

LEAA REGION ~~WEST~~

ADJUDICATORY FUNDING TRENDS

(FISCAL YEARS '72, '73 and '74)



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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	METHODOLOGY FOR THE COLLECTION AND ANALYSIS OF DATA	2
III.	RESULTS.	5
	Colorado	5
	Montana	9
	North Dakota	13
	South Dakota	17
	Utah	21
	Wyoming.	25
	Summary Table.	29
IV.	SUMMARY AND RECOMMENDATIONS.	30

I. INTRODUCTION

In a February 1975 LEAA funded report, Special Study Team on LEAA Support of State Courts, by Dean John Irving, Judge Henry Pennington, and Dr. Peter Haynes, it was found that the state courts have not received as much financial support as LEAA has claimed they have. Such discrepancies were felt to be the result, in large part, of LEAA defining the "courts" area to also include those grants allocated to prosecution, defense and other programs which did not directly benefit the courts. As a result, the study team contended that the actual financial support given to the courts in some cases were obviously inequitable and insufficient and recommended that court funding levels should be increased and guidelines developed to identify those levels more precisely.

In view of this report, a study was undertaken in the Denver Regional Office to examine the trends in court funding for the fiscal years 1972-1974 in all of the States of Region VIII. The purposes of this study were to determine: (1) what percent of LEAA Part "C" monies subgranted for the fiscal years 1972-1974 were allocated to the adjudicatory components of courts, prosecution and defense; (2) the percentage of funds subgranted to the separate areas of courts prosecution, defense; (3) the percentage of funds allocated to the areas of training, equipment, manpower, and research; (4) the percentage of funds expended as compared to the total amount of funds subgranted to these program areas for Fiscal Year 1972.

For purposes of this study, it was decided that the area of courts, prosecution, and defense would be narrowly defined to include only those project funds which were subgranted to a particular area or agency for the direct benefit of one area as opposed to another, e.g., courts as opposed to prosecution or defense. Hopefully by doing this, it would allow for a clearer analysis of the LEAA financial support being given to the individual adjudicatory areas and a more precise determination of whether this support is equitable and sufficient.

II. METHODOLOGY FOR THE COLLECTION AND ANALYSIS OF DATA

Collection of Data

To obtain the information necessary for this report, an LEAA Grants Management Information System (GMIS) printout was requested from the Office of the Comptroller. This request was for the following information:

1. "The total amount of action money spent in the area of courts, prosecution and defense for each individual state and year from 1972 through 1974, with the inclusion of grant numbers, recipient's name, short project descriptions (if available) and project titles."
2. "The above should also reflect action money spent in the area of courts, prosecution and defense for programs whose titles do not specifically refer to one of these areas. For example, such programs as automated systems, etc., which do not specifically refer to the courts, prosecution or defense but do contain subgrants allocating action money in these areas."

Also, a request was made to the Grants Management Division of the LEAA Denver Regional Office for the 1972 Department of Justice LEAA Quarterly Progress Reports by Program, for the states of Region VIII. These reports were deemed necessary to facilitate a comparison of the amount of action money allocated versus the actual expenditure.

Assignment of Data

The amounts of action money subgranted to the individual projects were assigned to the categories of courts, prosecution, defense and other. These assignments were determined by reviewing the project descriptions on the LEAA GMIS printout. Categories were defined as follows:

Courts - Those project funds which were subgranted to the courts or other agencies primarily for the direct benefit of the court as opposed to prosecution or defense.

Prosecution - Those project funds which were subgranted to the Attorney General or other agencies primarily for the direct benefit of the prosecution as opposed to the courts or defense.

Defense - Those project funds which were subgranted to the public defender or other agencies primarily for the direct benefit of the defense as opposed to the courts or prosecution.

Other - Those project funds where it could not be determined from the project descriptions to which category the funds should be assigned and those funds which benefited more than one area (example: courts and prosecution).

Within Category Breakdown - The project funds assigned to the individual categories of courts, prosecution, defense and other, were further broken down into areas where the funds were used. The areas of use were training, facilities and equipment, manpower, research, and are defined as follows:

Training - Funds used for the purpose of education; e.g., seminars, workshops, conventions, academic courses, memberships in educational organizations, etc.

Facilities and Equipment - Funds used for the purpose of physical type acquisitions, e.g., facility renovation or remodeling, books, recordkeeping equipment, computer systems, etc.

Manpower - Funds used for the purpose of additional personnel or the continued funding of present personnel, e.g., special investigators, secretarial support, public defender, law interns, etc. This category also includes those project funds that could not be specifically assigned to one of the areas of fund use but where it was evident that the majority of funds would be used for personnel salaries.

Research - Those project funds used for the purpose of investigation, e.g., law revision, management studies, dispositional studies, etc.

