategic use of action grant funds, in the classic matching grant tradition. In the long run, it may assume independent powers to review budgets and plan for criminal justice programs. Its goal, as one SPA planner put it, is to be in the position—for the first time—to be able to ask the question: "Where is it more efficient to invest an additional dollar, in judges or police officers?"

This strategy emphasizes managerial development and it views innovation primarily in terms of increased management capabilities. In many respects it talks past, not in opposition to, the other models of SPA's. For instance, while the "cutting edge" strategy emphasizes development of new and different techniques to be used in combatting and controlling crime and in processing arrestees, this strategy emphasizes the rationalization of the management system as itself the most important innovation. This does not preclude the possibility of the adoption of new crime fighting techniques; it simply puts a premium on increased efficiency and redeployment.

Evaluation plays an important role in this strategy although not necessarily of the experimental research variety. Here SPA's are interested in cost-effectiveness studies, projects that might lead to the consolidation of small police forces, the closing of prisons, the development of cheaper alternatives to incarceration and the development of local coordinating councils. Following its emphasis on innovation as efficiency, evaluation would also focus on measuring efficiency.

We have discussed three strategies by which SPA's have sought to cope with the major functions mandated by the Safe Streets Act. In each case the functions are viewed differently, and dealt with in ways that fit an overall strategy of implementation rather than a standard conception of what that function is or should be. Even though they are ideal types rather than descriptions of individual SPA's, it is these strategies—revenue sharing, "cutting edge," and centralized planning—which most accurately characterizes the variation in SPA implementation of the Safe Streets Act.

CONCLUSIONS

The problem of crime is a longstanding and difficult social problem. Yet direct federal involvement with local law enforcement is relatively new. In this paper we have attempted to analyze patterns of implementation of this policy change. We have tried to identify the problems and pressures inherent in the Safe Streets Act's block grant approach and to suggest that these problems and pressures have resulted in substantial confusion and variation in the way in which the Safe Streets Act has been implemented. We have focused on the way these problems and pressures are dealt with at the state level and on the way they have caused SPA's to develop a wide range of strategies to cope and adapt and, in the process, have led to a variety of definitions of the role and functions of SPA's. We have identified three different strategies which SPA's use in coming to grips with their primary functions, strategies which embody different responses to the difficulties of implementing the Safe Streets Act.

One of these strategies, the "revenue sharing" strategy, is clearly the one most responsive to local criminal justice interests, while the other two—the "cutting edge" and the "centralized planner" strategies—are variations on the "national" perspective. In our research we found that the impulse toward all three of these strategies existed in each of the SPA's although they varied in balance and intensity in each of the states. Because LEAA is such a new entity and the SPA's are still in their infancies, it is difficult and of questionable value to try to categorize or rank individual SPA's in terms of these strategies.

We can, however, suggest that when SPA's move in any one of these directions, powerful forces will rise to "correct" it. The block grant approach seems to cause tensions which require that the agencies it creates become preoccupied with the nature of their mission, to an extent we think is not likely under either grants-in-aid or general revenue sharing programs.

Furthermore, if we begin to look at the implications for the SPA's as they attempt to define more precise roles for themselves (or have them defined for them), we can anticipate several possible consequences. If the "local perspective" prevails, and they employ a revenue sharing strategy, then they are likely to be ineffective and unnecessary, not because additional funds for criminal justice systems might not be useful, but because other, more efficient means of getting funds to local justice agencies are available, and the expenses attached to creating a planning, evaluation and innovation function are likely to be unnecessary and unproductive. To the extent that SPA's and their supporters employ either of the other two strategies, they are likely to be ineffective because SPA's at present exert virtually no control over the primary resources of the criminal justice agencies. Furthermore, it is not reasonable to expect the SPA's to gain such "natural" authority over existing agencies through the slow but continued performance of their currently limited functions of comprehensive planning, innovation, and evaluation. In many respects these activities seem to be counter-

productive. For to the extent that they are vigorously pursued they insulate the SPA's from the "real politics" of the allocation process in criminal justice, and force nuisances and unwelcomed functions on existing criminal justice interests, something that will gain them neither their respect nor authority. This we see as the continuing dilemma facing the Law Enforcement Assistance Administration and the derivative State Planning Agencies. To the extent that they try to work closely with the existing and more powerful criminal justice agencies, they become unnecessary. And to the extent they try to exercise a strong leadership role in planning and innovation, they become isolated and hence ineffectual.

REFERENCES

Columbia Human Rights Law Review (1973), "The Law Enforcement Assistance Administration: A Symposium On its Operation and Impact," 5:1.

Feely, Malcolm. (1976), "Innovation and implementation of a public agency: the case of the New Haven Redirection Center." In Douglas Yates and Richard Nelson (eds.), Innovation and Implementation In Public Agencies. Boston: D. C. Heath.

Freed, D. J. (1967), "The non-system of criminal justice." In Report to the Task Force on Law and Law Enforcement (Washington, D.C.: U.S. Government Printing Office), pp. 265–284.

Guidelines Manual: "State Planning Agency Grants" (Law Enforcement Assistance Administration, Jan. 16, 1976).

Hargrove, Edwin. (1975), "The Missing Link: The Study of The Implementation of Social Policy." Urban Institute, Washington, D.C.

Index to the Legislative History of the Omnibus Crime Control and Safe Streets Act of 1968. (1973), U.S. Government Printing Office.

O'Connell, Lawrence W., and White, Susan O. (1975), "Politics and evaluation in LEAA: the New England States." In Michael J. White, Michael Radnor, and David A. Tansik (eds.), Management and Policy Science in American Government, Lexington, Mass.: Lexington Books.

Pressman, Jeffrey and Wildvasky, Aaron. (1973), "Implementation." Berkeley: University of California Press.

Reich, Robert E. (1973), "Operations research and criminal justice." Journal of Public Law, pp. 357–387.

U.S. Advisory Commission on Intergovernmental Relations. (1970), "Making the Safe Streets Act Work: An Intergovernmental Challenge." Washington, D.C.: Commission on Intergovernmental Relations.

U.S. Advisory Commission on Intergovernmental Relations. (1976), "Safe Streets Reconsidered: The Block Grant Experience, 1968–75." Washington, D.C.: Commission on Intergovernmental Relations.

Van Meter, Donald and Van Horn, Carl. (1975), "The policy implementation process: a conceptual framework." Administration and Society, 6 (February 1975), pp. 445–488.

APPENDIX 2

NATIONAL CONFERENCE OF STATE
CRIMINAL JUSTICE PLANNING ADMINISTRATORS,
Washington, D.C., March 29, 1978.

Hon. JOHN CONYERS, Jr.,
Chairman, House Judiciary Subcommittee on Crime,
207E Cannon House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CONYERS: On March 1, 1978 your Subcommittee held oversight hearings on the Law Enforcement Assistance Administration (LEAA) at which time Attorney General Bell testified, inter alia, on his reorganization/reauthorization proposals for LEAA. During his testimony, Judge Bell was asked the following question by Representative McClory: "What do you consider planning overhead? The operation expenses of the Agency itself are actually quite low." Judge Bell responded, "There are 400 some planning bodies throughout the nation. In Georgia alone there are over 1,000 people paid by LEAA." The Attorney General added that there were only a little over 600 employees in LEAA. The impression that the Attorney General left was that there were over 1,000 people in Georgia who could be considered planners and overhead while LEAA

administered the national program with just over 600 people. In fact, there was a total of 986 persons employed under all Georgia action and planning programs and grants combined in 1976. On the other hand, LEAA in 1976 had over 800 employees of which 42 were employed in the LEAA Atlanta Regional Office.

As Chairman of the National Conference of State Criminal Justice Planning Administrators I have been asked by my Executive Committee to clarify this situation. To do so, I shall use data from the same report that was relied upon by the Attorney General, a report, prepared by LEAA itself through its former regional office in Atlanta, which used 1976 data.

(1) The Georgia State Crime Commission employed only 46 persons whose broad duties included planning, program development, grant administration, monitoring, auditing, technical assistance, research and general administration. Further the Georgia State Planning Agency provided a range of additional services.

(2) There were 20 persons employed by local, regional and judicial planning agencies.

(3) Thus, there were a total of 66 LEAA paid persons in the State of Georgia employed by a number of agencies to undertake planning to meet not only LEAA requirements but agency and criminal justice system operational needs.

(4) There were 920 other persons employed with LEAA funds by state and local governments and private non-profit agencies, but not for "planning overhead". These persons were supported by a variety of LEAA funding sources, including 105 persons supported by LEAA controlled discretionary grants.

(5) Of the total of 986 state, local and private persons employed under LEAA grants, 33.1 percent (327 persons) were employed in police programs; 12.3 percent (121 persons) were employed in court-related programs, including prosecution and defense; 34.5 percent (340 persons) were employed in correctional programs and 20.1 percent (198 persons) in other programs, including information systems support, training and planning. Persons employed by the State Planning Agency represent only 4.7 percent of the total number employed in the state, and many of these are not "overhead", i.e., administrative personnel. Persons employed by regional, local and judicial planning agencies represent only 2.0 percent of the total. Combined, all persons employed by planning agencies represent less than 6.7 percent of the total persons employed in Georgia under LEAA grants, and not all of those under most definitions would be considered "overhead".

I would respectfully suggest that the LEAA program in general, and this 6.7 percent figure in particular, compares favorably in "overhead" to other federal programs.

If you have any further questions on this matter, feel free to call me.

Sincerely,

NOEL C. BUFF,
Chairman.

OFFICE OF THE GOVERNOR,
STATE CRIME COMMISSION,
Atlanta, Ga., March 23, 1978.

Hon. JOHN CONYERS, Jr.,
Chairman, Subcommittee on Crime, Room 2444, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE CONYERS: In testimony before your subcommittee on March 1, 1978, Attorney General Bell made the following comment:

"There are 400 some planning bodies throughout the nation. In Georgia alone there are over 1,000 people paid by LEAA."

This statement was in response to the following question and comment from Congressman McClory:

"Why do you consider planning overhead? The operating expenses of the Agency itself are actually quite low."

One could easily conclude from the Attorney General's response that over 1,000 people in Georgia are involved in planning for LEAA. This is not true. My purpose in writing is to set the record straight.

The information being used by the Attorney General is from a report prepared by the staff of the former LEAA regional office in Atlanta, using 1976 data. The report states:

"In summary, LEAA FY 1976 grant funds supported 986 persons in Georgia. Of these, 881 were budgeted under block grants (Part B, C, and E and JJPDA) and 105 under Discretionary grants. Three hundred twenty-seven (327) of these

986 individuals or 33.1 percent were employed in police programs; 121 or 12.3 percent in court-related programs, including prosecution and defense; 340 or 34.5 percent in correctional programs, and 198, or 20.1 percent in other programs, primarily criminal justice planning, training and systems. In addition to the grant-funded personnel, LEAA monies supported the 42 persons employed in the LEAA Atlanta Regional Office."

Of the 198, or 20.1 percent in other programs, a total of 66 persons were involved in planning and administration. This includes all SPA, regional and Judicial Planning Committee staff.

I trust this information will be useful.

Sincerely,

JIM HIGDON,
Administrator.

APPENDIX 3

MARCH 22, 1978.

Hon. JOHN CONYERS, Jr.,
House of Representatives,
Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN CONYERS: I enclose a copy of the opinion of John M. Harmon, Assistant Attorney General, Office of Legal Counsel, on the question whether the Vacancy Act requires a nomination to the Directorship of the Law Enforcement Assistance Administration.

Although the answer is unclear, it seems to me to be the better part of wisdom to make such an appointment, and I will ask the President to proceed at once with a nomination.

Sincerely yours,

GRIFFIN B. BELL,
Attorney General.

ASSISTANT ATTORNEY GENERAL,
DEPARTMENT OF JUSTICE,
Washington, D.C., March 16, 1978.

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Vacancies in the Law Enforcement Assistance Administration.

We are herewith responding to your request for our analysis and comment on the opinion of the Deputy Comptroller General to Congresswoman Holtzman of February 27, 1978, concerning the service of Mr. James H. Gregg as Acting Administrator of the Law Enforcement Assistance Administration (LEAA) for a period in excess of 30 days following the resignation of its Administrator on February 25, 1977. The opinion concludes, on the basis of the so-called Vacancy Act, 5 U.S.C. § § 3345–3349, that the service of Mr. Gregg as Acting Administrator could not extend beyond 30 days, and that after that date "there was no legal authority for anyone to perform the duties of the Administrator except the Attorney General himself, in whom by statute, all the Administrator's functions are vested."

I. The sole authority cited by the opinion is the earlier opinion of the Comptroller General involving the service of Mr. L. Patrick Gray as Acting Director of the Federal Bureau of Investigation in 1973, with which opinion this Department disagreed.

In a letter to Senator Hruska, dated March 13, 1973, then Assistant Attorney General Robert G. Dixon (OLC) responded to the Senator's request concerning the Comptroller General's opinion. Mr. Dixon took the position that the Vacancy Act, in particular the thirty-day provision of 5 U.S.C. 3348, did not apply to every vacancy in the Executive Branch, including some of the offices which textually might appear to be covered by the Act. To the contrary, Mr. Dixon opined that specific or later statutes dealing with the manner in which an officer may perform the duties of a vacant office prevailed over the Vacancy Act. We attach copies of the Comptroller General's opinion and Mr. Dixon's response. As stated in our memorandum to you of February 27, we adhere to that view and note that this interpretation of the Act has been upheld by the courts in *United States* v.

Lucido, 373 F. Supp. 1142, 1148 (E.D. Mich., 1974) and *United States* v. *Halmo*, 386 F. Supp. 593, 595 (D. Wis., 1974).[1]

Mr. Gregg does not exercise the powers of the Administrator, LEAA, under 5 U.S.C. § § 3345, 3346 or 3347; hence, the thirty-day provision of 5 U.S.C. § 3348 is not directly applicable. The opinion of the Court of Appeals in *Williams* v. *Phillips*, 482 F. 2d 669 (C.A.D.C.) referred to in our original memorandum of February 27, 1978, indicates that in this situation Mr. Gregg could act pursuant to the delegation of authority for a reasonable period of time and suggests that 5 U.S.C. § 3348 would constitute a guideline for what constitutes a reasonable period in the absence of a nomination. It is not clear that the court intended to foreclose other tests of reasonableness, or to indicate that it would not take into account the special problems created by an impending reorganization of the agency involved. Incidents of this type have occurred in the past. Thus the then Secretary of Commerce resigned on February 1, 1967. At that time President Johnson planned to combine the Departments of Commerce and Labor, and did not fill the vacancy in the Department of Commerce until June 1967 when it became apparent that Congress would not accede to the consolidation of the two Departments.

II. The consequences drawn by the Comptroller General from his conclusion that Mr. Gregg lacks authority to perform the duties of the Administrator are on even less solid ground. He takes the position that only the Attorney General can now act for LEAA and that he indeed should ratify past actions taken by Mr. Gregg since they are subject to challenge. Those conclusions ignore the statutory limitations on the power of the Attorney General with respect to the LEAA and the *de facto* officer rule.

First. The basic organic provision of LEAA is 42 U.S.C. § 3711(a), as amended by section 102 of the Crime Control Act of 1976, 90 Stat. 2407; it provides:

(a) There is hereby established within the Department of Justice, *under the general authority, policy direction, and general control of the Attorney General*, a Law Enforcement Assistance Administration (hereafter referred to in this chapter as "administration") composed of an Administrator of Law Enforcement Assistance and two Deputy Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. (Emphasis supplied).[2]

The functions of LEAA thus are not completely vested in the Attorney General, as are those of most of the components of the Department of Justice, see 28 U.S.C. § 509. The Attorney General is given "general authority, policy direction, and general control." As shown by the legislative history of the 1976 amendment the purpose of this legislation was to give LEAA a considerable amount of internal autonomy, especially with respect to specific grants.

The Senate Report (S. Rept. 94–847) thus states: * * * the responsibility for its [LEAA] day-to-day operational control rests with the Administrator. (p. 15)

And again: * * * The new language is added to make clear the concept that, as a component of the Department of Justice, the Administration falls within the overall authority, policy direction, and control of the Attorney General, while the responsibility for its day-to-day operational control rests with the Administrator. (p. 35).

The pertinent House Report (H. Rept. 94–1155) contains the following statement of then Deputy Attorney General Tyler:

H.R. 9236 embodies several clarifications and refinements that we believe would improve the efficacy of the LEAA program. First of all, H.R. 9236 proposes that the Act be clarified by expressly stating that LEAA is under the policy direction of the Attorney General. The Act now provides that LEAA is within the Department of Justice, under the "general authority" of the Attorney General. In accordance with this language, the Attorney General is deemed ultimately responsible for LEAA. To make this responsibility meaningful, the Attorney General must concern himself with policy direction. Under the proposed language change, responsibility for the day-to-day operations of LEAA and particular decisions on specific grants will remain with the Administrator, as they are now. The pro-

[1] Moreover, the Deputy Comptroller General's present reliance on his *ipse dixit* in the *Gray* case is misplaced since that situation involved a designation of an Acting Director of the FBI under 28 U.S.C. §§ 509, 510. The present situation does not involve a designation of an acting head of an Executive agency but rather it concerns a delegation of authority under 42 U.S.C. § 3752, which is a different matter from a legal standpoint. The legal effect of the delegation was considered in our February 27 memorandum.

[2] We note that the quotation of this subsection in the Deputy Comptroller General's opinion is erroneous; it fails to take into account its amendment by the Crime Control Act of 1976.

posed additional language will make clear what is now assumed to be the case. (p. 30). (Emphasis supplied.)

And Senator Hruska explained on the floor of the Senate that the purpose of the limitation on the Attorney General's power was to assure that the State and local nature of the programs would not be overshadowed by the Department of Justice programs. 122 Cong. Rec. S 12218 (Daily Ed., July 22, 1976).

The authority reserved to the Administrator or Deputy Administrators and delegated to Mr. Gregg consists, apart from personnel actions, mainly of approving important, complex, and controversial grants.[3] Because of the statutory limitation on the Attorney General's authority with respect to LEAA, those grant functions could not be performed by anyone pending Presidential nomination and Senate confirmation of a new Administrator, LEAA, if Mr. Gregg—as asserted by the Comptroller General—is incapable of performing the functions delegated to him. This would be an extreme result; but it is the logical conclusion of the Deputy Comptroller General's reading of the Vacancy Act.

Second. The Deputy Comptroller General's assumption that Mr. Gregg's past and present actions in carrying out the functions of the Administrator are subject to challenge because his tenure violates the Vacancy Act, ignores the *de facto* officer principle. That principle holds that where an officer performs the duty of an office under color of title, he is considered a *de facto* officer, and his acts are binding on the public, and third persons may rely on their legality. *McDowell* v. *United States*, 159 U.S. 596, 601–602 (1895); *United States* v. *Royer*, 268 U.S. 394 (1925); *United States* v. *Lindley*, 148 F. 2d 22, 23 (7th Cir., 1945), certiorari denied, 325 U.S. 858. Indeed the authority of *de facto* officers can be challenged as a rule only in special proceedings in the nature of *quo warranto* brought directly for that purpose. *United States ex rel. Dorr* v. *Lindley, supra; United States* v. *Nussbaum*, 306 F. Supp. 66, 68–69 (N.D. Cal., 1969); Mechem, *Public Office and Officers*, §§ 343, 344 (1890).

The reason for the principle is that there should be no cloud on the validity of public acts and the right of the public to rely on them in the case of technical imperfections or doubts on the right of a public official to exercise his office. A typical case of a *de facto* officer is an officer who continues to serve after his term of office has expired. *Waite* v. *Santa Cruz*, 184 U.S. 302, 322–324 (1902); *United States* v. *Groupp*, 333 F. Supp. 242, 245–246 (D. Maine, 1971), aff'd, 459 F. 2d 178, 182 fn. 12 (1st Cir., 1972). The Deputy Comptroller General concedes that Mr. Gregg validly exercised the functions of the Administrator for at least thirty days. It is our conclusion, therefore, that under the *de facto* officer principle, Mr. Gregg's actions will continue to bind third parties until his right to perform the delegated functions has been adversely determined in proceedings specifically brought for that purpose.[4]

For the reasons stated above, we disagree with the legal positions taken by the Deputy Comptroller General in his opinion to Congresswoman Holtzman. However, as we pointed out in our February 27 memorandum the law respecting Mr. Gregg's authority to exercise the functions of the Administrator of LEAA is unclear. We believe the only satisfactory resolution of the uncertain status of Mr. Gregg's authority is for the President to submit a nomination to fill the position of Administrator even though the position may well be abolished with the proposed reorganization of LEAA.

JOHN M. HARMON,
Assistant Attorney General,
Office of Legal Counsel.

Attachments.

---

[3] A. Authority reserved for Administrator or Deputy Administrators:
1. Sign Track II discretionary grants, *i.e.*, grants involving States in one region of the country, if:
(a) Cost is $300,000 or more;
(b) Project is of a controversial nature;
(c) Project is a construction project; and
(d) Approach has not been tested or demonstrated elsewhere.
2. Sign track I discretionary grants, *i.e.*, involve more than one region or have national impact.
3. Sign Public Safety Officers' Benefits Act awards. Also make final agency decision on PSOB claims.
4. Approve personnel actions for GS–14 and GS–15.
5. Make final agency decision on compliance and adjudicatory hearings including civil rights.

[4] We may add that the *de facto* officer rule is not an antiquated doctrine, but has been applied frequently in connection with technical violations in the composition of draft boards. See *Groupp, supra.*

§ 3345. Details; to office of head of Executive or military department.

When the head of an Executive department or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3346. Details; to subordinate offices.

When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3347. Details; Presidential authority.

Instead of a detail under section 3345 or 3346 of this title, the President may direct the head of another Executive department or military department or another officer of an Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed or the absence or sickness stops. This section does not apply to a vacancy in the office of Attorney General.

§ 3348. Details; limited in time.

A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days.

§ 3349. Details; to fill vacancies; restrictions.

A temporary appointment, designation, or assignment of one officer to perform the duties of another under section 3345 or 3346 of this title may not be made otherwise than as provided by those sections, except to fill a vacancy occurring during a recess of the Senate.

DEPUTY ASSISTANT ATTORNEY GENERAL,
DEPARTMENT OF JUSTICE,
Washington, D.C., February 27, 1978.

MEMORANDUM FOR THE ATTORNEY GENERAL

Mr. Harmon has approved the attached memorandum and has asked me that, during his absence, it be forwarded to you unsigned.

LEON ULMAN,
Deputy Assistant Attorney General,
Office of Legal Counsel.

Attachment.

ASSISTANT ATTORNEY GENERAL,
DEPARTMENT OF JUSTICE,
Washington, D.C., February 27, 1978.

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Vacancies in the Law Enforcement Assistance Administration.

The questions of the vacancies in the Law Enforcement Assistance Administration (LEAA) and of Assistant Administrator Gregg's exercise of the authority of the Administration[1] will come up in the near future in Congressional hearings: It may be raised during the hearings on Mr. Civiletti's nomination to be Deputy Attorney General, and we understand it will be raised during the testimony you are scheduled to give on March 1, 1978, on reorganization of LEAA. Pursuant to a Congressional request the General Accounting Office is preparing a legal memorandum dealing with the question, and the department has been asked to present its views to that office. We have not yet responded to that request. We also understand that there is a possibility that Mr. Gregg's authority may be challenged in proceedings seeking judicial review of his denials of grant requests. 42 U.S.C. § 3759.

