



# National Institute of Justice

R e s e a r c h   R e p o r t

## National Assessment of the Byrne Formula Grant Program:

*Executive Summary*

163385

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## PREFACE

This document is an Executive Summary of the findings of The National Assessment of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. Comments are welcome and should be sent to:

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Initial support for the National Assessment of the Byrne Formula Grant Program was provided by a grant from the National Institute of Justice to RAND. The Bureau of Justice Assistance subsequently supported the attendance of researchers at national and regional Bureau conferences, and also hosted a National Conference for federal, state and local officials from criminal justice, health and education agencies that participate in one way or another in federal assisted anti-drug abuse programs. Abt Associates, Inc. provided support in the later stages of the work.

However, the findings and conclusions presented in this Executive Summary and in other Assessment reports have been produced independently by Assessment researchers, and it should not be inferred that any of the supporting organizations necessarily concur with those findings and conclusions.

## **ACKNOWLEDGMENTS**

A national-scale, long-lasting project such as this National Assessment accumulates a lot of debts during its life, and we would like to express our appreciation to a variety of sources of assistance.

In general, staff at the Bureau of Justice Assistance (BJA) within the U.S. Department of Justice have consistently provided us with high levels of cooperation. Bob Kirchner, Chief of Evaluation and Technical Assistance, has been particularly unstinting in the provision of his time, expertise, and support. We have also been grateful for the help provided by the BJA's State and Local Assistance Division — especially Bill Adams, Linda McKay, Andy Mitchell, Mary Santonastasso and Butch Straub — as we have persistently made our inquiries into their activities. A number of other BJA and Office of Justice Programs staff members, too numerous to name, have also been gracious with their time and understanding.

We are further indebted to the directors and staff of the Byrne State Administrative Agencies who participated in various surveys and interviews. At one time or another, all 56 agencies who receive Byrne funding through the BJA have given us information and opinions about their own operations and about the Byrne program in general. We have benefited substantially from their insights. We are particularly appreciative of the support given us by the seven “high-intensity” states in the study: Arizona, California, Delaware, Iowa, New York, South Carolina, and Washington state. Staff in these states gave us unlimited access to their records, and smoothed our contact with subgrant recipients of federal support when we visited local level projects. There, too, the local level staff on Byrne projects opened their doors to us without hesitation.

Advice and commentary on earlier drafts of this report has been provided to us in various ways. Anonymous peer reviews arranged by the NIJ drew our attention to aspects of the report that warranted expansion or modification. Other reviews were solicited from NIJ and BJA staff, and from officials and members of the National Criminal Justice Association (NCJA). These all generated thought-provoking observations, and have enabled us to improve the report significantly.

Throughout the life of the project, NIJ program monitors, Dave Hayeslip and Winnie Reed in particular, have been supportive and helpful. We thank them for the assistance they have provided.

Finally, we want to acknowledge the contribution made by three other members of the National Assessment team, who have worked with us throughout the life of the project and who have participated in the authorship of other reports that the study has generated. Our thanks go to Scott Green, Jerry Hatfield, and Peter Jacobson for the outstanding work they performed.

In the end, of course, the views we express and the interpretations we make are ours alone, and we are responsible for any flaws or errors that exist in the report.

**Endorsement of the content of the report by any of the individuals or organizations who have provided assistance should not be inferred.**

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# 1 THE NATIONAL ASSESSMENT

## RESEARCH OBJECTIVES, SCOPE, AND LIMITATIONS

The National Assessment of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (referred to as the Byrne program hereafter) focuses on the 1988 Anti-Drug Abuse Act (ADAA-88) and the programs of federal aid for state and local criminal justice agencies that it authorizes. The period of time covered by the assessment spans the federal fiscal years from 1989 to 1994 (abbreviated as FY89, FY94, etc.).

The goals of the National Assessment were defined as assessing the way that federal, state, and local activities have been shaped by the legislation, and the effectiveness with which those activities have been undertaken. These goals led to the identification of the following issues as the most appropriate focus of the research:

- The legislative foundation of the Byrne program, and the relative roles of the congress, the federal executive branch, and state and local governments in that process.
- The levels of cooperation, coordination, and collaboration that the Byrne program has engendered, and the extent to which these are becoming institutionalized.
- The degree to which criminal justice system resources have been more rationally used during and as a consequence of the Byrne program.
- The potential for permanent adoption by the criminal justice system of successful innovations and strategies that the Byrne program has stimulated.
- The extent to which the monitoring, reporting, and evaluation systems set up by federal, state, and local actors in the Byrne program constitute a satisfactory means of assessing the program and the projects it has supported.

An obvious issue of concern that is not included in this statement of objectives is, of course, the question of the direct impact of the Byrne program on the incidence and

character of drug and violent crime. Though it would clearly be desirable to be able to answer this question there are a number of reasons why it was not possible for us to do so.

First, the formula grant program that the Act creates is large and complex. Many thousands of initiatives are supported; they run the gamut of criminal justice activities; and they are widely distributed geographically. The magnitude of effort needed to comprehensively evaluate a program of such scope is hard to imagine, but it certainly is greater than any that the resources that were at the disposal of this assessment.

Second, despite their scope, the formula and discretionary programs comprise only a small proportion — hardly reaching 1 per cent — of the expenditures and activities of state and local agencies on drug and crime control and criminal justice. Picking out the effect on crime levels of this level of funding from among all other types of funding would be like trying to measure the ripples in a pond caused by throwing in a bucket of pebbles when 99 other buckets are emptied in at the same time.

Third, even if it were possible to examine every aspect of the ADAA-88's programs, and fit them into a comprehensive mosaic of all the other activities that the criminal justice system engages in, any definitive evaluation of their impact would have to account as well for myriad other simultaneous influences on drug abuse and drug crime, totally outside the criminal justice system. Some of these are governmental in origin, some societal, and some personal. Estimating their general effects and separating them from the impact of the Byrne program would have been an extremely complex undertaking that was beyond the scope of the research. Though we can only speculate about the significance of such factors, it seems reasonable to presume that they are at least as powerful in their impact on crime as the projects that state and local agencies design and implement under the formula and discretionary grant programs.<sup>1</sup>

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<sup>1</sup> We stress that these observations only pertain to the problems associated with a *national* evaluation. We are not stating or implying that the more narrowly defined objectives of project or program specific research are, of necessity, compromised by these same factors.

For these reasons, the scope of the National Assessment was limited to the operation and management of the Byrne program and the state and local responses that the program generated.

Four reports have been produced by the research. The first entailed an examination of federally maintained records concerning the specific state and local projects that have been supported with federal appropriations from FY89 to FY94. The second consisted of an historical review of federal assistance legislation, beginning in the 1960's with the Safe Streets Act and continuing through the ADAA-88. The third was based on state and local views about the Byrne program. These were developed through a combination of site work conducted in seven states — Arizona, California, Delaware, Iowa, New York, South Carolina, and Washington - and participation in national and regional meetings attended by officials from agencies managing or receiving federal aid funds. The fourth is a general summary level document that brings together and interprets the main findings of the other three background reports.

## **2 LEGISLATIVE BACKGROUND AND PROGRAM STRUCTURE**

### **LEGISLATIVE FOUNDATIONS OF THE 1988 ACT**

#### **Fluctuations in Federal Assistance**

Federal aid to state and local criminal justice agencies began in earnest with the passage of the Omnibus Crime Control and Safe Streets Act in 1968 and the creation of the Law Enforcement Assistance Administration (LEAA). Prior to that time, criminal justice had been considered strictly a state and local matter except for a few small federal assistance programs and those areas that could be defined as falling within the constitutional purview of the federal government.

By the mid-1960's, however, the problem of crime in America's cities, and how to prevent and control it, had moved to the forefront of public concern. Then, as now, this concern created substantial political pressure for the federal government to take action. President Johnson and the U.S. Congress did so with the creation of LEAA, beginning a federal involvement in state and local criminal justice issues that continues to the present time.

In one form or another, every subsequent administration and congress has been forced to address issues relating to the scope and form of the assistance that the federal government should provide. In 1986, and again in 1988, such pressures led to the second major federal assistance program - enacted as the Anti-Drug Abuse Acts of 1986 and 1988 respectively - this time focusing on illicit drug use and related issues of crime.

- **1968-1980: LEAA.** The Omnibus Crime Control and Safe Streets Act, passed in 1968 after the assassinations of Robert F. Kennedy and Martin Luther King, Jr., created the LEAA to distribute and manage direct federal aid to state and local criminal justice programs. A block grant approach to distribution was adopted; states were made the custodians of the funds, with Congressionally defined responsibilities for redistribution of the assistance to local agencies. Appropriations increased rapidly during the first seven years of the program, reaching nearly \$900 million in 1975. Then, confronted by increasing crime rates and rising dissatisfaction with the LEAA in particular and federal involvement in state and local criminal justice issues in general, funding declined precipitously, falling to zero by the start of the next decade.
- **1986-Present: The Byrne Program (and its antecedent, the Drug Control and System Improvement Formula Grant Program).** Political differences surrounding the idea of federal assistance for state and local criminal justice had produced a stalemate in Congress between the demise of LEAA and the mid-1980's. These differences were eclipsed in 1986 by the cocaine-related death of Maryland basketball star Len Bias. This occurred at a time when drug problems in the United States had leaped to the forefront of public consciousness and, together, the two things swept aside legislators' hesitancy about federal assistance. The U.S. Congress quickly replaced the 1984 Crime Control Act with the Anti-Drug Abuse Act of 1986, authorizing \$230 million of block grant assistance, spread over two years. Further expansion took place when the 1988 Act was passed. A formula grant model was adopted, with characteristics very similar to the LEAA format. Aid appropriations climbed again, in a pattern reminiscent of LEAA trends, though at far lower levels.

Though criminal justice has been a persistent concern of federal legislatures and administrations over the past three decades, a review of the federal support that has actually been provided discloses significant fluctuations in strategy, objectives, and funding levels.

The rhythmic, on-again/off-again nature of federal aid that successive congresses have authorized is depicted in Figure 1, which maps annual levels of state and local

expenditures of federal assistance from 1966 until 1995 in two forms - actual dollar figures, and 1994 dollars after adjustment for cost of living increases.<sup>2</sup>

The figure shows considerable fluctuation in appropriations over time, with high points in appropriation levels being associated with the two major programs of federal assistance - the LEAA program from 1968 to 1980, and the Byrne formula grant program (along with its immediate precursor, The Drug Control and System Improvement Formula Grant Program, established by the Anti-Drug Abuse Act of 1986) from the mid-1980's until the present time.