Analysis of Data - The data have been analyzed on a state-by-state basis, in Part III, and are presented in the following manner:

1. Percentage of Courts Funding - Computation of the percent of total block grant funds (Part C) subgranted to the categories of courts, for the fiscal years 1972, 1973, and 1974.
2. Percentage of Courts, Prosecution and Defense Funding - Computation of the percent of total block grant funds (Part C) subgranted to the categories of courts, prosecution, defense and other, for the fiscal years 1972, 1973, and 1974.

3. Use of Funds - How most of the funds were utilized in the areas of training, equipment, manpower, and research for the fiscal years 1972, 1973, and 1974.
4. Allocation v. Actual Expenditures - Computation of the percent of fund expenditures in the program areas of courts, prosecution and defense as compared to the total amount of funds allocated to these program areas for fiscal year 1972 only.

NOTE

Though the information received from the GMIS data base is the most current information available, this data is still subject to the constant process of updating performed by the LEAA Grants Management Information System.

Also, note that all of the percentages presented in this report have been rounded to the nearest percent.

III. RESULTS

A. Colorado

FINDINGS:

1. Percentage of Courts Funding

For fiscal years 1972, 1973, and 1974, a total of \$729,227 LEAA Part "C" money was subgranted to court projects in the State of Colorado. This figure represents 5% of the total state block grants (Part C) for the three-year period. No definite funding trend is evident since funding in the area of courts varied from year to year with 1973 having the highest percentage (9%) of Part "C" money allotted to the courts and 1974 the lowest (.2%).

2. Percentage of Courts, Prosecution and Defense Funding

For fiscal years 1972, 1973, and 1974, a total of \$1,530,522 or 10% of all LEAA Part "C" money was subgranted to the adjudicatory components of courts, prosecution and defense. Further analysis revealed that of this 10% subgranted to the components, 5% and 4% of the funds were allocated to the courts and prosecution, .6% was allotted to defense, with the remaining percentage (.4%) falling in the other category.

3. Use of Funds

The majority of LEAA Part "C" funds which were subgranted to the individual adjudicatory components for the three-year period were utilized in the following manner:

- a. Courts - In the area of courts, a majority of the funds subgranted for 1972 (67%) and 1973 (87%) were appropriated for equipment. These funds were predominantly used to facilitate a data exchange system.

In 1974, all of the court funds were allotted to training. These funds were for the purpose of sending judges and a court administrator to conferences and seminars sponsored by various judicial colleges and organizations.

- b. Prosecution - In the area of prosecution, a majority of the funds subgranted in 1972 (61%) and 1973 (59%) were appropriated for manpower. These funds were predominantly used for the manning of an organized crime unit in the Department of Law and providing additional investigators and interns for the District Attorney's Offices.

In 1974 all of the funds allocated to prosecution were for training purposes. The funding enabled the Colorado District Attorney's Association to provide services throughout the State.

- c. Defense - In the area of defense, a majority of funding was appropriated to manpower (86%) in 1972 and to training (64%) in 1973. The manpower funds were mainly used to man a volunteer court program and to hire law student interns, while the training funds were used to train newly hired public defenders.

In 1974, there were no funds allocated in the area of defense.

4. Allocation v. Actual Expenditures (1972)

For fiscal year 1972, there were four main program areas in the Colorado Comprehensive Plan which pertained to the areas of courts, prosecution and defense. They were: "Judicial Management and Procedures", "Improvement of Prosecution and Defender Activities", "Education and Training for the Judiciary, Prosecutors, Offenders", and "Law Reform for Increased System Efficiency". By reviewing the April 22, 1975, U. S. Department of Justice LEAA Quarterly Performance Report by Program, it was found that 99% of the LEAA Part "C" funds proposed for the adjudicatory areas were actually expended in these areas.

COLORADO

YEAR	TOTAL BLOCK GRANT (PART C)	COURT		PROSECUTION		DEFENSE		OTHER		COMBINED PROSECUTION, COURT, DEFENSE & OTHER	
		AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C
1972	\$4,432,000	\$256,892	6%	\$168,606	4%	\$40,206	.9%	\$58,000	1%	\$523,704	12%
1973	\$5,143,000	\$457,335	9%	\$365,875	7%	\$62,734	1%	\$7,970	.1%	\$893,914	17%
1974	\$5,143,000	\$15,000	.2%	\$97,904	2%	0	0	0	0	\$112,904	2%
TOTAL	\$14,718,000	\$729,227	5%	\$632,385	4%	\$102,940	.6%	\$65,970	.4%	\$1,530,522	10%

