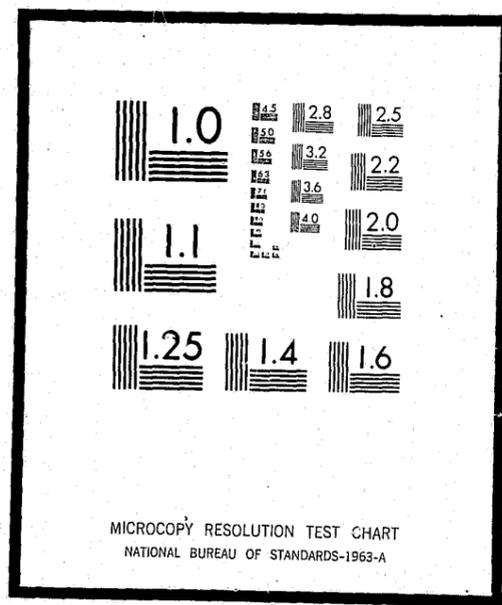


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U. S. DEPARTMENT OF JUSTICE
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LEAA DISSEMINATION MATERIALS
* * *
SELECTED REPRINTS

New Directions in Federal Aid for Crime and Delinquency Control —An Analysis[†]

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FEDERAL aid has become as much a part of the technique of American government and the fabric of federalism as perhaps any governmental development of the 20th century. It is now about to address, in earnest and with intensity, the problems of crime, delinquency, and maintenance of public safety which confront American society. In so doing, the last of the major social problem areas serviced primarily by institutions of state and local government will be brought under the aegis of federal aid. The most recent significant arrival on the scene, public education, is now meeting its 20th century challenge with the help of over \$2 billion in federal funds annually, distributed to every state education system and virtually every school district in the nation.¹ Assistance programs for agriculture, commerce, resource conservation, public welfare, transportation, health and medicine, housing and related urban affairs, poverty and social disadvantage are all at different stages of evolution—each with large-scale aid programs operative, some well established and with considerable operating experience, many seeking to keep abreast of new demands, and a few undergoing stress as they face severe national problems with resources and a set of solutions too new to provide assurance of success.

Assistance provided by the national government in one form or another is as old as our Union, but in recent decades grants-in-aid and related forms of support have grown rapidly in number, size, and scope. In the last ten years, federal aid to state and local government has more than tripled—from \$4.1 billion in 1957 to more than \$15 billion in

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1. BUREAU OF THE BUDGET, STATISTICAL ABSTRACT OF THE UNITED STATES, no. 208, p. 146 (1967) (\$2.04 billion for fiscal 1966); BUREAU OF THE BUDGET, SPECIAL ANALYSIS J, BUDGET OF THE UNITED STATES FOR FISCAL YEAR 1967 at 141 (1966) (\$2.03 billion for fiscal 1967). All education-related or educational institution grants of the federal government (elementary, secondary, vocational, adult, higher education) are estimated at nearly \$7 billion annually.

1967. Such outlays now derive from nearly 400 subcategories or separate authorizations for the expenditure of federal funds under some 95 different grant-in-aid programs.² The prognosis for the future is equally impressive as projected state and local expenditures in areas now covered by some form of federal aid rise from the current \$75 billion level to an estimated \$140 billion by 1975.³ The contribution of the grant-in-aid movement has been important. As described in one commentary:

The growth of Federal financial assistance, especially in the rise of the grant-in-aid, has been an element of strength in the continuing vitality of our federal system. The aid mechanism enables national resources, national interests and initiatives, to join with State and local initiatives, competence, and sensitivity to local needs. The outcome is the evolution of a genuinely cooperative partnership, a creative federalism to face the challenges of modern technological society.⁴

The current decade has seen the beginning of this development in the crime and delinquency area with the establishment of three small grant programs—mostly of an experimental and research character—in response to an unprecedented public concern with mounting crime rates and criminal activity,⁵ and the recent presidential commission inquiry advocating vigorous action, a strong federal role, and change touching virtually every part of our criminal justice systems.⁶

2. See BUREAU OF THE BUDGET, SPECIAL ANALYSIS J—FEDERAL AID TO STATE AND LOCAL GOVERNMENTS, BUDGET OF THE UNITED STATES FOR FISCAL YEAR 1967 at 133-138 (1966); Advisory Commission on Intergovernmental Relations, Fiscal Balance in the American Federal System, ch. 5 (1968—pub. pending). In fiscal 1968, federal aid to state and local government will increase to an estimated \$17.4 billion. BUREAU OF THE BUDGET, THE BUDGET IN BRIEF—FISCAL YEAR 1968 (1967).

3. Remarks by Governor Farris Bryant, Director, Office of Emergency Planning, at Pennsylvania Governor's Conference on Federal-State Relations, March 8, 1967.

4. W. COHEN & L. WYATT, GRANTS IN AID AND OTHER FINANCIAL ASSISTANCE PROGRAMS ADMINISTERED BY THE U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, *INTO*. at xxiv (1966).

5. Heightening public concern has been dramatically reflected in the three presidential crime messages: Crime, Its Prevalence and Measures of Prevention (March 1965), Crime and Law Enforcement in the United States (March 9, 1966), and Crime in America (February 6, 1967), and confirmed by LEAA-sponsored public survey research (Grant #021) providing some quantitative measures of citizen assessment of the seriousness of the crime problem, personal fear of crime, and the high incidence of crime victimization, reported and unreported. See THE CHALLENGE OF CRIME IN A FREE SOCIETY, ch. 2 (1967); TASK FORCE REPORT: CRIME AND ITS IMPACT—AN ASSESSMENT No. 33, chs. 2 & 6; National Opinion Research Center, Criminal Victimization in the United States: A National Survey, prepared for Dept. of Justice and President's Crime Commission (Field Surveys II—1967). The Nation's spiraling crime trend is dramatically reflected in the FBI projection, through 1967, of an 88% increase in reported crimes since 1960 as against a 10% increase in national population. FBI Press Release re Crime Statistics for First 9 Months of 1967, Dec. 11, 1967.

6. This refers to the work and recommendations of the President's Commission on Law Enforcement and Administration of Justice, July 1965—March 1967, reflected in its major report, THE CHALLENGE OF CRIME IN A FREE SOCIETY, nine supporting task force reports, and published research studies and consultants' papers.

The purpose of this article will be to explore the needs and probable forms that federal partnership via the traditional "grant-in-aid" method of local program support will take. Analysis will proceed at a level germane to virtually any kind of legislation now being considered and speaks in a context that should remain relevant whether a large-scale effort comes this year, next year, or within the next five years.

Discussion will center around four major "new direction" areas followed by a brief but important focus on the general problems of intergovernmental accommodation and coordination being generated by the current proliferation of federal grant programs. The four areas are:

- 1) Planning as an integral part of assistance
- 2) Large-scale aid as a condition for effective response
- 3) The critical nature of research and development
- 4) Information transfer and development of system data as essential support roles

To set the scene, some background data will first be presented on grant-in-aid evolution in crime and delinquency control.

THE SETTING—ACTIVITY TO DATE

Federal assistance thus far to state and local agencies of crime and delinquency control has consisted of direct service activities, three small grant programs with primary orientation toward research and demonstration, and, in increasing degree, "by-product" participation by law enforcement and criminal justice agencies in general aid programs covering such fields as vocational education, vocational rehabilitation, manpower development, poverty, highway safety, and urban affairs.