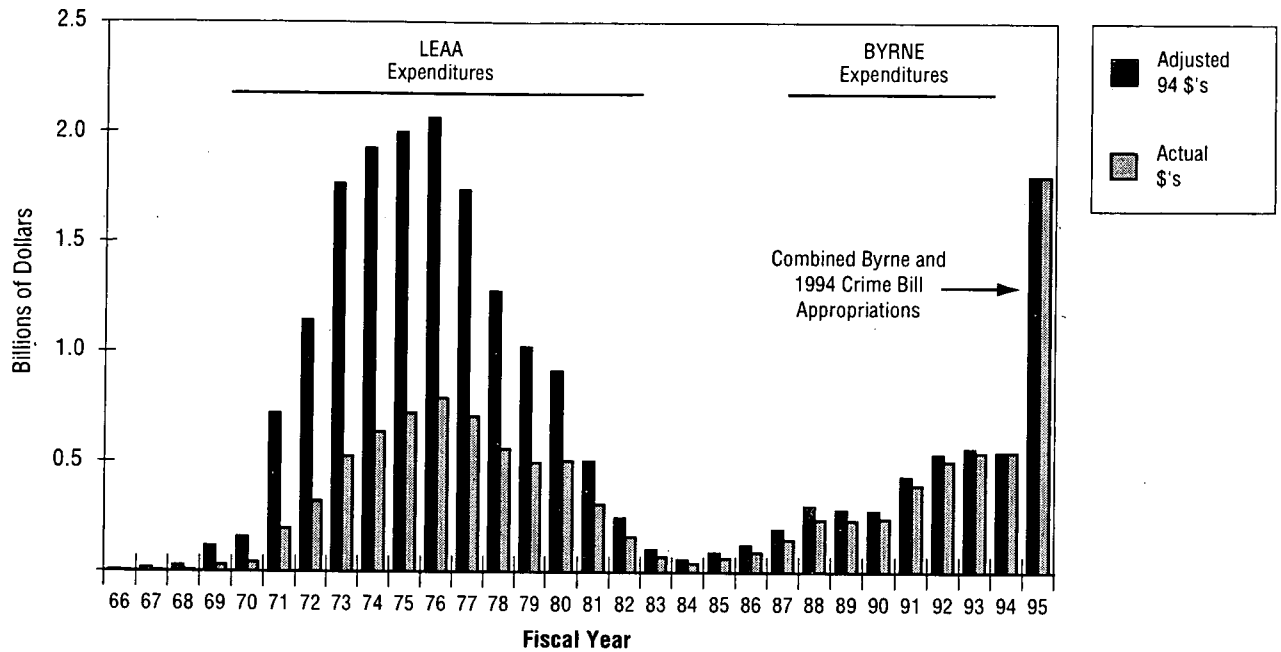
Prior to appropriations for the 1994 Crime Act, actual annual dollar expenditures for assistance were at their highest in the mid-1970s. Since then, the highest annual funding provided by the U.S. Congress - roughly \$500 million, not counting Community Policing appropriations under Title I of the Crime Act — never even reached two thirds of the LEAA peak. And, when commitments are adjusted for inflation, not even the combination of the Byrne program and the Community Policing appropriation from the 1994 Act matches the highest annual LEAA appropriation.

The limits of the federal contribution to state and local crime control are further illustrated by the data in Figure 2, which compares federal law enforcement assistance to total state and local criminal justice expenditures over the past three decades. The federal assistance plot in this chart is derived from the same data as presented in Figure 1, but is displayed on a different scale so that it can be directly compared to state and local funding levels. What this figure shows is that, in real terms, while federal commitments have been fluctuating or falling, state and local expenditures have been steadily rising. In other words, federal aid has been a persistently declining proportion of the nation's effort to manage crime. Even the FY95 appropriations for the 1994 Crime Bill did not match 1975-6 support levels after adjustment for inflation.

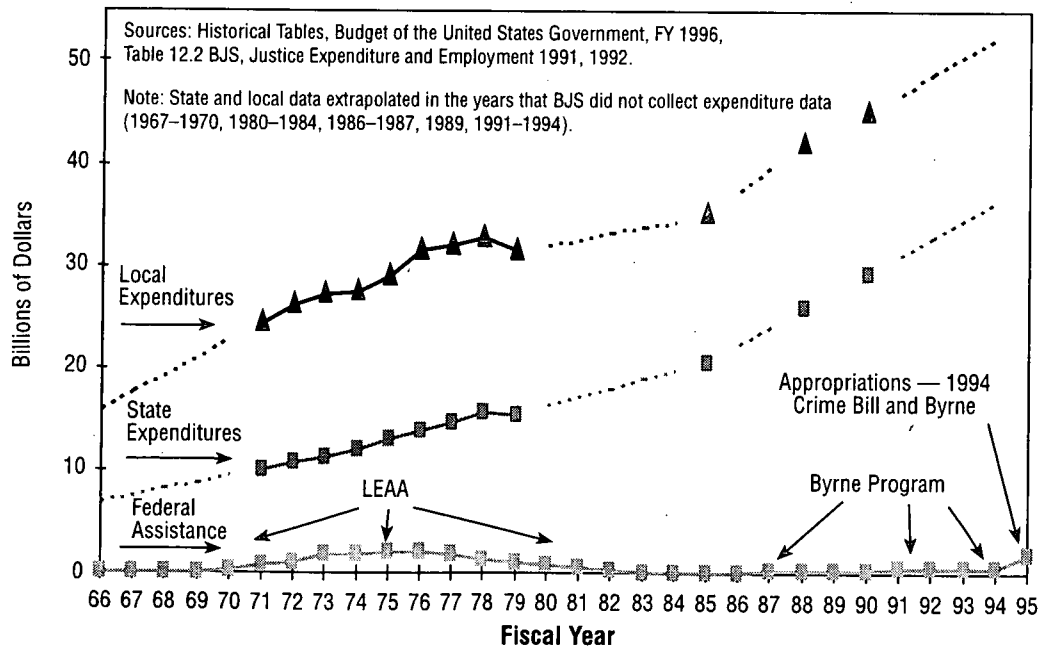
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<sup>2</sup> For comparative purposes, combined FY 1995 appropriations for the 1994 Crime Bill and the Byrne program are included in the chart, though these are not part of the focus of the National Assessment.

**FIGURE 1**  
Federal Criminal Justice Assistance: 1966-1995



**FIGURE 2**  
Federal Assistance Compared to State and Local Criminal Justice Expenditures: 1966-1995  
(in 1994 Dollars)



Specifically, Figure 2 shows that in the mid-1970's, federal assistance to state and local law enforcement was \$2.1 billion when expressed in FY94 dollars. At that time, total state and local criminal justice expenditures were about \$45 billion, also expressed in FY94 dollars. So, federal aid was a little less than 5 per cent of all expenditures.

In 1990, the last year for which survey data is available, state and local criminal justice expenditures were roughly \$74 billion. Even if we make the unlikely assumption that there have been no absolute increases in state and local expenditures after that time, the \$1.8 billion combination of Byrne and community policing appropriations in FY94 is less than 2.5 per cent of the state and local figure. And, of course, it is virtually certain that state and local expenditures have increased, probably along the same path that is estimated in Figure 2. If so, then the correct percentage for federal assistance will be closer to 2 per cent, even including the law enforcement component of the 1994 Crime Bill. And, if we do not include the Crime Bill, but instead consider only the Byrne program, then its contribution does not even reach 3/4 per cent of state and local expenditures.

### **Implications**

These observations have important implications for the view we should take of federal assistance programs and the interpretation we can make of them.

First, even the most generous federal funding levels have only comprised a small percentage of the nation's anti-crime effort. We should not expect such support to have much of a detectable impact on crime or to hardly even be noticeable in aggregated local crime and enforcement statistics. We should, therefore, look elsewhere for its effect — for instance, in the area of influence on the system's operation and the extent to which the aid stimulates desirable change through seeding new programs and promoting innovations.

Second, we should expect continued fluctuations in the congressional attitude towards support as political considerations first warm and then chill policy makers' views of the federal role. This will likely lead to variability in appropriation levels over time. In turn, this will almost certainly produce state and local programmatic instability in the future, as it has in the past. For instance, when the LEAA terminated in the early 1980's,



many of the state administrative agencies that had been given planning and oversight responsibility for the federal assistance program simply went out of existence, and the skills and abilities that had been developed were lost to the criminal justice community. In addition, many local programs that had depended on federal support vanished. In many states this will most likely happen again if the Byrne program is terminated and not replaced by some other kind of federal assistance.

## **GOALS, STRUCTURE, AND PROCESS**

### **Goals and Objectives**

The ADAA-88 retained the drug-related focus of its 1986 predecessor while also introducing a strong emphasis on violent crime. It also contained language stressing the goals of improving the criminal justice system and enhancing coordination and cooperation between its various elements. Finally, it addressed the importance of coordination between federal and state authorities, between state and local criminal justice systems, and between state and local officials responsible for criminal justice, substance abuse treatment, and substance abuse prevention.

Other general goals of the legislation included:

- Developing multijurisdictional drug control strategies;
- Using strategic plans to target resources on geographic and substantive areas of greatest need;
- Securing state support for national drug control priorities;
- Developing state input into the national recommendations to be produced by a newly created “Drug Czar” in the Executive Office of the President.

The act also reauthorized two other block grants — the Alcohol, Mental Health, and Drug Services block grant for treatment services, and the Drug-Free Schools block grant for school-based prevention — and created the Public Housing Drug Elimination Program, which awards categorical grants to public housing authorities attempting to control drug-related problems. The inclusion of all of these programs in a single

legislative package serves as a barometer of the extent to which criminal justice had begun to be viewed as but one component of the drug control system.

**TABLE 1**  
**Authorized Program Areas**  
**Anti-Drug Abuse Act of 1988**

1. Drug demand reduction education (law enforcement officials included)
2. Multijurisdictional drug task forces to enhance coordination
3. Target domestic controlled substances sources (i.e., labs)
4. Community/neighborhood programs
5. Disrupt illicit commerce in stolen goods
6. Control white collar/organized crime
7. [a] Crime analysis techniques; [b] Anti-terrorism
8. Career criminal programs; model drug control legislation
9. Target money laundering from drug trafficking
10. Improve court processes
11. Improve corrections (i.e., Intensive Supervised Probation)
12. Prison industry projects for inmates
13. Treatment needs of juvenile and adult drug/alcohol offenders
14. Assistance to jurors/witnesses/victims
15. [a] Develop drug control technologies (i.e., testing); [b]-Develop information systems
16. Develop innovative approaches to drug and serious offenders
17. Address problems of illegal drug dealing and manufacture in public housing
18. Programs for domestic and family violence
19. Drug control evaluation
20. Alternatives to detention where the inmate is not dangerous
21. State drug enforcement programs

Though the Act gave the states the latitude to determine the specific projects for which federal aid could be used, it echoed earlier legislation in its establishment of a set of authorized purposes to which grant funds had to be restricted. This relatively open-ended list of 21 purpose areas — listed in Table 1 — is conceptually similar to the block grants of the Safe Streets Act of 1968, in that it specifies the general purposes for which federal assistance can be used but simultaneously gives states considerable flexibility in the range of programs they can undertake. But consistent with the legislative goals, the list clearly emphasizes drug-related programs. Among others, these include: establishing multijurisdictional task forces that integrate federal/state/local anti-drug efforts; developing drug control technologies; and targeting money laundering from drug trafficking activities.<sup>3</sup>

<sup>3</sup> In addition to establishing the Byrne formula grant program, the 1988 legislation continued the Discretionary Grant Program authorized in 1986, but gave it a somewhat different focus. Under the 1988 act, discretionary grants are to provide additional assistance to public, private, or nonprofit entities for education/training for criminal justice personnel, technical assistance to states/local agencies, national/multijurisdictional activities for the above block grant purposes, and demonstration projects. This program is meant to provide greater flexibility to the federal government than the block grant program. The Director of the BJA has final authority and considerable flexibility in how to allocate these funds. The applicant must include a statement of program goals, program implementation, and methods to evaluate program impact. Grants are for a maximum of 4 years plus a 2 year extension based on an evaluation showing a positive program impact or if the recipient pays 50 percent of the program's cost.