COLORADO

CATEGORICAL BREAKDOWN OF PROJECT EXPENDITURES	1972				1973				1974			
	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER
TRAINING	14%	39%	9%	64%	4%	25%	64%	0%	100%	100%	--	--
FACILITIES AND EQUIPMENT	67%	0%	5%	0%	87%	16%	0%	0%	0%	0%	--	--
MANPOWER	18%	61%	86%	36%	6%	59%	36%	100%	0%	0%	--	--
RESEARCH	1%	0%	0%	0%	3%	0%	0%	0%	0%	0%	--	--
	\$256,892	\$168,606	\$40,206	\$58,000	\$457,335	\$365,875	\$62,734	\$7,970	\$15,000	\$97,904	0	0

B. Montana

1. Percentage of Court Funding

A total of \$18,420 LEAA Part "C" money was subgranted to court projects in the State of Montana for the fiscal years 1972, 1973, and 1974. This figure represents .3% of the total state block grants (Part C) for the three-year period. Funding in the courts area has continually decreased over the three-year period with 1% of Part "C" money being allocated in 1972, .03% in 1973, and no funds being allocated to the courts in 1974.

2. Percentage of Courts, Prosecution and Defense Funding

For fiscal years 1972, 1973 and 1974, there was a total of \$97,382 or 2% of all LEAA Part "C" money subgranted to the adjudicatory components of courts, prosecution and defense. Of this 2%, .3% was allocated to courts, 1% to prosecution, and .01% to defense. The remaining .2% fell in the other category.

3. Use of Funds

The LEAA Part "C" funds which were subgranted to the individual adjudicatory components were utilized in the following manner:

- a. Courts - In the area of courts, a majority of the funds subgranted for fiscal years 1972 (53%) were appropriated for general court equipment, while 35% of the funds were requested for judicial education and training. All of the funds subgranted to the courts in 1973 were allotted to training and no funds were subgranted to courts in 1974.
- b. Prosecution - The majority (76%) of the funds subgranted in the area of prosecution for 1972 were appropriated to manpower to provide internships in the County Attorney's Office. In 1973, the funds subgranted were generally allotted to two categories, manpower (41%) and training (41%). The manpower funds were requested for a law school intern program and training funds for seminars in trial tactics, FBI lab operations, pre-trial strategies, etc. All of the funds subgranted to the area of prosecution in 1974 were appropriated for manpower or the law student intern program.
- c. Defense - All of the funds subgranted in the area of defense for fiscal years 1972 and 1973 were allotted to training. These training funds were to be utilized for short courses in defense and a criminal law seminar.

There were no funds subgranted in the area of defense for fiscal year 1974.

4. Allocation v. Actual Expenditures (1972)

For the fiscal year 1972, there were two main program areas which were associated with the areas of courts, prosecution, and defense. They are "Education and Training" and "Court Improvement". Upon review of the January 23, 1975, Department of Justice LEAA Quarterly Performance Report by Program, it was found that 95% of the LEAA Part "C" funds proposed for the adjudicatory areas were actually expended in these areas.

MONTANA

YEAR	TOTAL BLOCK GRANT (PART C)	COURT		PROSECUTION		DEFENSE		OTHER		COMBINED PROSECUTION, COURT, DEFENSE & OTHER	
		AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C
1972	\$1,534,000	\$17,871	1%	\$46,716	3%	\$566	.03%	\$13,880	.9%	\$79,033	5%
1973	\$1,780,000	\$549	.03%	\$16,066	.9%	\$303	.01%	0	0	\$16,918	.9%
1974	\$1,780,000	0	0	\$1,431	.08%	0	0	0	0	\$1,431	.08%
TOTAL	\$5,094,000	\$18,420	.3%	\$64,213	1%	\$869	.01%	\$13,880	.2%	\$97,382	2%

MONTANA

CATEGORICAL BREAKDOWN OF PROJECT EXPENDITURES	1972				1973				1974			
	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER
TRAINING	35%	13%	100%	0%	100%	41%	100%	--	--	0%	--	--
FACILITIES AND EQUIPMENT	53%	11%	0%	17%	0%	16%	0%	--	--	0%	--	--
MANPOWER	0%	76%	0%	83%	0%	41%	0%	--	--	100%	--	--
RESEARCH	12%	0%	0%	0%	0%	1%	0%	--	--	0%	--	--
	\$17,871	\$46,716	\$566	\$13,880	\$549	\$16,066	\$303	0	0	\$1,431	0	0

C. North Dakota

1. Percentage of Courts Funding

A total of \$223,824 LEAA Part "C" money was subgranted to court projects in the State of North Dakota for fiscal years 1972, 1973, and 1974. This figure represents 5% of the total state block grant (Part C) for the three-year period. Funding in the courts area has proportionately decreased over the three-year period with 6% of Part "C" money being allocated in 1972, 5% in 1973, and 4% in 1974.

2. Percentage of Courts, Prosecution and Defense Funding

For the fiscal years 1972, 1973, and 1974, there was a total of \$587,859 or 13% of all LEAA Part "C" money subgranted to the adjudicatory areas of courts, prosecution and defense. Of this 13% subgranted to these areas, 5% was allotted to courts, 5% to prosecution, and 2% to defense. The remaining percentage (1%) fell in the other category.