Direct assistance of a significant nature came to the aid of local police, correctional, and court system activities long before the advent of federal grant-in-aid dollars. More than 30 years ago, the Department of Justice, through the Federal Bureau of Investigation, established one of the nation's oldest in-service training programs currently available to local law enforcement officials. This was the renowned "FBI National Academy" whose intensive course of instruction (now 12 weeks in duration) has benefited over 5,000 senior police officers from all states and communities. FBI fingerprint identification and laboratory services, with origins antedating even the National Academy, have proven a major resource to the investigative activities of state and local police departments.⁷ In parallel development, establishment in 1912 of the Uni-

7. FEDERAL BUREAU OF INVESTIGATION, COOPERATION, THE BACKBONE OF EFFECTIVE LAW ENFORCEMENT 7-14 (1966). In fiscal year 1966, in addition to FBI National Academy train-

ted States Children's Bureau (now within the Department of Health, Education and Welfare) made possible the development of a variety of services to the then newly established juvenile court movement and to juvenile correctional institutions. These have included, for many years now, surveys of juvenile courts and correctional systems, development of training workshops and materials, and preparation of model legislation and standards.⁸ The U.S. Bureau of Prisons within the Department of Justice has, since 1930, conducted a federal jail inspection service currently involving visitations to approximately 900 jails annually and offering a broad range of assistance and advice concerning deficiencies, needs, proper jail design, management of prisoners, and staff training.⁹ These are major examples, by no means exhaustive, of direct service activities currently provided by federal criminal justice agencies.¹⁰

The flow of federal grant assistance did not occur in significant degree until the 1960's and, here, the start was modest. The first program with an exclusive focus on criminal justice was the delinquency research program of the National Institute of Mental Health (NIMH).¹¹ Commencing in the early fifties, it reached an aid level of about \$1.5 million in 1960 and has now stabilized at approximately \$7 million annually. More than 350 separate projects have received support over the life of the program, most of these in the area of delinquency and youth crime research, training and treatment. NIMH interest in this area was based on a threshold determination that "crime and delinquency" was, among other things, a behavioral problem justifying investment of funds appropriated for mental health research purposes. Its program has, of course, emphasized behavioral perspectives and, consistent with its research focus, fixed on individual projects rather than broad-scale subsidies for particular types of training or action efforts.

ing, over 280,000 examinations were conducted by the FBI laboratory, more than 6.9 million fingerprints were received for searching, and more than 5,337 local training institutes or sessions were participated in by Bureau agents. Federal Bureau of Investigation, Annual Report, Cooperative Services (1966). For calendar year 1967, the comparable figures are 6,000 for training institutes and sessions and 300,000 for FBI laboratory examinations. Federal Bureau of Investigation, Accomplishments of the Federal Bureau of Investigation for 1967, Press Release, January 5, 1968.

8. D. BRADBURY, FIVE DECADES OF ACTION FOR CHILDREN—A HISTORY OF THE CHILDREN'S BUREAU 18, 37, 51, 58, 88, 121 (1962).

9. Miller, *Jail Inspection Service—Federal Bureau of Prisons*, AMER. J. CORRECTION (1963); BUREAU OF PRISONS, ANNUAL REPORT 23 (1966).

10. Other direct service activities include the International Police Academy of the Agency for International Development (training for foreign police officers), the Federal Bureau of Narcotics Training School of the Treasury Department (training in narcotics enforcement for state and local officers) and the handbooks for law enforcement officials prepared by the Criminal Division of the Department of Justice.

11. Supported under the Public Health Service Act, 42 U.S.C., 241-242b (1967 Supp.); NAT'L INSTITUTE OF MENTAL HEALTH, A REPORT ON THE NATIONAL INSTITUTE OF MENTAL HEALTH PROGRAM IN CRIME & DELINQUENCY (1965).

The second federal aid program in crime and delinquency, also directed toward the youthful offender, was established under the Juvenile Delinquency and Youth Offenses Control Act of 1961.¹² Like the NIMH program, it was administered by the Department of Health, Education and Welfare with responsibility ultimately centering in an Office of Juvenile Delinquency and Youth Development (OJDYD) within the HEW Welfare Administration. In contrast, however, its theoretical and action base in approaching delinquency prevention and control leaned more toward addressing social and environmental conditions and limited opportunity structure for youth in disadvantaged communities than the mental health treatment technology that has characterized much of the NIMH effort. These distinctions are, of course, somewhat crude, but as a result of this environmental bias, the OJDYD program made important contributions in federal aid development. Its pioneering focus on aid for comprehensive demonstrations massed in a few urban areas, and alleviation of delinquency through broad "youth development programs" (remedial reading, job training, group counselling, etc.), although not entirely successful, served in effect as pilot efforts for larger and more adequately funded programs which, by virtue of their concern with eliminating ghetto life and urban community deterioration, offer perhaps our most promising experiments in long-term crime and delinquency prevention. These successors include the comprehensive Community Action Programs of the Office of Economic Opportunity and, more recently, the Demonstration Cities Programs of the Department of Housing and Urban Development.¹³ The OJDYD program also sought to extend training capacity beyond that achievable through support of individual training demonstrations by development of a national network of university-based training centers and development of innovative and model training materials and curricula for delinquency-focused disciplines. These efforts, also confronted with limited success, were nevertheless important ventures in directions increasingly recognized as valuable to improvement of training capabilities via the stimulus of federal aid. The OJDYD program, which terminated in June of 1967, ultimately stabilized at an aid level of \$8 million per year. More than \$47 million in grant assistance was provided during its six years of activity.

12. 42 U.S.C. §§ 2542-2545 (1965). For description of projects funded, see U.S. DEP'T OF HEALTH, EDUCATION AND WELFARE, SUMMARIES OF TRAINING PROJECTS—JUVENILE DELINQUENCY AND YOUTH OFFENSES CONTROL ACT, (1966); see also U.S. DEP'T OF HEALTH, EDUCATION AND WELFARE, SUMMARIES OF DEMONSTRATION PROJECTS—JUVENILE DELINQUENCY AND YOUTH OFFENSES CONTROL ACT (1966).

13. Title II, Economic Opportunity Act of 1964 as amended, 42 U.S.C. 2781 (community action programs) (1965); Title I, Demonstration Cities and Metropolitan Development Act of 1966, 80 Stat. 1255, 42 U.S.C. § 3301 (1967 Supp.).

The third and most recent crime-directed program was authorized under the Law Enforcement Assistance Act of 1965 (LEAA).¹⁴ It has now operated for two years at an annual aid level of about \$7 million under the direction of the Department of Justice. LEAA was a major element in the "war on crime" launched with President Johnson's 1965 Crime Message and a companion to the Crime Commission studies. It was developed to respond to the need for stimulation of new methods, techniques, and ideas in the law enforcement field with important secondary emphasis on adult corrections and the agencies of courts and prosecution. These areas, while addressed in occasional projects within the NIMH and OJDYD programs, were subordinate to the emphasis on delinquency research, prevention and treatment maintained by those agencies. It was thus the first such program to focus primarily on the police function and police systems, and to invest the bulk of its resources in that direction.

Funded LEAA demonstration projects have included a computer-assisted patrol allocation project in St. Louis, a prosecutorial training program for senior law students in Boston, a videotape police suspect file in Miami, Florida, an integrated criminal justice information system in California, a department-wide police-community relations training program in New Orleans, a model offender work-release program in King County, Washington, statewide television training of police in Georgia, and a volunteer misdemeanor court probation service in Denver.¹⁵

LEAA was conceived as an experimental, demonstration, and research program much like its two HEW predecessors. It, too, however, made important strides in developing techniques and laying the foundation for wide-scale improvement. The latter goal was pursued primarily through the strategy of small planning and development grants available to large numbers of grantees to inaugurate desirable reform efforts and improvement programs. Thus, in addition to its many individual research, operations improvement, and educational demonstration projects, the LEAA program pioneered, with some success, numerous "seed money" programs designed to foster or establish 1.) statewide in-service correctional training systems, 2.) statewide police standards and training systems, 3.) state planning groups to develop comprehensive blueprints for criminal justice improvement, 4.) police-community

14. P.L. 89-197, 79 Stat. 828 (1965) as amended by P.L. 89-798, 80 Stat. 1506 (1966).

15. U.S. Department of Justice, Second Annual Report to the President and the Congress on Activities under the Law Enforcement Assistance Act of 1965, LEAA Grant Numbers 039, 102, 064, 051, 142, 032, and 037, appendices I & II (1967). As of January 1, 1968, nearly \$17 million had been awarded under LEAA in support of more than 300 separate projects.

relations improvement programs in large cities, and 5.) planning and development unit capabilities in smaller police departments.¹⁶

The foregoing succession of experimental grant programs has offered valuable preparatory inputs to larger assistance efforts in crime and delinquency control. Also relevant have been a number of law enforcement, criminal justice, and correctional "spin-offs" in general aid programs not primarily concerned with crime and delinquency. These have accelerated in recent years. As examples: under the Vocational Rehabilitation Amendments of 1954,¹⁷ pilot vocational rehabilitation projects for released offenders have been funded; under the Manpower Development and Training Act of 1962, experimental job training for institutionalized offenders has been conducted;¹⁸ under the Economic Opportunity Act of 1964, police-community relations training has been included in some community action programs and, more recently, sub-professional career programs have included placements in police and correctional agencies;¹⁹ under the Vocational Education Act of 1963, state program funds have been allocated for police instruction;²⁰ under the Housing Act of 1954, small urban planning grants have been awarded to selected metropolitan areas to produce pilot designs for comprehensive law enforcement and criminal justice planning programs;²¹ and under the Higher Education Act of 1965, university-conducted training courses for law enforcement and correctional officials have been supported.²²

Such, briefly, together with the landmark Presidential Crime Commission findings released last year, is the prelude to the situation now confronting the nation, as large-scale aid programs targeted at crime

16. See *Id.* at 22-24 (description of LEAA special program grants).

17. 29 U.S.C. ch. 4 as amended (1965). See Vocational Rehabilitation Adm'n, Research and Demonstration Projects—An Annotated Listing—1967 (1967) (subject index under "public offenders & delinquents").