Over time, however, congressional earmarking has significantly reduced the discretionary portion of this funding. In FY95, for instance, more than \$40 million of the \$50 million program was earmarked.

FY	FORMULA	DISCRETIONARY
89	119	31
90	395	50
91	423	50
92	423	50
93	423	50
94	358	50

## Appropriations and Expenditures for the Byrne Program

Annual appropriations for the Byrne program and its companion discretionary program are shown in Table 2. As noted earlier, the formula component of the program provides funds that are distributed to states on a combined basis of a fixed amount given to all states, and a proportional amount based on population. Since the fixed amount is small (\$500,000 during the time of this study), the amounts that states receive are to all intents and purposes driven by population. For example, California, which has almost 10% of the population of the United States, received the largest amount of the \$450 million FY93 appropriation (\$44.3 million), and Wyoming received the smallest (\$1.7 million).<sup>4</sup>

Within legislatively stated purpose areas, and subject to BJA approval of an annual strategic plan (discussed in more detail below), recipients have three years after the year of appropriation to award the funds to subgrants of their choice. When awards are made, states forward an Individual Project Report (IPR) to BJA. This report is then keyed into a national data base, known as the IPR system. This data base is the source of Byrne program expenditures that are reported below in this document.<sup>5</sup>

<sup>4</sup> This upper-lower range does not include the territories that are also recipients of Byrne program funds. Allocations to territories are, of course, generally smaller than the allocations to states. The Northern Mariana Islands for instance received \$391,380 in FY93

<sup>5</sup> The strength of the IPR system lies in its comprehensive coverage of the nation's Byrne program activities. From the inception of the Byrne program in 1987 to the present, the BJA has requested states to submit a report on each subgrant award that is made. By March of 1995, when BJA made this data base available to National Assessment researchers, it contained more than 20,000 records of subgrants, 17,538 of which derived from awards made under the provisions of the 1988 Act. The balance came from awards made under the 1986 Act. This makes the IPR system the most comprehensive official record of programmatic Byrne activity, at least at the federal level. Because states are authorized to spend any fiscal year's appropriation within the following three years, the dollar value of the subgrants represented in the data base at any given point in time is less than the sum of the appropriations that have been made by congress in earlier fiscal years. This means that more than 17,538 subgrants will ultimately be made from

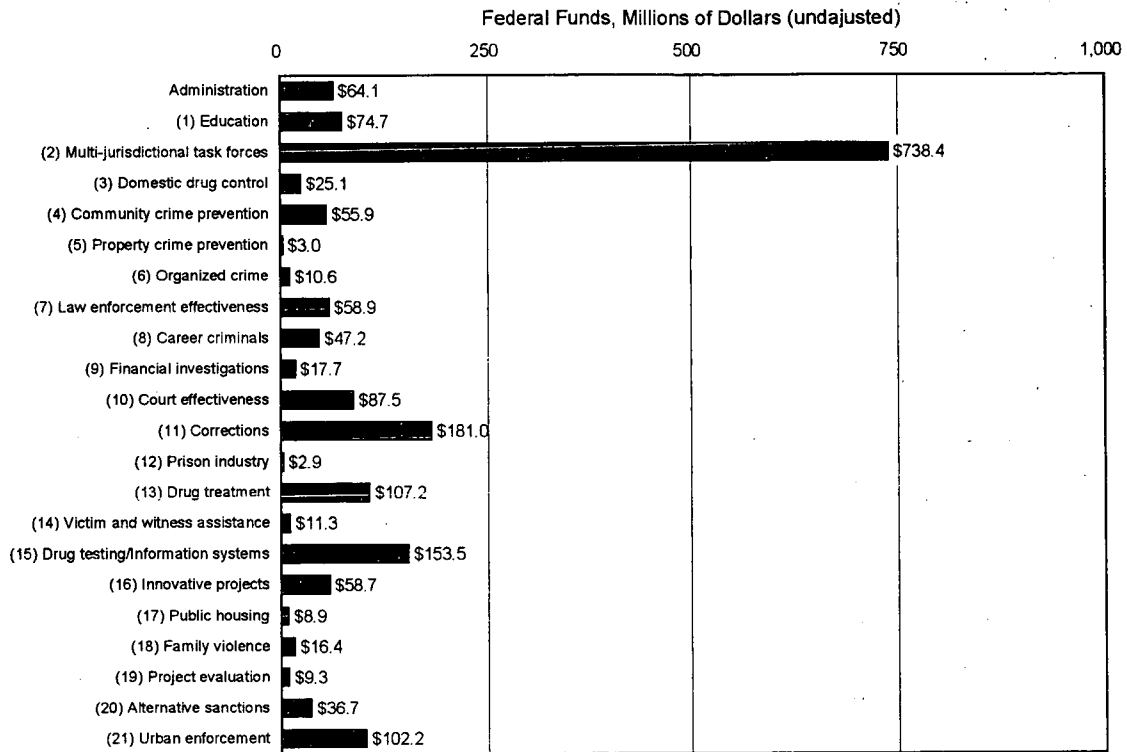
The primary classification scheme of the IPR is based on the purpose areas that the ADAA-88 creates. As noted earlier, these are both broad in scope and vaguely worded, and some area designations, such as “innovative projects” (area 16), give no hint about the nature of the subgrants they contain. Others, such as “law enforcement effectiveness” (area 7), embrace such a broad range of activities that differentiation between them and other areas is difficult to make. This makes the purpose area designations a somewhat coarse system of analyzing the use of block grant funds. However, since they are, at present, the only common denominator across states and the only way in which Byrne subgrant funding can be nationally categorized, they must be used. As it turns out, several striking patterns become apparent when the IPR data are organized along purpose area dimensions, as shown in Figure 3.

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the appropriations that had been made prior to the analysis conducted for the assessment (done in March, 1995 on the most recent BJA version of the IPR data base).

However, because the system is only intended to record start-up information about subgrants (recipient and project identification, purpose area, award amount, project start and end dates, and a few other variables) it cannot be used to examine the actual conduct of projects or their results.

This fact places obvious restrictions on the scope of analysis and interpretation that can be made from the IPR system. Nevertheless, as noted, it is the only programmatically based information system on individual subgrants that is available and, as such, it is the best source from which empirically-grounded, national level statements about the Byrne program can be made.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database

**Figure 3 Allocation of Federal Funds Among Substantive Purpose Areas: FY89-FY94**

The figure summarizes the aggregate national level of Byrne funding that has been devoted to each purpose area since FY89<sup>6</sup>. Most evident from this chart is the overwhelming commitment that has been made to multijurisdictional task forces (area 2). These have received approximately 40 per cent of all subgrant funds awarded under the program to date. No other purpose area has received more than 10 per cent of the total.<sup>7</sup>

Figure 3 also shows considerable variation in allocations among the remaining purpose areas. Two areas — corrections programs (area 11), and drug testing and information systems (area 15) — have received, respectively, 10 per cent and 8 per cent of all program grants. Several other areas, by contrast, are rarely used; property crime

<sup>6</sup> In these and subsequent tables, state and local match funds are excluded.

prevention (area 5), prison industry programs (area 12), public housing programs (area 17), and program evaluation (area 19) all received less than one-half of one percent of the total grant.

Later in this summary, further investigation of the more significant aspects of these expenditure patterns will be examined.

## **Federal Level Management and Oversight**

### *Statutory Requirements and Controls*

Though the ADAA-88 adheres to the block grant format in its structure, it also establishes a number of controls which state and local governments must incorporate into their operations. The most significant of these are as follows:

- Each state must create an annual strategic plan — a document that is statewide and comprehensive, and is subject to BJA approval as a pre-condition to distribution of the state's Byrne program funds.
- Each state must pass-through to local governments a percentage of its Byrne program award that matches the percentage of all state criminal justice expenditures that flow from local budgets.
- No more than 75% of the cost of a supported subgrant can come from Byrne program funds. The balance must be provided by a local match.
- Supported projects can not receive federal aid for more than four years (multi-jurisdictional task forces being the only exception).
- Each supported program must contain an evaluation component.
- States cannot spend more than 10% of their award on administration of the Byrne program (reduced administratively by BJA to 5% in FY92).

Several relatively minor amendments to the program have been made since 1988, though the broad structure of the program has remained intact. A few set-asides

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<sup>7</sup> It is worth noting that, in fact, this kind of distribution is not at odds with the distribution of criminal justice funds generally. Law enforcement, for instance, receives more than 50% of state and

(earmarks) have been created for the formula program; for example, states must reserve five per cent of their formula allocation for the development of criminal history databases.<sup>8</sup> And, bowing to political pressure from state and local governments alike, the scheduled increase of the match requirement in the formula grant program from a 25 per cent state share to a 50 per cent share was postponed, and the rule limiting programs to 48 months of federal support was waived for multijurisdictional task forces in FY91.

Generally speaking, the 56 recipients of Byrne funds have met or exceeded the statutory requirements of the act.<sup>9</sup>

#### *Guidance and Oversight by the Bureau of Justice Assistance*

The ADAA-88 assigns to the Bureau of Justice Assistance (BJA) the responsibility for interpreting the Act and establishing a system of management and control for the Byrne program. In response to this mandate, BJA annually publishes a statement of regulatory and legislative provisions governing the formula program. This guidance tracks the Act and the regulations, but it also imposes several supplementary requirements.

First, the BJA program guidance articulates national priorities that it urges states to consider as they prepare their strategies. In the 1993 Formula Grant Program Guidance and Application Kit, for example, BJA stresses initiatives such as operation "Weed and Seed" and the Attorney General's Violent Crime Initiative. State adherence to these priorities is encouraged rather than specifically mandated.

Second, the BJA program guidance spells out the state strategy requirements and the criteria that will govern BJA's review of the strategic plans. For example, BJA mandates that states gather and report in the strategy a variety of quantitative data on crime, drugs, and the criminal justice system. It also provides specific guidance regarding

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local criminal justice expenditures. BJS, *Sourcebook of Criminal Justice Statistics*.

<sup>8</sup> A much greater percentage of the discretionary grant fund has been earmarked, including several set-asides that require discretionary grants to be awarded to federal operational agencies. In FY94, for example, more than \$40 million of the \$50 million total was earmarked.