3. Use of Funds

The majority of LEAA Part "C" funds which were subgranted to the adjudicatory areas of courts, prosecution, and defense were utilized in the following manner:

- a. Courts - In the courts area, a majority of the funds subgranted for 1972 and 1974 were utilized in two areas, training (28% and 40%) and manpower (33% and 52%). The training funds were predominantly requested for judicial training workshops, seminars and conferences, while the manpower funds were requested for secretarial support, a lay advocate program, juvenile supervisor, court administrator, and a law intern program.

A majority of funds subgranted in the area of courts for 1973 (61%) were for the acquisition of general court equipment and the improvement of tribal courts.

- b. Prosecution - A majority of the funds subgranted in the area of prosecution for fiscal years 1972 (94%), 1973 (81%) and 1974 (77%) were requested for manpower. These funds were mainly appropriated to provide additional states attorneys and assistants, man a consumer fraud division, provide for tribal court personnel, special investigators for the state attorney and a legal intern program.

- c. Defense - All of the funds subgranted in the area of defense for fiscal years 1972, 1973, and 1974, were requested for manpower. These funds were used to man a public defender program.

4. Allocation v. Actual Expenditures

In the 1972 North Dakota Comprehensive Plan, there were three main program areas that directly related to courts, prosecution and defense. They were "Prosecution and Defense", "Training of Court Personnel" and "Effectiveness of Court System". By reviewing the Department of Justice LEAA Final Quarterly Progress Report by Program, February 13, 1975, it was found that 94% of the LEAA Part "C" funds proposed for the adjudicatory areas were actually expended in these areas.

NORTH DAKOTA

YEAR	TOTAL BLOCK GRANT (PART C)	COURT		PROSECUTION		DEFENSE		OTHER		COMBINED PROSECUTION, COURT DEFENSE & OTHER	
		AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C
1972	\$1,364,000	\$84,434	6%	\$60,069	4%	\$21,848	2%	\$51,990	4%	\$218,341	16%
1973	\$1,583,000	\$77,130	5%	\$58,440	4%	\$36,000	2%	0	0	\$171,570	11%
1974	\$1,583,000	\$62,260	4%	\$116,035	7%	\$18,947	1%	\$706	.04%	\$197,948	13%
TOTAL	\$4,530,000	\$223,824	5%	\$234,544	5%	\$76,795	2%	\$52,696	1%	\$587,859	13%

NORTH DAKOTA

CATEGORICAL BREAKDOWN OF PROJECT EXPENDITURES	1972				1973				1974			
	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER
TRAINING	38%	6%	0%	12%	8%	0%	0%	--	40%	.5%	0%	100%
FACILITIES AND EQUIPMENT	24%	0%	0%	0%	61%	19%	0%	--	6%	23%	0%	0%
MANPOWER	33%	94%	100%	0%	31%	81%	100%	--	52%	77%	100%	0%
RESEARCH	6%	0%	0%	88%	0%	0%	0%	--	2%	0%	0%	0%
	\$84,434	\$60,069	\$21,848	\$51,990	\$77,130	\$58,440	\$36,000	0	\$62,260	\$116,035	\$18,947	\$706

D. South Dakota

1. Percentage of Courts Funding

For fiscal years 1972, 1973, and 1974, a total of \$497,979 LEAA Part "C" money was subgranted to court projects in the State of South Dakota. This total represents 10% of the total state block grants (Part C) for the three-year period. Funding in the courts area has fluctuated from year to year with the highest percentage (17%) of Part "C" money being allotted in 1973 and the lowest percentage (3%) in 1974.

2. Percentage of Courts, Prosecution and Defense Funding:

There was a total of \$860,302 or 18% of all LEAA Part "C" money subgranted to the adjudicatory components of courts, prosecution and defense for the fiscal years 1972, 1973, and 1974. Of the 18% subgranted to the components, 10% was allotted to courts, 2% to prosecution, and 1% to defense. The remaining percentage (4%) was allotted to the other category.

3. Use of Funds

The majority of LEAA Part "C" funds which were subgranted to the individual adjudicatory components for the three-year period were utilized in the following manner:

- a. Courts - In the courts area, a majority of the funds subgranted for 1972 (61%) and 1974 (70%) were appropriated for equipment. These funds were requested for general courtroom equipment, temporary courtroom facilities and courtroom renovation and remodeling. In 1973 court funds were mainly requested for two areas, facilities and equipment (38%) and research (33%). The facilities funds were appropriated for courtroom remodeling, general court equipment and court facilities, while the research funds were used for a comprehensive study of the adjudicatory process and the creation of a unified court administration.
- b. Prosecution - A majority of the funds subgranted in the area of prosecution for 1972 (66%), 1973 (51%), and 1974 (53%) were appropriated for manpower. These funds were requested to provide for legal internships, a management coordinator, lay prosecutor, and general supportive personnel.
- c. Defense - All of the funds that were subgranted in the area of defense for 1972 were requested for manpower or a public defender system. No funds were subgranted in the area of defense for 1973 and 1974.