18. 42 U.S.C. § 2571 (1967 Supp.). For fiscal 1968, experimental efforts will be expanded into a \$9 million training, job counselling, and placement program for federal, state, and local offenders in penal institutions; see, U.S. DEP'T OF LABOR, TRAINING AND RELATED SERVICES FOR INMATES OF FEDERAL, STATE AND LOCAL CORRECTIONAL INSTITUTIONS, No. 8-67 (1967).

19. 42 U.S.C. § 2701 (1965) as amended (1967 Supp.). Prior to LEAA training grants in police-community relations, such programs were supported with CAP funds in Detroit, Michigan and Gary, Indiana.

20. 20 U.S.C. § 20 (1967 Supp.). Vocational education funds also support, under 18 state programs, educational programs for adult and youthful offenders in correctional institutions in fiscal 1968 as reported by the Division of Adult and Technical Education, Office of Education.

21. 40 U.S.C. § 461 (1952) as amended (1967 Supp.); see U.S. Dep't of Housing and Urban Development, HUD Urges New Crime Prevention Role for Local and Regional Planning Agencies, News Release (Dec. 27, 1967).

22. 20 U.S.C. § 1001 (1967 Supp.) (Title I, Community Service and Continuing Education Programs). In fiscal 1967, universities and colleges in 27 states received Title I funds for in-service training courses for law enforcement personnel (\$2,000 to \$30,000 range).

and delinquency control progress through Congressional review and action.²³ New issues are on the table and examination will now turn to them.

PLANNING AS AN INTEGRAL PART OF ASSISTANCE

The lessons of past years have amply demonstrated that the mere infusion of federal money—even of massive amounts—is no assurance of success or effective action. Well defined objectives, realistic goals, appropriate techniques, proper allocation of resources, and careful study and program design are requisites not only for assuring prudent use of public monies but for guaranteeing, in an increasingly complex age, that desired results will be achieved. As the Attorney General of the United States commented at the 1967 National Conference on Crime Control:

Our purpose is to commit ourselves to excellence as we now see it and later refine it. This will require definitive planning coordinated with all relevant agencies. Our time, our numbers, the complexity of our lives compel planning.²⁴

Accordingly, planning—federally-financed—has become a basic tenet of national aid policy and virtually every important program launched in the past few years has included a planning requirement as a condition of eligibility for large-scale aid. The Highway Safety Act of 1966 requires approved "highway safety programs";²⁵ the Comprehensive Health Planning and Public Health Services Amendments of 1966 require approved plans for "comprehensive state health planning";²⁶ the Demonstration Cities and Metropolitan Development Act of 1966 requires approved plans for "comprehensive city demonstration programs";²⁷ the Land and Water Conservation Fund Act of 1965 requires "comprehensive state-wide outdoor recreation plans";²⁸ and even more

23. *Safe Streets and Crime Control Act of 1967*, H.R. 5037 and S.917, 90th Cong., 1st Sess. (redesignated the Law Enforcement and Criminal Justice Assistance Act of 1967 in House floor action) and *Juvenile Delinquency Prevention and Control Act of 1967*, H.R. 6160 and S.1248, 90th Cong., 1st Sess. In addition to these two major administration measures which, as of 1st Session adjournment, had both undergone considerable revision in committee and floor consideration, at least 10 other federal aid bills for law enforcement, criminal justice, and crime control activities had been introduced.

24. U.S. DEP'T OF JUSTICE, PROCEEDINGS, FIRST NATIONAL CONFERENCE ON CRIME CONTROL, 16 (1967). The administration aid bills in both crime and delinquency control, *supra* note 20, required development of comprehensive plans as a precondition for receipt of improvement grants. Plan preparation was to be financed with liberal grant support (90/10 cost absorption) and sizable fund allocation for this purpose (\$22.5 million for Crime Control Act).

25. 23 U.S.C. § 401 (1967 Supp.).

26. 42 U.S.C. § 246 (1967 Supp.).

27. 42 U.S.C. ch. 4 (1967 Supp.).

28. 16 U.S.C. § 460 (1967 Supp.).

modest efforts such as the Technical Services Act of 1965²⁹ (programs to communicate technical and scientific data for private industry use), and the Older Americans Act of 1965³⁰ (programs for the aging) begin with planning grants as a condition of aid for action projects. In all, more than 80 federal grant programs currently carry some planning requirement.

Recognizing that programs such as crime control embody at least the order of complexity that has launched a "generation of planners" in these other areas of public activity, the President's Crime Commission accorded priority to planning as a first step for criminal justice improvement.

A State or local government that undertakes to improve its criminal administration should begin by constructing, if it has not already done so, formal machinery for planning. Significant reform is not to be achieved overnight by a stroke of a pen; it is the product of thought and preparation. No experienced and responsible State or city official needs to be told that. The Commission's point is not the elementary one that each individual action against crime should be planned, but that all of a State's or a city's actions against crime should be planned together, by a single body. The police, the courts, the correctional system and the non-criminal agencies of the community must plan their actions against crime jointly if they are to make real headway.³¹

The Commission caveat has been embraced in legislative proposals for law enforcement aid and has attracted little opposition from federal legislators. However, planning in criminal justice, as in other social problem areas, must deal with important constraints. These include the "state of the art," available resources, intergovernmental complications, and the demands of the "comprehensive planning" mandate.³²

Today, the nation has almost no validated models of good planning in crime control—and certainly not in the area of comprehensive planning. It confronts its mission, however, with a variety of personnel, operational and performance standards, and codes of good practice,³³

29. 15 U.S.C. ch. 37 (1967 Supp.).

30. 42 U.S.C. ch. 35 (1967 Supp.). For a complete catalog of federal grant-in-aid programs which require plans or evidence of planning by grant recipients, see *Creative Federalism, Hearings before Subcommittee on Intergovernmental Relations, Senate Committee on Government Operations*, 89th Cong., 2d Sess., 435-45 (1966).

31. See Bernard, *The Comprehensive Plan Concept as a Base for Legal Reform*, 44 U. DET. J. URBAN L. 611 (1967).

32. THE CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6 at 280-81.

33. E.g. NCCD, STANDARDS AND GUIDES FOR ADULT PROBATION (1962); NCCD, STANDARD JUVENILE COURT ACT (rev. 1959); NCCD, GUIDES FOR SENTENCING (1959); AMER. PSYCHIATRIC ASS'N, MINIMUM STANDARDS FOR TRAINING SCHOOLS (1952); IN'L ASS'N OF POLICE PROFESSORS, GUIDELINES FOR DEVELOPMENT OF LAW ENFORCEMENT DEGREE PROGRAMS (1966); AMER. BAR

and some models of good survey work in specific segments of criminal justice activity,³⁴ both largely the work of responsible professional groups supported by academic and public agency competencies. The best of this body of accumulated experience has been usefully integrated into the report volumes of the President's Commission on Law Enforcement and Administration of Justice and important new insights, concepts, and improvement goals have been added by the Commission. This is all to the good. However, translating standards and precepts into well designed and properly phased programs responsive to the conditions and circumstances of particular state and local governments is the largely uncharted course which intelligent federal assistance must nurture.

In the area of resources much remains to be done. State and local planners in criminal justice are in short supply. Organizations currently capable of providing study and survey services have inadequate capacity to meet the demands of the national planning effort contemplated by proposed legislation. Firms and organizations with general systems analysis, operations research, and organizational development capabilities, although beginning to show interest in criminal justice work, have relatively little experience with and knowledge of the field.³⁵ Planning and research units in specific criminal justice agencies are, for the most part, in early evolution and general criminal justice planning and coordination units, a new arrival on the scene, offer promising potential but are few in number and lack sufficient operating experience to offer much in the way of leadership.³⁶

A further complication confronting comprehensive planning is the

ASS'N, MINIMUM STANDARDS FOR CRIMINAL JUSTICE (1967); A. L. INST., MODEL PENAL CODE (1962); FBI, UNIFORM CRIME REPORTING PROGRAM (1967); LAW ENFORCEMENT OFFICERS' CODE OF ETHICS (adopted by most major police associations); AMER. CORRECTIONAL ASS'N, MANUAL OF CORRECTIONAL STANDARDS (1966).