The question concerning Mr. Gregg's status is based on 5 U.S.C. § 3348, which provides that a vacancy caused by death or resignation may not be filled under

[1] The vacant positions in the LEAA are Presidential appointments requiring Senate confirmation. Mr. Gregg does not hold such an appointment.

the authority of the Vacancy Act (5 U.S.C. §§ 3345–3347) on an acting basis for more than thirty days. It can be argued that Mr. Gregg serves neither on an acting basis, nor by virtue of the Vacancy Act, but pursuant to a delegation made pursuant to the Organic Act of the LEAA, 42 U.S.C. § 3752. But the delegation argument presents difficulties. Hence, it may be that the best approach to the problem is to inform the committees as well as GAO that it is not practicable to make appointments to an agency which is about to be the subject of a reorganization plan.

THE FACTS

LEAA Administrator Velde and Deputy Administrator Wormeli resigned their offices on February 25, 1977.[2] On February 24, 1977, Mr. Velde issued a Notice which provided in pertinent part:

Effective c.o.b. February 25, 1977, James M. H. Gregg, Assistant Administrator, Office of Planning and Management, is delegated authority and responsibility for all duties and functions of the Administrator and Deputy Administrator for Administration which have not been elsewhere delegated.[3]

This Notice contained a cancellation date of June 1, 1977.

Since June 1, 1977, Mr. Gregg has relied on an Instruction or Standing Order of September 10, 1974, also signed by Administrator Velde, which provided:

Action. This Instruction designates the following as Acting Administrator.

* * * * * * *

c. *The Assistant Administrator, Office of Planning and Management,* is *delegated* the authority and responsibility to exercise the administrative powers of the Administration during the concurrent absence[4] of the Administrator, the Deputy Administrator for Policy Development, and the Deputy Administrator for Administration. (*Emphasis supplied.*)

The delegations contained in the Notice and the Instructions apparently were based on 42 U.S.C. 3752 pursuant to which—

The Administration may delegate to any officer or official of the Administration, * * * such functions as it deems appropriate.[5]

While he is informally referred to as "Acting Administrator,"[6] all official documents are signed by him as "Assistant Administration, Office of Planning and Management."

DISCUSSION

The General Accounting Office may well take the position that Mr. Gregg is Acting Administrator, LEAA, and construe 5 U.S.C. § 3348 to the effect that no official subject to its provisions can serve in an acting position for more than thirty days. Section 3348 reads:

A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days.

According to its very terms the thirty-day limitation of § 3348 is thus directly applicable only to vacancies filled temporarily pursuant to §§ 3345–3347. *United States* v. *Lucido*, 373 F. Supp. 1142, 1148 (E.D. Mich., 1974); *United States* v. *Halmo*, 386 F. Supp. 593, 595 (E.D. Wis, 1974). The first question therefore is whether the vacancy in the office of Administrator of LEAA has been filled pursuant to those sections. Section 3345, which deals with vacancies in the offices of heads of the Executive departments, and § 3347, which involves the specific designation of acting officials by the President, are clearly inapplicable since LEAA is not an Executive department and the President has not acted.

Section 3346 provides in pertinent part that, if the head of a bureau of an Executive department resigns, his first assistant shall perform the duties of the office until a successor is appointed. There are some technical questions whether LEAA is a bureau in the Department of Justice,[7] and whether the Assistant Ad-

[2] Deputy Administrator McQuade had resigned on November 6, 1976.

[3] It is Mr. Gregg's recollection that the delegation procedure was adopted on the basis of advice given by a member of the Office of Legal Counsel at a meeting in Mr. Adamson's office. Mr. Adamson has no recollection of that meeting and we have not been able to ascertain who the OLC representative was. In any event, Mr. Gregg recalls that it was expected that the LEAA vacancies would be filled within a month.

[4] The Instruction defines "absence" so as to include a vacancy.

[5] The LEAA statute provides for an Administrator and two Deputy Administrators but has no provision regarding vacancies in those offices.

[6] The material in the 1977 Government Manual (p. 331), approved by the Attorney General, refers to Mr. Gregg as Acting Administrator.

[7] This is due to 42 U.S.C. 3711 pursuant to which the Attorney General does not have the same degree of full control over the LEAA as he has over the divisions and offices of the Department. 28 CFR § 0.1, however, lists LEAA among the bureaus of the Department of Justice.

ministrator for Planning and Management is a first assistant within the meaning of § 3346.[8] We assume, however, *arguendo*, that he is. This, however, does not necessarily mean that Mr. Gregg's authority is limited to thirty-days.

First, it could be said that if the authority of a person to perform the functions of the head of an agency can be based on two grounds—the general provision of § 3346, and a special one, such as the delegation here involved—the special source of authority prevails. That conclusion was reached in *United States* v. *Halmo*, 386 F. Supp. 593, 595 (E.D. Mich., 1974).[9] Another court held in this situation that the person initially serves under the provisions of the Vacancy Act but after the expiration of the thirty-day period on the basis of his other source of authority. That conclusion was reached in *United States* v. *Lucido*, *supra*, at 1147–1151.[10]

The thirty-day limitation of the Vacancy Act therefore does not constitute in itself a limitation on the time during which Mr. Gregg can serve pursuant to delegated authority. This, however, does not dispose of the question whether a person can serve under a delegation for an unlimited time, especially if the person who made the delegation has died or resigned. In private law situations, of course, there cannot be a delegate in the absence of a principal. Under public law, it is, however, well recognized that a delegation to subordinate officials survives the resignation or death of the person who issued it. *In re Subpoena of Perrico*, 522 F. 2d 41, 62 (2d Cir. 1975) ; *United States* v. *Morton Salt Co.*, 216 F. Supp. 250, 225–256 (D. Minn., 1962), aff'd, 382 U.S. 44 (1965) ; *United States* v. *Halmo*, *supra*.

This rule of public law certainly covers routine permanent or quasi-permanent delegations to subordinate officials of functions which the agency or bureau head never exercises personally and which he is not expected to perform personally. See, *e.g.*, 42 Op. A.G. No. 24, p. 5. It is however, by no means certain that the same considerations apply to the delegation of functions normally reserved to the agency or bureau heard, especially if the delegation is made in contemplation of or conditioned on a vacancy It could be maintained either that functions of that nature are not delegable at all, or that a delegation made in contemplation of or conditioned on a vacancy is not a true delegation, but rather an attempt to fill a vacancy,[11] and therefore subject to the provisions of the Vacancy Act or to analogous considerations.[12] There has been little, if any, discussion of the relationship between the law of vacancy and the nonstatutory delegation of top-management functions conditioned on, or made in contemplation of, a vacancy. An early Acting Attorney General's opinion took the position that while a statutory delegation survives the death of the principal, it can do so only during the period specified in the Vacancy Act. 18 Op. A.G. 50 (1884). This opinion is however, inconsistent with the decisions in *Halmo* and *Lucido*, *supra*.

Another possible basis for Mr. Gregg's authority might be found in 28 CFR 0.132(d), pursuant to which, in the event of a vacancy in the office of the head of any organizational unit his ranking deputy is to perform the functions and

---

[8] Early opinions of the Attorney General construing the predecessor to section 3346 have taken the position that the term "first assistant" applies only to assistants whose appointment has been specifically provided for by tatute. 19 Op. A.G. 503 (1890) ; 28 Op. A.G. 95 (1909). Mr. Gregg's appointment is not based on statute.

[9] The court held that the Solicitor General served as Acting Attorney General not pursuant to the Vacancy Act put pursuant to the specific provisions of 28 U.S.C. § 508 and the Attorney General's regulation issued thereunder, 28 CFR § 0.132(a).

[10] There the court held that the Deputy Attorney General served as Acting Attorney General first for a thirty-day period under § 3345 and then for an unlimited period under 28 U.S.C. § 508(a).

[11] It should be noted in this context that the Instruction of September 10, 1974, uses the words "Acting" and "delegation" in the alternative. See *supra*.

[12] *Williams* v. *Phillips*, 360 F. Supp. 1363 (D.D.C. 1973), stay denied, 482 F.2d 669 (C.A.D.C. 1973), involved the situation in which President Nixon, following the resignation of the Director of the Office of Economic Opportunity, appointed an Acting Director for the avowed purpose of dismantling that agency. Although the Director had to be appointed by the President by and with the consent of the Senate, no nomination was forthcoming. Four Senators thereupon instituted an action to oust the Acting Director. The District Court upheld the plaintiffs. It held that the appointment of the Acting Director was unauthorized, since the Vacancy Act constituted the only authority to appoint acting officials to positions requiring Senate confirmation, and the OEO was not covered by the Vacancy Act. The Court of Appeals denied the stay sought for by the Government. It suggested that there might be authority outside the Vacancy Act to appoint acting officials to positions requiring Senate confirmation. However, if that power is exercised, a nomination would have to be submitted within a reasonable period, such as the thirty-day provision of the Vacancy Act. It should be noted that under that suggestion it would be sufficient to submit a nomination within that period. It is therefore more lenient than the Vacancy Act which requires that an appointment and not merely a nomination be made during the thirty-day period.

duties of and act as such head. We have examined this point and conclude that in the situation at hand it opens up so many vexatious questions that there is no need to analyze it in detail here.[13]

CONCLUSION

The preceding discussion indicates that Mr. Gregg's position in LEAA is vulnerable because of the long duration of the vacancy. This is not a case in which the vacancy existed only for a few weeks longer than the 30-day period of the Vacancy Act or where the delay in filling the vacancy has been due largely to the "deliberateness" of the confirmation process. Legal arguments which might be supportable in those circumstances are not applicable here. Courts might recognize that under present conditions it is not practicable to select a candidate, nominate him and get him confirmed all within thirty days. Thus they might condone legal techniques designed to get the Executive branch out of the outmoded straitjacket of § 3348 provided that at least a nomination is submitted to the Senate within what appears to be a reasonable time after the vacancy has arisen. That favorable attitude, however, can hardly be expected where the delay in nomination has been long and unexplained. Indeed in such a situation the courts might condemn altogether a technique they might have upheld if the first case before them presenting such an issue involved a vacancy exceeding thirty days only by a short period or one where a nomination was made soon after the vacancy arose.

Compare in this context *Williams* v. *Phillips*, *supra*, with *Halmo* and *Lucido*, *supra*.

In those circumstances it might be best to argue that the reasonable speed in filling a vacancy is to be measured not only in relation to the thirty-day provision of the Vacancy Act, but also as against the political and practical realities. Here it is well-known that the Administration has not been satisfied with the performance of LEAA and is in the process of reorganizing it.[14] It can be argued that pending a decision on the reorganization issue it is undesirable, if not impossible, to make a nomination to the position of Administrator. It would be unfair to nominate someone for a position that may be abolished or the functions of which may be radically modified in the near future. Moreover it would be difficult to find a responsible person who would accept a nomination in these circumstances. Similarly, the President should not be expected to make a selection for a position before its duties and responsibilities have been determined. But these arguments are based on policy considerations and not on law.

Against this background of uncertainties the best argument, we believe, is that the delay in making appointments, or at least nominations, to the positions in LEAA requiring Senate confirmation has not been unreasonable.

JOHN M. HARMON,
Assistant Attorney General,
Office of Legal Counsel.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., February 22, 1973.

The Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Your letter of June 21, 1972, requests our report on the applicability of 5 U.S.C. 3348 to the temporary appointment of Mr. L. Patrick Gray III as Acting Director of the Federal Bureau of Investigation (FBI). We found it necessary to obtain the views of the Department of Justice in regard to Mr. Gray's appointment and have carefully considered them.

By Public Law 90–351, title VI, § 1101, June 19, 1968, 82 Stat. 236 (28 U.S.C. § 532 note), Congress provided for appointing the Director of the FBI, as follows:

[13] The problems are, first, the issue alluded to above, namely, whether Mr. Gregg is the ranking deputy in the LEAA within the meaning of § 0.132(d). Moreover, since the authority for the issuance of § 0.132(d) is derived from 28 U.S.C. §§ 509 and 510 the questions arise (a) whether the functions of the LEAA have been vested in the Attorney General within the meaning of § 509; whether § 510 actually authorizes the Attorney General to provide for the filling of vacancies which require confirmation by the Senate; whether such filling of vacancies is exempt from the thirty-day requirement of 5 U.S.C. § 3348 or any analogous rule requiring Presidential action within a reasonable period.

[14] In contrast to the situation involved with the OEO where the statutory functions of the agency were "sabotaged" during the vacancy, Mr. Gregg, we are told, is faithfully carrying out the statutory mandate of LEAA.

Effective as of the day following the date on which the present incumbent in the office of Director ceases to serve as such, the Director of the Federal Bureau of Investigation shall be appointed by the President, by and with the advice and consent of the Senate * * *.

Prior to this, the Director had been appointed by the Attorney General.

On May 2, 1972, the incumbent, Mr. Hoover, died and on May 3, 1972, the then Acting Attorney General, by Order No. 482–72, designated Assistant Attorney General Gray to serve as Acting Director of the FBI. On May 11, 1972, Mr. Gray was reassigned by the Acting Attorney General from the position of Assistant Attorney General to the position of Associate Director of the FBI. The previous Associate Director, Mr. Clyde Tolson, had resigned effective at the close of business on May 10, 1972. Mr. Gray has continued to serve as Acting Director since his designation to that position on May 3.

Under section 3348 of title 5, United States Code, a 30-day limit is imposed on temporary appointment to fill positions which are subject to Presidential appointment and Senate confirmation. That section is worded as follows:

§ 3348. Details; Limited in time.

A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days.

The cited section, 5 U.S.C. 3345–3347, provide:

§ 3345. Details; to office of head or Executive or military department.

When the head of an Executive department or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3346. Details; to subordinate offices.

When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3347. Details; Presidential authority.

Instead of a detail under section 3345 or 3346 of this title, the President may direct the head of anothre Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed or the absence or sickness stops. This section does not apply to a vacancy in the office of Attorney General.

Also pertinent is 5 U.S.C. 3349:

§ 3349. Details; to fill vacancies; restrictions.

A temporary appointment, desingation, or assignment to one officer to perform the duties of another under section 3345 or 3346 of this title may not be made otherwise than as provided by those sections, except to fill a vacancy occurring during a recess of the Senate.

All five sections are derived from the act of July 23, 1868, ch. 227, 15 Stat. 168, hereafter referred to as the Vacancies Act. The time limit now found in section 3348 was 10 days as covered in the 1868 act and was increased to 30 days by the act of February 6, 1891, ch. 113, 26 Stat. 733. Congressional intent in passing the 1868 act is indicated by debate recorded in the Congressional Globe of February 14, 1868:

Mr. Trumbull. The intention of the bill was to limit the time within which the President might supply a vacancy temporarily in the case of the death or resignation of the head of any of the Departments or of any officer appointed by him by and with the advice and consent of the Senate in any of the Departments. As the law now stands, he is authorized to supply those vacancies for six months without submitting the name of a person for that purpose to the Senate and it was thought by the committee to be an unreasonable length of time, and hence they have limited it by this bill to thirty days. [Changed by floor amendment to 10 days.]

The bill also has another object. By the second section (now 5 U.S.C. 3349) it is intended to repeal all previous laws in the subject. * * * lest there be any misapprehension about it the second section is intended to be very full and to repeal all other laws on this subject, so that the whole law in regard to supplying vacancies temporarily will be in this one act.

* * * * * * *

Mr. Trumbull. * * * This bill only applies to cabinet officers and the heads of bureaus—those officers appointed by the President, by and with the advice and consent of the Senate. In case of vacancy or inability to discharge the duties of the office by any of these parties the President is authorized to detail some other officer to perform the duties for ten days in case of a vacancy, and during those ten days, of course, it will be his duty to nominate to the Senate, if the Senate is in session, some person for the office * * * 39 Cong. Globe 1163, 1164.

It is clear that sections 3345 through 3349 were intended to preclude the extended filling of an office subject to Senate confirmation without submission of a nomination to the Senate.

The question then, as raised by your letter, is whether the cited sections are applicable to the appointment of Mr. Gray. It is the view of the Department of Justice, that Mr. Gray's appointment was not made pursuant to sections 3345, 3346 or 3347 of title 5, and that therefore the 30-day limitation in 5 U.S.C. 3348 is inapplicable to his continued service. In a letter dated January 10, 1973, the Department takes the following position:

[Mr. Gray] was reassigned to the position of Associate Director, FBI, by personnel action effective May 11, 1972. Pursuant to Department of Justice regulations, the Associate Director serves as Acting Director in the event of a vacancy in that position. 28 CFR 0.132(d).

Under a provision of the organic act of the Department of Justice, 28 U.S.C. 509, virtually all functions of officers, employees, and agencies of the Department are vested in the Attorney General, including the functions of the FBI. The Attorney General, in turn, has authority to delegate the performance of these functions to "any other officer, employee, or agency of the Department." 28 U.S.C. 510. He has assigned these functions by regulation and has provided who is to perform them when the principal office to which they are assigned is vacant.

See 28 CFR, Part 0. It is under these regulations, and pursuant to these statutory provisions, that Mr. Gray now serves as Acting Director of the FBI, rather than pursuant to 5 U.S.C. 3346 or 3347.

The Department also makes the following points:

5 U.S.C. 3345–47 provides for filling certain vacancies in general terms. In contrast, provisions such as 28 U.S.C. 508–510 deal with a specific Department and, read in pari materia with 5 U.S.C. 3345–47, indicate that Congress intended different provisions to govern the filling of vacancies in the Department of Justice than govern generally.

While 5 U.S.C. 3349 appears to create an exclusive method of filling vacancies temporarily, on close reading it is clear that it is applicable only to vacancies filled 'under section 3345 or 3346.'

It is noteworthy, that 5 U.S.C., for example, authorizes the President to designate the order of succession for department heads generally. 28 U.S.C. 508, however, authorizes the Attorney General to make this designation in the Department of Justice.

Comparing the general provisions of 5 U.S.C. 3345–48, originally enacted in 1868, with the provisions of 28 U.S.C. 508–10, derived from the Department of Justice Act of 1870 and Reorganization Plans No. 2 of 1950 and No. 4 of 1953, it becomes clear that the vacancies provisions governing this Department are an exception to the general vacancies provisions.

It is a settled principle of statutory construction that a specific statute prevails over a general and that a statute later in time prevails over an earlier.

Sections 508–510 of title 28, United States Code, referred to by the Department of Justice, provide as follows:

§ 508. Vacancies.

(a) In case of a vacancy in the office of Attorney General, or of his absence or disability, the Deputy Attorney General may exercise all the duties of that office, and for the purpose of section 3345 of title 5 the Deputy Attorney General is the first assistant to the Attorney General.

(b) When, by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Assistant Attorneys General and the Solicitor General, in such order of succession as the Attorney General may from time to time prescribe, shall act as Attorney General.

§ 509. Functions of the Attorney General.

All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General except the functions—

(1) Vested by subchapter II of chapter 5 of title 5 in hearing examiners employed by the Department of Justice;

(2) Of the Federal Prison Industries, Inc.

(3) Of the Board of Directors and officers of the Federal Prison Industries, Inc.; and

(4) Of the Board of Parole.

§ 510. Delegation of authority.

The Attorney General may from time to time make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Attorney General.

Section 508 is derived from Reorganization Plan No. 4 of 1953; sections 509 and 510 are derived from Reorganization Plan No. 2 of 1950. These plans were promulgated pursuant to the Reorganization Act of 1949 (Public Law 109, 81st Cong., 63 Stat. 203) which was enacted, following recommendations of the first Hoover Commission, as a means of expediting reorganizations in the executive branch. In a report by the Senate Committee on Expenditures in the Executive Departments, S. Rept. 1683, 81st Cong., 2d sess., the purpose of Reorganization Plan No. 2 is explained:

In a special message to Congress accompanying Reorganization Plans Nos. 1 to 13 of 1950, the President outlined the purpose of plans Nos. 1 to 6 inclusive, as follows:

Reorganization Plans Nos. 1 to 6, inclusive, relate to the Departments of the Treasury, Justice, the Interior, Agriculture, Commerce, and Labor. With certain exceptions, these plans transfer to the respective Department heads the functions of other officers and agencies of the Departments. They permit each Department head to authorize the functions vested in him to be performed by any officer, agency, or employee of the Department * * *.

Through the years the Congress has repeatedly endorsed the policy of holding agency heads fully accountable for all the functions of their agencies. * * *

Plan No. 2 does not give to the Department of Justice any more powers, authority, functions, or responsibilities than it now has. (emphasis added.)

It is clear that the primary intent of Reorganization Plan No. 2 was to establish clear and direct lines of authority and responsibility for the management of the Department of Justice and to make the Attorney General clearly responsible for the effectiveness and economy of administration of the Department of Justice. See also H.R. Doc. 503, 81st Cong., 2d sess. (1950). The wording in Reorganization Plan No. 2 is similar to the wording of other reorganization plans approved in 1950, such as Reorganization Plan No. 3 concerning the Department of the Interior, Reorganization Plan No. 5 concerning the Department of Commerce, and Reorganization Plan No. 6 concerning the Department of Labor. In fact, nearly all executive agencies were subsequently reorganized under similarly worded reorganization plans and for similar reasons—to effectuate the recommendations of the Hoover Commission by establishing clear and direct lines of authority within each agency.

In our opinion since nearly all executive agencies have similarly worded statutes conferring almost identical powers on the heads of the respective agencies, the position of the Department of Justice—that from the wording in 28 U.S.C. 509–510 it is manifest Congress intended different provisions to govern the filling of vacancies in the Department of Justice than govern generally—is not tenable. Also, if the interpretation of the Department of Justice with regard to its reorganization plan were applied to the reorganization plans of all agencies, the effective result would be to render virtually null and void the statutory prohibitions contained in sections 3345–94 of title 5, United States Code. It is clear that such result was not intended.

It is worth noting that section 5(a)(5) of the Reorganization Act of 1949 prohibits any reorganization plan from having the effect of "increasing the term of any office beyond that provided by law for such office", a restriction which, to be meaningful, would have to apply to the 30-day term limit put on temporary appointments to positions requiring Senate confirmation.

With respect to the remaining arguments of the Department of Justice, it is sufficient to state that they, as well as the Department's position as discussed above, lead to the ultimate conclusion that Congress did not intend to require Senate confirmation of the new head of the FBI. For there is nowhere in the Department's logic any provision for Senate confirmation except as the President might decide to nominate someone for the position.

Therefore, our opinion is that the service of Mr. Gray as Acting Director of the Federal Bureau of Investigation is subject to the provisions of 5 U.S.C. 3346–3349, and that his continued service in that position is prohibited since he has performed the duties thereof in excess of 30 days. See 32 Op. Atty. Gen. 139 (1920).

Sincerely yours,

ELMER B. STAATS,
Comptroller General
of the United States.

MARCH 13, 1973.

