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ACQUISITIONS

TESTIMONY

OF

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BEFORE THE

SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

OF THE

SENATE JUDICIARY COMMITTEE

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I appreciate this opportunity to appear before the Senate Subcommittee on Criminal Laws and Procedures to express the views of the International Association of Chiefs of Police (IACP) regarding the reorganization of the LEAA.

The International Association of Chiefs of Police is a voluntary professional organization, established in 1893. It comprises Chiefs of Police and other law-enforcement personnel from all sections of the United States and 54 nations. Command personnel in the United States make up over 70 percent of the more than 11,000 members.

Throughout its existence, the IACP has strived to achieve proper, conscientious and resolute law-enforcement. This it has done in the interest of community betterment, conservation of the public peace and maintenance of good order. The IACP has always sought to achieve these objectives in full accord with the Constitution, and the IACP has been constantly devoted in all its activities to the steady advancement of this Nation's best welfare and well-being.

I would stress at this juncture that I am not expressing here the views of myself or a narrow segment of police, but represent the thinking of the majority of the association membership.

The IACP would like to address itself to the needs of law enforcement in relation to the reorganization of the LEAA rather than speak specifically on any bill which propose specific changes or provisions. I must relate, however, that many of the comments I will make on behalf of the IACP and its members will refer to specific sections of the current Act or sections of the proposed "Justice System Improvement Act of 1978."

As evidenced by the wide variety of community and other programs aimed at making this a safer nation and the various office seekers campaigning on the issue of crime, it is apparent that there is an intense interest in public safety.

Crime has affected each of us, whether as a victim or indirectly through increased costs or reduced personal freedom of movement.

It is for these reasons and because criminal activity is of such a high visibility concern that the IACP continues to work to upgrade law enforcement. We are pleased with the degree of sophistication that has been attained in policing over the past decade, but there is much to be done to combat and conquer crime.

The interaction of the LEAA and the IACP is more than a peripheral one. As the preeminent representative of police executives, state law enforcement associations and the State and Provincial police, the IACP has almost daily contacts with the LEAA.

The IACP has been a grantee on several occasions and currently is operating projects under LEAA funding. Based on our experience with the bureaucratic and insensitive nature of LEAA, the IACP would vote to disband the agency unless major revisions take place.

I mentioned insensitivity and it is generally the opinion of police that LEAA, especially in recent years, has not attended to the needs and goals of police agencies. Police practitioners have virtually been ignored in planning and carrying out LEAA programs.

It is not my intention to suggest that police agencies and their personnel should constitute the sole source of information or exist as the only

recipient of LEAA funds. However, police on the local, county and state level have a great deal of knowledge to contribute to an organized assault on crime. These agencies can particularly address the myriad problems faced by the police and the result can be a meaningful approach to getting the basic machinery in order to attack crime. Occasionally the police practitioner has been consulted, but not with the regularity that we honestly consider necessary to ensure that results are truly achieved in the programmatic areas.

Everyone, it seems, is capable of looking at law enforcement, but police are not enrolled to look at themselves, let alone other levels in the criminal justice strata.

I would like to discuss some specific problems facing police agencies regarding LEAA and S. 3270.

S. 3270 provides funding for civil law programs as well as criminal law programs. While the IACP is not opposed to the funding of civil programs, we do not believe that the inclusion of such funding is wise in the content of LEAA. The criminal law field is a highly specialized area with very little in common with civil law. The consolidation of the two separate areas will lead to a blurring of the specific needs and requirements in both fields. Police investigation, detection and apprehension in the different areas consists of mutually exclusive methods that cannot efficiently be integrated. Furthermore, the technical expertise required varies greatly.

The IACP is not opposed to the creation of a Bureau of Justice Statistics (BJS). We feel strongly that a central repository for the many statistics attendant to criminal activity is most desirable. However, we very strongly

disagree with the proposal to immediately merge the Uniform Crime Reporting (UCR) program into the BJS at this time. We seriously believe that such a merger now would be nonresponsive to the needs of law enforcement.

The Uniform Crime Reporting Program is an attempt to measure, meaningfully, the occurrence of crime in the United States. While the Program is designed for use by the law enforcement profession, it has also become a yardstick for a public evaluation of the relative levels of criminal activity prevailing in the Nation.

Although the Program is not a perfect benchmark for gauging crime at a particular place and time, it does represent a valid approach toward this assessment. Furthermore, it is a disciplined effort with more than 46 years of experience which enhances the orderliness so fundamental to sound data collection.

The UCR gives a nationwide view of crime based on police statistics contributed by local law enforcement agencies.