34. The International Association of Chiefs of Police, Public Administration Service, and the National Council on Crime and Delinquency have been providing field survey services for police agencies and correctional agencies (NCCD) for a number of years. These typically involve a site study, detailed analysis, and development of concrete recommendations for improvement of agency or system organization, operations, and personnel practices. IACP, for example, conducted over 30 such studies from 1964-1967 for police agencies serving populations ranging from 5,500 to 2.5 million. Increasing numbers of state and local jurisdictions have in recent years contracted for such study and planning assistance.

35. Some 15 such firms have participated as either direct award recipients or suppliers of major subcontract services under LEAA study and demonstration grants or contracts (e.g., Systems Development Corp., Arthur D. Little, Inc., Stanford Research Institute) in most cases engaging in one of their first study efforts in the criminal justice field.

36. Under the impetus of a supporting LEAA special grant program (50-50 matching funds up to \$25,000 in federal monies annually), a majority of the states had, as of December 1, 1967, established governors' or state planning committees in criminal administration to study local needs and map comprehensive action plans for criminal justice improvement. Less than a half dozen major cities had, without the stimulus of such "seed money" support, taken similar action.

fractionalization of responsibility for police, court, and correctional activities on the local level. With important exceptions, states and counties remain dominant in the operation of correctional institutions, counties and municipalities have prime responsibility for police activities, and states and counties shoulder the major load in operation of the court and prosecution systems.³⁷ In a given metropolitan area, all three levels of government may play important roles in the police, court, and correctional services provided to residents. Planning must therefore transcend jurisdictional boundaries and individual agency responsibilities. Under the best of circumstances, this will be a job of no small proportions.

The foregoing problems, difficult as they seem, are perhaps no more than a realistic inventory of the job ahead, and one not greatly different than that facing intergovernmental partnerships directed at other contemporary problems. Many responses are possible. A particularly important one is the opportunity presented to the federal government to match grant funds with an aggressive and vigorous technical assistance program aimed at building planning competence. This could include national workshops for training of criminal justice planners, development of materials and guides for planning, provision of consultant services to planners, and development and dissemination of successful planning models. This is an element which has been neglected in other federally-stimulated mass planning programs, often to the detriment of program quality.

Federal assistance of this type, *i.e.*, technical support and guidance, will undoubtedly have to draw on the capabilities of universities, leading crime control agencies, professional associations, and qualified consulting organizations. The federal government has no superior wisdom or store of resources in addressing these responsibilities. It is uniquely situated, because of its national perspective and grant dollar stewardship, to marshal qualified resources for this purpose (often in short supply) and deploy them to maximum advantage. The important point is to recognize that the "technical assistance" role is as appropriate and proper to the federal-state-local partnership as the grant-in-aid mechanism. Because of its advisory nature, it is fully consistent with the trend toward greater local autonomy in defining problems and mapping programs of action and yet meets a need particularly important at the starting juncture of the crime control planning effort.

37. THE CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6 at 280. The extreme situation is presented in police organization where it has been estimated that 40,000 separate law enforcement agencies exist in the U.S., 39,750 of these dispersed throughout county, city, town and other local government. PRESIDENT'S COMM'N ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: THE POLICE, (1967).

Through other federal grant-in-aid assistance, all states and major localities are presently developing general purpose planning technologists and permanent planning agencies whose skills, blended with those of criminal justice specialists, can provide a valuable, perhaps critical, resource for the crime control planning mission. These include the 44 state planning agencies and more than 200 regional planning agencies and metropolitan councils of government supported by urban planning grants from the Department of Housing and Urban Development (an investment aggregating nearly \$80 million over the past ten years).³⁸ As specialized state and local criminal justice planning agencies build strength, get their bearings, and join the permanent planning structure mandated by a society of change, they should be able to derive even greater benefit from such general planning resources and, additionally, assume major roles in the technical assistance framework needed for effective criminal justice planning. Thus, state criminal justice planning agencies might well take on a major portion of the training, consulting, and guidance roles which initially will require federal impetus.

LARGE-SCALE AID AS A CONDITION FOR EFFECTIVE RESPONSE

Another imperative, perhaps of equal significance to the planning mandate, is the fact that heroic problems require heroic solutions. An impact reaching every concerned segment of society is an important tenet of effective federal programming for institutional change. It is now beginning to shape thinking about approaches in crime and delinquency.

Experimental programs, pilot demonstrations, and selective research are, of course, essential to charting pathways of effective response. For the past five to ten years, they have been operative in the field of crime and delinquency, and it is desirable that they should occupy a continuing place in our improvement efforts. What is becoming increasingly apparent, however, is the role and need for broad-scale support stimulating the whole nation to new levels of effort. It is encouraging that federal planners are beginning to think and talk in terms of total costs of our criminal justice systems,³⁹ total costs of crime,⁴⁰

38. 40 U.S.C., § 461, as amended (1967 Supp.) cf. DEP'T OF HOUSING & URBAN DEVELOPMENT, URBAN PLANNING PROGRAM GUIDE (1966). Grant totals furnished by Metropolitan Programs Branch, Division of Planning Assistance, Department of HUD.

39. TASK FORCE REPORT: CRIME AND ITS IMPACT—AN ASSESSMENT, *supra* note 31 at 5457.

40. References to dollar costs of crime have been made in all three presidential messages—1965 (\$27 billion total estimate), 1966 ("tens of billions" annually), and 1967 (selected breakdowns based on Crime Commission figures). For detailed analyses including losses and costs by type of offense, see TASK FORCE REPORT: CRIME AND ITS IMPACT—AN ASSESSMENT, *supra* note 31 ch. 3.

allocation of funds to all political units, opportunity for all interested to implement new methods, and stimulation of levels of investment which would make a significant difference in the traditional response to problems of crime and public order.⁴¹

Thus, legislative proposals under serious consideration by the Congress (and, most probably, those which will finally emerge as law) proceed from initial aid levels several times larger than provided for the early experimental programs. They also contemplate rapid buildups which approach the massive aid now being infused by the federal government into other sectors of domestic welfare.⁴² These new funds will place strong—and salutary—demands on the state and local agencies charged with their effective utilization.

First, they will provide an appropriate stimulus, via the matching grant mechanism, for increased local outlay to match federal funds, bringing with it not only a larger pool of resources for improvement but a greater state and local commitment to careful action. Second, impetus will exist to "deliver the goods" not only for the research community or a few scattered demonstration projects, but for all agencies of criminal justice. With high hopes characteristic of new and massive governmental programs, public expectations will be great—perhaps unreasonably so. Few jurisdictions will be able to avoid accounting for progress, particularly in an area so personal to the community sense of security and safety. Third, with large grants-in-aid flowing to virtually all jurisdictions, it should be possible to pursue the research mission with greater freedom and less pressure for wide-scale distribution of funds than would be the case if only R & D monies were available, thus helping insure the primacy of quality in research programming. Also, the concurrent prosecution of research and broadly based action efforts

41. In legislative hearings on the Administration's crime control grant-in-aid legislation, S.917 and H.R. 5037, 90th Cong., Attorney General Clark took pains to explain that federal matching formulas would triple the rate of increase in resources devoted to criminal justice (from current 5% incremental rate at \$200 million annually to a \$700 million increase based on federal investment of \$300 million). *Controlling Crime through More Effective Law Enforcement, Hearings Before the Subcommittee on Criminal Laws and Procedures, Senate, 90th Cong., 1st Sess., 147 (1967)*. The planned inclusion of all political units as direct or indirect aid targets is supported by compelling needs, e.g. the disproportionate cost of law enforcement for core city budgets, (*See note 61*) and the increasingly difficult fiscal posture of many rural localities.

42. The President announced a second year request of approximately \$300 million for the law enforcement and criminal justice aid program proposed in his 1967 crime message, *Crime in America* (Feb. 6, 1967). In legislative hearings, the Attorney General indicated that within the five-year period of initial authorization of the program, aid levels might reach as much as a billion dollars. *Anti-Crime Program Hearings Before Subcommittee No. 5 of the Judiciary Committee, House, 90th Cong., 1st Sess. 60 (1967)*. Federal aid in other areas now includes over \$4 billion for public assistance and highway construction, over \$2 billion for public education, and over \$1.5 billion for economic opportunity programs. *THE BUDGET IN BRIEF—FISCAL YEAR 1968, supra* note 2 at 16.

may provide the laboratories needed as new solutions are generated and require prompt and wide testing.