<sup>9</sup> Details on specific expenditure patterns can be found in the report subtitled *Where the Money Went* (see above, note 1).



the format of the strategies and of proposals to depart from the federally provided program briefs.

*Research and Evaluation*

At the same time, the 1988 act also included important changes in evaluation and research requirements for the Byrne program. First, the National Institute of Justice (NIJ) — an agency that is independent of the Bureau of Justice Assistance even though both are housed within the Justice Department's Office of Justice Programs (OJP) — is given the responsibility of conducting evaluations of projects funded through Byrne program subgrants. The purpose of this mandate was to create an evaluation process that closely examines federally supported programs with the objective of ensuring that successful programs are identified and duplicated while unsuccessful programs are not.

BJA and NIJ are also required to submit annual reports to congress, documenting Byrne program activities and achievements. These have at least the potential for shaping future congressional decisions regarding the Byrne program and other forms of federal assistance to state and local criminal justice agencies.

In addition to the evaluations required of NIJ, the 1988 act continued the evolving emphasis on greater recipient accountability. Each funded program was required to include an evaluation component, and states were mandated to evaluate, audit, assess, and account for its programs on a yearly basis, maintaining and submitting reports as required. Programs were also limited in duration to 4 years.<sup>10</sup>

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<sup>10</sup>As noted above, an exception to this provision was created for multijurisdictional task forces.

### **3 STRATEGIC PLANNING**

A predominant feature of the ADAA-88 is that states' receipt of the Byrne grant is contingent upon the annual submission of a statewide plan for drug and violent crime control, and its approval by the BJA. Even though a federal sign-off on the plan is required, the concept implies a high degree of independence for states in the allocation of federal assistance funds.

Plans must be comprehensive geographically and substantively. They must describe states' drug and crime problems, current efforts to deal with them, and the resource needs that the effort will require. They must also document the participation of criminal justice practitioners, treatment and education officials, elected local officials, the state legislature, and the public. The BJA is given the statutory authority to withhold funds from the state administrative agency if it judges a plan to be inadequate, and to then distribute the allocation for that state directly to local recipients in that state.

The planning requirement has a number of justifications.

Since the formula grants are almost certainly too small to materially affect the totality of a state's criminal justice activities, the funds must be carefully targeted to avoid dissipation among the varied activities of the numerous agencies that function in the criminal justice arena.

At the same time, the planning requirement has a more explicitly political justification: it balances the discretion given to states in making subgrant awards. Having ceded its right to determine how funds are spent, congress nevertheless asks in return that states document that they are spending funds effectively. Moreover, by approving strategy submissions, the BJA retains some (albeit attenuated) control over states' funding decisions.

Finally, planning can be viewed as a rational undertaking that is worth doing in its own right. This suggests that there may be collateral benefits from developing a strategy, that are independent of the compliance requirements of the Byrne program per se.

However, the planning process is not without complications. One derives from the tension that exists between comprehensiveness and manageability. The more the plan has to cover, the greater the risk that it will become abstract and unfocused. Another stems from the difference between the authority that “strategic, comprehensive” planning seems to require to be effective, and the authority that SAA planners actually possess. While the Act demands that state agencies submit plans that embrace the entire state criminal justice system and coordinate the activities of health and education agencies with criminal justice, SAA staff often has authority only over the limited portion of the system that is funded by Byrne program dollars.

The extent of the expectation/authority gap differs depending on states' organizational arrangements. In many states, the Byrne strategy is produced independently of other state drug control and criminal justice policy making. In some others, such as California and New York, the Byrne program is housed in the state criminal justice planning agency; but the office preparing the strategy for the BJA is only a sub-agency in a larger structure. In a few states, such as Iowa, the ADAA planning process is a part of a larger state drug control planning effort, that creates a separate state criminal justice plan to meet federal requirements. We have learned of no state where the planners directly responsible for the Byrne strategy have the authority to plan comprehensively for the entirety of the state's criminal justice and drug control systems.

Problems of authority are exacerbated by the Byrne program's focus on drugs. Theoretically, the idea of comprehensive drug control implies that planning should embrace the wide range of drug control activities that take place outside of the criminal justice system. As noted, the legislation formalizes this view. But Byrne planners rarely have much influence, let alone control, over these other activities.

Even absent the problems of comprehensiveness and authority, planners would also have to confront the basic issue of what it means to plan in a criminal justice context. The BJA guidance provided to state planners and the language of the Act itself reflect this difficulty when they speak of strategic comprehensiveness in one paragraph yet provide detailed rules for the conduct and specification of Byrne-funded programs in another. The

potential for confusion becomes greater as planning is filtered through states' own institutional circumstances, organizational cultures, and goals for the program. These kinds of difficulties are illustrated by the need for ongoing technical assistance and workshops at the BJA national and regional conferences that are devoted to the planning issue.<sup>11</sup>

That such problems can be identified does not mean that planning under the aegis of the Byrne program is fruitless. In particular, the planning requirement does seem to have fulfilled its political goal, i.e., providing some federal control and supervision over states' use of funds. In this context, the strategy submission functions as a grant application. The requirements that the strategies be prepared, and that the BJA review and even amend them, do function as an important monitoring check on state activities and decision-making.

In addition, many states acknowledged to us that the act of planning imposes a rational imprimatur on their state's activities that that would not have been voluntarily developed, and so would not have come into being without the Byrne program. Many of them also said that they believed planning ought to be continued even if it ceased to be a federal requirement.

In short, insofar as the strategy requirement is identified with the more sweeping goals of enhancing the rationality, comprehensiveness, and strategic nature of states' criminal justice activities, its success seems to be heavily dependent upon particular state circumstances. Most of these circumstances, and in particular, the goals and attitudes of people both inside and outside the Byrne program responsible for policy development, cannot be regulated externally by the federal government. The strategy requirement can thus be seen as providing a valuable opportunity for states to introduce strategic

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<sup>11</sup> Interestingly, state planners in other drug control areas have expressed a desire for such support and information. At a 1993 conference on the National Assessment, sponsored by BJA, attendees from state health and education agencies around the country noted that nothing comparable to the BJA guidance was being made available to them, but that they would welcome similar assistance.

considerations into their criminal justice systems. This is an opportunity that many, though not all, have taken.

## **4 CHANGES IN PURPOSE AREA FUNDING FROM FY89 TO FY93**

As noted earlier, the statutory provisions of the ADAA-88 permit four years of funding to be allocated to any project, and a waiver exempts MJTFs from any funding time limit at all. Together, these attributes of the Byrne program have resulted in a stable funding pattern when aggregate funding across purpose areas is compared from year to year.

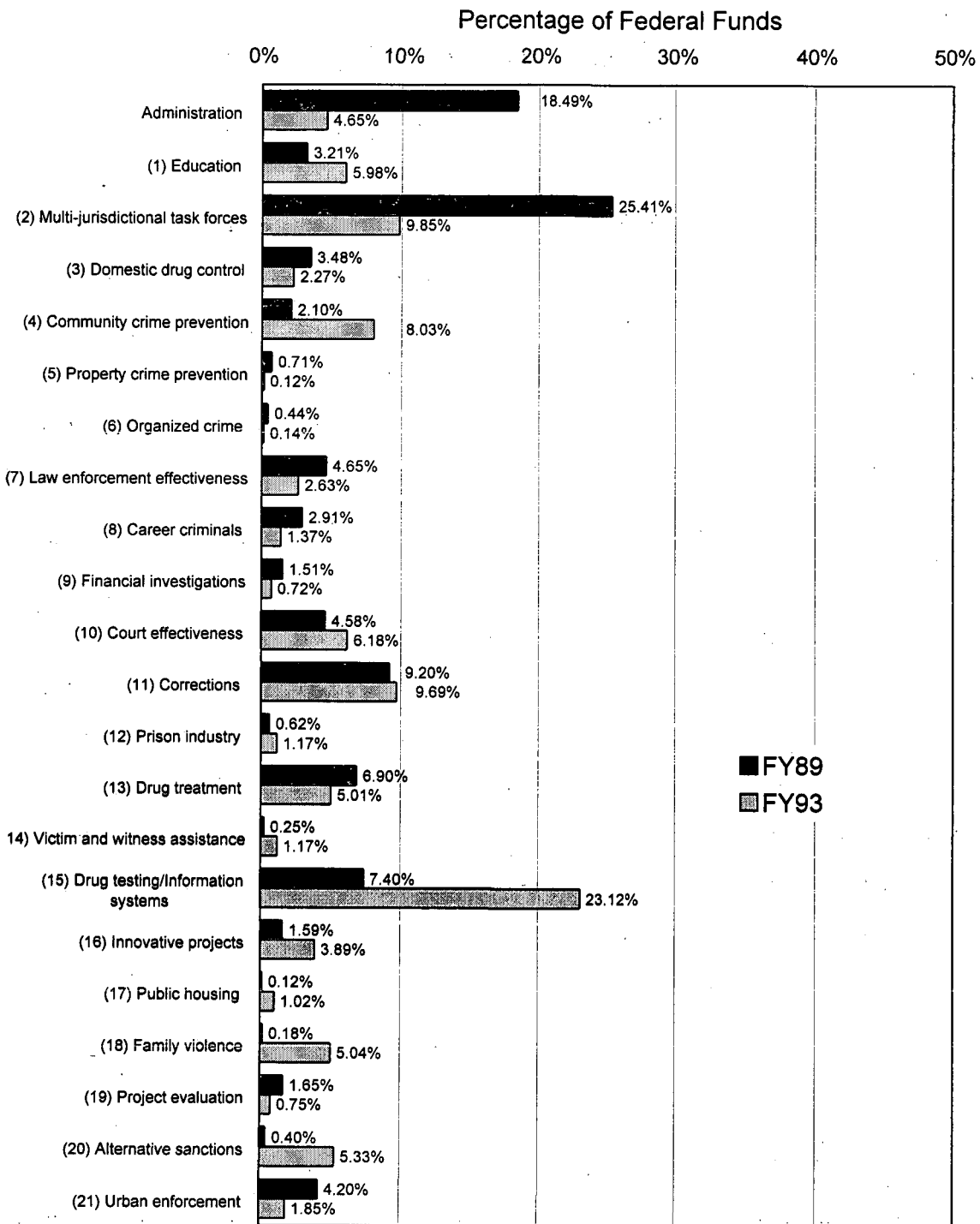
For example, when purpose area distributions for FY89 and compared to those for FY93, the proportional allocations for the two years are quite similar. In both years, multijurisdictional task forces dominated the subgrant awards — 45% of all FY89 funds and 41% of all FY93 funds. The next best-funded group of purpose areas also shares many of the same members across the two years, as does the group of least-funded areas.