4. Allocation v. Actual Expenditures (1972)

In the 1972 South Dakota Comprehensive Plan, there were quite a few program areas which related to the adjudicatory areas of courts, prosecution and defense. Some of these programs were, "Public Defender", "Feasibility Study", "Supreme Court Clerks", "Local Court Equipment", "Management Coordinator", etc. Upon reviewing the final Department of Justice LEAA Quarterly Performance Report by Program, July 31, 1974, it was found that 95% of the LEAA Part "C" funds proposed for the adjudicatory areas were actually expended in these areas.

SOUTH DAKOTA

YEAR	TOTAL BLOCK GRANT (PART C)	COURT		PROSECUTION		DEFENSE		OTHER		COMBINED PROSECUTION, COURT, DEFENSE & OTHER	
		AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C
1972	\$1,471,000	\$158,610	11%	\$45,779	3%	\$60,000	4%	\$24,777	2%	\$289,166	20%
1973	\$1,707,000	\$291,296	17%	\$28,428	2%	0	0	\$15,559	.9%	\$335,283	20%
1974	\$1,707,000	\$48,073	3%	\$27,805	2%	0	0	\$159,975	9%	\$235,853	14%
TOTAL	\$4,885,000	\$497,979	10%	\$102,012	2%	\$60,000	1%	\$200,311	4%	\$860,302	18%

SOUTH DAKOTA

CATEGORICAL BREAKDOWN OF PROJECT EXPENDITURES	1972				1973				1974			
	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER
TRAINING	3%	0%	0%	0%	11%	34%	--	14%	30%	29%	--	0%
FACILITIES AND EQUIPMENT	61%	16%	0%	48%	38%	15%	--	14%	70%	18%	--	80%
MANPOWER	36%	66%	100%	0%	18%	51%	--	72%	0%	53%	--	20%
RESEARCH	0%	17%	0%	52%	33%	0%	--	0%	0%	0%	--	0%
	\$158,610	\$45,779	\$60,000	\$24,777	\$291,296	\$28,428	0	\$15,559	\$48,073	\$27,805	0	\$159,975

E. Utah

1. Percentage of Courts Funding

For the fiscal years 1972, 1973 and 1974, a total of \$529,343 LEAA Part "C" money was subgranted to court projects in the State of Utah. This figure represents 7% of the total state block grants (Part C) for the three-year period. Funding has fluctuated over the three-year period with 8% of Part "C" money being allotted to courts in 1972, 1% in 1973, and 14% in 1974.

2. Percentage of Courts, Prosecution and Defense Funding

A total of \$867,845 or 12% of all money was subgranted to the adjudicatory components of courts, prosecution and defense for the fiscal years 1972, 1973 and 1974. Of this 12% subgranted, 7% was allotted to courts, 3% to prosecution and 1% to defense. The remaining percentage .7% was allotted to the other category.

3. Use of Funds

The majority of LEAA Part "C" funds which were subgranted to the individual adjudicatory components for the three-year period were utilized in the following manner:

- a. Courts - The funds subgranted in the area of courts for the fiscal years 1972 (55%), 1973 (57%), and 1974 (44%) were predominantly appropriated for equipment. The types of equipment needed were juvenile information terminals, court furniture, and a law library.
- b. Prosecution - In the area of prosecution, a majority of the funds subgranted in 1972 (76%) and 1973 (100%) were appropriated for manpower. These funds were requested to facilitate single prosecution programs and internship programs in the prosecutor's office.

In 1974, 72% of the funds subgranted to prosecution were for training purposes. The funding provided for education and technical assistance through the statewide association of prosecutors (SWAP).

- c. Defense

All of the funds subgranted in the area of defense for fiscal years 1972, 1973, and 1974 were appropriated for manpower. These funds were predominantly requested for a defender-intern program, legal defender project, and a misdemeanor defender project.

4. Allocation v. Actual Expenditures (1972)

Various programs which pertained to the areas of courts, prosecution and defense are contained in the 1972 Utah Comprehensive Plan. Some of these were "Judicial Training", "Unified Court", "Penal Code", "Legal Advisor", "Single Prosecution", "Public Defense", etc. Upon reviewing the November 25, 1974, final U. S. Department of Justice LEAA Quarterly Performance Report by Program, it was found that 99.9% of the LEAA Part "C" funds proposed for the adjudicatory areas were actually expended in these areas.