How "big" federal dollars are to be expended raises important questions and difficult options. We know that personnel costs account for more than 90 percent of criminal justice expenditures, and most would agree that improvement in the quality and quantity of personnel is perhaps the major need confronting our crime control efforts.⁴³ However, there has been considerable reluctance to have the federal government underwrite salary and related costs of state and local law enforcement personnel. This is based on the concern that assistance in this form would provide an undesirable and unhealthy mechanism for control of local criminal justice systems.⁴⁴ The President's Crime Commission has suggested that large-scale grants-in-aid be confined to "operational innovations" and avoid support for, or expansion of, normal operational expenses such as basic personnel compensation, routine equipment, and replacement of facilities.⁴⁵

Against this may be counterposed the view that local governments are best equipped to define needs and priorities and thus should be free to determine whether facilities construction, equipment, research, increased manpower, or merely the bolstering of normal operations will provide the most effective deployment of grant-in-aid dollars. This position finds some support in the current grant-in-aid trend away from narrow categorical grants and toward aid programming based on locally-generated plans operating under broad categorical or block grant authorizations.⁴⁶

43. See, e.g., INTERNATIONAL CITY MANAGER'S ASSOCIATION, THE MUNICIPAL YEARBOOK 1967 at 452-78. National Crime Commission recommendations in the police area focus on "improvement of the strength and caliber of police manpower" as the basic condition for more effective law enforcement. THE CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6, Table of Recommendations at 294.

44. All versions of federal aid legislation for state and local crime control improvement contain some limitation on application of grant funds to personnel costs (e.g., limitation of salary expenditures to one-third of amount of federal grant in Administration bills with special exceptions). For a general dissent to the concept of massive federal aid to law enforcement, see Skousen, *Federal Aid to Police—Trick or Treat, Law & Order* 10 (June, 1967).

45. THE CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6 at 288.

46. Categorical programs usually denote grants for relatively narrowly-defined purposes (sewage treatment, nurse training). Block grants refer to largely uncircumscribed and unconditioned grant authorizations related to broad program purposes (comprehensive health services, general highway safety). See FISCAL BALANCE IN THE AMERICAN FEDERAL SYSTEM, *supra* note 2 at ch. 5. Although distinctions often blur, the pending bills in crime and delinquency control evidence both types of programs. The proposed Safe Streets and Crime Control Act of 1967, *supra* note 23, with aid available for comprehensive plans encompassing all aspects of criminal justice activity and all types of expenditures, falls in the block grant mold and the Juvenile Delinquency Prevention and Control Act of 1967, *supra* note 23, with grants available for special delinquency rehabilitation and prevention services, adheres to the categorical grant format. A distinction is also made between "project grants" and "formula grants," the latter being available pursuant to statutory allocation

Perhaps the best resolution of issues such as these lies in a policy that would permit flexibility and provide considerable autonomy for local planning and at the same time allow for vigorous and aggressive, but not coercive, federal endorsement and dissemination of the best approaches revealed by developing research and experience. In this role, leadership would be provided more through soundly conceived technical assistance, dissemination techniques, and training opportunities than imposition of rigid program criteria or undue limitation of purposes to which grant-in-aid allocations may be applied.

One cannot forecast with assurance the cost of rapid and effective criminal justice improvement. Increased expenditures in recent years have not sufficed to stem what appears to be a disproportionate increase in crime and delinquency in relation to population.⁴⁷ Whether hundreds of millions or even billions in federal monies will be required to achieve the "critical mass" necessary to reverse this trend is uncertain, although annual aid expenditures seem unlikely to progress much beyond the billion dollar level through the mid-1970's.⁴⁸ The leverage exercised by such monies in terms of matching requirements, maintenance of ongoing levels of effort, and forced increments in local investment will be quite important in determining appropriate federal contributions. Our ability to identify cost and performance will also be significant.

It is quite likely that the "large-scale aid" discussed here will never be large enough. Our times impose difficult demands on federal, state, and local resources and crime is only one of many unsolved major problems confronting urban America. The direction, however, seems clear in terms of commencement and continuation of a major federal financial investment in "system support" comparable to that now prevailing in other key areas of state and local government service.

formulas as a matter of right to all government units meeting eligibility requirements, and the former usually subject to competitive application and evaluation without any vested right to assistance in the requesting unit.

47. From 1960-1966, based on FBI arrest data for serious offenses, crime increased 62% in total volume and 48% in rate per population as against a 9% increase in population. FEDERAL BUREAU OF INVESTIGATION, UNIFORM CRIME REPORTS—1966 at 2 (1967). Likewise, arrests of juveniles for serious offenses increased by 52% between 1960 and 1965 against a 20% rise for adults and the 11 to 17 year old age group, representing 13.2% of the population, now accounts for half of all arrests for serious property crimes. THE CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6 at 55-56.

48. This estimate relates less to need than assessment of feasible federal investment in light of general domestic spending and budget capabilities. For administration estimates of grant-in-aid dollar needs, see notes 35-36; cf. Consultant's Paper for President's Commission on Law Enforcement and Administration of Justice, Implementation, Organization for Social and Technological Innovation ch. vi (1967) for a more conservative developmental scheme (\$10 to \$100 million for first five years) based on a pilot project format and long-term change strategy.

THE CRITICAL NATURE OF RESEARCH AND DEVELOPMENT

As important as the "new direction" advent of national planning and broad subsidy assistance may be, the continuing relevance and essentiality of research and development must also be recognized. Indeed, as the nation ponders the substantial impact on crime control and heavy federal dollar investment needed, it should think seriously about realistic research levels to support such a program.

The federal government supports nearly two-thirds of all research—basic and applied—being carried on in the United States.⁴⁹ Total expenditures for criminal justice activities exceed \$4 billion per year.⁵⁰ By any standards' past levels of research, controlled demonstration, and experimental study for crime and delinquency control have been woefully low.⁵¹ Thus, a substantial augmentation of funds for R & D relevant to improved criminal administration must be part of the new federal response. This work would touch on operations, management, personnel, organization, hardware, analysis of crime and criminals, review of legal sanctions, allocation of resources and any other fields of inquiry offering some potential for help. The point has been forcefully made by the President's Crime Commission:

The Commission has found and discussed many needs of law enforcement and the administration of criminal justice. But what it has found to be the greatest need is the need to know. America has learned the uses of exploration and discovery and knowledge in shaping and controlling its physical environment, in protecting its health, in furthering its national security and in countless other areas But this revolution of scientific discovery has largely bypassed the problems of crime and crime control There is virtually no subject connected with crime or criminal justice into which further research is unnecessary.⁵²

49. NATIONAL SCIENCE FOUNDATION, FEDERAL FUNDS FOR RESEARCH, DEVELOPMENT AND OTHER SCIENTIFIC ACTIVITIES—FISCAL YEARS 1965, 1966, and 1967 at iv (1966).

50. THE CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6 at 35, fig. 8.

51. It was recently estimated that total federal assistance of any kind—research, training, facilities, technical assistance, demonstration projects, etc.—having some relevance to local law enforcement and crime and delinquency control activities aggregated less than \$20 million annually. *Justice Department Hearings on the 1966 Supplemental Appropriation Bill*, 89th Cong., 1st Sess., pt. 3 at 184 (1965). Compare this with a leading scientist's observation on reasonable research levels for criminal justice improvement:

Physical and social sciences have been applied to crime prevention at a relatively low level of effort for perhaps three quarters of a century. . . . We spend about \$3.5 to \$5 billion a year on law enforcement and crime prevention activities. Corresponding to almost any industrial effort, 3 per cent of this (\$100 to \$150 million) to improve the effectiveness of the effort would be so reasonable as not to require great justification." D. HORNIG, PROCEEDINGS, NATIONAL SYMPOSIUM ON SCIENCE AND CRIMINAL JUSTICE 2, 7 (1967).

52. THE CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6 at 273.

As with other needs, federal input over and above the bare provision of dollars will be required. A concerted effort must be mounted to 1.) strengthen research capabilities (training, facilities support, attraction of research talent from other fields), 2.) involve a broader range of resources than in the past (universities, corporations, special purpose laboratories and research groups, national and regional centers, and intramural expertise) and 3.) develop interest and expertise on the local level (including new collaboration between the research and the law enforcement communities).

Techniques and precedents in research support programs of other federal agencies offer a fund of experience. They await only intelligent application and adaptation to the goals and resources of crime control programming.⁵³ The NIMH, OJDYD, and LEAA grant programs have provided other lessons, some of which are reflected in the discussion below of selected R & D issues.