Within this overall stability, however, some interesting trends can be observed. For example, proportional funding for two areas — corrections and testing/information systems — increased substantially during the period. And, though states did not allocate large amounts to a number of smaller, more specialized purpose areas in either year, there appears to have been a significant adjustment of priorities among some of those purpose areas over time. Several specialized areas related to policing — property crime control, organized crime targeting, career criminal investigations, law enforcement effectiveness, and urban enforcement programs (purpose areas 4, 6, 7, 8, and 21) — saw substantial declines in their proportional funding between FY89 and FY93 (though, with the exception of property crime prevention, their actual dollar allocation remained stable or grew). By contrast, there were strong proportional gains for initiatives related to community policing (purpose area 3). Expansion also occurred in several areas that involve law enforcement innovation — such as drug education, public housing programs, and family violence initiatives (purpose areas 1, 17, and 18) — and in several areas involving adjudication and corrections (purpose areas 9, 10, and 20).

Another way of looking at changes over time in state strategic decisions is to examine the allocation of new, noncontinuation grants among purpose areas. Figure 4 presents some findings that relate to this issue by documenting expenditure patterns for new, noncontinuation grants only. Several aspects of state strategic innovation come into sharp focus. In FY89, new money was primarily being directed into multijurisdictional task forces, which were not, at the time, fully established.

By FY93, however, the primary focus of innovation had shifted from task forces to drug testing and information systems development (area 15), which received 23 per cent of all new, noncontinuation grants. New task forces were not entirely neglected, receiving 10 per cent of new funds, but this percentage is far lower than the 40+ per cent figure for overall task force commitments. Figure 4 also suggests a general mood of innovation surrounding the expenditure of new money in FY93, as states awarded subgrants in a number of purpose areas which had garnered almost no attention in FY89 (community crime prevention, family violence, alternative sanctions).

This is of course consistent with the probable effect of the 4 year rule. Since FY93 is the fifth year of the program, support that had been dedicated to existing programs during the four previous years would have come to an end.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database

**Figure 4 Allocation of Federal Funds for Start-Up Projects By Purpose Area: FY89 and FY93**



## 5. THE PREDOMINANCE OF MULTI-JURISDICTIONAL TASK FORCES

As noted above, the Multi-Jurisdictional Task Force (MJTF)<sup>12</sup> has been by far the most common type of subgrant funded through the Byrne program. The approach brought different enforcement agencies together under one organizational rubric and created the possibility of synergistically devoting their combined efforts to combating the problems that arose from the fact that illicit drug distribution is an enterprise that is cross-nationally as well as cross-jurisdictionally conducted.

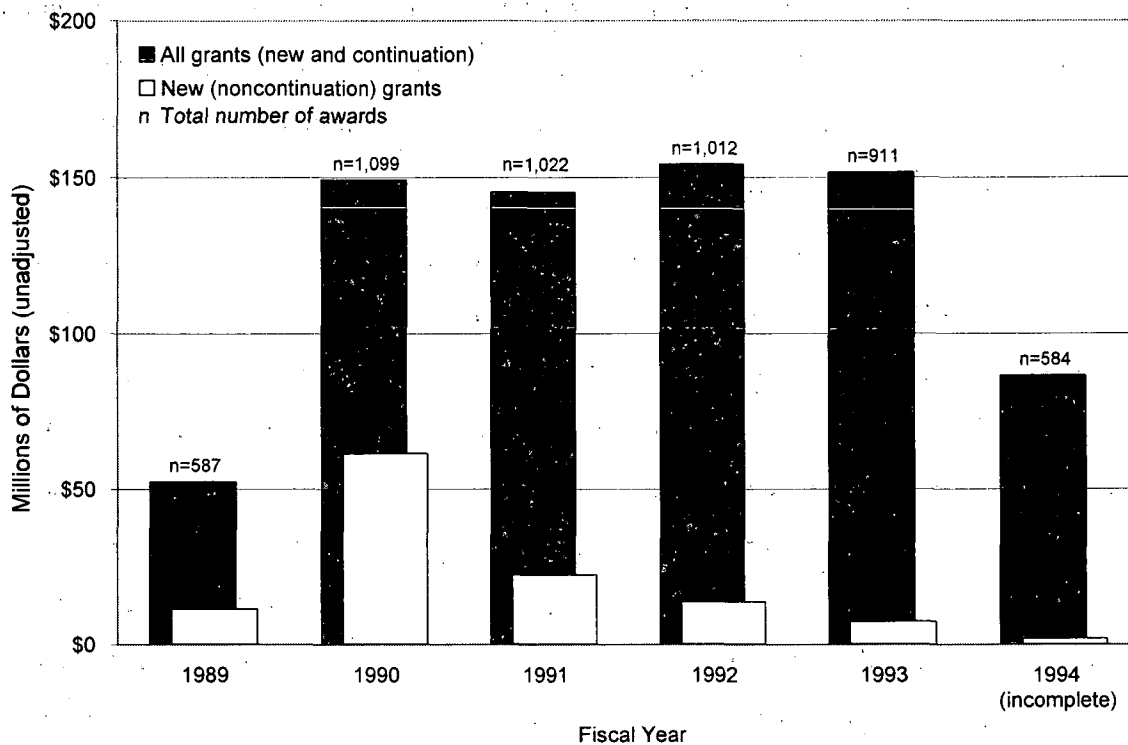
Though it is difficult to document which task forces predated the creation of the Byrne program and which did not, there is little doubt that the funds provided through the anti-drug abuse acts dramatically increased the number of MJTFs dedicated to the problems of drugs, and enhanced the operation of those that were already in place. MJTF funding overall has represented the nation's largest financial expenditure of Byrne funds — more than 40 per cent of all grants nationwide since the inception of the Byrne program. Between FY89 and FY93, 5,215 annual subgrants (this includes continuation as well as initiating awards) have been made to multijurisdictional task forces, with federal funds totaling \$738 million and additional state and local matching funds of \$291 million, for a total of more than \$1 billion.<sup>13</sup>

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<sup>12</sup> In general, Byrne program participants use the term "task force" to describe cooperative supply side efforts among law enforcement agencies, sometimes with the participation of prosecutors, district attorney's offices, and probation departments. These are usually allocated to purpose area 2 in the IPR data base. However, the term is somewhat amorphous and may be used to identify different kinds of activities - e.g. those in which any kind of inter-jurisdictional cooperation is taking place. Also, virtually every task force is involved in activities which could be encompassed by another purpose area designation. Therefore, it is possible that we omit some multijurisdictional task forces that are funded by the Byrne program, but categorized in other purpose areas, or that we classify some activities as task forces that are not. As far as we are able to determine, however, both kinds of errors are likely to be very small.

<sup>13</sup> As with other expenditure data cited in this report, these figures were calculated from records in BJA's IPR system.

The distribution of these funds by year, and between new and existing task force initiatives, is described in Figure 5. The figure suggests that between FY90 and FY93, there were between 900 and 1,100 separate task force initiatives running nationwide that were using Byrne program funds<sup>14</sup>. Both the number and the aggregate program funding level for task forces have been relatively stable since FY90.<sup>15</sup>



Source: Bureau of Justice Assistance Individual Project Report (IPR) database

**Figure 5. Awards to Multijurisdictional Task Forces: FY89-FY94**

<sup>14</sup> Because of the difficulty of unequivocally identifying first-time awards in the IPR data base, this number should be viewed with some caution. It may be artificially low. It is, however, unlikely to be artificially high since this would require the existence of duplicate entries in the data base. Though such problems did exist at one time, they had largely been cleared up when final IPR analysis was performed by Assessment staff.

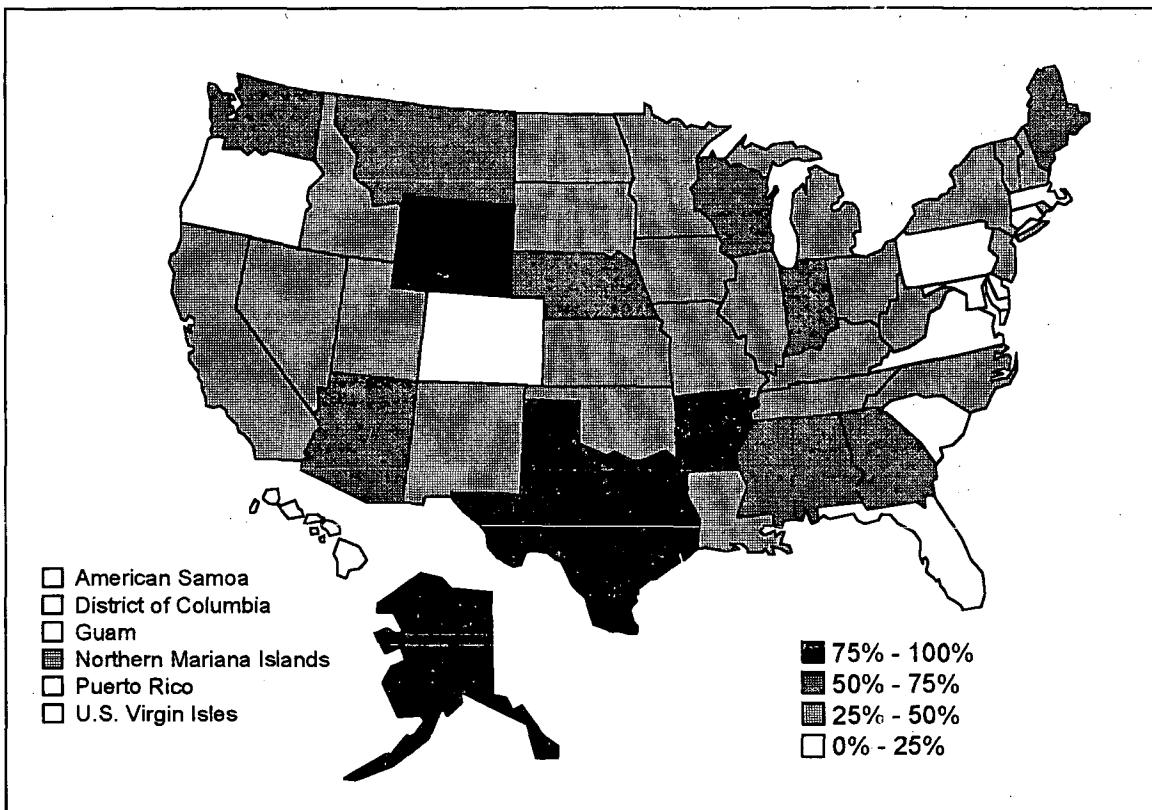
<sup>15</sup> It should also be noted that FY94 data are incomplete for the reasons stated earlier – not all FY94 funds had been allocated and entered into the IPR data base at the time this analysis was performed. However, the generally declining trend for newly funded MJTFs is clearly supported by the FY94 figures, and for that reason, they are included in this chart.

Most multijurisdictional task force awards are used to support existing operations; since multijurisdictional task forces are exempt from the federal "four-year rule," there is no limit on the length of time that a task force can receive continuation grants. Moreover, the proportion of the total multi-jurisdictional funding used to create new task forces has been declining steadily since FY90. Even in that year, when the large increase in total Byrne funding led to an unusually large number of startup task forces, the bulk of funding went to existing efforts. By FY93, 95 per cent of multijurisdictional grants were for continuations. This suggests that, nationally, a saturation point may have been reached, and that few new multi-jurisdictional task forces will emerge in the future.