Hon. ROMAN HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: This is in response to your request for the comments of the Department of Justice on the Comptroller General's letter to Senator Proxmire dated February 22, 1973, concluding "that the service of Mr. Gray as Acting Director of the Federal Bureau of Investigation is subject to the provisions of 5 U.S.C. 3346–3349, and that his continued service in that position is prohibited since he has performed the duties thereof in excess of 30 days. See 32 Op. Atty. Gen. 139 (1920)." The Comptroller General referred to the contrary views of this Department, which were set forth in its letter to his office dated January 10, 1973. We reaffirm our views.

In its January 10 letter the Department took the position that the specific vacancy provisions relating to the Department of Justice prevail over the earlier and more general language of the Vacancies Act (5 U.S.C. 3346–3349). The Comptroller General's position may be summarized as follows:

(1) That the provisions of the Vacancies Act were intended to establish uniform regulations in order to preclude the filling of a vacant office subject to Senate confirmation for more than 30 days.

(2) That the statutes applicable to this Department (28 U.S.C. 509–510) must be interpreted as subordinate to the provisions of the Vacancies Act, since otherwise its prohibitions would be rendered "virtually null and void."

(3) That the Department's position leads to the "ultimate conclusion that Congress did not intend to require Senate confirmation of the new head of the FBI. For there is nowhere in the Department's logic any provision for Senate confirmation except as the President might decide to nominate someone for the position."

The Comptroller General's conclusion that the Vacancies Act must prevail over all subsequent and specific statutes disregards conventional principles of statutory construction as well as the history and effect of that Act. It, like the Tenure of Office Act, was part of the legislation which resulted from the controversy between Congress and President Andrew Johnson. It will be remembered that a part of the Tenure of Office Act was repealed as soon as President Johnson left office. When the remainder of the Tenure of Office Act was repealed in 1887 the pertinent committee report stated that the legislation had been enacted in 1867—

"In a time of great party excitement * * * which [the legislation], to say the least, was unusual, and tended to embarrass the President in the exercise of his constitutional prerogative." H. Rept. 3539, 49th Cong., 2d Sess.

The Vacancies Act not only tended to, but did, impede the President in the exercise of his constitutional responsibilities. In 1880, when the time limitation under the Vacancies Act amounted to ten days, the Attorney General was required to advise the Secretary of the Treasury in connection with a vacancy in the office of the Secretary of the Navy that after the expiration of the ten-day period "there is, and can be, no person authorized by designation to sign requisitions upon the Treasury Department on account of Navy payments as Acting Secretary of the Navy." 16 Op. A.G. 596, 597. In 1920, the Department of Justice had to advise the Acting Secretary of State that after the expiration of the thirty-day period, he "should not take action in any case out of which legal rights might arise which would be subject to review by the courts." 32 Op. A.G. 139, 141 (1920). In that case, significantly, the expiration of the thirty-day period had not been occassioned by a delay in the nomination of the new Secretary of State (Bainbridge Colby), but by prolonged debate in the Senate on his confirmation.

What is involved therefore is a statute enacted during a highly partisan period which, if it were applicable, could seriously interfere with the President's constitutional responsibility to administer the operations of the Executive branch of the Government. If the thirty-day period under 5 U.S.C. 3348 expires, operations of the particular department or agency involved can be substantially impeded. On the other hand, the prudent selection of a nominee for a highly specialized or responsible position like the one here involved may readily exceed thirty days. Morover, even if the President submits a nomination promptly to the Senate, delays in the confirmation may as in the Colby case, *supra*—result in the expiration of the thirty-day period.

It is our view that legislation, such as 28 U.S.C. 509 and 510, is to be construed, not as being subordinated to the Vacancies Act, but as remedial legislation designed to supersede it. And it is in this manner that the legislation has been administratively construed from the very beginning, without, so far as we are aware, any dissent by the Congress.

Only two years after the enactment of the Vacancies Act Congress passed the Department of Justice Act, which specifically provided that in the case of a vacancy in the office of the Attorney General, the Solicitor General [now the Deputy Attorney General, 23 U.S.C. 508] shall have the power to exercise all the duties of that office. Act of June 22, 1870, section 2, 16 Stat. 160, R.S. 347. There was no time limitation attached to that provision. Four years later the compilers of the Revised Statutes concluded that to the extent that the Vacancies Act differed from the Department of Justice Act, the latter prevailed. See R.S. 179, now 5 U.S.C. 3347. In the winter of 1881–1882, Solicitor General Phillips served as Acting Attorney General from November 14, 1881, until January 3, 1882, *i.e.*, in excess of thirty days. Biographical Directory of the American Congress 1774–1971, p. 23.[1] A note in the Opinions of the Attorneys General indicates that the Solicitor General discharged the duties of the Attorney General pursuant to R.S. 347, *i.e.*, the subsequent specialized legislation applicable to the Department of Justice, and not according to the earlier Vacancies Act. 17 Op. A.G. 251. Since then there have been a number of instances in which the Solicitor General or the Deputy Attorney General has served as Acting Attorney General well in excess of thirty-days. Among the most recent were those of Deputy Attorney General Katzenbach, who served as Acting Attorney General from September 4, 1964, until February 11, 1965, and of Deputy Attorney General Ramsey Clark, who served as Acting Attorney General from October 3, 1966 until March 2, 1967. No challenge was directed to any of these instances.

Of the eleven Executive departments, as defined in 5 U.S.C. 101, five additional ones have acting officer provisions like 28 U.S.C. 508 in their organic legislation.[2] Consequently, the thirty-day provision of 5 U.S.C. 3348 is inapplicable to the acting heads of six out of the eleven Executive departments.

Similarly, Mr. Gray's authority to perform the functions and duties and act as head of the FBI flows from the power of the Attorney General under 5 U.S.C. 510 to authorize the performance by any other officer of the Department of any function vested in him. This authority is not derived from the Vacancies Act, and hence it is not subject to the thirty-day limitation of 5 U.S.C. 3348.[3] The Comptroller General seeks to refute our position by pointing out that most Reorganization Plans applicable to the Executive departments have provisions analogous to 28 U.S.C. 510; hence, that if the interpretation of that section by the Department of Justice were correct, it would in effect render the statutory prohibitions contained in 5 U.S.C. 3345–3349 "null and void," and that such a result could not have been intended. The short answer is that because Congress subsequently has exempted six of the eleven departments from the provisions of

---

[1] According to the Department of Justice Register, Attorney Geenral MacVeigh resigned on September 22, 1881, but served until October 24, 1881. The first opinion of Acting Attorney General Phillips is dated November 2, 1881. 17 Op. A.G. 240.

[2] Treasury: 31 U.S.C. 1005 as amended by the Act of May 18, 1972, P.L. 92–302, 86 Stat. 148; Commerce: 15 U.S.C. 1503; Labor: 29 U.S.C. 552; Health, Education, and Welfare: Reorganization Plan No. 1 of 1953, section 2 and 42 U.S.C. 3501; Transportation: 49 U.S.C. 1652(b).

[3] The Attorney General unquestionably has the power to appoint acting officials under 5 U.S.C. 510. That section is derived from Reorganization Plan No. 2 of 1950. The Attorneys General have relied on that authority at least since 1956 in order to designate acting Assistant Attorneys General. The enactment of 28 U.S.C. 510 into positive laws in 1966 thus must be deemed to constitute a congressional ratification of the administrative interpretation of the Reorganization Plan.

5 U.S.C. 3348, it is unreasonable to suppose that Congress intended to perpetuate the burdensome and frequently unworkable requirements of the Vacancies Act for lower echelon officials.[4]

Nor does our view that 5 U.S.C. 3348 has no application in this instance mean that the President for an indefinite time can disregard the statutory requirement that the Director of the Federal Bureau of Investigation must be appointed by and with the advice and consent of the Senate. He clearly must nominate a Director within a reasonable time. But the determination of what constitutes a reasonable time depends on the particular circumstances (as in the cases of Attorneys General Katzenbach and Clark). It certainly was no simple task to fill the void left by Mr. Hoover's death.

If the Senate should believe that its prerogatives of advice and consent are being thwarted by what it considers undue delays in nominations it has ways to make itself heard. To accomplish that, it is not necessary to construe the scope of the Vacancies Act in the manner the Comptroller General has, thereby subjecting both President and Senate to undue time pressures in order to avoid utter confusion in, if not a complete shutdown of, the operations of a department or bureau.

In light of the foregoing it must be assumed that Congress by the enactment of statutes and the approval of Reorganization Plans like those applicable to this Department has deliberately developed methods which alleviate the rigors of 5 U.S.C. 3348.

Sincerely,

ROBERT G. DIXON, Jr.,
Assistant Attorney General,
Office of Legal Counsel.

APPENDIX 4

MAY 27, 1977.

To: Attorney General.
From: James M. H. Gregg, Acting Administrator,
Subject: Personnel in Georgia supported by LEAA funds—phase III.

The attached report is submitted in response to your request for specific information regarding personnel in Georgia supported by LEAA funds, phase III.

Attachment.

INTRODUCTION

This three-part report identifies the number of persons budgeted under Law Enforcement Assistance Administration (LEAA) fiscal year (FY) 1976 grants in the State of Georgia; describes, in general terms, the types of activities in which these individuals are engaged; and, assesses the cost of these persons to the LEAA Program. Those portions of this report set forth in section Two (the LEAA program in Georgia: LEAA grant-supported positions (fiscal year 1976) and active LEAA grants) and Section three (summary of fiscal year 1976 LEAA grants awarded to the city of Atlanta, including the number, objectives, activities and cost of LEAA-supported personnel) have been forwarded previously under separate cover, but are included herein for convenient reference.

Section Two provides for the LEAA Atlanta Regional Office the number of positions authorized during fiscal year 1976, the salary and fringe benefits cost for same, the fiscal year 1976 funds administered, and pertinent characteristics of Region IV. Section Two, Table I, is a summary of LEAA grant-supported positions in Georgia which sets forth, by type of LEAA funds, the number of individuals employed in Georgia under fiscal year 1976[1]; the salary and fringe benefit costs of these individuals; the number of grants involved; and pertinent characteristics of the State. Table II reflects the number of LEAA-supported individuals employed by functional area of criminal justice. For purposes of comparison, the distribution, by functional area, of the 20,808 state and locally funded

[4] The Comptroller General makes the technical argument that 28 U.S.C. 510 is derived from Reorganization Plan No. 2 of 1950 and that section 5(a)(5) of the Reorganization Act of 1949, 5 U.S.C. 905(a)(5), prohibits "increasing the term of an office beyond that provided by law for that office" and that the Department's interpretation would increase the term of an acting officeholder beyond that provided for in 5 U.S.C. 3348. Our response is that an acting officeholder does not have a term; the office in which he serves is vacant.

[1] The number of personnel employed identified in the earlier report has been decreased from 994 to 986 to reflect the most current information available to the Regional Office staff. Revised pages have been incorporated into the report as appropriate.

criminal justice personnel employed in Georgia during 1974 (the latest year for which complete data is available) is presented. Nine hundred-twenty (920) of the 986 grant-supported individuals were employed by operating criminal justice agencies. The remaining sixty-six (66) are State Crime Commission and regional planning unit staff. Section Two, Table III, summarizes, by fiscal year and fund type, the active LEAA grants in Georgia as of April 30, 1977.

Section Three identifies the LEAA fiscal year 1976 grants, Block, and Discretionary, awarded to the city of Atlanta. The total project cost, personnel cost (salaries and fringe benefits), number of persons employed, average grant salary and a brief summary of project activities are provided for each of the sixteen (16) fiscal year 1976 grants which the city received.

The city of Atlanta, with a 1975 population of 490,766, is the largest city in Georgia, accounting for approximately 9.3 percent of the State's population. According to 1975 FBI statistics, the city of Atlanta experienced 19.4 percent of the State's Index crime that year and, with an Index Crime Rate per 100,000 population of 9,836.3, recorded the State's highest Index crime rate.

Of the ninety (90) persons budgeted under fiscal year 1976 grants to the city, fifteen (15) were employed under police-related projects, sixty-three (63) under corrections projects (38 in juvenile corrections and 25 in adult corrections) and eleven (11) under other projects, i.e. criminal justice planning.

Section Four amplifies the material presented in Section Two. Part I sets forth additional detail concerning the staffing and personnel cost of the LEAA Atlanta Regional Office. Included are: the Regional characteristics discussed earlier; a description of the Regional Office organization and an organizational chart; personnel cost for the Regional Office during the fifteen (15)-month federal fiscal year 1976; and a summary of Regional Office staffing which identifies for each position the title, grade, series, step, salary and employment status as of June 30, 1976.

Part II of Section Four is organized according to the Action Programs set out in the fiscal year 1976 Georgia Comprehensive Plan prepared by the State Crime Commission. Included for each program are: the program cost (federal, match and total); personnel cost (salaries, fringe benefits and total); the number of persons budgeted; the number of projects funded; and a summary of overall program objectives and activities.

This material is intended to convey an understanding of the activities in which the 881 persons employed under fiscal year 1976 Part B, Part C and Part E and Juvenile Justice and Delinquency Prevention Act (JJDPA) Block funds are engaged and identify the cost of these individuals to LEAA grants.

Part III of Section Four provides information similar to that outlined above for the 105 persons budgeted under fiscal year 1976 Discretionary grants awarded to the State of Georgia. Data for the Discretionary grants is presented on a project-by-project basis, rather than by program area as is done for Block grants.

It should be noted that the average salaries set forth in Section Four are not annual rates. That is, these figures do not reflect the varying lengths of time individuals were employed; rather, they reflect the total grant salaries divided by the number of persons budgeted.

In summary, LEAA fiscal year 1976 grant funds supported 986 persons in Georgia. Of these, 881 were budgeted under Block grants (Part B, C and E and JJDPA) and 105 under Discretionary grants. Three hundred twenty-seven (327) of these 986 individuals or 33.1 percent were employed in police programs; 121, or 12.3 percent in court-related programs, including prosecution and defense; 340, or 34.5 percent in correctional programs, and 198, or 20.1 percent in other programs, primarily criminal justice planning, training and systems. In addition to the grant-funded personnel, LEAA monies supported the 42 persons employed in the LEAA Atlanta Regional Office.

Sources of the information utilized in the preparation of this report includes:

Expenditure and Employment Data for the Criminal Justice System 1974, U.S. Department of Justice, LEAA; National Criminal Justice Information and Statistics Service/U.S. Department of Commerce, Bureau of the Census.

1976 Action Program to Prevent and Control Crime; State Crime Commission.

1976 Regional Characteristics Directory; U.S. Department of Justice, LEAA; Office of Regional Operations; October 23, 1976.

Crime in Georgia; State Crime Commission, Division of Criminal Justice Statistics; December, 1976.

THE LEAA PROGRAM IN GEORGIA, LEAA GRANT-SUPPORTED POSITIONS AND ACTIVE LEAA GRANTS

A. *LEAA Atlanta regional office.*—The Law Enforcement Assistance Administration (LEAA) Region IV, which includes the eight (8) southeastern states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee, is the largest federal region in terms of the number of states covered and, with 34,538,000 persons or 16.1 percent of the nation's population, is the nation's population, is the second most populous. There are 10,975 criminal justice agencies in the Region, 19.1 percent of the national total. Of these, 3,413 (31.1 percent) are police agencies, 5,365 (48.9 percent) are courts, 1,942 (17.7 percent) are corrections agencies, and 255 (2.3 percent) are other types of criminal justice agencies (e.g. multifunctional agencies, criminal justice planning agencies, etc.); and, According to FBI data for 1975, Region IVV experienced 15.1 percent of the nation's Index offenses that year. The LEAA Regional Office, which oversees the LEAA program in Region IV, is located in Atlanta.

During Fiscal Year 1976, the LEAA Atlanta Regional Office was authorized 42 positions. Salaries for Regional Office staff for the 15-month fiscal year totalled $961,700, while fringe benefits for the same period were $90,631, for a total 15-month personnel cost of $1,052,331. Regional Office staff administered fiscal year 1976 grant funds totalling $129,517,754. (LEAA funds administered by the Atlanta Regional Office since the inception of the program total $773,495,264.)

Georgia is the fourteenth most populous state in the nation and, with a population of 4,877,000 is the second most populous state in Region IV, with 14.1 percent of the Region's population. There are 2,208 criminal justice agencies in Georgia, 20.1 percent of the Regional total. Of these 686 (31.1 percent) are police agencies, 1,085 (49.1 percent) are courts, 391 (17.7 percent) are corrections agencies, and 46 (2.1 percent) are other types of criminal justice agencies. According to FBI data for 1975, Georgia, with an Index Crime Rate per 100,000 residents of 4,625.9, ranked twenty-eighth in the country and second in Region IV in terms of crime rate. Georgia experienced 13.5 percent of the Region's Index offenses that year.

The state criminal justice planning agency in Georgia is the State Crime Commission (SCC). During fiscal year 1976 Georgia received LEAA grants totalling $19,437,798 (excluding Track I discretionary grants awarded by the LEAA Central Office staff.) Included in this amount are Parts C and E Block and Discretionary Funds; Part B Planning Funds; Law Enforcement Education Program (LEEP) monies; discretionary funds provided by the National Institute for Law Enforcement and Criminal Justice (NILECJ) and by the National Criminal Justice Information and Statistics Service (NCJISS); Juvenile Justice and Delinquency Prevention Act Formula and Special Emphasis funds; and U.S. Department of Commerce, Economic Development Administration (EDA) funds warded through LEAA.

Table I shows for fiscal year 1976, by type, the numbers of persons in Georgia employed under LEAA grants. Excluded from these figures are those employed under EDA grants and students participating in LEEP because these individuals are not considered to be LEAA-supported, i.e. deriving their primary income from LEAA funds. These figures were obtained through a manual search by Regional Office staff of the grant files in question—a total of 324 files. For Block grants the source of the information provided was the original, approved project budget, while for Discretionary grants the latest, LEAA-approved budget was used. The individuals shown on Table I are those who are full-time grant employees or those who appear to derive a significant portion of their income from LEAA grants.

It must be noted that the federal fiscal year 1976 was 15 months long as a result of the realignment of the federal FY to begin on October 1, rather than on July 1, as had been the practice. Grant award amounts shown on Table I include the 3-month Transition Quarter, on supplemental, awards which were made to accommodate this change in the fiscal year. The Transition Quarter awards must be considered if average annual salaries are computed for individuals employed under Part B grants or for LEAA Regional Office staff. Average annual salaries for individuals employed under Crime Control Act Block and Discretionary and Juvenile Justice Act funds derived from the figures presented would not be valid because the figures do not take into account the length of time each individual was employed. The length of employment for a given individual may range from one or two months to, in some cases, over twenty-four (24) months.

Of the 986 persons employed under LEAA fiscal year 1976 grants, 920 are employed by operating criminal justice agencies. (The remaining 66 are SCC and regional planning unit staff.) Table II shows the distribution of these individuals by functional area of criminal justice. For purposes of comparison, the distribution by functional are of the 20,808 state- and locally-funded criminal justice personnel for 1974 (the latest year for which complete data is available) is presented

C. *Active LEAA grants in Georgia.*—Table III reflects, by fiscal year and fund type. the active LEAA grants in Georgia. Part B, Parts C and E, and Juvenile Justice Block grant funds are considered active until the obligation deadline for the funds is reached while discretionary grants are considered active until the project termination date is reached.

TABLE I.—LEAA GRANT-SUPPORTED POSITIONS FOR FISCAL YEAR 1976 (INCLUDING SALARY AND FRINGE BENEFIT COSTS, BY TYPE OF FUNDS

Fiscal year and fund/type	Number of subgrants	Program cost[1]			Personnel cost		Number personnel employed
		Federal	Match	Total	Salaries	Fringe benefits	
1976: Pt. B:							
SPA	1	$869,486	$96,610	$966,096	$565,628	$92,790	38
APDC's[2]	19	697,288	22,785	720,073	447,004	59,403	28
1976: Pt. C block	281	10,764,270	2,563,435	13,327,705	7,172,767	720,159	701
1976: Pt. E block	3	1,317,710	146,415	1,464,125	875,155	147,464	87
1976: JJDPA block	6	527,575	58,619	586,194	188,501	26,718	27
1976: Pt. C DF	6	1,258,339	483,991	1,742,330	518,240	52,733	23
1976: Pt. E DF	4	987,070	114,631	1,101,701	605,151	82,598	62
1976: JJDPA DF	1	41,998	0	41,998	27,982	4,716	3
1976: Pt. D DF	3	222,003	0	222,003	128,734	20,835	17
Total	324	16,685,739	3,486,486	20,172,225	10,530,162	1,207,416	986

[1] Figures do not include unawarded balances.
[2] Area planning and development commissions (sub-State regions).

TABLE II.—COMPARISON OF STATE/LOCALLY FUNDED AND LEAA-FUNDED CRIMINAL JUSTICE PERSONNEL BY NUMBER AND FUNCTIONAL AREA

Functional area	State/locally supported criminal justice personnel (1974)		LEAA-supported criminal justice personnel (1976)	
	Number	Percent	Number	Percent
Police	11,641	56.4	327	33.1
Courts, including prosectuion and defense	3,724	16.1	121	12.3
Corrections	5,409	27.3	340	34.5
Other[1]	34	.2	198	20.1
Total	20,808	100.0	986	100.0

[1] Includes multifunctional criminal justice services, such as the development and implementation of criminal justice information systems, planning, programs to improve criminal justice agency management and operations, training for criminal justice personnel, etc.

TABLE III.—ACTIVE LEAA GRANTS IN GEORGIA

	Fiscal year—						
	1972[1]	1973	1974	1975	1976	1977	Total
Pt. B	0	0	0	0	$1,568,000	$1,320,000	$2,888,000
Pt. C block	$215,000	0	0	$10,757,000	11,199,000	6,957,000	29,128,000
Pt. E block	0	0	0	1,266,000	1,419,000	819,000	3,504,000
JJDPA block	0	0	0	200,000	607,000	1,083,000	1,890,000
Pt. C DF	0	0	0	2,023,662	774,363	355,976	3,155,001
Pt. E DF	0	0	$1,801,599	494,889	674,804	14,992	2,986,284
JJDPA DF	0	(2)	(2)	0	41,998	11,911	53,909
Pt. D DF	0	$331,790	0	194,267	99,943	0	626,000
Total	215,000	331,790	1,801,599	14,935,818	16,384,108	10,562,879	44,231,194

[1] Reflects the reallocation of reverted fiscal year 1972 Pt. C block funds.
[2] Not available.

SUMMARY OF FISCAL YEAR 1976 LEAA GRANTS AWARDED TO THE CITY OF ATLANTA, INCLUDING THE NUMBER, OBJECTIVES, ACTIVITIES, AND COST OF LEAA-SUPPORTED PERSONNEL

Ninety (90) persons were employed under fiscal year 1976 LEAA Block and Discretionary grants awarded to the City of Atlanta. This figure includes one (1) individual employed under a Part B planning subgrant, fifty-one (51) employed under Part C Block action subgrants, five (5) employed under a Juvenile Justice and Delinquency Prevention Act (JJDPA) action subgrant and thirty-three (33) employed under three (3) discretionary grants. The objectives, activities and costs of these personnel are summarized below, by grant.