The Demonstration

The rationale underlying the demonstration project or operational experiment is a sound one. It contemplates the testing and evaluation of a new technique or program to ascertain feasibility, effectiveness, and the value of permanent adoption, if successful, by the experimenting agency and others. This is a central tool in federal grant methodology and involves economy for both the federal government and the cooperating jurisdiction. It enables the former to field test a promising idea before undertaking a large program commitment and the latter to secure supplemental money resources for an experiment that has not as yet proved its superiority over current operating methods.

A serious problem, however, has been the inability of projects initially conceived as demonstration efforts to maintain this posture and produce a convincing showing one way or the other. This has been due to a number of constraints including a lack of money and time, changes in personnel or operating conditions (impairing the integrity of the experiment), and an evaluation without sufficient controls or rigor to successfully measure results. Such difficulties have, indeed, been so persistent as to cause some experts and federal legislators to raise basic questions about the ability of the "demonstration" to ever achieve its intended (and sometimes conflicting) goals.⁵⁴ Unfortunately, grants in crime and delinquency have not escaped this dilemma and little can be

53. See BUREAU OF THE BUDGET, REPORT TO THE PRESIDENT ON GOVERNMENT CONTRACTING FOR RESEARCH AND DEVELOPMENT, S. Doc. 94, 88th Cong., 2d Sess. (1964); BUREAU OF THE BUDGET, ADMINISTRATION OF GOVERNMENT SUPPORTED RESEARCH AT UNIVERSITIES (1966).

54. See Rein & Miller, *Social Action on the Installment Plan*, TRANS-ACTION (Jan.-Feb. 1966).

pointed to in past demonstration research which establishes the validity of specific criminal justice concepts or methods with any degree of certainty.

It would be most unfortunate if the "new directions" movement in crime control aid were to abandon the demonstration as a research tool. It has an important role to play, but modifications are in order. Unfortunately, too many demonstrations in the past have been structured as independently designed, discrete experiments. In such cases, the significance of encouraging (or discouraging) results has been difficult to discern, at least until a number of successive efforts conducted over a period of years have been completed. An alternative technique, receiving recognition in a few programs, is to conduct multiple efforts at the same time, or, to promptly repeat in several locations a promising initial experiment, in each case under a commonly administered reporting and evaluation program. This offers a better picture of what a given demonstration can produce within a compressed period of time and tends to cancel out accidents of time, place, and people often operative in any single effort.

The replication device offers much promise and should appear more frequently in future demonstration efforts. It also permits greater participation in this type of experimentation by agencies, communities, and institutions not likely to conceive or initiate sophisticated demonstration projects, but quite eager to participate in a comprehensive test effort. This emphasis should yield a smaller number of carefully structured, well financed and commonly measured group experiments as opposed to the larger number of individually designed, separately evaluated projects characterizing past funding practices in the demonstration field. Some excellent models already exist, e.g., the "selected demonstration" and "collaborative research" projects of the Vocational Rehabilitation Administration in which clusters of grantees are invited to participate in carefully designed, commonly evaluated collective demonstrations.⁵⁵ Such techniques place a premium on skillful and imaginative federal grant administration in perceiving critical areas of need, blocking out broad strategies and conditions of experimentation, and stimulating the collaboration necessary to make such programs work.

The Trend Toward Directed Research

Historically, a great deal of research in the social sciences has followed the tradition of highly individualized research grants pioneered in the biomedical area by the National Institutes of Health (NIH).⁵⁶

55. Vocational Rehabilitation Adm'n, Research and Demonstration Projects—An Annotated Listing—1967 *supra* note 17, intro. at v.

56. NATIONAL INSTITUTE OF HEALTH, A GUIDE TO PUBLIC HEALTH SERVICE GRANTS AND

This has largely been the case with the OJDYD, NIMH, and LEAA programs previously discussed.

Projects under such grants tend to be the ideas of individual investigators or agencies 1.) selected on the basis of competition among like submissions, 2.) involving minimal negotiation or restructuring of design or concept, and 3.) calling for the expenditure of relatively small sums. This, for example, has been the general pattern for demonstration and study projects funded under the Law Enforcement Assistance Act. It made considerable sense, in a field where the range of worthwhile efforts was large and at a time when specific priorities and needs were being defined by a Presidential Crime Commission study, to take a less directive approach and grant support to the best of those projects generated by and within the capabilities of the potential grantees. It became evident as LEAA and NIH progressed that contemporary needs dictate at least partial transition to programs of directed research and development⁵⁷ akin to research contracting as conducted by the various Department of Defense procurement agencies (Office of Naval Research, Army Procurement Agency, etc.). Such programs, normally funded by contract rather than grant, require initiation by the federal agency, relatively complex processes of grantee selection and negotiation, and well defined research requirements adaptable to the execution of large R & D programs.

There is a pressing need in crime and delinquency research for this type of directed research along with the traditional unsolicited grant. Research problems in law enforcement and criminal justice improvement are awesome. They will be expensive to execute, and a rational program dictates that they be formulated on the basis of carefully developed priorities, integrated requirements, and active solicitation of those best qualified to handle the work. Following general trends in federal R & D support, this technique should have a large role to play as increased funds are committed to crime and delinquency research.

Science and Technology in Crime and Delinquency Control

From the inception of an intensified focus on crime control, both the President and Congress saw in the nation's remarkable space age

AWARDS, DIVISION OF RESEARCH GRANTS 1-4 (Rev. 1966); PUBLIC HEALTH SERVICE, ANNUAL REPORT OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE—1965 at 207-229 (1966); Research for Health—A Report from the National Institutes of Health, Public Health Service, pub. no. 1205, 1965.

57. U.S. DEP'T OF HEALTH, EDUCATION AND WELFARE, REPORT OF THE SECRETARY'S ADVISORY COMMITTEE ON THE MANAGEMENT OF NIH RESEARCH CONTRACTS AND GRANTS ch. 2 (1966). For a recent general critique on administration of NIH research grants, see *The Administration of Research Grants in the Public Health Service—Ninth Report by the Committee on Government Operations*, H. Rep. No. 800, 90th Cong., 1st Sess. (1967).

and systems technology a new source of untapped and substantial help. As one Senator declared:

The crime problem demands the same type of research techniques and priorities which we have assigned to our defense effort, the space programs, and the battle against disease and illness . . . [it] lends itself to solution by modern research techniques, systems analysis, and electronic computers.⁵⁸

Recognizing the potential of this concept, the President's Crime Commission departed from traditional analytical and jurisdictional lines to establish, in addition to its four major study groups on Assessment of Crime, Police, Courts and Corrections, an additional task force on Science and Technology. The work product of this group was sufficiently impressive to merit a niche in the Commission's eight-point program of recommended federal support for a major program of "scientific and technological research and development."⁵⁹ This scientific and technological thrust was to be exhibited by systems analysis, field experimentation, equipment and facilities development, definition of equipment and system standards, consulting and technical services, industry stimulation, and well-financed research centers. Primary initial "payoff" was projected for the information and communications sciences and operations research and systems analysis which probed beyond hardware needs to organizational and operational problems confronting law enforcement and criminal justice agencies. Greatest immediate impact was expected in the police field which shoulders the heaviest dollar and manpower burdens in crime control.

The LEAA Program, in its two years of operation, has also responded to the science and technology focus, allocating more than 25 percent of its project funds to scientific, technical, and operations research projects.⁶⁰ The future now promises intensification of this line of research.⁶¹ In general terms, the addition of technological and systems research to a field defined largely in terms of traditional criminological,

58. Roman L. Hruska, Remarks to the Congress on the Law Enforcement Assistance Act of 1965, 111 CONG. REC. 22258. For an articulate "science and technology" advocate in the House of Representatives, see James H. Scheuer, Remarks to the Congress on the Law Enforcement Assistance Act of 1965, 111 CONG. REC.—House 18259.

59. THE CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6 at 285-287; cf. Institute of Defense Analyses for President's Comm'n on Law Enforcement and Administration of Justice, Task Force Report: Science and Technology, (1967).

60. Science and technology projects tend to require the largest LEAA grants. More than 20 projects, involving awards of over \$3 million in funds had been supported through the first two years of LEAA grant activity. Second Annual Report to the President and the Congress on Activities under the Law Enforcement Assistance Act of 1965, *supra* note 15.

61. See D. SKOLER, FEDERAL ASSISTANCE IN DEVELOPING THE TECHNOLOGY OF CRIMINAL JUSTICE, LAW ENFORCEMENT SCIENCE AND TECHNOLOGY 47-56 (1967).

behavioral, sociological and legal analyses promises to add significant insights that can be brought to bear on problem solving in crime control.

Information Transfer and Development of System Data as Essential Support Roles

The initiation of large and complex criminal justice improvement programs of national scope, featuring new techniques and drawing on a wellspring of continuing system study and research, creates another need which dictates strong federal initiative.