As Figure 6 indicates, there is significant inter-state variation with respect to the commitment of Byrne funds to task forces.<sup>16</sup> During the 1989-1993 period, 26 states allocated between 25 per cent and 50 per cent of their Byrne funds to task force initiatives. Several states, however, spend significantly more or less. Wyoming led the nation in allocating 90 per cent of its FY89-FY93 grant to task force programs; Texas and Arkansas spent more than 80 per cent of their funds on such organizations. By contrast, Connecticut and Maryland spent less than 10 per cent of their total funds on task forces. In addition, most of the participating territories spend relatively little on task forces, no doubt because few have jurisdictional divisions. However, among participating states and territories, only the District of Columbia allocated no funds to task forces between FY89 and FY93.

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<sup>16</sup> . Because of inter-state variation in the extent to which FY94 appropriations had been allocated by March, 1995 (when the IPR data base was analyzed), Figure 6 reflects only those grants made between FY89 and FY93



Source: Bureau of Justice Assistance Individual Project Report (IPR) database

**Figure 6 Percent of Byrne Funds Going to Task Forces, by State: FY89-FY93**

A wide variety of different groupings of law enforcement agencies are supported under the MJTF rubric. The core arrangement generally brings together the sheriff (s), city police departments, and occasionally special police agencies, in one or more counties. The number of counties involved depends primarily on the sizes of the populations involved. A Board of Directors generally directs the operation. Approximately 60 per cent of all MJTFs are of this type, and it is reported that coordination at this level is generally excellent. State after state spoke of cooperative successes and pleasant surprise in the rapidity of achieving real cooperation. This often took place in contexts where historical traditions of separation of functions and programs were strongly entrenched. It was believed to be a particularly beneficial development for smaller agencies. MJTFs were universally believed to be making a difference in this area.

Most of the other MJTFs consist of the same basic arrangement supplemented by participation by other enforcement agencies at the state or federal levels. The few MJTFs

that consist only of state personnel are generally devoted to supplying supplemental assistance to the local MJTFs &/or pursued specialized enforcement actions in which they have special expertise.

The state level contributions to the MJTF enterprise were generally considered to be an important element of success. In some instances, state agencies appear to provide the critical glue that holds the entire enterprise together. Such assistance goes well beyond the assignment to MJTFs of agents who would not be recognized locally. Specialized services that are not available at all through other means are also often provided by state level agencies. Among these are financial investigative and seizure techniques, drug and clandestine laboratory seizure methods, and the use of specialized equipment.

Other state contributions work to upgrade practices in the MJTFs through training manual development and the transfer of skills from one jurisdiction to another. There is also evidence that the benefits of this coordination are yet more broadly spread as officers are rotated through the MJTF experience. Sometimes complicated statewide committees are devoted to many different aspects of MJTF operations. In addition, these efforts help deal with the problem of inter-task force coordination. Hot lines have been created to receive and direct information to the appropriate MJTF. Other hot lines have been provided to allow inquiries to be made by MJTFs before beginning undercover operations, thus reducing the potential for collisions and conflicts between the task force and other law enforcement agencies.

Federal involvement outside the Byrne program has also occurred in support of state and local criminal justice efforts. The traditional federal-level drug enforcement agencies such as the Drug Enforcement Administration, Customs, and the Border Patrol, are frequent MJTF participants, and other agencies — e.g. the Department of Alcohol, Tobacco and Firearms, the Forest Service, or the National Park Service — may also become involved when appropriate to local circumstances. These arrangements coexist with independently maintained federal task forces that also can involve state and local agencies, but which differ by being under federal direction. Provision is often made for

coordination between these different types of task forces through overlapping membership.

Much has been learned about maintaining effective coordination and cooperation in MJTFs and many of them appear to have dealt successfully with the difficulties that tend to arise in such arrangements by paying careful attention to two of the most common problems — distribution of credit and the sharing of forfeited resources.

Improvement was also reported in the intelligence area. Enhanced coordination between MJTF staff and operators of the various state and federal intelligence systems was a collateral consequence of the MJTF effort that many participants have cited as one of its greatest benefits.

In conclusion, it is evident that MJTF participants at all levels of the Byrne program believe that task forces have proven potent vehicles for attacking the drug problem. From these participants, and from the first hand examinations of national assessment team members, there is substantial observational and anecdotal evidence that enhanced coordination at all levels of law enforcement has taken place in and between MJTF participants. In our view, this coordination has produced synergistic effects that go far beyond the individual efforts of task force members. And, though such task forces did exist in some locations prior to Byrne, and though others have been created outside Byrne, the fact that Byrne funding has supported so many is an impressive testimonial to what is probably the program's most profound and lasting impact.

What it has not yet been possible to do, in any comprehensive way, is to assess the impact of multi-jurisdictional task forces on the illicit drug problem. Though individual task forces almost certainly document their activities and the outcomes of those activities, this information is not transmitted to the BJA or the NIJ in a way that can be used to generally assess the impact that task forces might be making. This concern echoes the general question of assessment and evaluation of effects that we discussed at the beginning of this document. Consideration of this issue is pursued below in Section 7.

## 6 INTERAGENCY COORDINATION AND COOPERATION

A long-standing concern about the operation of the criminal justice system is that it exhibits a high degree of fragmentation. Jurisdictional and functional boundaries have historically combined to produce a system of independent law enforcement entities that have cooperated weakly, if at all.<sup>17</sup> Though arguments can be made to rationalize this situation<sup>18</sup>, most observers and practitioners will say that the effectiveness of the criminal justice system has consequently been impaired. This is particularly true in the area of law enforcement pertaining to illicit drug distribution and crime, where enforcement agencies' adherence to jurisdictional boundaries tends to hamper operations against criminal organizations that pay no attention to boundaries or use them to personal advantage.

The ADAA-88 went further than earlier legislation in attempting to preserve and strengthen the accomplishments of the past and to stimulate new cooperative approaches among criminal justice agencies. First, law enforcement agencies were encouraged in their efforts to share information and engage in cooperative enforcement operations. Second, criminal justice agencies with different functional responsibilities - police, prosecutors, probation, courts — were urged towards cooperation. And third, the criminal justice

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<sup>17</sup> The existence of the fragmentation problem has been acknowledged for some time. In fact, a specific objective of the LEAA was to attempt to reduce fragmentation and increase inter-agency cooperation. Most commentators express the view that progress was made during the 12 years that the LEAA operated. Nevertheless, the rapid growth of illicit drug distribution in the 1980's, and the attendant crime that it spawned, exacerbated the difficulties that fragmentation imposed on the criminal justice system. Though enforcement agencies generally observed jurisdictional boundaries, drug distributors and dealers did not. The handicap that this imposed on enforcement was glaringly apparent by the time Anti-Drug Abuse legislation was first enacted in 1986, and the stimulation of cooperation and coordination was specifically incorporated into the goals of the statute.

<sup>18</sup> There are a number of seemingly legitimate reasons why firm lines of demarcation between different organizations, and even professionals in the same organization, should exist. These include factors such as: avoidance of concentrations of power and the possible tyranny that can result; the preservation of autonomy at appropriate levels; separation of functions and activities to allow the adversary system to operate with appropriate checks and balances, and the logical administrative grouping of similar functional activities within different organizational structures.

community was asked to work with other agencies such as health services and education departments to develop cooperative and coordinated approaches to the problem of drugs.

Operationally, these concepts were translated in a number of ways. The Act gave specific encouragement to states to sponsor multi-jurisdictional law enforcement efforts through the Byrne program, and exempted such efforts from the rule that federal funding could only be used for four years of support. In addition, the state agencies with responsibility for the criminal justice block grants were mandated by the legislation to develop a strategy for the use of Byrne funds that: (a) integrated, state-wide, the functions and responsibilities of different elements of the criminal justice system, using federal support to stimulate cooperative arrangements that had not previously existed; and (b) put together a plan for coordinating anti-drug abuse efforts in the criminal justice, health, and education areas.

The consequence has been some advances in coordination and cooperation that seem to be clearly attributable to the operation of the Byrne program. As noted earlier, pronounced success has been achieved in establishing multi-jurisdictional task forces, and in coordinating between and within law enforcement, prosecution, and forensics.

### **Law Enforcement, Prosecution, and Forensics**

For example, most states recognized early in the Byrne program that multi-jurisdictional law enforcement operations against drug distribution and sale would require prosecutorial support for maximum effectiveness. A consequence is that dedicated drug prosecutors have become available in many jurisdictions, and have reportedly had a significant impact on the number of drug cases accepted and prosecuted. Enhanced statewide coordination of prosecutorial agencies occurred primarily through the forfeiture efforts that involved local prosecutors and state Attorneys General.

The full advantage of these new prosecutorial units could not be obtained without providing for close coordination between the prosecutors and the MJTFs attacking the drug problem. This is particularly true when more serious offenders have been targeted. Prosecutorial involvement is essential to take advantage of such things as the pre-charging subpoena power of an investigative Grand Jury and in requesting court orders for non-



consensual recording of telephonic communications. Similar close coordination is also essential to take full advantage of the asset seizure and forfeiture tools available to attack the profits of drug trafficking.

Coordination was often achieved by assigning a prosecutor to be a full participating member of the MJTF, and it is not uncommon for the prosecutor's office to be the lead agency for MJTF operations. Although this approach appears to have worked well in the jurisdictions that adopted it, it is not the only arrangement that produces meaningful coordination. Several jurisdictions established drug prosecution units separate from the MJTF but required that the two groups broadly cooperate. This arrangement recognizes that there may be situations where a case needs to be taken to another prosecutorial agency, such as the State Attorney General, the U.S. Attorney or even a City Attorney.

Both investigators and prosecutors are dependent on the services of forensic laboratories to identify drug buys and to produce evidentiary level analyses. If this is done slowly or poorly, both investigations and prosecution can be jeopardized. Because crime laboratories do not supply direct services to the public, however, they tend to be a low priority in the budgetary competition that all agencies go through. Consequently a number of states used the Byrne program to promote the coordination of forensic services with the activities of MJTFs and prosecutors. Reported decreases in turn-around times for analyses were common in states that took this approach, and it was frequently asserted to Assessment researchers that the effect of a commitment to forensics has been noteworthy and has strengthened both the coordination between the units involved and the legal outcomes that the criminal justice system produces.

### **Courts and Corrections.**

The picture is less encouraging when courts and corrections are considered. Establishing cooperation between courts and enforcement agencies faces structural and constitutional difficulties that, to some extent, derive from the fact that courts are a

separate branch of government that can only cooperate to a limited extent with enforcement agencies without compromising their constitutional role.<sup>19</sup>

The ADAA program made no special provision for courts and, although there was evidence, from the sites visited, that courts could participate in the program while preserving their independence, and could effectively coordinate their efforts with those of executive agencies, the overall level of participation has not been high.

Coordination of law enforcement activities with corrections departments has also been limited. Obstacles have not generally derived from constitutional considerations, except when probation services are located within the judicial branch. In a few instances, states have been able to coordinate probation and MJTFs by having probation officers as MJTF members. Other states have worked to coordinate community corrections with the courts in the provision and management of appropriate sentencing alternatives.