A. LEAA BLOCK GRANTS

Part B—Planning grants

Subgrant number: 76P–12–1 and 76P–12–1–3m.
Title: "Planning Grant Award".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$20,855
Match	2,320
Total	23,175
Personnel cost:	
Salaries	$14,490
Fringe benefits	1,369
Total	15,859

Number of persons employed: 1.
Average annual salary (excluding fringe benefits): $11,592.
Summary of project objectives and activities:
These two subgrants provided the salary, fringe benefits and related administrative costs for one (1) criminal justice planner for the 15-month period of fiscal year 1976 (includes the 3-month Transition Quarter). This individual assists in the development of the City's criminal justice plan and in the administration, monitoring and evaluation of criminal justice programs in the City.

Part C—Grants for law enforcement purposes

1. Subgrant number: 76A–01–016.
Title: "Mobile Target Hardening/Opportunity Reduction (THOR) Project".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$60,120
Match	6,630
Total	66,750
Personnel cost:	
Salaries	0
Fringe benefits	0
Total	0

Number of persons employed: 0.
Average annual salary (excluding fringe benefits): 0.
Summary of project objectives and activities:
The objective of this project is to educate the public in crime prevention measures. Grant funds will be used to purchase walk-in van which will be outfitted as a mobile THOR display in order to demonstrate practical crime prevention/security techniques and equipment. The van will enable THOR staff to reach a larger audience than is possible through the THOR offices by showing the mobile display at shopping centers, civic meetings, churches, etc.

2. Subpart number: 76A–02–001.
Title: "Burglary Field Investigative Unit".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$104,456
Match	34,818
Total	139,274
Personnel cost:	
Salaries	126,360
Fringe benefits	11,714
Total	138,074

Number of persons employed: 10.
Average annual salary (excluding fringe benefits): $8,424.
Summary of project objectives and activities:
This project is designed to reduce the incidence of residential burglary. Grant funds will support the establishment of an investigative/patrol unit of plain clothes officers whose activities will be directed toward the detection, apprehension and conviction of offenders committing residential burglaries.

3. Subgrant number: 76A–03–001.
Title: "Domestic Crisis Intervention".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$37,890
Match	4,210
Total	42,100
Personnel cost:	
Salaries	0
Fringe benefits	0
Total	0

Number of persons employed: 0.
Average annual salary (excluding fringe benefits): 0.
Summary of project objectives and activities:
The objective of this project is to reduce the projected number of aggravated assaults by three percent (3 percent) and the projected number of homicides by five percent (5 percent) within the City of Atlanta through (1) implementation of a comprehensive training program to teach police officers how to handle domestic crisis situations; (2) establishment of crisis intervention teams to patrol the project area; and (3) implementation of a tracking system to follow client activities, i.e. track the incidence of recurring domestic disturbances.

4. Subgrant number: 76A–05–006.
Title: "Police Legal Advisor".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$19,649
Match	2,184
Total	21,833
Personnel cost:	
Salaries	19,981
Fringe benefits	1,852
Total	21,833

Number of persons employed: 1.
Average annual salary (excluding fringe benefits): $14,104.
Summary of project objectives and activities:
The objective of this project is to improve the quality of criminal case preparation and, as a consequence, increase both felony and misdemeanor conviction rates by hiring a legal advisor for the Bureau of Police Services. This individual will: provide assistance in case preparation to police officers; assure that proper search and seizure procedures are followed; provide legal assistance concerning departmental policies and procedures to Department management; and research

and disseminate to officers revisions in law or procedures which impact on law enforcement.

5. Subgrant number: 76A–05–008.
Title: "Police-Courts Liaison".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$16,227
Match	1,803
Total	18,030
Personnel cost:	
Salaries	16,500
Fringe benefits	1,530
Total	18,030

Number of persons employed: 1.
Average annual salary (excluding fringe benefits): $12,727.

Summary of project objectives and activities:
The objective of this grant is to improve the management and administration of the City police by increasing coordination between law enforcement and the courts. Grant funds will be used to hire a police-court liaison officer who will be responsible to the prosecutor for the scheduling of police officers as witnesses and for providing case dispositions and reasons for dismissals on nolle prosse cases to the police, among other activities.

6. Subgrant number: 76A–07–013.
Title: "Georgia State Intelligence Network".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$23,355
Match	7,785
Total	31,140
Personnel cost:	
Salaries	0
Fringe benefits	0
Total	0

Number of persons employed: 0.
Average annual salary (excluding fringe benefits): 0.

Summary of project objectives and activities:
The objective of this project is to further the detection and control of organized crime through the gathering, recording and exchange of confidential intelligence information through the Georgia State Intelligence Network. Funds under this continuation grant are used for office rental.

7. Subgrant number: 76A–09–022.
Title: "Pre-Trial Release".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$57,645
Match	6,405
Total	64,050
Personnel cost:	
Salaries	56,420
Fringe benefits	5,230
Total	61,650

Number of persons employed: 6.
Average annual salary (excluding fringe benefits): $9,403.
Summary of project objectives and activities:
The objective of this project is to reduce both the cost and negative effects on the individual of pre-trial detention and, as a result, reduce the City jail population through the implementation of a pre-trial release program. Eligible clients

include arrestees charged with a single misdemeanor offense. Close supervision of clients and appropriate referral to social service agencies are components of the post-release phase of the program.

8. Subgrant number: 76A–12–001.
Title: "Project Propinquity"
Subgrantee: City of Atlanta

Project cost:	
Federal	$218,000
Match	24,222
Total	242,222
Personnel cost:	
Salaries	171,000
Fringe benefits	17,100
Total	188,100

Number of persons employed: 17.
Average annual salary (excluding fringe benefits): $10.059.
Summary of project objectives and activities:
The objective of the grant is to reduce the incidence of juvenile delinquency among the target population through the establishment of a pilot program designed to minimize the school-related problems of potential high school dropouts in the inner city. Recognizing the correlation between school failure and potential delinquency, project staff are developing more effective means to deliver educational and social services to the target youths. Components of the project include modification of the standard high school curriculum and the coordination of social service programs to meet the special needs of these young people.

9. Subgrant number: 76A–13–010.
Title: "Atlanta Street Academy".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$45,000
Match	55,000
Total	100,000
Personnel cost:	
Salaries	74,572
Fringe benefits	6,162
Total	80,734

Number of persons employed: 8.
Average annual salary (excluding fringe benefits): $9,322.
Summary of project objectives and activities:
The objective of this project is to reduce both referrals to juvenile court and juvenile recidivism of juvenile offenders through the participation of these youths in a full-time "storefront" educational program located in the community. The Academy provides an extended family environment to the young offenders through which he or she may be directed toward constructive activities.

10. Subgrant number: 76A–13–011.
Title: "Youth Service Bureaus of East Lake Meadows and Bankhead Courts".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$44,315
Match	20,855
Total	65,170
Personnel cost:	
Salaries	51,465
Fringe benefits	6,754
Total	58,219

Number of persons employed: 4.
Average annual salary (excluding fringe benefits): $14,036.
Summary of project objectives and activities:
This is a crisis intervention project designed to prevent juvenile delinquency through the coordination and delivery of services to youths in specified public housing projects. Target youths are those who are involved with the juvenile court and/or who demonstrate excessive truancy or behavioral disturbances at home or at school. The range of youth services, including counseling, are provided.

11. Subgrant number: 76A–13–012.
Title: "Juvenile Delinquency Prevention".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$21,777
Match	24,662
Total	46,439
Personnel cost:	
Salaries	36,430
Fringe benefits	3,351
Total	39,781

Number of persons employed: 4.
Average annual salary (excluding fringe benefits): $9,108.
Summary of project objectives and activities:
The objective of this continuation grant is the diversion of first offenders, status offenders, and non-serious offenders from the criminal justice system. Grant funds provide counseling, educational and cultural activities for these juvenile offenders and their families.

12. Subgrant number: 76A–17–003.
Title: "City of Atlanta Criminal Justice Information System" (CJIS).
Subgrantee: City of Atlanta.

Project cost:	
Federal	$178,312
Match	19,812
Total	198,124
Personnel cost:	
Salaries	0
Fringe benefits	0
Total	0

Number of persons employed: 0.
Average salary (excluding fringe benefits): 0.
Summary of project objectives and activities:
This grant continues the implementation of CJIS for the collection, storage and retrieval of information needed by Atlanta's criminal justice agencies to perform their duties and responsibilities. The information includes crime reporting; arrest, identification, and booking; bench warrant processing and controls; records check; court docketing; and personnel and other resources allocation requirements. Additionally, the computer interface to GCIC is continued, permitting the exchange of information with State agencies, NLETS and NCIC.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Subgrant number: 76J–02–005.
Title: Service for Status Offenders—Atlanta".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$62,985
Match	6,998
Total	69,983

Personnel cost:	
Salaries	$26,964
Fringe benefits	0
Total	26,964

Number of persons employed: 5.
Average annual salary (excluding fringe benefits): $9,245.
Summary of project objectives and activities:
In order to achieve the deinstitutionalization of status offenders mandated by the JJDPA, non-secure alternatives to detention must be established. This grant funds a private non-secure residential home in Atlanta which provides services to status offenders, including residential treatment and family and individual counseling.

B. LEAA DISCRETIONARY GRANTS

The City of Atlanta received three (3) LEAA discretionary grants, a total of $728,780 in federal funds, during fiscal year 1976. The 33 persons employed under these grants were engaged in a variety of activities designed to improve the City's criminal justice system and reduce the incidence of drug-related crime in the City. The following discussion identifies, for each grant, the number of persons employed, project goals and activities, and personnel costs.

1. Grant number: 76–DF–04–0002.
Title: "Drug Enforcement Administration (DEA) Task Force".
Subgrantee: City of Atlanta.

Project cost:	
Federal	$383,976
Match	42,664
Total	426,640
Personnel cost:	
Salaries	31,694
Fringe benefits	3,970
Total	35,664

Number of persons employed: 3.
Average annual salary (excluding fringe benefits): $10,565.
Summary of project objectives and activities:
This project is designed to reduce the availability of illicit narcotics and dangerous drugs in the City of Atlanta and DeKalb County through a cooperative effort on the part of local, state and federal drug enforcement agencies. The focus of the Task Force is the mid-level drug trafficker. Through the sharing of manpower, equipment and intelligence among the participating agencies and the adoption of standardized procedures, the efficiency of the enforcement effort is improved. The Task Force is also a vehicle for the training of local law enforcement officers.

Salaries for three (3) local officers are provided under this grant. Salaries for the other 12 local officers participating in the Task Force are provided by their agencies. Remaining grant funds provide the equipment and services necessary to support the Task Force, e.g. rental of office space and related costs, administrative services, lease of undercover vehicles, travel, confidential funds, etc.

2. Grant number: 76–DF–04–0008.
Title: Crime Analysis Team.
Subgrantee: City of Atlanta.

Project cost:	
Federal	$100,000
Match	100,002
Total	200,002
Personnel cost:	
Salaries	161,512
Fringe benefits	15,262
Total	176,774

Number of persons employed: 11.
Average annual salary (excluding fringe benefits): $14,683.
Summary of project objectives and activities:
As staff to the Atlanta Criminal Justice Coordinating Council (CJCC), the Crime Analysis Team (CAT) is responsible for the development of a criminal justice plan for the City; the collection and analysis of crime and criminal justice system data for the City; the development of programs to address the problems identified through crime and system analysis; the administration, monitoring and evaluation of criminal justice grants awarded to the City; and the implementation of CJCC recommendations. The CAT staff includes criminal justice planners, statisticians, financial analysts/managers, and clerical staff.
Note: Discretionary grant funding of the CAT terminated September 15, 1976. The majority of these positions have been assumed by the City.

3. Grant number: 76-ED-04-0016.
Title: "Treatment Alternatives to Street Crime" (TASC).
Subgrantee: City of Atlanta.

Project cost:	
Federal	$244,804
Match	30,070
Total	274,874
Personnel cost:	
Salaries	210,778
Fringe benefits	22,131
Total	232,909

Number of persons employed: 19.
Average annual salary (excluding fringe benefits): $11,094.
Summary of project objectives and activities:
The Atlanta TASC project serves the City of Atlanta and Fulton County and is designed to reduce the incidence of drug-related crime by diverting selected drug abusers from the criminal justice system to community-based drug treatment programs. Individuals 17 years of age or older who are arrested, in either the City of Atlanta or Fulton, for a non-violent street crime are eligible to participate in the TASC program on a voluntary basis. The 19-member staff supported by this grant includes correctional officers, a statistician, a research analyst, case managers, senior level treatment specialists/administrators, and clerical staff. Remaining grant funds provide travel for treatment staff, rental of office space, urinalyses, computer time, and a limited amount of office equipment.

LEAA-SUPPORTED PERSONNEL IN GEORGIA (FISCAL YEAR 1976): OBJECTIVES, ACTIVITIES AND COST—AN OVERVIEW

I. LEAA Atlanta Regional Office

The Law Enforcement Assistance Administration (LEAA) Region IV, which includes the eight (8) southeastern States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee, is the largest Federal region in terms of the number of States covered and, with 34,538,000 persons or 16.1 percent of the nations population, is the second most populous. There are 10,975 criminal justice agencies in the Region, 19.1 percent of the national total. Of these, 3,413 (31.1 percent) are police agencies, 5,365 (48.9 percent) are courts, 1,942 (17.7 percent) are corrections agencies, and 255 (2.3 percent) are other types of criminal justice agencies (e.g. multifunctional agencies, criminal justice planning agencies, etc.); and, according to FBI data for 1975, Region IV experienced 15.1 percent of the Nation's Index offenses that year. The LEAA Regional Office, which oversees the LEAA program in Region IV, is located in Atlanta.
The major organizational components of the Regional Office are identified and the responsibilities of each summarized below:

Office of the Regional Administrator

This office has the authority and responsibility to represent and act for the Administrator, Law Enforcement Assistance Administration, in the planning, direction, control and coordination with the States within the region; and

administers, directs, and supervises the regional office and provides support and membership to the Federal Regional Council.

Additionally, the Planner/Evaluator is assigned to the Office of the Regional Administrator. Through coordination with the central office, the Planner/Evaluator assists in developing policies and procedures for planning and program evaluating LEAA programs, develops, monitors and evaluates the regional office program planning; and assists the regional office and SPA's in administrative and operational planning and program evaluation.

Administrative Services Staff

This staff develops, administers and controls the administrative programs for the region. This includes the regional office Administrative budget; personnel management program; directives, records and forms management program; personal property and space management program. This staff serves as the focal point for regional office staff for Federal, Department of Justice, and LEAA regulations relative to areas of assigned responsibility. It also provides all services for the procurement, accounting, storage and issuance of office supplies and equipment for the regional office. As requested, provides counsel and guidance to regional office staff in the review of grant proposals for accountability of administrative programs.

Operations Division

This division serves as the contact point for individual States on all LEAA programs; reviews, analyzes and makes recommendations on State plans and all planning, block and discretionary grant requests; monitors the activities of the SPA's and selected grantees and subgrantees; and contacts state and local officials to encourage their participation in LEAA programs.

The Operations Division includes State Representatives who serve as the Regional Administrator's representatives in direct contact with assigned states for all LEAA programs not delegated to another component of the Regional Office.

Program Development and Technical Assistance Division

This division, through coordination with the central offices, assists in developing policies and procedures for technical assistance programs; provides expert assistance to state and local criminal justice agencies and institutions of higher learning, particularly in the areas of curriculum/program development and review/evaluation of grant applications and State plans; recommends referral to the central office of technical assistance problems beyond the capability of the region; and reviews, analyzes and makes recommendation on fund allocations for programs and projects and administers grants and contracts. Upon request, the Program Development and Technical Assistance Division also assists other regional offices or central offices on specific recommendations for programs and projects.

The Program Development and Technical Assistance Division serves as the primary resources to all regional office staff, all State Planning Agencies, and criminal justice agencies in the region to provide a means of transferring knowledge and expertise to the criminal justice agencies so that deficiencies can be identified and corrected and new programs developed and implemented.

Financial Management Division

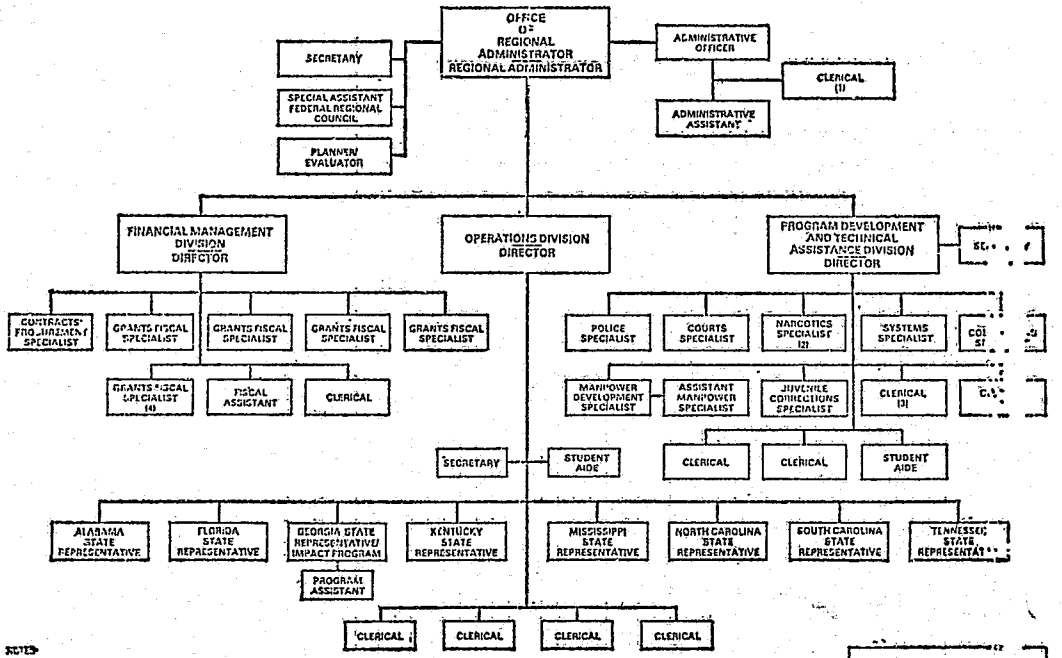
This division coordinates and assists in the development of financial management policies and procedures; maintains all official accounting records for the regional office with the exception of Administrative Funds; performs financial management and grant administration duties (including budget review and grant processing); assists SPA's and other grantees in the interpretation and application of LEAA financial management policy and procedures; and manages the regional office contract-related program activities.

The Financial Management Division is the principal advisory division on financial affairs, which include the entire spectrum of review, negotiation, and continuing appraisal of LEAA grants on fiscal policies, procedures, and guidelines relevant to law enforcement programs within the Atlanta Region; and is responsible for coordinating the receipt and processing of all state planning and block grant applications, discretionary grant applications, and Law Enforcement Education Program (LEEP) applications received by the Regional Office.

ATTACHMENT A

FUNCTIONAL ORGANIZATION

ATLANTA REGIONAL OFFICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION



NOTES:

(1) Clerical position to Planner/Evaluator & Special Assistant
(2) On assignments from Drug Enforcement Administration
(3) 2 LEAA Central Pool
(4) Plus Part Time Employees

Complete 42 Permanent
1 DEA
2 Co-op in School
2 Other
47 TOTAL

APPROVED

Charles F. Simonton
Regional Administrator
November 22, 1976

ATTACHMENT B

Position title	Pay plan, series, grade/step	Salary	Pay basis [1]	Full or part time	Permanent or temporary [2]
Regional administrator	GS-301-16/03	$37,800.00	PA	F	P
Supervisory criminal justice program specialist	GS-301-15/02	32,353.00	PA	F	P
Do	GS-301-15/02	32,353.00	PA	F	P
Criminal justice program specialist	GS-301-14/05	30,441.00	PA	F	P
Do	GS-301-14/01	26,861.00	PA	F	P
Do	GS-301-14/03	28,651.00	PA	F	P
Criminal justice program specialist (courts)	GS-301-14/08	33,126.00	PA	F	P
Criminal justice program specialist (systems)	GS-301-14/02	27,756.00	PA	F	P
Financial management officer	GS-505-14/04	29,546.00	PA	F	P
Criminal justice program specialist (planner/evaluator)	GS-301-13/02	23,670.00	PA	F	P
Criminal justice program specialist	GS-301-13/02	23,670.00	PA	F	P
Grants fiscal specialist	GS-501-13/04	25,198.00	PA	F	P
Do	GS-501-13/04	25,198.00	PA	F	F
Criminal justice program specialist	GS-301-13/01	22,906.00	PA	F	P
Do	GS-301-13/01	22,906.00	PA	F	P
Grants fiscal specialist	GS-501-13/03	24,434.00	PA	F	P
Criminal justice program specialist	GS-301-12/01	19,386.00	PA	F	P
Criminal justice program specialist (corrections)	GS-301-12/02	20,032.00	PA	F	P
Grants fiscal specialist	GS-501-12/01	19,386.00	PA	F	P
Criminal justice program specialist (law enforcement)	GS-301-12/09	24,554.00	PA	F	P
Criminal justice program specialist	GS-301-12/02	20,032.00	PA	F	P
Law enforcement specialist (juvenile justice)	GS-301-12/01	19,386.00	PA	F	P
Law enforcement program specialist	GS-301-11/01	16,255.00	PA	F	P
Criminal justice program specialist	GS-301-09/01	13,482.00	PA	F	P
Grants fiscal specialist	GS-501-09/01	13,482.00	PA		
Do	GS-501-09/01	13,482.00	PA	F	P
Administrative officer	GS-341-09/03	14,380.00	PA	F	P
Secretary (typing)	GS-318-07/03	11,782.00	PA	F	P
Fiscal assistant	GS-501-07/05	12,518.00	PA	F	P
Clerk (stenography)	GS-301-06/03	10,610.00	PA	F	P
Clerk (typing)	GS-301-06/04	10,942.00	PA	F	P
Secretary (steongraphy)	GS-318-06/04	10,942.00	PA	F	P
Secretary (typing)	GS-318-06/03	10,610.00	PA	F	P
Administrative assistant	GS-341-05/10	11,607.00	PA	F	Q
Clerk (typing)	GS-301-05/09	11,309.00	PA	F	P
Do	GS-301-05/01	8,925.00	PA	F	P
Program assistant	GS-301-05/04	9,819.00	PA	F	P
Clerk-typist	GS-322-04/07	9,572.00	PA	F	P
Do	GS-322-04/01	7,976.00	PA	F	P
Staff aide	GS-301-04/01	7,976.00	PA	F	T
Clerk-typist	GS-322-03/01	7,102.00	PA	F	P
Do	GS-322-03/05	8,050.00	PA	F	P
Volunteer	OO-301-00/00	0	WC	F	T
Student aide	YW-3506-00/00	2.30	PH	F	T
Do	YW-3506-00/00	2.30	PH	F	T

[1] PA—Per annum; PH—Per hour.
[2] Q—Temporary appointment in permanent position.

Note: Average annual salary, $18,820.61; average GS grade, 9.9.

II. LEAA BLOCK GRANTS

A. Part B—Planning

Action program number 76P: "Fiscal Year 1976 Planning Award".