As in other "big program" areas, such efforts must be fed by effective information services to 1.) make known new technology and ideas, pinpoint research needs, and avoid unnecessary or repetitive effort in solving problems already addressed by others, 2.) permit assessment of crime control effectiveness and comparison of progress and results, both on national and local levels, and 3.) help provide an understanding of crime and criminal justice systems on which to plan and build new programs. Such information services must be as modern and advanced as the aid programs they support. Experience in other areas has established that they must be large, carefully planned, and relatively expensive efforts drawing on the best techniques of automated data storage and retrieval, modern library technology, statistical reporting, and information collection, classification and dissemination.

The Technology Utilization Program of the National Aeronautics and Space Administration, designed for non-aerospace users only, has been budgeted at approximately \$4.7 million yearly. This system involves a sizable federal staff, major contract services by private organizations, and a network of regional, university-based dissemination centers. It seeks to bring to the non-aerospace world the benefit of technology developed in the course of NASA's extensive and expensive R & D programs.⁶² The new Office of Education research information system—ERIC—is designed to collect and disseminate data on educational research primarily through the services of one large contractor and a network of clearinghouses (now 14 in number) dealing with specialized subject matters (educational administration, rural education, science education, exceptional children, etc.). It is currently budgeted at an annual rate of \$2.5 million. ERIC's services are complemented by a large educational statistics program, the National Center for Educational Statistics, which operates with a \$3 million annual budget. The Center has extensive ADP capabilities and engages in a variety of activi-

62. For an excellent review of activities, organization, and accomplishments of the NASA program, see NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, PROGRAM REVIEW DOCUMENT—TECHNOLOGY UTILIZATION (June, 1965).

ties (development of surveys, statistical collection, program information, information analysis, reporting and dissemination) to aid the educational world in such vital tasks as resource allocation, development of programs and facilities, performance evaluation, research programming, and manpower planning and selection.⁶³

Well over 250 scientific and technical information facilities are maintained by the federal government and more than \$270 million is invested annually in the information transfer function.⁶⁴ Each new aid program adds other efforts to the total and, in most cases, the designs exhibit growing care, sophistication, and ability to meet expanding user needs. Services of this nature must be developed for the law enforcement and criminal justice community if the new federal assistance partnership in this area is to achieve maximum impact.

Activities for a crime-focused information service program involve a number of options. These would include bibliographic and reference services, publication and distribution services, symposia and technical meetings, and development of new documentation, communication, and dissemination techniques. Computer storage and retrieval and other ADP aids will be important to keep the federal response abreast of the national demand. If, in addition to these services, the federal government seeks to organize a comprehensive national statistical and data collection system, including information on criminal justice agencies, their resources, and personnel, and crime and the system's response to it,⁶⁵ an effort of even greater magnitude and value will result. This would build upon important statistical services now being provided in the criminal justice area by the Federal Bureau of Investigation (Uniform Crime Statistics), the Bureau of Prisons (National Prisoner Statistics), and the Children's Bureau (National Juvenile Court Statistics)⁶⁶

63. NAT'L REFERRAL CENTER FOR SCIENCE & TECHNOLOGY, DIRECTORY OF INFORMATION RESOURCES IN THE UNITED STATES FEDERAL GOVERNMENT 61-63 (1967); DEP'T OF HEALTH, EDUCATION AND WELFARE, ERIC (1966); cf. J. Crumlish, A Preliminary Survey of Information System Requirements for the Department of Justice, National Bureau of Standards (monograph 1967).

64. 2 PROCEEDINGS OF THE INTERNATIONAL FEDERATION FOR DOCUMENTATION CONGRESS 216-218 (1965); NATIONAL SCIENCE FOUNDATION, FEDERAL FUNDS FOR RESEARCH DEVELOPMENT AND OTHER SCIENTIFIC ACTIVITIES—FISCAL YEARS 1965, 1966, 1967, doc. 66-25, pp. 44-50 (1966) (estimated 1967 federal scientific and technical information program obligations of \$273 million). Typical of new program ventures in this area are the proposed Documentation Center (information library and clearing house) and Data Center (statistical collection and analysis facility) now being developed under the Highway Safety Act of 1965. Cf. NATIONAL SCIENCE FOUNDATION, CURRENT RESEARCH AND DEVELOPMENT IN SCIENTIFIC DOCUMENTATION No. 14, doc. 66-17, chs. 1 & 6 (1966).

65. CHALLENGE OF CRIME IN A FREE SOCIETY, *supra* note 6 at 269; TASK FORCE REPORT: CRIME AND ITS IMPACT—AN ASSESSMENT, *supra* note 33 at 123-137.

66. The most recent issuances of these compilations include UNIFORM CRIME STATISTICS—1966, *supra* note 37; BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PRISONERS IN STATE AND FEDERAL INSTITUTIONS FOR ADULT FELONS—1965 (1966); NATIONAL PRISONER STATISTICS

and require strong commitments in state-local cooperation to achieve the type of maximum information capability envisioned.

Law Enforcement and criminal justice systems should also be able to benefit from the constantly improving technical information systems of other federal programs in drawing upon relevant technology for application to crime control problems, upon general information and clearinghouse services (e.g., Science Information Exchange of the Smithsonian Institution, Clearinghouse for Federal Scientific and Technical Information of the National Bureau of Standards) and on federally-maintained demographic and economic data for planning and resource allocation in criminal justice.

Problems of Intergovernmental Coordination and Responsibility

A final need in the transition to large-scale criminal justice aid will be the mapping of appropriate intergovernmental responsibilities for the resulting new programs. The issues inhere basically in 1.) how much federal direction or standards may be built into federally-assisted crime control programs, 2.) to what extent shall state governments serve as the basic decision authority on local programs, and 3.) must our large cities and metropolitan areas have direct access to federal aid agencies to assure an appropriate response to the public safety crisis confronting them.

Crime and delinquency are, first and foremost, urban problems. More effective law enforcement, a satisfactory climate of public safety—these are of paramount concern to the nation's large cities and metropolitan areas.⁶⁷ By any meaningful standard—population, incidence of crime, cost of law enforcement services—they and their citizens must be the ultimate beneficiaries of the bulk of federal assistance monies. Yet, to recognize this fact is merely to affirm that ours is an urban society. The reality offers no self-evident answers on how to order relationships and organize action in the context of our federal system to best respond to the needs of such a society.

The simple assumption that the federal government should follow the "action" and deal directly with the cities (now being tested in sev-

BULLETIN no. 40, (1966); U.S. CHILDREN'S BUREAU, DEP'T OF HEALTH, EDUCATION & WELFARE, JUVENILE COURT STATISTICS—1965, statistical series no. 73 (1966).

67. Nearly two-thirds of the entire population of the U.S. live in metropolitan areas. For the past 20 years (1940-1960), such areas have accounted for over 80% of all population growth (1960 census figures). To illustrate the more intensive cost of service and need for service problems of large city and metro area inhabitants, police department expenditures for large cities (over 500,000 population) are more than twice those for smaller cities (under 25,000 population)—\$22.04 versus \$10.69 per capita, (THE MUNICIPAL YEARBOOK—1967, *supra* note 43 at 450) and large city crime rates as measured by arrests (over 250,000 population) exceed rates in rural areas by more than 3 times—112 versus 31 per 100,000 inhabitants, UNIFORM CRIME REPORTS—1966, *supra* note 47 at 110.

eral recent programs, most notably the War on Poverty) has revealed difficulties. Urban problems do not always coincide with local jurisdictional boundaries; core cities do not always speak for the total urban population; viable metropolitan government does not always exist to execute urban-centered programs; needed services may require a broader base of organization than the city or the SMSA; legal authorization for establishment and financing of new programs may be beyond the power or capacity of municipal government. The proliferation of local law enforcement jurisdictions (the Crime Commission has estimated more than 40,000 separate police agencies now operative, most distributed among city, township, borough and village government) has created particularly difficult dilemmas for crime control in metropolitan areas.⁶⁸

Concerns such as these, coupled with the need for some coordinating authority or administrative "middle man" between the federal government and the nation's thousands of local government units, have created a burning issue concerning the role and responsibility of states in the conduct of programs supported by federal assistance funds. Crime control, as the newest entry into the field, has not escaped current controversy—controversy couched in such antonyms as formula grants versus project grants, categorical grants versus block grants, and federal-local distribution versus federal-state-local channeling of grant dollars.