Institutional corrections generally participate fully in the policy boards that states have established, but it is rare for this to translate into support for the new beds that are in demand due to increased conviction rates for drug offenders. The costs that institutions face in establishing treatment services for offenders play a very significant role in this situation. For example, in 1994-5 Texas began an in-prison Therapeutic Community approach for drug users that, at full implementation, would have an annual cost several million dollars greater than the entire Byrne award for the state. Under these circumstances, it is difficult to get corrections agencies interested in applying for the small proportion of Byrne funds that is left over after enforcement activities have been awarded their portion. Another way of saying the same thing is that the funding of beds is generally not easily done on a small programmatic basis. This means that more peripheral activities,

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<sup>19</sup> During the 1970's, these concerns caused many courts to attempt to separate from the LEAA program. They sought to receive funding directly, or to have dedicated funds provided under the Act. These proposals did not materialize but the LEAA act was changed in 1976 to modify conditions of courts participation. These changes preserved, and strengthened, court participation, but did provide an element of independence by providing for presumptive acceptance of their plans. The success of these efforts was never tested as the LEAA was abolished shortly thereafter. Subsequently a modest direct funding program for courts, the State Justice Institute (SJI), was initiated.

such as prison industries or prison gang enforcement, are usually the only really practical options for Byrne grant support.

## **7 EVALUATION ISSUES**

### **BACKGROUND**

All of the activities surrounding the implementation and operation of a program such as Byrne are obviously important. But, perhaps the most critical issue is how to figure out the effects of the program on its primary target --the illicit drug trade and violent crime — and its secondary target — the operation of the criminal justice system itself. Knowing these effects would seem in many respects to be a prerequisite to sensible decision-making at every level - congressional, federal, state, and local. Federal policy makers would like to know whether the program is achieving its objectives. This would help to decide whether the program should be continued, and, if so, at what level. State level planners would like to understand the effects of the strategy they have implemented. This would enable them to make adjustments from year to year. And project level managers need to know what approaches work and how to design and implement them.

These questions are at the core of evaluation — a complex and difficult matter under any circumstance. For the Byrne formula grant program, complexities and difficulties abound. They are multiplied and magnified by the fact that the program has three different levels of government participating in the program, a nation-wide domain, and thousands of individual projects to account for.

Under the Byrne legislation, specifics of the monitoring and evaluation techniques to be followed are largely left to the federal executive branch as long as an evaluation component is — at least in principle — built in to any program that is supported by federal funds, and as long as the federal agencies are able to report back to the congress with evaluative information. In response to these legislative requirements, the following distinct approaches relating to evaluation, assessment, monitoring and reporting have been developed by the BJA and the NIJ:

- Relatively large scale, scientifically rigorous evaluations conducted by professional researchers and university faculty under National Institute of Justice or BJA auspices;
- Efforts by the BJA and the NIJ to help state planning agencies develop in-house evaluation capabilities either to conduct state-wide impact assessments or to conduct project evaluations that conform to textbook methodological principles;
- Showcasing of projects that are believed to work and techniques that states can apply, by the BJA or the NIJ in National and Regional conferences;
- Development by the BJA and the NIJ of publications and Program Briefs that: (a) document the evaluations that have been conducted and present their results; (b) describe how to establish and implement specific programs of anti-drug abuse activity; and (c) focus on evaluation design and techniques. These are then disseminated to wide audiences, including the state agencies participating in the Byrne program;
- Conduct of evaluations by state and local agencies;
- Monitoring of subgrantee activities by state planning agency staff; and
- Accumulation by subgrantees of programmatic statistics that are then reported to state agencies for aggregation into the annual reports required by the BJA.

Roughly speaking, the above list conforms to a sliding scale of evaluation, assessment, and reporting, moving from most sophisticated at the top to least sophisticated at the bottom. The NIJ awards for evaluations for example are made after careful peer review of competing proposals and the extent to which they follow established scientific practice. In this context, methodological frailty of design is usually a fatal flaw. At the other end of the scale, accumulation of statistics by subgrantees are often little more than counts of events (e.g. arrests) or users of a service (e.g. citizen calls to hotlines).

In what follows, we consider how the two primary evaluation efforts have worked under the Byrne program: full-fledged evaluations sponsored by the NIJ or the BJA; and the attempt to promote evaluation capabilities at the state level.<sup>20</sup>

## FEDERALLY SPONSORED EVALUATIONS

The greatest strength of the traditional approach to evaluation is of course the methodological rigor that it demands. Emphasis is placed upon obtaining scientifically valid findings through the imposition of research standards that are as high as possible. Peer review panels are used to carefully assess proposals and reject those that are considered unsound. Analytic processes are subject to public scrutiny at national conferences. And reports are submitted to critical assessment before they are distributed. These are the elements of the evaluation strategy that the NIJ and the BJA have followed when full-scale evaluations have been performed. Through this process, they seek to create a dependable body of knowledge about the operation and effects of interventions and programs that focus upon crime and the criminal justice system.

Clearly, this is a valuable and necessary function for the field of criminal justice. In fact, a good many of the most salient questions about the long term merits of the projects supported through the Byrne program may not yield to any other kind of approach. However, it is important to recognize that full-fledged evaluations have limitations as well as strengths, and that for any program that needs ongoing information the limitations may be critical.

First and perhaps foremost is the fact that rigorous evaluations take a lot of time. A program that has a lifespan of one year, for instance, is difficult to evaluate in less than two. The process of designing an evaluation, accumulating data, analyzing it, writing it up, having a report reviewed, reacting to the reviews and then publishing the final work consumes months, at least. So, by the time an evaluation of a project sees the light of day,

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<sup>20</sup> As noted, previous publications have reported on other aspects of state activities vis-a-vis monitoring and reporting. See Dunworth and Saiger, *State Strategic Planning and Monitoring Guidelines*.

the project itself may well be long over. This means that any mid-course corrections to project activities, adjustments in goals, strategies, techniques, and the like, will be largely uninfluenced by full-fledged evaluations even when they are being simultaneously conducted and even when they are well done. Consequently, program or project managers needing information to help decision-making during the life of a project usually reported that they have to look for guidance outside any evaluation that is going on.

A second consideration is that full-fledged evaluations are expensive. It is not unusual for instance for the cost of an evaluation to approach the cost of the project being evaluated. This may be justified on the grounds that the results of the evaluation should have applicability to other similar projects, but a consequence is that not many evaluations can be conducted in a given area. This is what has happened in the Anti-Drug Abuse block grant context. Federal funds have supported thousands of drug related projects since 1989. But, by the end of FY94, there had been less than 150 NIJ evaluations that have focused on them. Even if every one of these evaluations had resulted in unequivocal and dependable findings (which they didn't), it is not possible to draw many useful conclusions about the block grant program as a whole from this body of work.

A third factor to take into account is that methodologically rigorous evaluations in criminal justice settings often produce equivocal findings and so do not really answer the question "What works and what doesn't?" The reason lies in the elusiveness of the methodological integrity that is the prerequisite to definitive findings and in the frustrating tendency of the environment to change without warning. For example, the phenomena being studied may well be more influenced by factors that cannot be manipulated and/or that fluctuate over the study period (e.g. political pressures, social conditions, population migration, agency budgets, staff turnover, the weather) than they are by the intervention being studied (e.g. community policing versus traditional car patrol). And the customary research approach to dealing with the problem of an uncontrollable environment (setting up a quasi-experimental design with control groups) is often unacceptable to participating agencies for ideological or practical reasons, and even when acceptable may require more subjects than are available or may subsequently fall prey itself to the vagaries of real world conditions.

The effect of these unpleasant realities is to severely limit the contribution that the traditional evaluation approach can make to national-level programmatic understanding in a Byrne-like environment. This is a particularly serious consequence at the policy-making level.

## EVALUATION CAPACITY AT THE STATE LEVEL

One possible way of compensating for the limited number of evaluations that the NIJ and the BJA can sponsor might be to increase the involvement of state agencies in evaluation. If states themselves sponsored and/or conducted evaluations, then a significant increase in the quantity of research might take place.

The BJA and the NIJ have both actively promoted this idea. In the 1990 funding cycle, for example, states were invited and urged to submit evaluation proposals to the NIJ under solicitations based on the \$3 million Special Initiative Funding that the BJA provided to the NIJ for evaluation purposes. The response was disappointing. Few proposals came from state or local agencies and most that did were methodologically weak. This highlighted a fundamental flaw in the concept of state participation in evaluation — state planning agency staffs are not, generally speaking, trained in research methodology or experienced in conducting evaluations. And, since the standards of review being applied to proposals coming from the states were the same as those being applied to proposals coming from professional researchers, the former were bound to appear deficient when compared to the latter.<sup>21</sup>

This led to a compensatory strategy that focused upon the idea of expanding state capabilities in the evaluation area. Two general approaches were adopted. The BJA began conducting seminars on evaluation, monitoring, and reporting at National and

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<sup>21</sup> There are some exceptions to this observation. For example, Colorado, Illinois, Pennsylvania, and Virginia are examples of states that do have in-house evaluation capability either within the State Administrative Agency or in the state's Statistical Analysis Center. Each of them has conducted a number of research and evaluation projects over the years. Also, each of them enjoys a significant level of state commitment to the idea of research and evaluation that is accompanied by a willingness by state policy makers to use a portion of federal assistance funds for that purpose. There are no doubt some other states that have a similar capacity. But, in general, these kinds of situations are exceptions.



Regional Conferences, and also offered individual states technical assistance in these areas through site visits by BJA staff and consultants. The NIJ, at a later point in time, offered to provide technical assistance (i.e. professional research consultants) to a limited number of states who submitted formal evaluation proposals in response to the NIJ solicitations. The technical assistance offered by the BJA was wider-ranging and less methodologically oriented than the NIJ assistance but both had the same general objective — to enhance state evaluation capabilities and to thereby expand the number and the type of evaluations being performed.

It is important to note that neither the BJA nor the NIJ expected the technical assistance and seminars to convert participating states into research organizations with the capability of independently conducting evaluations that would hold up under rigorous scientific scrutiny. A better way of conceptualizing both programs is to think of them as moving states in the right direction, as increasing states' awareness of and sensitivity to methodological issues, and helping them to do an improved job of figuring out what effects their activities were having. This was particularly true of the BJA's efforts, which, even when focused upon an individual state, did not involve more than two or three on-site days. Of course, a positive aspect of this circumstance was that the BJA had the possibility of reaching more states, and helping a larger number to improve their approach to evaluation, even if only incrementally. This contrasted sharply with the NIJ approach, which was to offer a substantial amount of technical assistance (in the form of professional research consultants), to a very limited number of states (three to six each year), for the evaluation of a specific project being supported by that state. The intent was to produce a small number of evaluations that approached normal NIJ standards.