Program cost:	
Federal	$1,566,774
Match	96,610
Total	1,664,610
Personnel cost:	
Salaries	1,013,632
Fringe benefits	152,193
Total	1,165,825

Number of persons budgeted: 66.
Average salary (excluding fringe benefits):
(Total salaries—number of persons).
Number of projects: 20.
Summary of program objectives and activities:

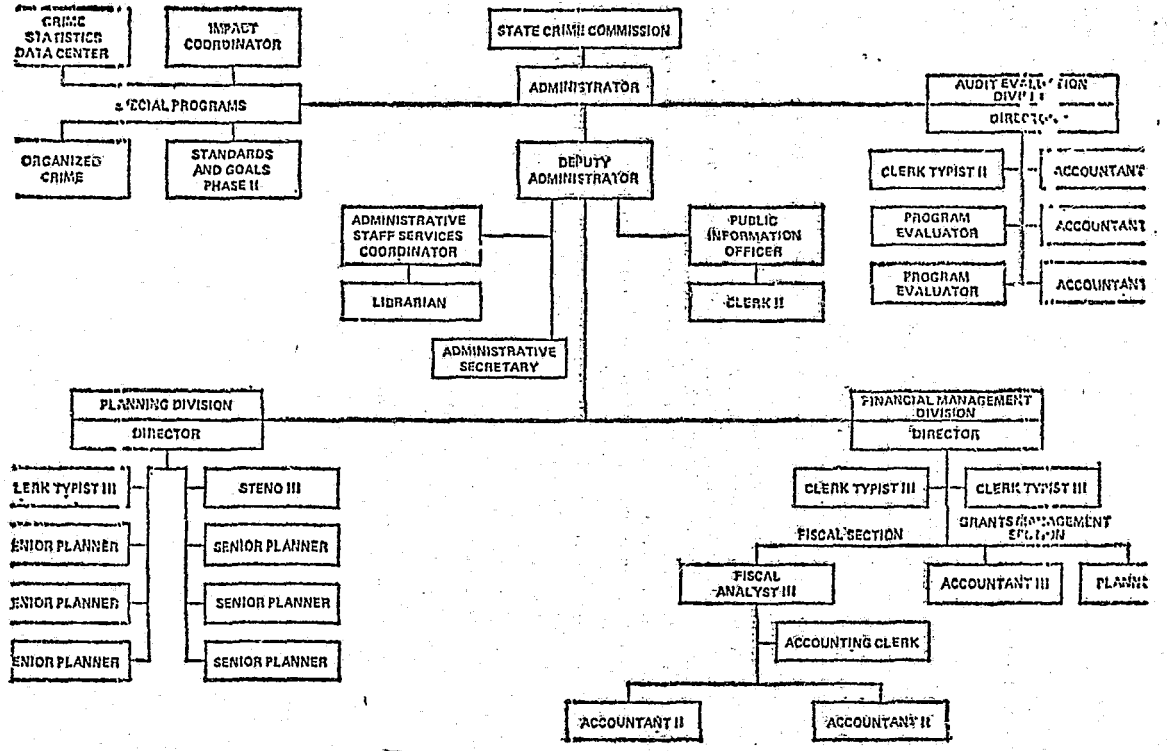
These funds support the criminal justice planning and program administration operations of the State Crime Commission (SCC), the eighteen Area Planning and Development Commissions (APDC's), and the Atlanta Criminal Justice Coordinating Council (CJCC).

The SCC is the State criminal justice planning agency established in Georgia pursuant to section 203 of the Crime Control Act. During fiscal year 1976 Part B funds supported a thirty-eight (38) member SCC staff comprised of criminal justice planners, accountants, financial management specialists, auditors, management staff, and clerical positions. Attachment C at the end of this section reflects the SCC staffing as it existed during fiscal year 1976 in chart form.

The nineteen (19) subgrants awarded to the APDC's and the CJCC support twenty-eight (28) persons engaged in criminal justice planning and administration.

ATTACHMENT C

STATE CRIME COMMISSION ORGANIZATIONAL CHART



Seven-member Organized Crime Prevention Council and two staff persons.

B. Part C—Grants for Law Enforcement Purposes

Action program number 1: "Crime Prevention and Community Relations" (Police).

Program cost:	
Federal	$628,872
Match	289,616
Total	918,588
Personnel cost:	
Salaries	544,672
Fringe benefits	47,053
Total	591,725

Number of persons budgeted: 62.
Average salary (excluding fringe benefits): $8,785.
(Total salaries ÷ number of persons).
Number of projects: 19.
Summary of program objectives and activities:
The objectives of this program are to:
1. Continue community relations and crime prevention programs in thirteen (13) local governments.
2. Continue assistance to the Georgia Bureau of Investigation for the operation of statewide crime prevention program.
3. Continue the two previously funded THOR projects and provide an additional one for another metropolitan or high crime area.
4. Reach approximately one million citizens through locally operated community relations and crime prevention projects.

Thirteen cities and counties will continue community relations programs which serve approximately one-half million persons.

The Georgia Bureau of Investigation (GBI) will continue statewide crime prevention programs initiated in 1975. The target population consists of citizens who can be influenced through personal contacts and mass media and law enforcement personnel who can be influenced in pre-service and in-service training programs. The program focuses on both crimes against property but will be expanded to include some considerations of peace officer safety.

One additional program of target hardening and opportunity reduction (THOR) will be initiated and two programs will be continued. The new THOR project is designed to reduce robbery and burglary rates and crimes against persons through intensive target hardening, public information and property identification.

Action program No. 2: "Reduction of Property Crimes" (Police).

Program cost:	
Federal	$1,246,622
Match	524,178
Total	1,770,800
Personnel cost:	
Salaries	1,384,804
Fringe benefits	149,525
Total	2,534,329

Number of persons budgeted: 144.
Average salary (excluding fringe benefits): $9,617.
(Total salaries number of persons).
Number of projects: 61.
Summary of program objectives and activities:
The objectives of this program are:
1. Five percent (5%) annual state-wide reduction in projected number of burglaries.
2. Three percent (3%) annual state-wide reduction in projected number of larcenies.
3. Twenty-five percent (25%) reduction in the projected number of burglary offenses and a ten percent (10%) reduction in the projected number of larceny

offenses within jurisdictions of less than 30,000 in which crime specific projects are supported.

Law enforcement agencies in the six high crime jurisdictions of Atlanta, Cobb County, Columbus, DeKalb County, Macon and Savannah receive support to increase detection and apprehension capabilities relative to crimes against property. Operative projects in these areas will be continued and expanded upon as needed within the constraints if funding limitations. Projects must be specifically designed to impact upon burglaries (residential and/or non-residential) and larcenies.

Approximately twenty (20) cities and counties with a population in excess of 30,000 received grant awards. These jurisdictions, which possess a combined burglary and larceny rate in excess of 1,900, receive support to implement or continue projects designed to reduce target offenses.

Approximately thirty-five (35) awards were made to law enforcement agencies in cities and counties with less than 30,000 population. Jurisdictions must possess a combined burglary and larceny rate of 1,500 or more to be eligible for an initial award, 1,000 or more for a continuation award. Combined units of governments meeting these requirements are also eligible for support.

Budget requests were limited to personnel and support equipment to be used in an investigative capacity. Applicants demonstrated a direct correlation between the crime problem, proposed operation, and a reduction in target offenses. Project personnel are expected to devote 100 percent of their work activities to crime specific tactics designed to impact upon target offenses. Agencies in jurisdictions typified by a high crime rate and number of incidences will receive funding priority.

Action program No. 3: "Reduction of Violent Crimes" (Police).

Program cost:	
Federal	$230,753
Match	51,608
Total	282,361
Personnel cost:	
Salaries	159,383
Fringe benefits	16,984
Total	176,368

Number of persons budgeted: 17.

Average salary (excluding fringe benefits): $9,375.

(Total salaries÷number of persons).

Number of projects: 6.

Summary of program objectives and activities:

The objectives of this program are:

1. A six percent (6%) annual state-wide reduction in projected number of robbery and felonious rape offenses.

2. A fifteen percent (15%) annual reduction in projected number of robberies and felonious rapes within selected high crime urban center with populations of over 30,000.

3. To reduce projected aggravated assaults by three percent (3%) and projected homicides by five percent (5%) within the City of Atlanta.

4. To reduce the rate of all violent crimes in Georgia by increasing detection and apprehension capabilities of law enforcement.

Project approaches to be considered include, but are not necessarily limited to, the following: tactical surveillance, on-site surveillance, and foot patrols. Other tactics will be considered, providing the project is specifically designed to impact upon robberies and/or felonious rapes. A correlation between operational methods and procedures proposed and a reduction in target offenses was demonstrated.

Funds were made available to the City of Atlanta to implement a crime specific project designed to reduce homicides and aggravated assaults. Acceptable tactics include a crisis intervention training or field approach, a strike force approach, or other innovative tactics designed to impact upon homicides and aggravated assault offenses.

Agencies in jurisdictions typified by a high crime rate will receive funding priority. Awards will be based on the validity of the proposed operational ap-

proaches and a comparatve statistical analysis of crime experience within the jurisdictions of all applicants.

Action program number 4: "Drug Abuse Enforcement and Prevention" (Police).

Program cost:	
Federal	$585, 957
Match	209, 814
Total	795, 771
Personnel cost:	
Salaries	478, 253
Fringe benefits	17, 162
Total	495, 415

Number of persons budgeted: 52.
Average salary (excluding fringe benefits): $9,197.
(Total salaries ÷ number of persons).
Number of projects: 12.
Summary of program objectives and activities:
The objectives of this program are to:

1. Initiate or continue six Metropolitan Enforcement Groups (MEGs) which are expected to effect an annual state-wide total of 2,000 arrests.
2. Initiate or continue five to seven Local Enforcement Units (LEUs) which are expected to effect an annual state-wide total of 450 drug arrests.
3. Expand undercover agent services provided by the Georgia Bureau of Investigation (GBI) to effect a total of 800 drug arrests.

A total of six Metropolitan Enforcement Groups will be funded. A minimum of four of the existing Metropolitan Enforcement Groups (MEGs) were continued. Applications for initial projects were considered, based on a comparative analysis of proposed operations and needs.

Funds were provided to continue six Local Agency Enforcement Units (LEUs) in five to seven medium sized departments (25–200 sworn personnel in non-metropolitan areas where drug traffic is increasing). The LEUs support one to two drug officers serving a two-fold function to include enforcement of drug laws and provision of drug abuse education to citizens of each jurisdiction.

Budget requests to support both the MEGs and LEUs include: personnel, operating expenses including confidential funds, and drug-related equipment.

The Georgia Bureau of Investigation received support for the expansion of its existing Contract Agent Project. This program is designed to aid local law enforcement agencies by providing specially trained, youthful undercover operatives capable of infiltrating the drug traffic in local jurisdictions. This service is provided to local agencies upon request, based on need. Seven new agents are to be employed and equipped and will work with the eight agents employed within the existing project.

Budget requests include: personnel, operating expenses (including confidential funds), and additional equipment, as justified. Awards were based on a comparative analysis of proposed methodologies and a statistical analysis of crime experience within jurisdictions of all applicants.

Action program number 5: "Police Management and Administration" (Police).

Program cost:	
Federal	$135, 050
Match	31, 408
Total	166, 458
Personnel cost:	
Salaries	142, 435
Fringe benefits	14, 701
Total	157, 135

Number of persons budgeted: 12.
Average salary (excluding fringe benefits): $11,870.
(Total salaries ÷ number of persons).
Number of projects: 9.

Summary of program objectives and activities:

The objectives of this program are to:

1. Improve managerial and administrative procedures in selected state and local law enforcement agencies by supporting police planning and research units.

2. Improve quality of criminal case preparations and increase both felony and misdemeanor conviction rates in selected high crime jurisdictions by initiating two police legal advisor pilot programs.

3. Enhance intercomponent coordination between law enforcement and courts by supporting police/courts liaison officer pilot programs in Atlanta and DeKalb County.

Support is to be provided to initiate and/or continue a total of six planning and research units within state and local law enforcement agencies. One award was made at a state level to provide a planner and clerical support to the Georgia Bureau of Investigation. A total of three continuation awards were made to local agencies who received support in this category in 1975. In addition, two initial awards were granted to local law enforcement agencies or consolidation of agencies serving a total population in excess of 50,000. The functions of these police planners include, but are not limited to, research and development of a variety of systems improvements, new management techniques, methods of improvement, and applications of technology which will ultimately result in improved police operation and services.

Two legal advisor pilot programs were funded in order to:

1. Provide case preparatory assistance to all officers on a request basis;

2. Assure that proper procedures are adhered to within the department concerning search and seizure;

3. Provide legal direction to agency administrators concerning department policies and procedures;

4. To research and relay to all officers any revision in criminal, civil or constitutional law and/or procedure which have a direct or indirect effect on law enforcement.

A Police/Courts Liaison Officer Pilot Program was funded in Atlanta. Personnel are to be responsible to the district attorney, solicitors, or other prosecutors in the following areas:

(a) Scheduling of police officers as witnesses;
(b) Providing police agencies with dispositions on convicted cases;
(c) Explaining reasons for dismissal or nolle prosse cases;
(d) Expediting cases from police agencies to prosecutor's office, and
(e) Providing general liaison between police and courts.

Action program number 6: "Police Science and Technology" (Police).

Program cost:	
Federal	$118,500
Match	13,167
Total	131,667
Personnel cost:	
Salaries	0
Fringe benefits	0
Total	0

Number of persons budgeted: 0.

Average salary (excluding fringe benefits): 0.

(Total salaries ÷ number of persons).

Number of projects: 1.

Summary of program objectives and activities:

The objectives of this program are to:

1. Enhance availability of crime laboratory services on a state-wide basis.

2. Reduce current turnaround time of services to local law enforcement agencies within the region in which the additional branch crime laboratory is to be activated, ultimately improving state-wide service through a reduction in present workload on existing facilities.

The Georgia Bureau of Investigation received support to continue expansion of the State Crime Laboratory in accordance with the Master Plan for Crime Laboratory Services in Georgia. This support includes salaries and equipment sufficient to activate one additional branch laboratory. Under the expansion plan physical facilities are provided by the local unit of government.

Action program number 7: "Detection and Control of Organized Crime" (Police).

Program cost:	
Federal	$411,946
Match	110,132
Total	522,078
Personnel cost:	
Salaries	307,688
Fringe benefits	25,910
Total	333,578

Number of persons budgeted: 28.
Average salary (excluding fringe benefits): $10,988.
(Total salaries ÷ number of persons).
Number of projects: 20.
Summary of program objectives and activities:
The objectives of this program are to:
1. Support the Organized Crime Prevention Council so that the Council may:
   a. Oversee the Georgia State Intelligence Network (GSIN) and provide three training sessions for GSIN agents;
   b. Develop an organized crime legislation package;
   c. Define and monitor organized crime in Georgia and prepare a confidential report for need-to-know officials and an annual report for general distribution which identifies state-wide organized crime activities;
   d. Maintain liaison with federal, state and local intelligence agencies and conduct twelve state-wide intelligence conferences; and
   e. Assist national law enforcement agencies in deterring organized crime;
2. Emphasize and offer support to nineteen intelligence units (sixteen local and three state) in the investigation of organized crime;
3. Promote the gathering, recording and exchange of confidential intelligence information state-wide through the GSIN;
4. Prosecute in federal or state court identified organized crime figures.

The member units of GSIN, as approved by the Georgia Organized Crime Prevention Council, and the Council itself are eligible subgrantees in this program. GSIN member agencies are selected on department size, role and scope of the intelligence units, population served, and degree of organized crime problem affected. A total of twenty agencies, four state and sixteen local, are continued in this program. Budget requests to support these twenty designated agencies include estimates of costs for personnel, office space, office equipment (and surveillance equipment where proper procedures are assured), travel, supplies and operating expenses, and in certain cases an informants' fund. Personnel include agents, analysis, and clerical help. All units are evaluated quarterly by the Georgia Organized Crime Prevention Council.

Equipment funded may include the following: leased vehicles, radios, paper shredder, tape recorders, file cabinets, camera adapters, body transmitters, walkie-talkies, binoculars, night vision scopes, recording transcribers, video surveillance equipment, including camera with telephoto lens, portable video tape surveillance camera and player, unitized intelligence system, intelligence kit, night vision system with attachment for camera, video tape system with playback equipment for night vision, survellance vehicle, and office furniture; e.g., desks and chairs.

Action program number 8: "Court Administration" (Courts).

Program cost:	
Federal	$502,794
Match	55,867
Total	558,661
Personnel cost:	
Salaries	373,520
Fringe benefits	11,235
Total	384,755

Number of persons budgeted: 27.
Average salary (excluding fringe benefits): $13,834.
(Total salaries ÷ number of persons).
Number of projects: 2.
Summary of program objectives and activities:

The objective of this program is to assist the state in designing and implementing by 1978 a unified system of court administration; develop guidelines and standards for court record-keeping, including uniform dockets, standardized case files and systematic budgeting procedures; improve efficiency and administrative practices of courts in regards both to scheduling of case and witnesses, and to jury selection and charging procedures; provide legal services and other forms of technical assistance to judges, clerks, and other court personnel; and promote research that will aid in identifying, analyzing and proposing solutions to the causes of court congestion, trial delay, and dilatory appeals procedures.

Specific sub-objectives are to publish at least six issues of the Georgia Courts Journal and dissiminate of at least 1,500 copies of each issue; provide technical assistance regarding court facility needs to at least eight counties now planning or engaged in the construction, alteration, or remodeling of court facilities; conduct at least twelve meetings of the Judicial Council; assist the State's legislative, Executive, and Judicial branches of Government in drafting court reform legislation; continue to compile caseload and budget data on all courts of felony and/or misdemeanor jurisdiction. This enumeration does not include certain nonquantifiable activities—for example, legal services to judges and other court personnel.

The designated grant recipient is the Georgia Judicial Council/Administrative Office of the Courts.

Services supported include publication and dissemination of information, legal research, and technical assistance provided by AOC to judges, court personnel, and units of government. Under this grant the AOC may also supervise and/or conduct court improvement projects, and carry out those activities conducive to improvement of the State's judicial system.

Action program number 9: "Judicial Services" (Courts).

Program cost:	
Federal	$309,782
Match	109,847
Total	419,629
Personnel cost:	
Salaries	397,922
Fringe benefits	13,007
Total	410,929

Number of persons budgeted: 39.
Average salary (excluding fringe benefits): $10,203.
(Total salaries ÷ number of persons).
Number of projects: 25.
Summary of program objectives and activities:

The objective of this program is to increase the efficiency of court operations in order to insure that by 1978 all persons accused of a crime can be tried within 120 days of indictment.

Funds under this program continued the salaries of assistant court reporters in six counties.

No new assistant court reporter awards were made. Funding of continuation awards is limited to salary costs for previous grant personnel. Second year awards are funded at seventy-five percent Federal and twenty-five percent state-local; third year awards at a ratio of sixty percent Federal and forty percent state-local.

Twenty-four law clerks were hired for Superior Court judges who preside over felony cases only, or over felony and misdemeanor cases, and whose criminal caseload is excessive. Sixteen of these projects were initiated in fiscal year 1976 while eight were continuations. LEAA funding for law clerks is limited on new applications to $11,400 salary and $900 for equipment (desk and chair, file cabinets, desk lamp, bookcase and side chairs). Thus, new applications may request a maximum of $12,300 in Federal money, funded at a ratio of ninety percent Federal and ten percent state-local. Continuation applications for law clerks are funded at

reduced ratios: second year at seventy-five percent Federal and twenty-five percent state-local.

Three multi-judge Superior Court Circuits received funds under this program to hire court administrators. Maximum LEAA funding for a court administrator's salary is $19,100, and a maximum of $1,900 may be allocated for equipment (desk and chair, file cabinet, bookcase, calculator, desk lamp and not more than four side chairs). Thus Federal dollars in any award are limited to $19,000. Secretarial and clerical assistance, office space, travel costs, and other items needed to support a project should be provided by the subgrantee.

Three pre-trial release projects were funded also.

Action program number 10: "Prosecution Services" (Courts).

Program cost:	
Federal	$355,568
Match	133,476
Total	489,044
Personnel cost:	
Salaries	456,997
Fringe benefits	17,483
Total	474,480

Number of persons budgeted: 33.

Average salary (excluding fringe benefits): $13,848.

(Total salaries ÷ number of persons).

Number of projects: 31.

Summary of program objectives and activities:

The objectives of this program are to:

1. Increase, by 1977, the level of prosecution services so that all persons accused of crimes will be tried or their cases disposed of within 120 days of indictment.
2. Improve, by 1977, efficiency of prosecution services so that every felony indictment will be fully investigated and prepared for prosecution.
3. Achieve, by 1977, a 25 percent reduction in number of cases in which failure to prosecute or failure to convict for an offense committed is due to inadequate prosecution resources.
4. Obtain a prosecution workload in all jurisdictions to alleviate use of plea-bargaining and other administrative case disposition methods.
5. Insure, by 1978, that prosecutors in one-judge judicial circuits have at least one assistant to aid in case investigation and preparation.

The salaries of assistant district attorneys in six cities and counties were continued as were those for investigations in four counties and a legal assistant in Cobb County. Nineteen new assistant district attorneys and three investigators were funded in those judicial circuits demonstrating the greatest need.

Action program number 11: "Defense Services" (Courts).

Program cost:	
Federal	$739,780
Match	151,531
Total	891,311
Personnel cost:	
Salaries	168,050
Fringe benefits	23,494
Total	191,544

Number of persons budgeted: 12.

Average salary (excluding fringe benefits): $14,004.

(Total salaries divided by number of persons).

Number of projects: 3.

Summary of program objectives and activities:

The objective of this program is to create for Georgia an adequate indigent defense system.

Quantifiable sub-objectives include: creating by 1981 an adequate indigent defense system for Georgia that will ensure competent counsel to any person accused of a criminal act, but who by reason of poverty cannot afford an attorney; reducing by ten percent the number of indigent persons in fourteen judicial

circuits who undergo prolonged incarceration awaiting trial, and whose trial delay results from an inability to secure the services of a defense attorney; providing in two state correction institutions legal counseling to 4,000 indigent inmates who have legal problems; and providing in fourteen judicial circuits competent defense attorneys for at least 3,500 persons accused of crimes but who are without the financial means to hire a lawyer.

The University of Georgia was designated to implement a prison legal counseling program—to support a program in which University law students counsel indigent inmates in certain of the states correctional instiutions.

The Georgia Criminal Justice Council was designated to receive funds to help support its supervisory function and to implement and continue defense service projects in selected judicial circuits. Funds for support of Council will provide staff to the Council, and support general office operations, management, coordination, and service functions. Included here are administrative and support services for local defender offices; program and financial planning for the state-wide system; technical assistance, trial expertise, and advisory services for public defenders; coordination and planning of defense programs in conjunction with local bar organizations; as well as sponsorship of and participation in training programs designed to improve defense services throughout the state. All of these activities will be state-wide in scope.

Funds will also support defense services projects at local level.

Action program No. 12: "Juvenile Diversion" (Corrections).

Program cost:	
Federal	$218,000
Match	24,222
Total	242,222
Personnel cost:	
Salaries	171,000
Fringe benefits	17,100
Total	188,100

Number of persons budgeted: 17.

Average salary (excluding fringe benefits): $10,059.

(Total salaries divided by number of persons).

Number of projects: 1.

Summary of program objectives and activities:

The objective of this program is to implement a pilot delinquency prevention program for potential high school dropouts in the inner city designed specifically to minimize their school-related problems through the provision of services and to bring together cooperating educational and social services.