The unfolding complexity of such problems has, quite appropriately, generated new interest in the states as conduits for implementation of national policy and programs directed toward citizen and social well-being. Current Administration policy has been to accord state governors and their administrations a more important role than ever in the formulation and implementation of federal aid programs.⁶⁹ Even those programs most directly relating to urban concerns have been and are being adjusted to provide more room for state coordination and influence.⁷⁰

68. For a study of the reorganization problems and available mechanisms to build viable governmental structures for metropolitan communities, see ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, ALTERNATIVE APPROACHES TO GOVERNMENTAL REORGANIZATION IN METROPOLITAN AREAS (1962); ADVISORY COMM'N ON INTERGOVERNMENTAL RELATIONS, METROPOLITAN COUNCILS OF GOVERNMENT 69 (1966).

69. "A sound Federal-State relationship—a new Federalism—that will meet the complexities of our time must . . . delegate increasingly to the States authority and responsibility for local treatment of local problems." Lyndon B. Johnson, Remarks to Conference of Governors on Federal-State Relations, March 18, 1967. See Bureau of the Budget, Consultation with Heads of State and Local Governments in Development of Federal Rules, Regulations, Standards, and Guidelines Applicable to Federal Assistance Programs, Circular A-85, (June 28, 1967).

70. Under the demonstration cities program, even without a statutorily mandated state role, HUD has been advising governors of model city efforts and working with state

Any large federal aid programs in crime and delinquency control promise to accord state government a major implementation role, whether or not authorizing legislation responds to the highly local nature of the law enforcement function by permitting direct grant-in-aid support to county and municipal government. This is true despite hesitations which exist today concerning state competency to effectively administer large-scale federal aid targeted at primarily municipal users and to effectively respond to urban law enforcement needs. Such concerns are rooted, justifiably so, in past limitations of state experience (little major responsibility for law enforcement, notably at the police level)⁷¹ and capacity (inadequate machinery to deal with burgeoning urban problems).⁷² Both of these are understood and being addressed by intensive federal and state efforts.⁷³ Concerns should dissipate as more states demonstrate capability for leadership and competent coordination, as indeed they are beginning to do.

Those serving federal government recognize only too readily its limitations—infirmities of personnel, distance and communication in properly detailing public policy for the wide range of conditions, circumstances, and needs peculiar to the nation's communities. They, as much as any group, have worked to give meaning to the ongoing move-

coordinators, and under the youth and community action programs of the OEO, state governors retain a qualified veto over grants within their states 42 U.S.C. § 2789(c) (1967 Supp.). In 1964, the Advisory Commission on Intergovernmental Relations recommended that all grants-in-aid to local governments for urban development be channelled through the States where the latter were able to provide appropriate administrative machinery and make significant financial contributions. *Advisory Commission on Intergovernmental Relations, Impact of Federal Urban Development Programs on Local Government Organization and Planning, Committee Print for Senate Committee on Government Operation, 8th Cong., 2d Sess., pp. 30-33.*

71. More than 85% of non-federal police expenditures are local rather than State outlays (\$2.1 of \$2.4 billion in 1965) and more than 85% of non-federal police personnel are municipal and county officers rather than State personnel. PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: THE POLICE (1967). As the Attorney General remarked in a recent address to police professionals, "To cause federal funds to be granted in blocks to states will undercut any change for national strategy. . . . Delay, confusion and waste will result since most state governments have neither the experience nor the administrative machinery to deal meaningfully with plans for local police departments." Remarks to International Association of Chiefs of Police, Kansas City, Mo. (Sept. 11, 1967).

72. FISCAL BALANCE IN THE AMERICAN FEDERAL SYSTEM, *supra* note 2, ch. 5.

73. *Advisory Commission on Intergovernmental Relations for House Committee on Government Operations, Metropolitan America: Challenge to Federalism, 90th Cong., 2d Sess., ch. vi; Impact of Federal Urban Development Programs on Local Government Organization and Planning, 88th Cong., 2d Sess., chs. iii & iv; H. Seidman, Coordinating Federal Grant Programs, Remarks to National Legislative Conference, Portland, Maine, August 18, 1966 in 112 CONG. REC. (daily ed. Sept. 1, 1966). HUD planning assistance officials have informally estimated that of the 40 states which had received urban planning grants up to August of 1967, about two-thirds were able to make some positive contribution to the local planning process, wide differences in competency could be discerned, and at least 10 states developed a capacity to do uniformly good work in the preceding decade.*

ment toward decentralization and locality in aid program decision-making.

Within this context (decentralization of federal agency operations and localization of program development initiative), law enforcement and criminal justice assistance should find its accommodations, halted only by temporary stresses of differing state-urban perspectives and occasional wrong steps that must be expected in confronting new program challenges. Were any prognosis to be offered for the next decade in terms of the issues delineated at the beginning of this section, the writer would suggest 1.) diminishing federal direction over program development and execution, 2.) growing state supervisory authority in this area, and 3.) increasing local access to federal aid through state government—this notwithstanding the march toward urbanization and state-spanning population complexes now impelling American society.⁷⁴

CONCLUSION

While the nation's problems of crime, delinquency, and public safety may be unique in relation to other concerns confronting organized society, its problems in achieving effective and prudent use of federal support are not. Parallels, lessons, techniques, and failures derived from other federal experience are available to provide some guidance and chart some paths. This article has attempted to draw attention to some of that experience and to project applications to the new federal aid context—applications which contemplate the institutionalization of planning, investment in subsidy support, heavy dependence on research and development, a unique federal responsibility for information transfer, and an intergovernmental accommodation conforming to traditional precepts of American federalism.⁷⁵ Thus far, the federal aid in-

74. This view rests primarily on 1.) the governmental authority now vested in states under our federal system and what appears to be a growing ability and tendency to assert such authority and 2.) the need for some intermediate governmental channel to secure coordination of the vast complex of federal aid now moving into local communities beyond that offered by federal regional offices or largely non-existent and non-authoritative metropolitan government structures (councils of government, etc.). It does not represent a judgment that channelling of all aid through state government in the field of crime and delinquency control is the most desirable alternative. It is the writer's view that direct federal-local grant administration would be desirable and, at this time of law enforcement crisis, is advisable for at least larger cities and metropolitan areas (e.g., units of 250,000 or more population). However, the combination of growing planning, fund administration, and resource allocation competence on the part of state government (based on extensive upgrading under way in many state capitals) and new sensitivity and response to urban needs (based partly on the "one man-one vote" broadening of state legislative perspectives also in progress) should in future years make states increasingly effective conduits for federal urban aid programming.

75. These projections are not meant to be exhaustive of "new directions" in federal aid programming, but rather to represent those developments and approaches which appear most significant in the area of crime and delinquency control and aid to criminal

vestment in state and local crime control improvement has been experimental and preliminary. This is about to change. The road ahead will be difficult—hopefully it will be negotiated well and with results that demonstrate the value of federal aid in yet another area of public need.

justice institutions. Important grant-in-aid trends not emphasized in this context have been the drastic expansion of eligible aid recipients (reflecting a general increase in direct federal-local programs), new approaches in achieving effective packaging of multiple programs (the Partnership in Health and Model Cities programs, *supra* note 25) and the extraordinary increase in project (as opposed to formula) grants in recent years. See generally, FISCAL BALANCE IN THE AMERICAN FEDERAL SYSTEM, *supra* note 2 at ch. 5. A special problem not fully explored in this article is the need for effective coordination at the federal level of the programs and efforts of all departments and agencies having some relationship or impact on local criminal administration. The past record in this area, primarily one of inactivity but including a cabinet-level coordinating committee in the delinquency and youth crime area, has not been impressive. By executive order issued concurrent with the President's 1968 Crime Message, a new coordination mandate was defined and placed in the hands of the Attorney General. Executive Order—The White House, *Providing for the Coordination by the Attorney General of Federal Law Enforcement and Crime Prevention Programs*.

SPECIAL NOTE: On February 7, 1968, and as this issue went to press, President Johnson transmitted to the Congress his fourth annual message on crime, *To Insure the Public Safety*. The message renewed earlier requests for approval of major federal assistance legislation in support of state and local crime control and delinquency prevention efforts (article footnote 23). Its 22-point program also advanced other proposals relevant to federal aid programming, including a special training and education program for law enforcement officials, provision for coordination of the total federal anticrime effort under the Attorney General, enactment of an alcoholism rehabilitation program with a strong state and local aid component, mandatory incorporation of crime prevention and control programs in Model Cities planning and development efforts, establishment of a federal correctional service within the Department of Justice with funds for substantial service activities to state and local agencies, creation of a National Institute of Law Enforcement and Criminal Justice to develop the federal R & D program in crime control and identification of selected research programs as priority efforts.

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