The results of both programs are uncertain. Though the BJA efforts produced a good deal of state interest, and resulted in a series of on-site workshops for a number of states (as well as other workshops at regional or national conferences), it was not clear that any significant change in state evaluation capacity or activity resulted. The NIJ program encountered a good deal of difficulty in stimulating state interest in commencing specific evaluations that would get technical assistance. And, though some participants in

the NIJ program expressed affirmative views of it, the results of these evaluations are just beginning to appear at the time of this writing, and have yet to be fully assessed.

As noted, part of the problem is undoubtedly due to the fact that evaluation is not what most State Administrative Agencies are set up to do and that a research capability cannot normally be introduced into an agency by short-term technical assistance. Another part, however, is that, during the development of these approaches in 1991 and 1992, cooperation between the NIJ and the BJA was very limited. There was little or no coordination between the two agencies in the approach being taken even though the objectives of both programs were essentially the same.

The end result has been that both programs have been discontinued, at least in the form that they had up until FY94. The NIJ and the BJA are now in the process of developing new strategies to effectively approach the evaluation problem. These are discussed in the "Update of the Byrne Program Today" portion of the Research-in-Brief based on this document.

## 8 CONCLUSIONS

### PROGRAM MANAGEMENT AND OPERATION

In the companion reports from the National Assessment<sup>22</sup>, an examination was made of state compliance with the regulatory provisions of the ADAA-88. On the basis of that work, we conclude that, in most areas, federal, state and local activities complied with the statutory requirements of the 1988 Act. These observations hold for:

- state strategic planning;
- review and approval of plans by the BJA; and,
- regulatory constraints such as pass-through requirements, the four year rule, limits on administrative expenditures, restriction of funded activities to statutory purpose areas and so on.

In addition, it is clear that interaction and cooperation between the BJA and the NIJ on the one hand and state recipients of Byrne funding on the other have been effectively developed and have resulted in excellent working relationships between the federal agencies, state administrative agencies, and project level personnel. These relationships have been characterized by well-received national and regional meetings, at which the BJA and the NIJ have provided states with programmatic guidance and, to a lesser extent, technical assistance on program definition, implementation, and evaluation. On a limited basis, individual states have also been given on-site technical assistance by both agencies.

We also conclude, on the basis of a nation-wide survey conducted during an earlier phase of the research, intensive on-site work in seven states, and numerous meetings and discussions with state and project level personnel at national and regional meetings, that the Byrne program has been well-implemented at the state level.

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<sup>22</sup> See Note 1 above for references.

## **STRATEGIC PLANNING**

Improved efficiency and rationality in the use of resources has, in our view, been achieved by pursuing an incremental planning approach that is much more appropriate to the realities of the criminal justice system than, for instance, the heavily centralized planning model attempted during the LEAA period. The new approach of strategic planning, modified incrementally over time, has proven flexible and adaptable to many different environments. Although the areas and extent of success vary considerably, there is evidence that many states have come to see planning as much more than a mere compliance with federal rules. More than 80 per cent of all states, for instance, were confident that strategic planning would be likely to continue even if federal funding ceased.

There are some indications that the frequency of submission of state strategic plans could be reduced without loss of effectiveness. Annual planning requirements in a program that allows states to establish four year funding cycles for subgrants has the potential for turning into little more than a compliance exercise after the first year in a cycle. Certainly, this seems to be true with respect to that portion of Byrne program expenditures that is committed to continuation funding. When asked about this issue, most SAA officials suggested a three-year planning cycle, coupled with annual reports on activities and accomplishments. The effort that is expended on annual strategic planning could then be redirected to assessing achievements. Doing this would not reduce the flow of useful information to the federal government - in fact, it might be increased.

## **THE FUTURE FOR BYRNE SUBGRANTS**

There appears to be little likelihood, in most states, that state governments will, in any general sense, pick up the cost of projects when federal funds for them run out. Financial constraints at the state level, accompanied by political considerations, led most SAA officials to the view that extreme difficulty would be encountered in channeling state funds to local governments in order to pay for expiring Byrne programs. Thus, the basic

assumption that any improvements stimulated by the Byrne program would have to be both implemented and subsequently sustained at the local level is probably well-founded.

The match requirement and the 4 year rule attempt to pave the way for this to take place, though there are obvious signs that transfer of financial responsibility will be difficult at this level also, since local governments are generally facing the same kind of budgetary shortfalls as the state in which they are located. However, to a significant extent this question is still unanswered. Because many projects were still in their four year life when observation by the Assessment team concluded, it was not possible to be precise about the proportion of projects and the type of project that have been or will be picked up by local funding. Of course, the projects that are the primary focus of the Byrne program - multi-jurisdictional task forces - are exempt from the four year rule. In most states, therefore, they have not yet been subject to the strain brought on by termination of federal support.

## **EVALUATION OF THE BYRNE PROGRAM**

We conclude that the federal government has not yet developed effective procedures for accumulating, analyzing, and disseminating information on the Byrne program, except in an ad hoc sense. In addition, it is our view that neither this National Assessment nor the participating federal and state agencies have been able to generate satisfactory evaluations of the Byrne program as a whole. Thus, in the view of the authors, the statutory requirements pertaining to evaluation have not been met in any general sense.

This has repercussions throughout the entire Byrne program. At the local level, individual project successes and failures have not been thoroughly documented. At the state level, it is at best difficult and at worst impossible for states to figure out the effectiveness of their strategic plans and to then make adjustments based on such findings. At the federal level, the NIJ and BJA reports to the congress tend to lack the empirically grounded guidance that would allow program review, policy generation, and adjustment

of funding levels from year to year to take the strengths of the Byrne program into account.

It is our view that most of these problems are a consequence of structural factors built into the Byrne program. We consider four of these to be particularly relevant.

### **Funding of Evaluation is Authorized, Not Required**

First, even though the ADAA-88 mandates the inclusion of an evaluation component in all programs supported with Byrne funds, it *authorizes* rather than *requires* the use of the state award and subgrant funds for evaluation purposes. This thrusts the responsibility for directing Byrne funds to evaluation on state level decision-makers. Though many SAA officials express a commitment to the concept of evaluation, and affirm that they would commit funds to that purpose if they were free to do so, a number of state level pressures inhibit their ability to do so.

In states where the adoption and allocation of Byrne funds is subject to close scrutiny by the state legislature - California being a good example - the SAA may find it impossible to devote anything more than minimal amounts of the Byrne award to research and evaluation purposes. This is because political considerations drive legislators to the view that federal funds should be used for programmatic purposes above all else.

Even in states where decision-making on this issue is more under the control of the SAA, the "*authorization* rather than *requirement*" principle gives states and subgrantees the opportunity to ignore or at least short-change the evaluation function. Though some do not do so, enough do that overall evaluation activities at the state and local level are too limited to offer a basis for making judgments about the Byrne program as a whole.

### **Insufficient Federal Funding Is Provided By Congress**

Second, the legislation provides no funding for the NIJ and the BJA that is specifically designated for Byrne program evaluation. The NIJ must provide Byrne evaluation funds from its regular research budget, and the BJA must take them from its discretionary program resources. Though NIJ/BJA cooperation in this regard was high during 1989-1990, it subsequently became minimal, and in subsequent years, for a variety

of reasons, the BJA has made little or no financial contribution to the NIJ evaluation program for Byrne projects.

From 1989-1994, these approaches resulted in an average annual evaluation budget for research focusing on the Byrne program of less than 1 per cent of formula grant funding. Less than 150 evaluations have been funded by the NIJ and an additional handful have been separately funded by the BJA. This are not sufficient in number to comprise an assessment of a program that, during the same time frame, was used to support more than 8,000 individual projects around the nation.

### **Problems of Methodology**

Third, the type of evaluation that is typically conducted under the NIJ evaluation program contributes little insight into the overall workings and effects of the Byrne program in individual states or nationally. The classical research model, though perhaps well suited to a focus on individual Byrne projects, tends to be very expensive (sometimes costing as much as the project being evaluated), takes too long (with reports often being delivered long after the project is over), and frequently produces results that are equivocal (making it unclear whether the evaluated project worked or not and so compromising the potential for program transfer to other sites).<sup>23</sup>

### **Information Shortfalls**

Finally, it is our view that, within the OJP and the BJA, procedures for the collection, verification and analysis of subgrant data have been too fragmented to be effective. There are two main aspects to this issue.

First, early policy decisions adopted the view that there should be a federal/state partnership in the development of information systems rather than a centrally imposed approach. This well-intentioned decision nevertheless led to several years of back and forth discussion, debate and design, with results that were still uncertain when this

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<sup>23</sup> When this research concluded in 1994, NIJ and BJA were involved in a review of the evaluation approaches of the past with the intention of developing more effective approaches to problems of the kind that we have identified here. See "Update: The Byrne Program Today" in the "Research-in-Brief" based on this document.

research concluded. A consequence is that the only federal level data base containing information on Byrne program subgrants is the Individual Project Reporting system. Since the function of this data system is limited to recording subgrant awards at the time they are made, it contributes nothing to the understanding of programmatic activities beyond the funding decisions that states have made.

Second, within the BJA and the OJP, procedures for processing the data that were supplied by the states were not systematic and, as a consequence, the uses to which the data could be put were extremely limited.

In combination, these two factors have seriously limited the BJA's ability to state with confidence what has been taking place in the Byrne program.

### **Next Steps**

Our concluding recommendations on the question of Byrne program evaluation are that both the NIJ and the BJA should be involved in a cooperative and collaborative fashion in the evaluation area and that three steps should be taken as quickly as possible.

First, the two agencies should rethink the issue of evaluation of programs such as Byrne. This will require a review of goals and objectives as well as techniques, in circumstances where available resources are severely limited. It is not clear what the best approach will look like, but the activity should result in a generalized and more effective approach to the evaluation question, a development that should have a payoff that extends beyond the Byrne program. This seems likely to become increasingly important given recent modifications in the structure of federal aid for state and local criminal justice.

Second, the BJA should systematize its data collection and processing systems so as to assure the integrity of the data that states report, standardize across states the information that is reported about subgrants, and generate dependable, distributable reports. These systems should apply not only to the funding decisions that states make but also to activities undertaken by subgrantees over the lives of awards.

Third, the federal government should investigate ways in which it might increase the funding that is devoted to both evaluation and information collection, processing and



dissemination. This would need to be done within the existing legislative framework and would probably require a set-aside of some proportion of the Byrne program appropriation. The legislation contains no bar to doing this, as far as we can see, and it does not appear to us to be a more arbitrary step than other federal interpretations of the Act.

For instance, BJA's program guidance asks states to hold administrative expenditures to five per cent of the award, even though the legislation allows ten per cent, and virtually all have done so. In addition, states have to submit annual strategic plans and reports that contain specific types of information that BJA requires them to collect, not that is specified in the Act. Again most have done so.

Such requirements are normal and appropriate federal interpretations of legislation. They operationalize in practical terms the principles that the legislation contains, and, as noted above, the operationalization has, in many respects, worked well. Making a similar requirement for evaluation and research, accompanied by a federally-imposed set-aside to fund it, does not seem to be a much greater step than those enumerated.

In combination, these actions would create the best potential for quick movement towards the production of a national, policy relevant review of the Byrne program.





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