This program consists of a single designated component, a juvenile diversion pilot project for inner city high school youth.

The City of Atlanta will establish a pilot project, Propinquity, at a local high school. Recognizing that social services are not structured and allocated for the maximum benefit of students, Project Propinquity attempts to place comprehensive social programs within the school to assure delivery of these services. Several cooperating agencies combine their resources to provide recreational, medical, family counseling, economic and legal services at the school to insure maximum proximity and availability.

Project Propinquity consists of four major components, a research and management component; an on-site administrative component; a social services component; and an educational component supported by LEAA (Law Enforcement Assistance Administration) funds.

The educational component is the backbone of the project and determines the operating structure both physically and with respect to the hours of the day. It consists of teachers, special teachers for remedial and special interest courses and educational coordinators for curriculum management.

Action program number 13: "Rehabilitation of Juvenile Offenders" (Corrections).

Program cost:	
Federal	$1,141,616
Match	316,350
Total	1,457,966
Personnel cost:	
Salaries	1,022,011
Fringe benefits	118,474
Total	1,140,485

Number of persons budgeted: 111.
Average salary (excluding fringe benefits): $9,207.
(Total salaries divided by number of persons.)
Number of projects: 23.
Summary of program objectives and activities:

The objective of this program is to increase the number of children diverted from (a) the criminal justice system, (b) formal detention, and (c) institutioned case.

This program uses the concept of saturation planning, in which funding is provided to meet all program-related needs of designated target counties. The fourteen target counties which represent three-fourths of Georgia's juvenile delinquency, were selected and ranked according to the extent of their juvenile problem and the availability of resources to deal with it.

The Department of Human Resources received support to continue eleven community treatment centers and three (3) group homes in target county areas, as well as to expand its system of community detention by adding three court service workers. In the new target counties (Gwinnett and Floyd) the Department of Human Resources will add one community treatment center and eight court service workers. Contracts for approximately thirty-five homes to provide residential care in lieu of incarceration or formal detention around the State will also be funded (at a cost of about $2,500 per home). These projects should reach an estimated 2,000 children.

DeKalb County received continued support for twenty-two probation officers, six juvenile law investigative officers, one group home, one intervention program and one secretary, all refunded at the 1975 level.

Cobb County received continued support for seven probation officers, one volunteer coordinator, one intervention program, two investigative officers, one referee and three secretaries. These components will be refunded at the 1975 level.

Clayton County received continued support for three probation officers, three investigative officers, one rehabilitation therapist, one volunteer coordinator and four secretaries. These components will be refunded at the 1975 level.

Richmond County received continued support for one referee, on intake coordinator, four case workers, one treatment coordinator and one youth service bureau. These components will be refunded at the 1975 level.

Muscogee County received continued support for three probation officers funded at the 1975 level.

Fulton County (i.e., the City of Atlanta) will receive continued support for two intervention programs and one youth service bureau funded at 50 percent of the 1975 level.

Spalding County received continued support for five probation officers and one volunteer coordinator, funded at 50 percent of the 1975 level.

Whitfield County received continued support for one probation officer, one community treatment center and one intervention program funded at 50 percent of the 1975 level.

Glynn County received continued support for one probation officer, one volunteer coordinator, one juvenile law investigative officer and one intervention program, funded at 50 percent of the 1975 level.

Houston County received continued support for one volunteer coordinator and one intervention program funded at 50 percent of the 1975 level.

Hall County received continued support for its comprehensive intake services unit funded at 50 percent of the 1975 level.

Floyd County received support for one community treatment center and one diagnostic unit.

Gwinnet County (not an independent system) received support for one juvenile law investigative officer.

Action program number 14: "Rehabilitation of Adult Offenders" (Corrections).

Program cost:	
Federal	$359,035
Match	68,558
Total	427,593
Personnel cost:	
Salaries	85,221
Fringe benefits	13,635
Total	98,856

Number of persons budgeted: 9.
Average salary (excluding fringe benefits): $9,469.
(Total salaries divided by number of persons).
Number of projects: 2.
Summary of program objectives and activities:
The objectives of this program are to:

1. Serve approximately 340 offenders in community-based treatment centers, hopefully diverting 160 of them from incarceration.
2. Provide services such as counseling basic education advanced studies and vocational training to approximately 1,800 inmates in county correctional institutions.

The Department of Corrections and Offender Rehabilitation received support to continue three residential securtiy-oriented community-based 40-man adjustment centers located in major urban areas. Additionally, the Department of Corrections and Offender Rehabilitation received funds to provide professional counseling to inmates in county correctional institutions. Although the grant will be made to the Department of Corrections and Offender Rehabilitation, this funding consitutes local support since the Department of Corrections and Offender Rehabilitation conducts the program through contractual arrangements with participating counties. In addition to counseling, these programs offer vocational training and basic education.

Fulton County received initial support to establish an adjustment center, also designed as an alternative to incarceration but to emphasize treatment for sentenced misdemeanant and persons convicted of felony charges reducible to misdemeanors. It is anticipated that this project will not only reduce Fulton County jail population but also have some impact on admissions to the state prison system.

Action program No. 15: "Research, Planning and Evaluation" (Corrections).

Program cost:	
Federal	$463,100
Match	51,455
Total	514,555
Personnel cost:	
Salaries	308,455
Fringe benefits	50,545
Total	359,000

Number of persons budgeted: 27.
Average salary (excluding fringe benefits); $11,424.
(Total salaries—number of persons).
Number of projects: 2.
Summary of program objectives and activities:
The objectives of this program are to:

1. Continue comprehensive evaluation of major state adult correctional treatment programs;

2. Continue development and implementation of long-range planning in areas of counseling, probation-parole supervision, social services, transitional release, regional correctional facilities, recreation, alcohol and drug rehabilitation, classification and diagnostic procedures, and other areas of treatment and general institutional operations through approximately forty-seven field survey and planning sub-projects;

3. Continue and expand ability to perform evaluations on state juvenile programs through a computerized information system as well as to conduct ongoing research through development of experimental designs for furthering knowledge of casualties of juvenile crime; and

4. Provide a sound basis for determining future programmatic needs for the state's juvenile offenders.

The Department of Corrections/Offender Rehabilitation received support for the fourth year's operation of the comprehensive evaluation program. Overall program design is for a four phase study: (1) Plan and design; (2) Development of standardized data collection system; (3) Implementation of computer programs; and (4) Outcome and analysis.

With reference to the second objective, the Department of Corrections/Offender Rehabilitation also received support to continue its short-range research and long-range planning through sub-projects of the nature described under the study outline above.

The Research Unit of the Department of Human Resources received continuation support for its operation. This operation was expanded to focus primarily on intensive evaluation of community-based treatment programs and facilities and to establish a detailed statistical information system on approximately 20,000 children served per year. Long-range planning to meet needs of these juveniles will then be available on a scientific basis. The operation of this unit is necessary if Georgia is to comply with requirements of the Juvenile Justice and Delinquency Prevention Act of 1974.

Action program number 16: "Statewide Criminal Justice Information Systems" (Other).

Program cost:	
Federal	$521,200
Match	57,910
Total	579,110
Personnel cost:	
Salaries	256,926
Fringe benefits	46,100
Total	303,026

Number of persons budgeted: 27.
Average salary (excluding fringe benefits): $9,516.
(Total salaries ÷ number of persons).
Number of projects: 4.
Summary of program objectives and activities:

The objective of this program is to complete by 1977, the development of the statewide criminal justice information system.

This program is for continuation of the development of the statewide criminal justice information system (CJIS) under direction of the Georgia Crime Information Center (GCIC) within the Georgia Bureau of Investigation (GBI). System definitions, development schedules, priorities, and responsibility assignments are defined by the Georgia CJIS Master Plan approved in June of 1972 and updated in 1974.

Program components funded in fiscal year 1976 include:

(a) DCOM: (Data Communications)—Support of the statewide communications network. Some modifications and/or expanded services will be required to implement necessary security considerations as well as previously planned expansion.

(b) CJARS: (Criminal Justice Activity Reporting System)—Continued support of personnel, implementation of prototype systems and enhancements of on-going systems and computer support. Uniform Crime Reporting operations will be expanded by an increase in reporting agencies to approximately 425. The

Summary Activity Reporting (SAR) prototype evaluation will be completed under the fiscal year 1975 grant period and full implementation will occur in fiscal year 1976. Activity on the Management Activity Reporting Systems (MARS) will include completion of the design, prototype testing and initial general implementation.

(c) CCH: (Computerized Criminal Histories)—Support of personnel, enhancement and enlargement of system capabilities to include additional terminals to accommodate increased record volume. Additional improvements include manuals for field use and enlarged microfilm requirements.

(d) ADMIN: (Administration and General Support)—Support for personnel, travel, supplies and operating expenses. These funds provide services for the administration of the various projects and on-going activities of the GCIC in areas which cannot be reasonably allocated to specific system components.

Action program number 17: "Local Criminal Justice Information Systems" (Other).

Program cost:	
Federal	$979,763
Match	145,068
Total	1,124,831
Personnel cost:	
Salaries	302,433
Fringe benefits	37,548
Total	339,981

Number of persons budgeted: 28.

Average salary (excluding fringe benefits): $10,801.

(Total salaries ÷ number of persons).

(Total salaries—number of persons).

Number of projects: 8.

Summary of program objectives and activities:

The objective of this program is to ensure that by 1980 every locality is serviced by a criminal justice information system (manual or automated) which meets the needs of all criminal justice agencies.

Each city and/or county has an information system plan consistent with the Master Plan for CJIS in Georgia. System implementation occurs in accordance with these plans which are on file with the State Crime Commission.

Designated applicants for fiscal year 1976 include:

(a) City of Albany funding for personnel, consultant costs, and operating expenses to begin limited implementation of Phase III of the law enforcement module in accordance with the detailed design completed with fiscal year 1975 funds.

(b) City of Atlanta funding for personnel and operating expenses for completion of subsystems under Phase II B of the Atlanta CJIS Plan, including court docketing, crime incidence, arrest tracking, warrant control, identification, offense notification, traffic enforcement, and accident occurrence subsystems.

(c) City of Augusta funding for personnel, consultant costs and operating expenses to implement local plan priorities 1.1 and 1.2 (on-line communications information and police operations).

(d) Bibb County funding for implementation of mobile digital communications for the Bibb County Sheriff's Office and updating of the Macon/Bibb CJIS Plan.

(e) Cobb County funding for personnel and operating expenses to implement the PROMIS juvenile court extension, the manpower allocation subsystem and the probation index.

(f) De Kalb County funding for personnel and consultant costs for the design and initial implementation of applications defined under Module III of the De Kalb County CJIS Plan.

(g) Fulton County funding for personnel, consultant costs and operating expenses to begin Phase II B.1.

(h) City of Savannah funding for consultant costs to implement the case reporting expansion and for personnel, equipment, consultant costs and operating expenses for upgrading the manual courts records system and completing the detailed design for an automated courts records system.

Action program number 18: "Agency Support System" (Other).

Program cost:	
Federal	$191,676
Match	21,751
Total	213,427
Personnel cost:	
Salaries	55,780
Fringe benefits	6,088
Total	61,868

Number of persons budgeted: 6.
Average salary (excluding fringe benefits): $9,297.
(Total salaries—number of persons).
Number of projects: 8.
Summary of program objectives and activities:
The objective of this program is to eliminate inefficiencies in the collection of criminal justice data and its dissemination among components of the criminal justice system through the provisions of assistance to state agencies which collect, store, and disseminate data necessary to local agency operations.
The four types of projects funded under this program are:
(a) Court Microfilm: An estimated award of $69,200 for the Department of Archives for personnel, travel, consultant cost and supplies and operating expenses for the on-going mobile microfilm laboratory.
(b) Model Court Records: An estimated award of $56,900 to the Administrative Office of the Courts for continuation of personnel, supplies, and operating expenses associated with initial implementation of the court records system.
(c) Crime Lab: An estimated award of $57,800 to the State Crime Lab (GBI) for automation of crime lab records.
(d) GCIC Terminals: Five awards at an estimated cost of $10,400 to local police and sheriff's departments for continuation of 5 local terminals on the state network.
Action program number 19: "Radio Communications" (Police).

Program cost:	
Federal	$213,324
Match	29,315
Total	242,639
Personnel cost:	
Salaries	$22,531
Fringe benefits	3,796
Total	26,327

Number of persons budgeted: 2.
Average salary (excluding fringe benefits): $11,266.
(Total salaries—number of persons).
Number of projects: 26.
Summary of program objectives and activities:
The objective of this program is to provide by the end of 1980, capability in all law enforcement agencies for effective and efficient communications with each other and with the public.
The four (4) components of the program are:
1. Installation of multi-track recording systems capable of handling all incoming and all radio transmissions. Agencies with 50 or more sworn personnel are eligible to receive funds.
2. Establishment of centralized dispatch which will allow one agency to dispatch mobile units for several agencies. Applicant agency must have 15 or more sworn personnel.
3. Continuation of engineering services which enable the State Department of Administrative Services to provide, at no cost, communications design and engineering service to local law enforcement agencies.
4. Acquisition of basic equipment, including base stations, towers, mobiles, remote units, and other basic equipment to be installed in agencies not presently

using the MRD and ICC at maximum efficiency because of problems of coverage, coordination or interference. Some problem areas have already been identified, and others will be pointed out by the engineering service.

Action program number 20: "Criminal Justice Personnel Practices and Training (Other).

Program cost:	
Federal	$1,410,832
Match	138,162
Total	1,578,994
Personnel cost:	
Salaries	534,706
Fringe benefits	90,319
Total	625,025

Number of persons budgeted: 48.
Average salary (excluding fringe benefits): $11,140.
(Total salaries—number of persons).
Number of projects: 18.
Summaryof program objectives and activities:
The objectives of this program are to:
1. Development state-wide personnel plans to attract, recruit, select and retain "Best Qualified" personnel.
2. Provide basic, refresher, advanced and specialized training of the highest quality and which satisfies needs.

LAW ENFORCEMENT

Post (The Georgia Peace Officers Standards and Training Council), receives funds to:

1. Develop over a two-year period, in consultation with representatives of municipal, county, and state law enforcement agencies, the State Merit System, and the State Crime Commission, Phase I and Phase II of a comprehensive statewide personnel plan, which will include uniform job descriptions and a classification plan, with multiple pay grades based on education, experience, skill and proficiency; a minimum salary plan; recruitment, screening and selection standards and procedures; an educational incentive pay plan; a promotion or career development plan; and a fringe benefits plan. Additionally, alternative methods for financing uch plans will be included, as well as a set of recommended standards for agency certification.

2. Implement training programs developed during 1975 which provide for 40 hours of refresher training for peace officers with two year's seniority, 80 hours of intermediate training for officers up to the rank of Captain, 40 hours of advanced training for officers at supervisory and executive levels, and 80 hours of training for middle-management supervisors. POST will provide from resources available necessary programs in instruction, lesson plans, student handouts, slides, films, transparencies, audio/video tapes, guidance and technical assistance to ensure uniformity and quality of instruction. The staff will monitor and evaluate the fifteen Academies and all directors, instructors, methods of presentation and quality of instruction.

3. Continue to administer and provide support to all state and local law enforcement units of government on a "prior approval/reimbursement basis" for certain expenses of selected law enforcement employees to attend basic, advanced and in-service training at in-state and out-of-state training institutions. The POST Council has approved and distributed written standards, criteria and procedures necessary to qualify for this financial support. Project Cost: $331,600.

These programs will reach or affect approximately 10,000 law enforcement personnel. Continuation funding is anticipated for at least three years.

One additional REGIONAL POLICE ACADEMY will be funded as Phase III of a continuing plan to strategically locate regional academies throughout the state. This will satisfy training needs on a tuition-free, regional basis and provide quality instruction. The additional academy will provide the State with five such tuition-free, regional academies.

Corrections: the Department of Corrections/Offender Rehabilitation (DCOR) will receive support to continue its comprehensive staff development training pro-

gram. Programs and courses are developed, coordinated and conducted at the Staff Development Center, located on the campus of the University of Georgia.

During 1976, three new correctional institutions and six new community facilities will be opened.

Approximately 300 new employees, in addition to the 2,800 current employees, will benefit from one or more specialized courses, specifically designed to improve treatment and supervision of offenders. Courses will be task-oriented and will vary in length from a mandatory four-week orientation course for all correctional officers and other new DCOR personnel to some specialized courses of one-day duration. It is anticipated that 18 orientation courses, 12 statewide workshops, 40 divisional workshops, 2 executive development courses and 14 supervisory management courses will be offered. Project Cost: $381,400.

The Youth Services Division of the Department of Human Resources (DHR) will likewise receive support to continue its comprehensive staff development program for the juvenile delinquency staff. Programs and courses are developed, coordinated and conducted by the Department Training Unit, with some outside assistance. All training is task-oriented and will benefit approximately 550 employees, about one-half the total employment of the Youth Services Division.

All new employees must attend the basic orientation course; and all new treatment staff are required to take an additional 30 hours of specialized training within the first six months of employment. In-service training concentrates on understanding human behavior and modern treatment skills; minimizes lectures and emphasizes workshops, labs, visual aids, role-playing, etc., is offered in small groups to encourage student participation and performance; and is taken to the field on a regional basis rather than to require large numbers to travel to a central location. Emphasis will continue on developing "training program packages" consisting of video/audio tapes and slide and overhead presentations. These training packages are made available to all program areas, county juvenile courts, and other professionals concerned with juvenile corrections.

The State Crime Commission (SCC) will continue to administer and provide support to local units of government on a "prior approval/reimbursement basis" for expenses of selected local correctional personnel to attend correctional training conducted by DCOR via the Mobile Training Van, or at other approved training institutions.

Pre-service and in-service training for correctional personnel is a continuous program, and continuation funding is anticipated for at least three years.

Courts: the Judicial Council of Georgia, through the Administrative Office of the Courts (AOC), will employ, from its state budget, a full-time training officer to develop and coordinate a comprehensive training program for the 196 judges and 1,131 other judicial personnel of Georgia's State-level court system. In addition, a comprehensive program to satisfy training needs for 2,341 other lower court personnel (probate, small claims, recorders, etc.) will be developed. The primary goal is to expand and provide in-state and out-of-state training for selected court personnel. This will be accomplished by conducting eleven (11) in-state seminars and conferences for approximately 775 personnel; and to send approximately forty-five (45) selected personnel to out-of-state colleges, seminars and conferences.

The Prosecuting Attorneys' Council of Georgia was created by the 1975 Georgia General Assembly. One of prosecution's major problems is the increasing complexity of the prosecution of criminal cases in a constitutionally approved manner and the cost and resulting backlog of cases from reversals. Reversals, as a result of prosecution error, must be drastically reduced. Therefore, it is necessary that all prosecuting attorneys keep abreast of new case law, statutes and developing trends. Particularly do the newly elected prosecuting attorneys and their assistants require instruction in the handling of criminal cases. The Office of Prosecution Coordination will be supported to develop, coordinate, and present, with some outside assistance, eight (8) in-state seminars for approximately 400 prosecution personnel; and will send approximately forty (40) selected personnel to out-of-state colleges and seminars.

The Georgia Criminal Justice Council will be supported to provide comprehensive, systematic training for public defenders and private attorneys accepting indigent appointments. Public defenders are presently available in 10 locations covering approximately thirty counties. All other counsel is appointed from the private bar. This project will be statewide in scope; will address both pre-service and in-service training of defender system personnel; will consist of one (1) statewide and four (4) regional in-state seminars, and will reach approximately

140 selected public defenders and private attorneys having indigent defense appointments. In addition, it will send approximately 15 selected individuals to out-of-state colleges and seminars.

Continuation funding for courts personnel is anticipated for at least three years.

C. PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

Action program number 13E: "Rehabilitation of Juvenile Offenders" (Corrections).

Program cost:	
Federal	$770,911
Match	85,658
Total	856,569
Personnel cost:	
Salaries	532,150
Fringe benefits	89,669
Total	621,819

Number of persons budgeted: 63.

Average salary (excluding fringe benefits): $8,447. (Total salaries—number of persons).

Number of projects: 2.

Summary of program objectives and activities:

Same as action program number 13 under section II. B.

Action program number 14E: "Rehabilitation of Adult Offenders" (Corrections).

Program cost:	
Federal	$546,799
Match	60,757
Total	607,556
Personnel cost:	
Salaries	343,005
Fringe benefits	57,795
Total	400,800

Number of persons budgeted: 24.

Average salary (excluding fringe benefits): $14,292.

(Total salaries—number of persons).

Number of projects: 1.

Summary of program objectives and activities:

Same as action program number 14 under section II.B.

D. JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Action program number J1: "Deinstitutionalization of Status Offenders by the Department of Human Resources" (Corrections).

Program cost:	
Federal	$369,341
Match	41,038
Total	410,379
Personnel cost:	
Salaries	107,920
Fringe benefits	18,994
Total	126,914

Number of persons budgeted: 15.

Average salary (excluding fringe benefits): $7,195.

(Total salaries—number of persons).

Number of projects: 1.

Summary of program objectives and activities:

The objective of this program is to provide additional, nonsecure alternatives to the secure confinement of status offenders—specifically, 1) to divert 1,175 status offenders from secure facilities during 1976: 1,063 from secure detention and 112 of them from long-term institutional treatment in youth development centers; and 2) to provide sufficient administrative and research capability to DHR to plan for, implement and evaluate the State's deinstitutionalization effort.

The Department of Human Resources will be funded to provide the following non-secure alternatives to the institutionalization of status offenders.

1. In-Home Supervision—It is projected that 55 percent of the status offenders referred for detention can be placed under court supervision in their own homes. DHR will be funded for 10 Youth Counselors to service 692 of these children in 1976.

2. Attention Homes—DHR projects that 30 percent of the status offenders now detained in secure facilities could be handled by Attention Homes. Funds will be used to provide an additional 45 Attention Home units in 1976. These beds will serve 371 youths.

3. Contract Homes—Approximately 5 percent of the status offenders referred to detention and 20 percent of those referred to YDC's could be served in these facilities. Funding for an additional 33 beds to handle 98 children will be provided in 1976.

4. Purchased Services—About 5 percent of the target population referred to detention and about 10 percent of those referred to YDC's will need specialized, purchased services to meet their needs. During 1976, funds will be allocated to obtain these services for 74 youths.

In addition, the Department will be allocated funds to continue and expand the Status Offender Administrative Unit, including the Status Offender Consultant, one Residential Consultant, a Research Associate and one typist.

The majority of the Department's funds will be used for personnel, contracted services and operating expenses.

Action program number J2: "Deinstitutionalization of Status Offenders by Local Governments" (Corrections).

Program cost:	
Federal	$158,234
Match	17,581
Total	175,815
Personnel cost:	
Salaries	80,581
Fringe benefits	7,724
Total	88,305

Number of persons budgeted: 12.

Average salary (excluding fringe benefits): $6,715.

(Total salaries—number of persons).

Number of projects: 5.

Summary of program objectives and activities:

The objective of this program is to continue and initiate alternative methods of diversion for status offenders in the State of Georgia.

The following counties received funding for programs to further the deinstitutionalization of status offenders in Georgia. All of the programs are based on the individual county's assessment needs relative to that goal. The majority of the funds will be used for personnel and contracted services with considerably lesser amounts allocated to equipment, travel and operating expenses.