UTAH

YEAR	TOTAL BLOCK GRANT (PART C)	COURT		PROSECUTION		DEFENSE		OTHER		COMBINED PROSECUTION, COURT, DEFENSE & OTHER	
		AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C
1972	\$2,127,000	\$168,609	8%	\$55,441	3%	\$30,004	1%	\$35,000	2%	\$289,054	14%
1973	\$2,468,000	\$24,839	1%	\$7,200	.2%	\$31,680	1%	\$17,000	.6%	\$80,719	3%
1974	\$2,468,000	\$335,895	14%	\$132,177	5%	\$30,000	1%	0	0	\$498,072	20%
TOTAL	\$7,063,000	\$529,343	7%	\$194,818	3%	\$91,684	1%	\$52,000	.7%	\$867,845	12%

UTAH

CATEGORICAL BREAKDOWN OF PROJECT EXPENDITURES	1972				1973				1974			
	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER
TRAINING	11%	24%	0%	0%	18%	0%	0%	0%	19%	72%	0%	--
FACILITIES AND EQUIPMENT	55%	0%	0%	0%	57%	0%	0%	0%	44%	0%	0%	--
MANPOWER	24%	76%	100%	0%	24%	100%	100%	0%	19%	28%	100%	--
RESEARCH	9%	0%	0%	100%	0%	0%	0%	100%	18%	0%	0%	--
	\$176,109	\$47,941	\$30,004	\$35,000	\$24,839	\$7,200	\$31,680	\$17,000	\$335,895	\$132,177	\$30,000	0

F. Wyoming

1. Percentage of Courts Funding

A total of \$227,278 LEAA Part "C" money was subgranted to court projects in the State of Wyoming for the fiscal years 1972, 1973 and 1974. This total represents 7% of the total state block grants (Part C) for the three-year period. Funding has been fairly consistent with 7% of Part "C" money being allocated to the courts in 1972, 6% in 1973, and 8% in 1974.

2. Percentage of Courts, Prosecution and Defense Funding

For the fiscal years 1972, 1973, and 1974, a total of \$904,580 or 27% of all LEAA Part "C" money was subgranted to the adjudicatory components of courts, prosecution and defense. Of this 27%, 7% was allocated to courts, 14% to prosecution and .05% to defense. The remaining 6% fell in the other category.

3. Use of Funds

The LEAA Part "C" funds which were subgranted to the individual adjudicatory components were utilized in the following manner:

- a. Courts - In the area of courts, a majority of the funds subgranted for 1972 (88%) and 1973 (84%) were appropriated for equipment. In 1974, all of the court funds were appropriated for equipment. Predominantly, equipment funds were requested for general courtroom equipment and facility improvement.
- b. Prosecution - The funds which were subgranted in the area of prosecution for 1973 were generally assigned to two categories, manpower (42%) and equipment (53%). In 1972 and 1974 a majority of the funding (76%) and (92%) was allotted to just manpower. The majority of equipment funds were requested for a teletype network in the Attorney General's Office, while manpower funds were allocated for state investigators.
- c. Defense - For 1973, all of the funds which were subgranted in the area of defense were allotted to manpower or for "special purpose officers" who would provide legal counsel to those who are indigent.

In 1972 and 1974, there were no funds subgranted for the area of defense.

4. Allocation v. Actual Expenditures (1972)

Various program areas which relate directly to the areas of courts, prosecution, and defense are contained in the 1972 Wyoming Comprehensive Plan. Some of these areas are "State Investigation", "Improvement of Prosecution", "Judicial Training", "General Equipment", "Record-keeping Improvement", and "Court Facility Improvement". Upon review of the January 31, 1975, final U. S. Department of Justice LEAA Quarterly Performance Report by Program, it was found that 97% of the LEAA Part "C" funds proposed for the adjudicatory areas were actually expended in these areas.

WYOMING

YEAR	TOTAL BLOCK GRANT (PART C)	COURT		PROSECUTION		DEFENSE		OTHER		COMBINED PROSECUTION, COURT, DEFENSE & OTHER	
		AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C	AMOUNT ALLOCATED	% OF PART C
1972	\$1,000,000	\$65,499	7%	\$107,494	11%	0	0	\$58,921	6%	\$231,914	23%
1973	\$1,150,000	\$70,952	6%	\$246,507	21%	\$1,650	.1%	\$119,421	10%	\$438,530	38%
1974	\$1,150,000	\$90,827	8%	\$120,752	11%	0	0	\$22,557	2%	\$234,136	20%
TOTAL	\$3,300,000	\$227,278	7%	\$474,753	14%	\$1,650	.05%	\$200,899	6%	\$904,580	27%