Essentially, the Program collects as much data concerning the occurrence of certain root or index offenses as are known to the overwhelming majority of United States law enforcement agencies. It then estimates the probable total volume of these offenses had there been complete reporting of them throughout the Nation. Having all law enforcement agencies in the United States participating fully in the Program would, of course, make unnecessary any estimation process. However, the complex and independent structure of the Nation's law enforcement network has made this goal elusive even to a program of the size and duration of the Uniform Crime Reports. With the development of subsidiary state Uniform Crime Reporting Programs, intended

for each of the 50 states, the complete, nationwide collection of offenses known to law enforcement nears fulfillment.

Whatever are the uses or whoever are the users of criminal justice data, the Uniform Crime Reports provide the only comprehensive, periodic accounting available of reported and discovered crime in the United States. Accordingly, they can serve constructively to organize public opinion against lawlessness and marshal our resources to combat crime.

The International Association of Chiefs of Police, in conjunction with the FBI, has expended numerous hours and much effort in the creation and continued development of the UCR. A wholesale abandonment of the UCR Program or merger of the Program into the BJS would promote the waste that has plagued the LEAA and would be a great disservice to the country.

It is our learned opinion that the UCR, the BJS and the Criminal Justice System as a whole will benefit more from a separate UCR program until such time as all of the other phases of a BJS are attained. The only functioning phase of such a program should not be subjected to the problems certain to come with a totally new and ambitious project.

I would now like to turn to the proposed creation of the National Institute of Justice (NIJ). Conceptually, the creation of such an Institute could provide an immensely valuable source of information to the area of law enforcement. In considering the goals of the NIJ, as set forth in S. 3270 . . . "to engage in and encourage research and development to improve and strengthen criminal," . . . "and juvenile justice systems and to disseminate the results of such efforts to Federal, State, and local governments, to develop alternatives to judicial resolution of disputes,

to evaluate the effectiveness of programs funded under this title, to develop new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated." We must look to all fields of law enforcement in order to fully capture the picture.

In the past, many studies have been academic, esoteric, and theoretical in nature. They have lacked specificity and failed to deal with police problems and needs. Prior studies have not been function-oriented to the police practitioners nor have the study groups requested practitioner input, as mentioned earlier. Our country needs comprehensive studies involving research and development in all areas of law enforcement if we are to effectively combat crime. However, the exclusion of police agencies and the police practitioner as an integral part of such studies, is by definition, an abandonment of comprehensiveness.

There is no reluctance on the part of police to work with academicians to improve the system. There is, however, a very real resentment when the research excludes the people who must apply the results. I assure this committee that we are concerned and think you should share our concern.

The association is also very deeply disturbed by the often stated beliefs of many that there is a need to bar the expenditure of LEAA funds for equipment. We feel that what is being stated and included in legislation is an overreaction to administrative errors and judgments of the past.

The present configuration of the Institute and S. 3270 support the social areas of research overwhelmingly over the physical, science and technological areas. The new result is to eliminate most of the effort in sciences and engineering and their application to the problems which face not only law enforcement but all other areas. We believe that this position has developed through misconceptions focused on the small number of programs which were failures, or disliked or even mythical, rather than on those which were successful and are working today. Let me cite a few examples of successful programs:

- The explosives dog-detection program which almost, at its inception, found a bomb on a TWA jetliner.
- The high-speed steel-belted tire warning issued three years ago.
- The lightweight body armor program, currently credited with saving 30-40 lives.
- The Standards Program which, together with the testing program, promises to be of enormous benefit with great cost savings to the public, while at the same time providing the agencies with the information which will enable them to buy superior equipment. Simple citation of the standards enabled the U.S. Marshal's Service to buy transceivers for half a million dollars less than the GSA catalog price and obtain higher quality radios.

If the mandate for science and technology is not specifically called out in the legislation, we expect that the Advisory Committee would contain no technical personnel and thus no national priorities will emerge in this area.



Consider for example, the following:

- A body of evidence exists indicating that diet affects recidivistic rates of violent offenders. If biochemistry is a factor, who will conduct the research—or even recognize it?
- Arson for hire cannot be affected by "basic research." The arsonist and his employer must be apprehended. This is an evidence problem not a social problem and will require enhanced technology.
- If new equipment or techniques are developed—where do we get them evaluated?

We recommend inclusion of suitable language specifically requiring an effort by the Institute in science and technology and with any limitations you may feel necessary.

The IACP is interested that expenditures for equipment be consistent with the real needs of police. I pointed out the successes and there are others. We opposed the funding of the prototype police car and we were vocal in pointing out the unrealistic nature of that program. Most of our objections voiced to LEAA fell on deaf ears. The feeling one got was that they were saying, "What do the police know about police, anyway?"

In all fairness, I would point to a program, in its third year, that is conducted by the IACP in conjunction with the National Advisory Committee for Law Enforcement Equipment and Technology (NACLEET) and supported by LEAA funds. This program is a unique approach to equipment and is called the Equipment Technology Center (ETC).