DeKalb County Juvenile Court is allocated funding to operate a home detention program. The additional funds will be used to expand services to status offenders, with emphasis on diverting them from secure detention.

Clayton County Juvenile Court is allocated funding to expand its intake unit. The unit will be designed to minimize further penetration of the juvenile justice system by the youths involved.

Cobb County Juvenile Court is allocated funding for a home detention and counseling program. This program will supplement and service the existing In-

take Unit and Crisis Team. Again, emphasis will be on diverting the children away from formal detention.

Fulton County Juvenile Court is allocated funding for a program to purchase services for status offenders from community agencies.

Additionally, a privately-operated non-secure residential home and family counseling center in the Atlanta area will be allocated continuation funding.

III. LEAA DISCRETIONARY GRANTS

A. TRACK

DISCRETIONARY GRANTS

ACTIVE TRACK I DISCRETIONARY GRANTS IN GEORGIA (REVISED) AS OF MARCH 30, 1977

Fund type	Number of active grants	Total amount of active grants	Amount of personnel costs	Number of personnel	Percent of total amount
C	0	0	0	0	
E	1	$356,195	$318,089	17	89.3
TA	0	0	0	0	
NI	1	204,990	118,640	7	57.9
JJ	2	224,970	0	0	0
Other:					
402 trainning	0	0	0	0	
407 training, etc	0	0	0	0	
Total	4	786,155	436,729	24	55.5

Grant number: 76-ED-99-0026.

Title: Sole sanction restitution program.

Grantee: Georgia department of corrections and offender rehabilitation.

Project cost:	
Federal	$356,195
Match	39,577
Total	395,772
Personnel cost:	
Salaries	$270,484
Fringe benefits	47,605
Total	318,089

Number of persons budgeted: 7.

Average annual salary (excluding fringe benefits): $7,955.

(Total salaries: number of persons).

Summary of project objectives and activities:

This project was awarded as part of the corrections initiative: experiment in restitution, which is an action-research demonstration effort focused on the implementation and assessment of restitution as an alternative to traditional corrections strategies. The Georgia project will develop a research-based innovative restitution in probation pilot program which addresses and balances the needs of the criminal justice system, of victims and of offenders. Although initially directed at a target population of 500 offenders, this program is applicable to a wide variety of offenders, can be implemented at points in the criminal justice system ranging from the pre-sentence to incarceration levels, and is designed both for ease of expansion in Georgia and for replicability in other states. The program draws upon experience and knowledge gained from previous restitution programs and includes the following major program features: a sole-source self-determinate approach to dealing with offenders; a combined monetary-community service restitution approach, which makes the restitution sanction available to offenders from lower-income groups and maximizes the ability of victims to be realistically compensated; and a redefinition of the role of the probation supervisor as a community organizer/citizen manager.

Grant funds provide the salary and fringe benefits for a planner, a researcher, restitution specialists, casework aides, and secretarial/clerical support staff.

Grant number: 75–NI–99–0091.
Title: Stochastic modeling and analysis of crime.
Grantee: Georgia Institute of Technology.

Project cost:	
Federal	$204,990
Match	0
Total	204,990
Personnel cost:	
Salaries	112,150
Fringe benefits	6,490
Total	118,640

Number of persons budgeted: 7.
Average annual salary (excluding fringe benefits): $8,011.
(Total salaries—number of persons).
Summary of project objectives and activities:
This project will test and validate the applicability of time series analysis to city crime rates viewed as a realization of a stochastic process. Univariate models will be developed for selected cities. The project will then investigate the feasibility of aggregating these models for normative purposes. Further, it will extend the models to multiple input-multiple output form, incorporating socio-economic characteristics of the cities modeled. Finally, in a sub-set of these cities, models will be developed for lower levels of data aggregation and an attempt will be made to integrate such sub-models for purposes of crime displacement detection and program evaluation.
Grant funds provide salary and fringe benefits for three project analysts, part-time student assistants, and a secretary.
1. Grant number: 76–JN–99–0013.
Title: Evaluation of South Carolina status offender project.
Grantee: Technology Institute, Inc.

Project cost:	
Federal	$222,745
Match	0
Total	222,745
Personnel cost:	
Salaries	0
Fringe benefits	0
Total	0

Number of persons budgeted: 0.
Average annual salary (excluding fringe benefits): $0.
(Total salaries ÷ number of persons).
2. Grant number: 76–JN–99–1002.
Title: Evaluation of South Carolina status offender project.
Grantee: Technology Institute, Inc.

Project cost:	
Federal	$2,225
Match	0
Total	2,225
Personnel cost:	
Salaries	0
Fringe benefits	0
Total	0

Number of persons budgeted: 0.
Average annual salary (excluding fringe benefits): $0.
(Total salaries ÷ number of persons).

Summary of project objectives and activities:

The principal purposes of these projects are twofold: to conduct a local evaluation of the South Carolina project funded under the deinstitutionalization of status offender program (DSO), and to paritcipate in the national evaluation of the entire DSO program, which includes South Carolina. The applicant will evaluate the effectiveness of the South Carolina DSO project which proposes to implement a statewide plan to remove all status offenders from jails, detention facilities and institutions. The South Carolina project will provide a range of community-based services which include foster care, intensive treatment group homes, tutorial programs, employment programs and counseling services. It is estimated that these projects will serve approximately 3600 youth over a two-year period.

B. TRACK II

DISCRETIONARY GRANTS

Grant number: 76–NI–04–0001.
Title: "State Impact Coordination Unit" (Other).
Subgrantee: Georgia State Crime Commission.

Project cost:	
Federal	$21,958
Match	0
Total	21,958
Personnel cost:	
Salaries	18,790
Fringe benefits	3,168
Total	21,958

Number of persons budgeted: 1.
Average salary (excluding fringe benefits): $18,790.
(Total salaries÷number of persons).
Summary of project objectives and activities:

This project was awarded as part of the LEAA Impact Cities Program and provided funds to the Georgia State Crime Commission (SCC) to assist that agency in discharging its responsibilities under the Impact Program. Those responsibilities included:

1. Reviewing and certifying all plans and applications related to the Atlanta Impact Program;
2. Accepting approved grant awards and providing grant management services to the on-going projects;
3. Monitoring projects to ensure compliance with approved grants;
4. Reviewing and approving requested adjustments to projects or plans, and
5. Acting as a liaison between the local and Federal levels.

Grant funds provided the salary and fringe benefits for the SCC Impact Program Coordinator.

Grant number: 76–SS–04–0001.
Title: "Georgia Crime Statistics Data Center" (Other).
Subgrantee: Georgia State Crime Commission.

Project cost:	
Federal	$100,102
Match	0
Total	100,102
Personnel cost:	
Salaries	55,612
Fringe benefits	8,886
Total	64,498

Number of persons budgeted: 4.
Average salary (excluding fringe benefits): $13,903.
(Total salaries—number of persons).

Summary of project objectives and activities:

This award supports the continued operation of the Georgia Crime Statistics Data Center. The staff of the Data Center is responsible for: overseeing and coordinating the State's criminal justice information and statistics systems; identifying data elements to be provided to the Center for analysis; controlling the quality of data collected and entered into the system; coordinating the technical assistance to agencies; providing Georgia with objective analysis of criminal justice data; and coordnating state and national-level information systems.

Grant funds provide salaries for the Center Director and staff of statisticians, computer services and equipment rental, and supplies, rent and operating expenses for the Center.

Grant number: 76–JS–04–0001.

Title: "Juvenile Justice Special Emphasis Grant" (Other).

Subgrantee: Georgia State Crime Commission.

Project cost:	
Federal	$41,998
Match	0
Total	41,998
Personnel cost:	
Salaries	27,982
Fringe benefits	4,716
Total	32,698

Number of persons budgeted: 3.

Average salary (excluding fringe benefits): $9,327.

(Total salaries—number of persons).

Summary of project objectives and activities:

This grant was awarded to the Georgia State Crime Commission to enable that agency to undertake the planning and administrative tasks required to prepare and submit (1) a Plan Supplement Document amending its fiscal year 1975 Comprehensive State Plan, and (2) a Comprehensive State Plan for fiscal year 1976 which met the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as they relate to the award of formula funds. Grant funds provide the salaries of three (3) persons: a juvenile justice planner, a research associate and a secretary. Remaining grant funds cover the costs of office equipment, supplies, and office rental and related costs.

Grant number: 76–DF–04–0002.

Title: "Drug Enforcement Administration (DEA) Task Force" (Police.

Subgrantee: City of Atlanta.

Project cost:	
Federal	$383,976
Match	42,664
Total	426,640
Personnel cost:	
Salaries	31,694
Fringe benefits	3,970
Total	35,664

Number of persons budgeted: 3.

Average salary (excluding fringe benefits): $10,565.

(Total salaries—number of persons).

Summary of project objectives and activities:

This project is designed to reduce the availability of illicit narcotics and dangerous drugs in the City of Atlanta and DeKalb County through a cooperative effort on the part of local, state and federal drug enforcement agencies. The focus of the Task Force is the mid-level drug trafficker. Through the sharing of manpower, equipment and intelligence among the participating agencies and the adoption of standardized procedures, the efficiency of the enforcement effort is improved. The Task Force is also a vehicle for the training of local law enforcement officers.

Salaries for three (3) local officers are provided under this grant. Salaries for the other 12 local officers particpating in the Task Force are provided by their agencies. Remaining grant funds provide the equipment and services necessary to support the Task Force, e.g. rental of office space and related costs, administrative services, lease of undercover vehicles, travel, confidential funds, etc.

Grant number: 76–ED–04–0006.

Title: "Georgia Corrections Portion of Project SEARCH" (Corrections).

Subgrantee: Georgia Department of Corrections & Offender Rehabilitation (DCOR).

Project cost:	
Federal	$312,266
Match	34,696
Total	346,962
Personnel cost:	
Salaries	97,829
Fringe benefits	16,484
Total	114,313

Number of persons budgeted: 12.

Average salary (excluding fringe benefits): $8,152.

(Total salaries ÷ number of persons).

Summary of project objectives and activities:

This award permitted DCOR to continue the development of an information system which will not only meet DCOR's needs, but also (1) will provide corrections related Offender-Based Tracking System/Computerized History (OBTS/CCH) data to the Georgia Criminal Justice Information System (GCJIS) and (2) will meet the requirements of the Project SEARCH Offender-Based State Corrections Information System (OBSCIS) Program.

This is the continuation of an earlier discretionary grant which provided funds for DCOR's participation in OBSCIC through the LEAA Comprehensive Data System Program. When completed, the information system will provide DCOR the capability to collect and exchange data, perform analyses concerning DCOR internal operations, and participate in the GCJIS Program. As a result of DCOR's participation in GCJIS, the Georgia Crime Statistics Data Center staff will be able to include DCOR data in the statistical analyses of the State's criminal justice system which they perform. These analyses are designed to promote comprehensive criminal justice planning, measure the efficiency and effectiveness of criminal justice operations and, thereby, to improve the quality of justice in Georgia.

Staff funded under this grant include code clerks (they code data for keypunching), keypunch operators, forms design and policy and procedures specialists, a counselor and clerical staff. Remaining grant funds cover computer hardware, software and related expenses (supplies, etc.), office space rental, consumable supplies, office equipment and a limited amount of staff travel.

Grant number: 76–DF–04–0008.

Title: "Crime Analysis Team" (other).

Subgrantee: City of Atlanta.

Project cost:	
Federal	$100,000
Match	100,000
Total	100,000
Personnel cost:	
Salaries	161,512
Fringe benefits	15,262
Total	176,774

Number of persons budgeted: 11.

Average salary (excluding fringe benefits): $14,683.

(Total salaries÷number of persons).

Summary of project objectives and activities:

As staff to the Atlanta Criminal Justice Coordinating Council (CJCC), the Crime Analysis Team (CAT) is responsible for the development of a criminal justice plan for the City; the collection and analysis of crime and criminal justice system data for the City; the development of programs to address the problems identified through crime and system analysis; the administration, monitoring and evaluation of criminal justice grants awarded to the City; and the implementation of CJCC recommendations. The CAT staff includes criminal justice planners, statisticians, financial analysts/managers, and clerical staff.

Note: Discretionary grant funding of the CAT terminated September 15, 1976. The majority of these positions have been assumed by the City.

Grant number: 76-SS-04-0008.

Title: "Division of Criminal Justice Statistics" (other).

Subgrantee: Division of Criminal Justice Statistics.

Project cost:	
Federal	$99,943
Match	0
Total	99,943
Personnel cost:	
Salaries	54,332
Fringe benefits	8,781
Total	63,113

Number of persons budgeted: 4.

Average salary (excluding fringe benefits): $13,583.

(Total salaries÷number of persons).

Summary of Project Objectives and Activities:

This award continued the operation of the Georgia Crime Statistics Data Center. (Under this grant the Center was renamed Division of Criminal Justice Statistics—DCJS). Located in the Georgia State Crime Commission, the DCJS performs analyses of the causes of crime and the variables which affect crime and develops recommendations on how the criminal justice system can be made more efficient, effective and responsive to crime control efforts.

Salaries for the Division Director, two (2) statisticians and a secretary are provided under this grant. Remaining funds are used to secure computer services, and to provide limited staff travel, supplies and operating expenses.

Grant number: 76-ED-04-0010.

Title: "Southeastern Correctional Management Council Task Force Project" (Corrections).

Subgrantee: University of Georgia, Institute of Government.

Project cost:	
Federal	$15,000
Match	1,666
Total	16,666
Personnel cost:	
Salaries	7,090
Fringe benefits	88
Total	7,178

Number of persons budgeted: 1.

Average salary (excluding fringe benefits): $7,090.

(Total salaries÷number of persons).

Summary of project objectives and activities:

This project is designed to improve the capacity of correctional agencies in the eight southeastern States to provide uniform, comprehensive services to the public offenders within their jurisdictions. The project has the following objectives:

1. To provide coordination for the Southeastern Correctional Management Council in the establishment of four task force groups as follows:

(a) Management Information Task Force.

(b) Correctional Philosophy/Policy Task Force.
(c) Standards of Practice Task Force.
(d) Technical Assistance Task Force.

2. To provide staff assistance to the four task forces in defining their missions, developing work plans, and coordinating contributed resources.

3. To disseminate the outcome of task forces groups to all agencies in the region.

One (1) project coordinator is funded on a half-time basis. Remaining grant funds provide travel and per diem for Task Force members, printing (of Task Force Reports), and consummable supplies.

Grant number: 76-ED-04-0016.
Title: "Treatment Alternatives to Street Crime" (TASC) (Corrections).
Subgrantee: City of Atlanta.

Project cost:	
Federal	$244,804
Match	30,070
Total	274,874
Personnel cost:	
Salaries	210,778
Fringe benefits	22,131
Total	232,909

Number of persons budgeted: 19.
Average salary (excluding fringe benefits): $11,094.
(Total salaries÷number of persons).
Summary of project objectives and activities:

The Atlanta TASC project serves the City of Atlanta and Fulton County and is designed to reduce the incidence of drug-related crime by diverting selected drug abusers from the criminal justice system to community-based drug treatment programs. Individuals 17 years of age or older who are arrested, in either the City of Atlanta or Fulton, for a non-violent street crime are eligible to participate in the TASC program on a voluntary basis. The 19-member staff supported by this grant includes correctional officers, a statistician, a research analyst, case managers, senior level treatment specialists/administrators, and clerical staff. Remaining grant funds provide travel for treatment staff, rental of office space, urinalysis, computer time, and a limited amount of office equipment.

Grant number: 76-DF-04-0021.
Title: "Supplemental Panel Attorney Program for Indigent Defense" (Courts).
Subgrantee: Georgia Criminal Justice Council.

Project cost:	
Federal	$279,389
Match	250,000
Total	529,389
Personel cost:	
Salaries	28,000
Fringe benefits	1,389
Total	29,389

Number of persons budgeted: 1.
Average salary (excluding fringe benefits): $28,000.
(Total salaries÷number of persons).
Summary of project objectives and activities.

This grant supported the establishment of supplemental panels of private bar attorneys throughout the State to complement the full-time defender staffs and to compensate the panel attorneys for representation provided to indigents in criminal cases. The resultant system will be an adaptation of the successful Washington, D.C. defender program on a statewide basis in Georgia and will provide the initial step in the implementation of National Advisory Commission tSandards and Goals Court's Committee Recommendation: 13.5, 13.12 and 13.15. and the Governor's Commission on Criminal Justice Standards and Goals Court's: Recommendations 7a, 7b and 7c.

Grant funds provide the salary for a Project Director (Defender). Remaining funds are used to compensate private bar panel attorneys who accept indigent defense cases in excess of those handled by full-time defender staff.

Grant number: 76–ED–04–0025.

Title: "Georgia's New Directions for Corrections" (Corrections).

Subgrantee: Georgia Dept. of Corrections and Offender Rehabilitation (DCOR).

Project cost:	
Federal	$415,000
Match	48,199
Total	463,199
Personnel cost:	
Salaries	289,454
Fringe benefits	43,895
Total	333,349

Number of persons budgeted: 30.

Average salary (excluding fringe benefits): $9,648.

(Total salaries÷number of persons).

Summary of Project Objectives and Activities:

This project seeks to provide a performance-based earned release system for inmates in the Georgia Department of Corrections. House Bill 15–24 established statewide legislation mandating that inmate's good time be earned for all new admissions after 7/1/76. This grant provides field staff to identify, document and process performance data on computers and train line correctional staff in the delivery of the system. This represents a system-wide change of philosophy, official and operational goals and managerial practices for the Georgia Dept. of Corrections to place the responsibility for good behavior back on the inmate. This tests the concept of "earned" time as opposed to straight statutory good time, flat time or indeterminate sentencing. An LEAA-funded six year Master Plan (Operation Performance) and Standards and Goals Study provide the basis upon which this grant rests.

Project staff includes counselors, training coordinator, a research associate, accounting specialists, a keypunch operator and secretarial support. Remaining grant funds cover the costs of staff travel, training and office supplies, contractual services (e.g. training, evaluation and statistical services), office space rental and computer software services and equipment rental.

Grant number: 76–DF–04–0024.

Title: "Court Planning Unit" (Courts).

Subgrantee: Judicial Council of Georgia.

Project cost:	
Federal	$64,059
Match	7,118
Total	71,177
Personnel cost:	
Salaries	56,350
Fringe benefits	1,440
Total	57,790

Number of persons budgeted: 4.

Average salary (excluding fringe benefits): $14,088.

(Total salaries divided by number of persons).

Summary of project objectives and activities:

This project is designed to improve the Georgia Judicial System through the establishment of a court planning capability in the Administrative Office of the Courts (AOC). This planning capability within the AOC will allow the Judicial Council and AOC to develop and refine court-related priorities in the State and establish a schedule for the implementation of programs tailored to meet needs identified through the planning process. Project staff are responsible to the preparation of a planning document which is presented annually to the Council

for approval. The plan describes the goals and objectives of the AOC and the programs required to attain them. The Planning Unit constantly evaluates the plan in light of the needs of the judicial system and proposes revisions as necessary.

Three (3) court planners and a secretary are funded under this grant. Funds also are provided for travel of staff and Planning Advisory Committee members, evaluation services, consumable supplies and operating expenses (postage, printing, xerox, telephone, etc.)

Grant number: 76–DF–04–0039.

Title: "Diversion Investigative Unit" (Police).

Subgrantee: Georgia Bureau of Investigation (GBI).

Project cost:	
Federal	$230,915
Match	61,985
Total	292,900
Personnel cost:	
Salaries	153,618
Fringe benefits	27,407
Total	181,025

Number of persons budgeted: 7.

Average salary (excluding fringe benefits): $21,945.

(Total salaries divided by number of persons).

Summary of project objectives and activities:

This project provides support to the GBI for the purpose of implementing a statewide effort to investigate and apprehend registrants and others who divert controlled substances from legitimate retail outlets. Specifically, the Georgia Bureau of Investigation, the State Board of Pharmacy, and the Joint Examining Board actively participate in an investigation function against members of the medical professions, pharmacists, veterinarians, and manufacturers who illegally prescribe, dispense or ship controlled substances, as addressed in the Georgia Controlled Substances Act. In addition, the U.S. Drug Enforcement Administration (DEA) will assign one agent to the project.

Two (2) GBI Special Contract Investigators, a drug inspector, an investigator for the Joint Examining Board, and a secretary are funded under this grant. The salaries of the Unit Supervisor, another two (2) Special Contract Investigators are provided by GBI; DEA provides salary for the federal agent assigned to this project.

Remaining grant funds cover the costs of grant-related equipment, office space rental, confidential funds ("buy money"), and travel for project staff.

Grant number: 76–DF–04–0041.

Title: "Statewide Court Information System" (Courts).

Subgrantee: Judicial Council of Georgia.

Project cost:	
Federal	$200,000
Match	22,222
Total	222,222
Personnel cost:	
Salaries	87,066
Fringe benefits	3,265
Total	90,331

Number of persons budgeted: 5.

Average salary (excluding fringe benefits): $17,413. (Total salaries ÷ number of persons).

Summary of project objectives and activities:

This award permits continuation of the Statewide Court Information System (SCIS) development by the Georgia Administrative Office of the Courts (AOC). The AOC will continue to participate in the SEARCH State Judicial Information System Program (Phase II) which, ultimately, will permit AOC to develop a coordinated and integrated information system to meet the data needs of the

Courts and Criminal Justice System at the local, State, interstate and Federal levels.

AOC, under this continuation grant, is to: (1) perform a statewide data requirements analysis; (2) continue its coordination efforts with the Georgia Crime Information Center and the State Crime Commission; (3) develop and test a management information system; (4) continue the pilot automated system in the Dougherty Circuit and the pilot manual system in the Blue Ridge Circuit; (5) establish interfaces with Cobb and Fulton Counties court information systems, and others; (6) develop a civil sub-system; and (7) write documentation adequate for technology transfer.

Grant funds provide the salaries for project director, two (2) systems analysts, a computer programmer and a secretary/keypunch operator. Remaining grant funds cover the costs of travel for project staff and for members of the Advisory Committee on Judicial Information Systems, consumable supplies, printing of procedures manuals and project operating expenses, including postage, telephone, office space rental and computer equipment rental.

APPENDIX 5

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 17, 1978.

HON. JOHN CONYERS, Jr.,
Chairman, Subcommittee on Crime, Committee on the Judiciary, Rayburn Office Building.

DEAR MR. CHAIRMAN: Enclosed is my statement for inclusion in the hearings of March 1 on the reauthorization of the Law Enforcement Assistance Administration. Your inclusion of this in the record is deeply appreciated.

Sincerely,

TED RISENHOOVER.

STATEMENT BY HON. TED RISENHOOVER

One need only to look in retrospect over the nine-year tenure of LEAA to acquire a perspective permeated with mixed emotions. As a member of the Oklahoma Crime Commission, prior to my election as Second District Congressman in 1974, I have been in a position to evaluate the impact of the Omnibus Crime Control and Safe Streets Act of 1968 on rural Oklahoma and its criminal justice system.

The Second District of Oklahoma can be viewed as a typical example of non-metro areas across Oklahoma. Cities and towns in the Second District vary from communities of 50 persons to cities of over 40,000. Local law enforcement agencies range in size from a town marshal to departments of nearly 100 uniformed officers.