WYOMING

CATEGORICAL BREAKDOWN OF PROJECT EXPENDITURES	1972				1973				1974			
	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER	COURT	PROSE- CUTION	DEFENSE	OTHER
TRAINING	12%	14%	--	0%	16%	4%	0%	0%	0%	0%	--	0%
FACILITIES AND EQUIPMENT	88%	10%	--	100%	84%	53%	0%	100%	100%	8%	--	100%
MANPOWER	0%	76%	--	0%	0%	42%	100%	0%	0%	92%	--	0%
RESEARCH	0%	0%	--	0%	0%	0%	0%	0%	0%	0%	--	0%
	\$65,499	\$107,494	0	\$58,921	\$70,952	\$246,507	\$1,650	\$119,421	\$90,827	\$120,752	0	\$22,557

SUMMARY TABLE FOR FISCAL YEARS
1972 1973 1974

State	Total Block Grant Part C	COURT		PROSECUTION		DEFENSE		OTHER		Combined Court, Prosecution, Defense And Other Amount Allocated % of Part C		% Of Funds Expended Compared To Funds Originally Allocated In 1972 Comp. Plan
		Amt Allo-cated	% Of Part C	Amt Allo-cated	% Of Part C	Amt Allo-cated	% Of Part C	Amt Allo-cated	% Of Part C	Amount Allocated	% of Part C	
Colo.	\$14,718,000	729,227	5%	632,385	4%	102,940	.6%	65,970	.4%	\$1,530,522	10%	99%
Mont.	\$5,094,000	18,420	.3%	64,213	1%	869	.01%	13,880	.2%	\$97,382	2%	95%
No. Dakota	\$4,530,000	223,824	5%	234,544	5%	76,795	2%	52,696	1%	\$587,859	13%	94%
So. Dakota	\$4,885,000	497,979	10%	102,012	2%	60,000	1%	200,311	4%	\$860,302	18%	95%
Utah	\$7,063,000	529,343	7%	194,818	3%	91,684	1%	52,000	.7%	\$867,845	12%	99.9%
Wyo.	\$3,300,000	227,278	7%	474,753	14%	1,650	.05%	200,899	6%	\$904,580	27%	97%
TOTALS	\$39,590,000	\$2,226,071	6%	\$1,702,725	4%	\$333,938	.8%	\$585,756	1%	\$4,848,490	12%	97%

IV. SUMMARY AND RECOMMENDATIONS

This review was undertaken to determine whether or not in Region VIII States, three adjudicatory components of the criminal justice system, namely courts, prosecution and defense, have received an equitable proportion of Part "C" block grant monies over the period surveyed. In addition, we have attempted to see whether fund distribution among courts, prosecution and defense as individual segments appears to be equitable and adequate. Judgment on these questions is being made in this report with the realization that different perceptions and biases with respect to the system may color each individual reader's views as to what is "equitable and fair".

- A. Balance between Police-Courts-Corrections - If one may assume that an equitable distribution of block grant funding would be one-third of the funds to adjudication, one-third to police, and one-third to corrections, the results of this study indicate that all of the states in Region VIII had not allocated a reasonable share to the adjudication function over the three-year period.* Only in one instance (Wyoming, 1973) could it be shown that adjudication received one-third of the total Part "C" funding for any year studied. For most of the states, during the three-year period, funds subgranted to the adjudication area fell in the range of 10 to 18%. The highest three year average percentage reported was 27% (Wyoming) and the lowest 2% (Montana).
- B. Balance between Court-Prosecution-Defense - The most striking fact about the balance between fund distribution in the adjudication component of the system is that defense services have obviously been relegated to a distant third priority in all of the states. During the period studied, .8 of 1% of the available funds were allocated to defense related projects. Courts received on the average 6% of the money and prosecution 4%.

In the prosecution area, only Wyoming was able to sustain a level of 10% or higher over the three-year period. South Dakota was able to accomplish the same thing in the courts area but its prosecution and defense services funding was extremely low. Wyoming, Montana, Colorado, and North Dakota were unable to achieve a 10% funding level for any individual year during the period studied, let alone average 10% over the three-year period.

*A recently proposed draft for amendment of the Safe Streets Act suggests an LEAA funding level for courts alone (excluding prosecution and defense) at 20% over and above current funding levels.

- C. Use of Funds - Data available on the ways in which the states used Part "C" funds for training, facilities and equipment, manpower, and research did not disclose any particularly significant patterns. Generally speaking, it can be noted that primary funding emphasis for courts was on the area of facilities and equipment and that prosecution and defense funds were used more often for manpower. Funds were also often used for training purposes but seldom for research efforts.

Although we were unable to clearly isolate all research-type programs, it does appear that in all states in all the years studied, little emphasis was placed upon research and evaluation efforts. One may assume that meaningful planning efforts are dependent, at least partially, on effective data collection and research effort. The absence of more research effort suggests that a deficiency in the planning process may exist.

- D. Allocations v. Expenditures - Regional Office experience has been that on some occasions funds programmed in the beginning of the fiscal year are subsequently transferred out by grant adjustments and reallocated to different program areas. We, therefore, attempted to determine whether the states were fully utilizing the funds in the adjudication area or whether they were reverting back to LEAA or being reallocated to other areas such as police or corrections. The results were that most funds originally programmed, remained in those programs. The retention rate averaged 97%. Utah retained 99.9% of its adjudication funds in that program area, while North Dakota was the lowest with a 94% retention rate.
- E. Reason for Low Funding Levels - One question which arises as a result of doing an analytical report of this nature is: What are the factors which influence whether a greater or lesser amount of LEAA funds are expended? At least four factors have some bearing on whether or not action grants will be directed to court, prosecution and defense related projects. They are:
1. SPA Staffing - Where an SPA does not have a full-time Court Specialist who makes regular inquiries into the needs of the adjudication component of the system, less SPA attention and funding is to be expected. The old adage of the squeaking wheel getting the oil, has a direct bearing on LEAA funds. Where there is no advocate on the SPA staff for the needs of the adjudication component, little funding can be expected.
 2. Sub-Component Planning Unit - Where the courts, prosecutors, or defense attorneys are not able to rely upon some sort of coordination and planning units of their own, their interests

may go unexpressed at the SPA level and result in lack of funds. Thus, State Court Administrators, prosecutors, and defense attorneys' associations can contribute added impetus to adjudication planning, programming, and funding in the state.

3. Supervisory Board Representation - Where courts, prosecution and defense are not adequately represented on SPA and RPU Boards, the needs of the adjudication component will not be heard and adequate funds will not be made available. A strong argument can be made for the proposition that where one or two courts representatives sit on a supervisory board made up of from 40 to 60% law enforcement representatives, little serious consideration can be given to the needs of the adjudication component.
4. SPA Planning Process - Where the SPA planning process depends almost exclusively on state and regional criminal justice planners who have little or no direct practical experience as attorneys or judges within the system, comprehensive plans and funding cannot be expected to adequately represent the needs of the court. While criminal justice planners and local planning agencies are essential to the formulation of the plan, an advisory group made up of judges, prosecutors and defense attorneys from throughout the state should be given an opportunity to review the plan and provide suggestions for improvements and change.

It would be unprofitable to argue that any given percentage of LEAA Part "C" funds should be allocated to adjudication or any sub-segment thereof. Rather, LEAA should concern itself with assuring that continued innovative planning is occurring at the state and local level with respect to courts, prosecution and defense. With this in mind, the following RECOMMENDATIONS are made:

1. THE SPAs SHOULD DETERMINE WHETHER SUFFICIENT STAFF TIME AND ATTENTION ARE BEING DEVOTED TO COURT-RELATED PROBLEMS. FULL-TIME COURT SPECIALISTS SHOULD BE PROVIDED IF LEAA IS TO PROGRESS IN COURTS PLANNING AND FUNDING.
2. THE SPAs SHOULD EXAMINE THE PLANNING CAPABILITIES OF THE COURT ITSELF AND ALSO OF PROSECUTORS AND DEFENSE ATTORNEYS WITHIN THE STATE TO SEE WHO IF ANYONE IS CONSIDERING THEIR NEEDS ON AN INDIVIDUAL BASIS AND WHO IS SPEAKING FOR THEM. WHERE INDIVIDUAL PLANNERS DO NOT NOW EXIST, THOUGHT SHOULD BE GIVEN TO CREATING THEM.

3. THE SPAs SHOULD EXAMINE THEIR PLANNING PROCESS TO SEE IF THEY ARE DESIGNED TO ELICIT THE BEST THINKING AVAILABLE FROM STATE EXPERTS (JUDGES, PROSECUTORS, AND DEFENSE ATTORNEYS) AS TO THE NEEDED IMPROVEMENTS IN THE SYSTEM. WHERE THEY DO NOT EXIST, ADVISORY GROUPS OR TASK FORCES ON ADJUDICATION SHOULD BE CREATED TO IMPROVE THE PROCESS.
4. THE SPAs SHOULD CONTINUE TO EXAMINE MEMBERSHIP OF THE SPA AND RPU SUPERVISORY BOARDS TO BE SURE THAT ARTICULATE AND INNOVATIVE ADJUDICATION PRACTITIONERS ARE REPRESENTED IN SUFFICIENT NUMBERS TO ENABLE THEIR VOICES TO BE HEARD AND HEEDED.
5. THE SPAs SHOULD CONTINUE TO EMPHASIZE RECOGNITION OF THE FACT THAT DEFENSE SERVICES ARE A LEGITIMATE ELEMENT OF THE CRIMINAL JUSTICE SYSTEM AND DESERVE MORE THAN MERE TOKEN FUNDING.

END

7 files/summary