Although the Second District lacks any city classified as metropolitan in size and population, it does contain several cities designated as growth centers, with problems that parallel and are just as severe as those of any metropolitan area. More importantly, crime does not respect jurisdictional boundaries and like water, flows to the area of least resistance. As a result, rural law enforcement agencies, undermanned, out gunned, and over worked, must deal with the criminal who resides in the metro area, while supporting his life style from adjoining areas. This can be evidenced as the crime rate in Second District counties, adjacent to the Tulsa metropolitan area, continue to spiral upward while the state in general shows a decrease of criminal activity. Consequently, the frustrations of rural law enforcement continue to increase as they become "easy pickins" and try to stem the flow of crime in their areas with dwindling resources and little help in sight.

To fully understand these frustrations, we must look to the beginning of the attempt of the federal government to help combat the rise of crime across the Nation in the 60s. The creation and subsequent passing of legislation by the Congress that would provide funds to local governments for improving their criminal justice system was welcome news to rural Oklahoma.

Local government in the Second District, with the onset of federal funds, began for the first time to train their officers, purchase basic equipment, develop services for troubled youth, and initiate long-range planning. Although criminal justice planning by local governments was relatively new, a general acceptance of the need for planning began to emerge.

But what was termed the "great partnership," a union of federal, state, and local governments to address the problems of crime, soon began to falter, weaken, and approach collapse. For, as happens too often, none of the parties understanding fully the duties and responsibilities of the other, find they have been united in ignorant bliss.

Rural governments soon find themselves out-voted at the table. First, Oklahoma chose to appoint, through the Chief Executive, a 32 member Crime Commission composed of 22 members from state agencies and metropolitan cities, and only 9 members from rural areas. Secondly, funds were not allocated to geographic areas on a needs basis, but rather all applicants vied for the same buck from one "big pot".

By the year 1972, when I became a member of the Oklahoma Crime Commission (one of the nine members representing rural Oklahoma), rural areas were projected to receive less than one million dollars, while state agencies and metropolitan areas were to receive almost six million dollars, 3.5 million to state agencies and 2.5 to metro areas. Through the efforts of many of us, this inequity was abated, but not rectified even though rural Oklahoma represented over 50 percent of the state population.

In more recent years, we have seen some shift in fund allocation toward rural Oklahoma, but the inequity still exists and has been further compounded through the new requirement for mini-block funding. As an example, in the FY 78 Action Plan, 64 percent of the action funds allocated directly to local governments will go to mini-block areas. In addition, mini-block areas and state agencies have made application for 22 percent of the remaining funds for which only rural Oklahoma is eligible. Overall, of all funds available for local benefit in FY 78, rural Oklahoma is only eligible for one-fourth of those funds and must continually compete with metro areas for the "remaining buck". In effect, the federal government, in its quest to further assist local governments, has guaranteed funds to some and left others to grovel for the balance. Where is the equity when certain blocks of the population has money "set aside" to do with as they determine while the rest of the state must compete under the dictums of a state agency.

As a Congressman, how do I explain this inequity to that rural sheriff as he sees crime increasing in rural Oklahoma at a greater rate than the metropolitan cities. How do I explain to the small city chief of police, whose drug problem seems insurmountable, why metro and state agencies are guaranteed funds yet can still compete for the remaining funds. Try to explain to rural governments why the proposed reorganization of LEAA fails to speak to any government or combinations of governments under 250,000 population.

We are told that by reorganizing LEAA there will be less "red tape", will speed up the process, and will give more direct assistance to local governments. But, somehow, the reorganization looked only to large blocks of population. Could this reorganization be predicated on voting power? And what does this mean to Oklahoma and the Second District? For Oklahoma, it means that 8 of 11 substate planning districts have been forgotten, that 90 percent of the local law enforcement agencies are considered unimportant. For the Second District, it means that only one of the seventeen counties in the District can look forward to guaranteed funds and direct assistance.

If this reorganization as proposed is consummated, then rural Oklahoma and rural America must continue their struggle against crime using "left-overs" and "patch-work" programs. On the other hand, metro areas and state agencies need not plan in a vacuum, but can take their guaranteed dollars and implement well-planned programs.

The problems of crime and the criminal justice system cannot be solved by favoring "some" and ignoring "others". To defeat crime in the streets, we cannot ignore crime on the country road. If the war on crime is to be successful, we at the federal level must guarantee a fair and equitable partnership between all levels of the system. The legislation we pass in this Congress must insure that

all components of the army are well-trained and well-equipped to do the job, regardless of size.

If, in fact, we believe "that crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively," then our direction is clear.

We must guarantee local determination to meet local problems. We must demand equity in federal funds distribution to local governments. We must remove the barriers of fund discrimination based on the population of local governments or their combinations. Anything less means we condone the practice of "putting the bucks" where the votes are, and ignoring the real world where crime respects no boundary, person, or government.

APPENDIX 6

EXECUTIVE DEPARTMENT,
GOVERNOR'S COMMISSION ON LAW ENFORCEMENT
AND THE ADMINISTRATION OF JUSTICE,
Cockeysville, Md., October 7, 1978.

Hon. JOHN CONYERS, Jr.,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: During my testimony last Monday before the Subcommittee on Crime relating to the Justice Department Task Force's report on reorganizing LEAA and the Crime Control Program, I mentioned that in the last eight years there have been hundreds of improvements in Maryland's criminal justice system and that the vast majority of these improvements in one way or another involved the LEAA program. You asked me to submit for the record more detailed information to support this statement.

I have attached a listing of over 200 specific criminal justice improvements resulting from Crime Control Act block grant funding and LEAA technical assistance or Crime Control Act supported state or local comprehensive planning activities. The improvements in the list resulting from block grant funding support were drawn only from currently active grants. Therefore, improvements made during the 1969 to 1974 period are, for the most part, not reflected.

I have also attached a table which provides the information that you requested concerning the percent of Maryland's block grant which has been allocated to various correctional programs in the past.

I appreciate the opportunity that you and the other members of the Subcommittee provided me to express my opinions on this important issue.

If you have any other questions concerning my testimony, please contact me.

Sincerely,

RICHARD C. WERTZ,
Executive Director.

SOME EXAMPLES OF IMPROVEMENTS TO THE MARYLAND CRIMINAL JUSTICE SYSTEM IMPLEMENTED WITH LEAA BLOCK GRANT FUNDING, TECHNICAL ASSISTANCE, OR FEDERALLY FUNDED STATE OR LOCAL CRIMINAL JUSTICE PLANNING ACTIVITIES

1. Provided full time District Court Prosecutorial services in 18 Maryland counties and Baltimore City.
2. Established capabilities in the Office of Public Defender for legal services to indigent offenders and inmates.
3. Established local detention center intake units in three counties and Baltimore City.
4. Developed juvenile diagnostic and treatment services in six jurisdictions.
5. Assisted the City of Baltimore to develop a work release program to relieve jail overcrowding.
6. Implemented a state-wide study of the Pre-trial release statute.
7. Assisted in the improvement of state-wide Uniform Crime Reporting capabilities.
8. Provided assistance for the development of 10 local planning units.
9. Established police organized crime teams at the State and local level.
10. Assisted in the establishment of 27 juvenile group homes.

11. Enabled the Baltimore County Police Department to study the feasibility of computer aided dispatching.
12. Provided support for 17 Youth Service Bureaus.
13. Planned and developed a State-wide crime prevention program.
14. Assisted in the development of victim-witness assistance units in Baltimore City and three urban counties.
15. Sponsored a State-wide juvenile justice training conference.
16. Assisted in the establishment of three juvenile shelter care facilities to be used in lieu of detention.
17. Provided the capability for State-police assistance to local units of government to investigate major crimes.
18. Provided increased juvenile prosecutorial services in four counties and Baltimore City.
19. Assisted in the study of the State prosecutorial system and development of a special State prosecutor.
20. Assisted in upgrading the Maryland State Police Criminal Records Central Repository's methods for maintaining, storing, and accessing criminal history records.
21. Assisted in the development of an automated regional latent fingerprint identification system to improve the ability to identify criminal perpetrators.
22. Assisted in the development of a State-wide Circuit Court information system.
23. Assisted in the development and implementation of a State-wide offender based correctional information system.
24. Completed two public opinion surveys on citizen perception of crime and the criminal justice system.
25. Developed 10 annual comprehensive criminal justice plans.
26. Established and promulgated standards for police agencies.
27. Published special statistical reports on the criminal justice system.
28. Established capability to monitor monthly court caseloads.
29. Produced a manual for Circuit Court Clerks.
30. Produced a manual for extradition and rendition procedures.
31. Provided support for an interim program in court administration.
32. Provided support for training of court management personnel.
33. Provided both pre and inservice training for judges.
34. Provided training for District Court Commissioners.
35. Provided training for court clerks.
36. Provided specialized training for prosecutors and defenders.
37. Provided support for the establishment of an appellate section in the Office of the Public Defender.
38. Provided support for the development of a judicial branch personnel system.
39. Established four specialized screening units in State's Attorney's Offices.
40. Instituted a model Family Court in an urban jurisdiction.
41. Established sexual abuse crisis centers in two jurisdictions.
42. Provided a management systems analyst in an urban county prosecutor's office.
43. Established intern projects for law students in prosecutor's and defender's offices.
44. Established a juvenile law clinical program.
45. Provided specialized investigative personnel to prosecutor's offices in ten jurisdictions.
46. Established a model prosecutor's office in an non-urban jurisdiction.
47. Established a specialized unit in Baltimore City to prosecute violent crimes.
48. Instituted a special arraignment court to expedite case processing in the Baltimore City courts.
49. Implemented feasibility study of courthouse space reallocation in Baltimore City.
50. Provided management training for supervisory police personnel.
51. Provided studies to implement career development and incentive programs in police departments at the State, county and local levels.
52. Provided support for the provision of legal advisor to provide police departments with assistance in the performance of investigations and arrests.

53. Provided counsel to an urban and nonurban police department to assist in administrative operations.

54. Developed a State Master Plan for Correctional facility construction.

55. Assisted in the establishment of a judicial planning unit in the Administrative Office of the Courts.

56. Established a State judicial education and training unit.

57. Implemented special crime prevention and assistance program for elderly citizens in Baltimore City and two major urban counties.

58. Provided psychological and psychiatric diagnostic services to the State Division of Parole and Probation and the Parole Commission.

59. Conducted a study of the indeterminate sentence concept.

60. Instituted alcohol treatment services for probationers and State correctional system inmates.

61. Assisted in the implementation of correctional student intern projects at several local detention centers and the State Division of Correction.

62. Assisted in the formulation of a State regional community correction center.

63. Instituted a study of the State Use Industry Program within the Division of Corrections.

64. Expanded the supervision capacity of the State Division of Parole and Probation.

65. Established a State work release center in Baltimore City.

66. Explored the feasibility of a state correctional training academy and provided support for establishment of this facility.

67. Assisted in securing portable emergency prisoner housing utilizing surplus trailers.

68. Established planning and research capability in a local correctional agency.

69. Assisted in the development of diversionary alcoholism programs in two urban counties and Baltimore City.

70. Established a jail training program for correctional officers in Baltimore City.

71. Assisted in the development of adult offender halfway houses in Baltimore City and major urban counties.

72. Completed a State-wide police communications study.

73. Provided numerous inservice technical training opportunities for state, county and municipal police agencies.

74. Enabled police agencies to hire civilian personnel to perform functions previously performed by sworn personnel, thus increasing manpower available for law enforcement activity.

75. Supported establishment of personnel specialists within police agencies.

76. Developed a model police inservice training program in a major urban county police department.

77. Upgraded communications capabilities for numerous state, county and municipal police agencies.

78. Developed Concentrated Crime reduction programs aiced at the reduction of specific Part I crimes in four major urban counties, two non-urban counties, and 10 municipalities.

79. Implemented a police-student relations project in two major urban counties.

80. Provided support for police management development and executive skill training.

81. Established a police community awareness training program in a major urban county.

82. Provided support for police intern and recruitment programs.

83. Implemented the 911 emergency communication system in a non-urban county.

84. Provided support to establish planning and research units in urban county, non-urban county, and municipal police departments.

85. Developed three juvenile concentrated crime reduction programs aimed at reducing juvenile involvement in specific offenses.

86. Introduced and supported the resident trooper and contractual police services concepts in 10 jurisdictions.

87. Implemented a study to develop an evaluation system for juvenile group homes.

88. Provided support to enable 24 hour juvenile services intake coverage.

89. Established juvenile community arbitration procedures diverting youth from the formal Juvenile Justice adjudicatory system.
90. Established a status offender's central intake unit in a major urban county.
91. Supported a community juvenile alcohol treatment and diversion program in Baltimore City.
92. Provided assistance to support a juvenile court investigator in Baltimore City.
93. Implemented a contractual parole and voucher utilization training program within the State Divison of Correction and Community Corrections systems.
94 Supported a community corrections center for women in Baltimore City.
95. Increased the pre-sentence investigation capabilities of the State Division of Parole and Probation.
96. Implemented vocational training programs within the State Correctional system.
97. Eliminated the detention of juveniles at sub-standard jails through the creation of a State transportation unit.
98. Implemented juvenile law related education programs in four county school systems and the City of Baltimore.
99. Provided juvenile counselors to provide services at schools with high juvenile delinquency rates.
100. Established community diversion programs for juvenile offenders.
101. Established the capability for improved pre and inservice training for juvenile services personnel.
102. Assisted in the development of two multi-facted prevention programs for juveniles in a major urban county and the Baltimore City police department.
103. Supported three alternative school programs allowing disruptive juveniles to complete educational activities.
104. Provided intensive community supervision in lieu of detention for selected juvenile offenders.
105. Established a Statistical Analysis Unit at the Governor's Commission responsible for performing statistical analyses of data generated by information systems maintained by criminal justice agencies in Maryland.
106. Developed a State-wide Criminal Justice Information System Master Plan describing recommendations for criminal justice information system development in Maryland.
107. Developed a State-wide Security and Privacy Plan that provides guidelines for meeting federal and State requirements regarding criminal history record information.
108. Assisted in the computerization of the Maryland State Police Criminal Records Central Repository Identification/Index file to the criminal history file.
109. Assisted in the development and implementation of a computerized information system in the Baltimore City Jail to provide information on the status and location of inmates.
110. Assisted in the development and implementation of an integrated automated criminal justice information system in an urban county of Maryland.
111. Assisted in the improvement of the quality of data maintained by the Division of Correction information system.
112. Assisted in the development and implementation of a State-wide automated juvenile justice information system.
113. Assisted in the further refinement of the existing District Court criminal case dispositional information system to provide complete reporting of court disposition events to the State Central Repository.
114. Provided for the implementation of a planning model in an urban county and Baltimore City that simulates the flow of defendants through the criminal justice system.
115. Formulated standards and goals for the Maryland Courts system.
116. Conducted an analysis of comprehensive plans to develop a state-wide community corrections system.
117. Supported a study entitled "Justification and Evaluation of Projects in Corrections."
118. Studied the feasibility of the use of civilians among Maryland Law Enforcement Agencies.
119. Conducted a staff analysis of operations and funding of Youth Service Bureaus.
120. Conducted a staff study of the coordination of programs related to delinquency prevention and control.

121. Supported a report on Maryland Criminal Justice Higher Education Programs.
122. Initiated a report on young offenders.
123. Supported an intensive analysis of the Concentrated Crime Reduction programs operating in the State.
124. Formulated study groups to examine the police, courts, corrections and juvenile delinquency program areas in reference to national standards.
125. Produced and distributed a monthly news letter outlining current developments in the criminal justice system.
126. Upgraded and increased information storage and retrieval capabilities of the State planning agency.
127. Developed an executive five year plan outlining anticipated criminal justice improvements.
128. Published a report on the findings of a conference held to study the Maryland court and correctional systems.
129. Developed a comprehensive plan for Maryland criminal justice training programs.
130. Developed public service radio and TV vignettes on specific crime prevention techniques.
131. Supported the development of a comprehensive long range master plan for the State Juvenile Services Administration.
132. Supported a study of the assignment system in the Montgomery County circuit court.
133. Supported a task force report on the treatment of rape victims in the metropolitan Washington area.
134. Provided a technical assistance study of the Washington County detention center.
135. Provided technical assistance on the principles of car allocation and hypercube modeling for the Baltimore County Police Department.
136. Supported the updating of the Operations and Training manual for the Maryland Police Training Commission.
137. Provided technical assistance to four police departments for the review of new facility plans.
138. Provided technical assistance for the development of an operating budget format for a municipal police department.
139. Provided technical assistance for the review of facility plans for a juvenile detention holdover facility in a rural jurisdiction.
140. Provided technical assistance for the review of plans and programs for a new jail in Baltimore County.
141. Provided technical assistance for the development of procedures for effective juror utilization in a non-urban county court.
142. Provided technical assistance for a study of improving the security in the Maryland District Court.
143. Provided technical assistance for the development of court calendaring procedures for the Circuit Court of an urban county.
144. Assisted in the development of procedures for improving juror management in an urban county.
145. Provided technical assistance for developing a plan for improving the production of legal briefs in the Attorney General's office.
146. Provided technical assistance for the review of court facilities and space utilization in two urban county courthouses.
147. Provided for the National Clearinghouse on Criminal Justice Architecture and Design to review and comment on the plans for a non-urban county Courthouse/Multi-Service Center.
148. Provided for a review of manpower needs and allocations for a non-urban county prosecutor office.
149. Provided for a performance audit of an urban county prosecutor office by the National District Attorneys' Association.
150. Provided assistance through the National Clearinghouse for Criminal Justice Planning and Architecture for State correctional facilities construction and renovation.
151. Provided support for a study recommending improvements to the Paycase Collection System for the Division of Parole and Probation.
152. Provided technical assistance for an evaluative study of medical services, food services, security operations and staff organization at the Baltimore City Jail.

153. Provided assistance in the preparation of a questionnaire on correctional programming administered to a sample of incoming state inmates.
154. Implemented a study of Parole and Probation central office functions, workloads and services.
155. Assisted in the development of an evaluation design for community corrections programs in the State Division of Corrections.
156. Provided technical assistance for the evaluation of the contract parole program for women in the State correctional system.
157. Supported a study of the feasibility of utilizing a surplus army missile site as a criminal justice training academy.
158. Supported a study of the analysis of organizational and administrative procedures for the development of a management by objectives program and a procedures manual for the Prince George's County Sheriff's Department.
159. Supported a juvenile work-study program for functionally illiterate juvenile offenders in Baltimore City.
160. Provided training opportunities for a juvenile court judges and masters.
161. Provided support for juvenile services volunteer coordinators.
162. Provided training for State juvenile services staff in the identification and treatment of juvenile offenders with alcohol related problems.
163. Supported four juvenile services coordinators to develop regional prevention plans and programs.
164. Established a juvenile intake screening unit supporting a concentrated crime reduction unit in a major urban county.
165. Provided support for initial training of volunteer tutors to offer remedial educational assistance to youth on probation in Baltimore county.
166. Supported psychiatric and psychological evaluation services for the Montgomery County Juvenile Courts.
167. Provided support for a juvenile drug counseling center in a major urban county.
168. Established a pre-release center at a State correctional facility for specialized offenders.
169. Established Parole Commission Hearing Examiners to increase the review capabilities of the Parole Commission.
170. Provided support for a volunteer program serving an urban county detention center.
171. Implemented a study of the reporting systems utilized in the circuit court of the State.
172. Provided recording equipment to the district court to increase their records capabilities and reduce transcription costs.
173. Provided support for a witness notification project in the Baltimore City District Court.
174. Completed a study of District Court postponements to determine causes of and recommend solutions to the problem of trial delays.
175. Supported the development of a trial judges benchbook for the Administrative Office of the Courts.
176. Provided support for a study to determine model workload alloctions for the judiciary throughout the State.
177. Provided assistance to design a manual for juvenile court prosecution personnel.
178. Provided suport for a diversion program for first offenders operated by the Baltimore City State's Attorney's office.
179. Provided support for a unit specializing in the prosecution of major fraud cases in the Baltimore City State's Attorney's office.
180. Provided support for the placement of medical technicians at outlying correctional camp facilities.
181. Supported a home management vocational training project at the Women's Correctional Institution.
182. Assisted in the establishment of a State jail inspection unit to enforce minimum standards at local jails.
183. Provided increased adult probation supervision services in support of a concentrated crime reduction program in an urban county.
184. Provided psychological diagnostic services to an urban county detention center.

185. Established the position of community release coordinator at an urban county detention center.
186. Provided technical assistance to develop an organization and staff study of the Maryland State Police.
187. Assisted in the expansion of the Maryland State Police crime laboratory facilities to serve outlying jurisdictions.
188. Provided increased communications capability to executive security personnel at the State level.
189. Assisted a major urban county police department in establishing basic entrance level training for county and municipal police officers.
190. Supported police services studies in three counties.
191. Assisted in the provision of soft body armor to on-line police personnel in Baltimore City.
192. Supported the implementation of research, education and training units at the Maryland Correctional Training Academy.
193. Provided assistance to the Baltimore City Police Department to expand its radio frequency allocation system.
194. Developed a resource for all criminal justice related films and video tapes.
195. Established a central law enforcement reference center.
196. Assisted in the development of a parent-adolescent training program for youth services center staff in a non-urban county.
197. Provided support to the College of American Pathologists for residency training of forensic pathologists.
198. Supported the development of a new police facility in a large municipality.
199. Assisted the Montgomery County Police Department in improving the management of criminal investigations.
200. Implemented a jail bail review system at the Baltimore City Jail.
201. Upgraded the State's existing law enforcement telecommunications system in the area of warrants, stolen property, and missing person files.
202. Implemented a residential drug treatment and theraputic community at the Baltimore City Jail.
203. Established a pre-trial release program in Baltimore City for impact crime narcotic offenders.
204. Established a drug rehabilitation project serving State incarcerated drug offenders in a residential treatment facility.
205. Assisted in the development of a specialized probation unit providing intensive supervision to narcotic offenders in Baltimore City.
206. Supported the development of helicopter patrol for the Baltimore City Police Department.
207. Established juvenile and adult intensive probation projects in support of the Baltimore City Impact program.
208. Sponsored a conference for State-wide regional planning personnel on evaluation and monitoring requirements.
209. Supported the creation of a local criminal justice evaluation unit under the auspices of a State university.
210. Assisted in the development of a criminal justice process evaluation manual for use by local criminal justice administrators.
211. Modernized record management system at the Baltimore City State's Attorney's Office.

NOTE. Many of the above listed accomplishments, though presented as a single item, constitute multiple direct benefits to jurisdictions throughout the State (for example, items 8, 10, 12).

PERCENT OF TOTAL BLOCK GRANT ALLOCATION BY AREA

	1975	1976	1977	1978
Juvenile rehabilitation	20	32	27	34
Adult corrections	16	20	25	18
Multifunctional [1]	40	32	28	35

[1] The multifunctional category includes those funds that are designated for projects which often involve more than 1 component of the criminal justice system; for example, a police-juvenile unit where police officers, juvenile services and court personnel may all be involved. It is estimated that 20–25 percent of multifunctional funding is related to the juvenile and adult correctional area.

○