The ETC effort has assisted thousands of police chiefs and their communities in making intelligent decisions in procuring equipment. It has enabled

them to obtain the best equipment at the best price. Police administrators are no longer at the mercy of the salesman. Now, they have information from the IACP, through our publications and direct toll-free special telephones.

We buy equipment for no one. We furnish equipment to no one. What we furnish is information. Not only are tax dollars saved, but the police department usually ends up with more useable equipment.

We are now testing police body armor, hand-held transceivers, crash and other protective helmets, and forensic science equipment to aid the police administrator in making more intelligent decisions about acquisition of equipment.

So long as equipment needs exist and so long as the universalness of equipment is a fact, then the need to test and evaluate at a high level will exist. There is every bit as much evidence to support the rationale for equipment as there is for programs of a more social and behavioral bent.

The IACP supports the concept of the creation of the Advisory Boards as an integral part of the Office of Justice Assistance, Research, and Statistics and the National Institute of Justice. Any anti-crime program requires participation and input from experts in the different law enforcement areas, state and local governments, state and local agencies, and the citizens of the states and localities. We must solicit a partnership between all these differing segments to formulate and carry out an effective anti-crime program. Again, however, I must reiterate the necessity for fair representation of police executives and police agencies within any such groups.

I would like now to direct attention to the general funding provisions of S. 3270. The IACP agrees that there should be an emphasis on funding programs in high crime areas. However, this must be

closely balanced with the needs of small rural communities and suburban areas.

In the past, the LEAA has tended to ignore the needs of these areas, while 80 percent of the police departments in this country consist of 10 or fewer law enforcement officers. Consequently any program or series of programs which exclude small areas is inadequate and, in effect, disenfranchises small police agencies. Further, the most rapid growth rate in crime is not occurring in the major cities, but rather, in rural and suburban communities. We must balance the need to emphasize high crime areas with the law enforcement requirements of the smaller communities.

The subject of expenditures also leads me to observe that when LEAA was begun, police received more than 56 percent of the funds granted. The figures show that now, 10 years later, police are recipients of approximately 22 percent of the funds, yet law enforcement accounts for 65 percent of the funds expended in the criminal justice field. It is also interesting and revealing to note that while LEAA tends to ignore police during those periods when there are no funding or organizational problems, police are among the first to be courted if LEAA appears to be in jeopardy.

Police do not respond to this courtship on the basis of "what is in it for me?" But, rather, because they feel there are enough significant programs to be funded that they must respond. This is an undesirable position to be in when you consider that the primary responsibility of law enforcement is to provide maximum protection for citizens, not plead with a bureaucracy for help.

Many police executives believe that the LEAA has been unresponsive to the needs of law enforcement in recent years. Overemphasis has been placed on the court system and rehabilitation programs and not enough focus has been

placed on crime prevention, detection and criminal apprehension, where it is badly needed.

To illustrate the views of police executives towards the LEAA, I would like to summarize a survey that the IACP conducted in December of 1976. The IACP mailed to 3,396 police executives a survey instrument inquiring as to their perceptions of the Law Enforcement Assistance Administration. This survey sought police executive attitudes about the structure of LEAA, its funding policies and practices and the impact of certain LEAA programs. Forty-eight percent of the total surveys mailed were returned to the IACP (1619 surveys). The surveys were subsequently coded and subjected to computer analysis by the IACP staff. All surveys were analyzed using the SPSS (Statistical Package for Social Sciences) computer program.

The sample was described in terms of both demographic characteristics and funding experience. Attitudinal data were grouped in six key areas for analysis in terms of the total sample and then broken down by agency type, agency size and total LEAA funds received during the last four years. It was determined that these factors have a direct bearing on executive attitudes and thus comparisons between the entire sample and these subgroups are provided where appropriate.

Included in the report were the response category percentages for the total sample and for all subgroups as follows:

- I. Attitudes for the Total Sample
- II. Attitudes for Type of Agency
  - A. Attitudes for Municipal Agencies (including County Departments)
  - B. Attitudes for State Police Agencies

III. Attitudes by Size of Agency

- A. Attitudes for Agencies of Over 500 Personnel
- B. Attitudes for Agencies Between 100 and 500 Personnel
- C. Attitudes for Agencies of Under 100 Personnel

IV. Attitudes by Total Funds Received in Last Four Years

- A. Attitudes for Agencies Receiving Over \$500,000 in the Last Four Years
- B. Attitudes for Agencies Receiving Between \$100,000 and \$500,000 in the Last Four Years
- C. Attitudes for Agencies Receiving Between \$10,000 and \$100,000 in the Last Four Years
- D. Attitudes for Agencies Receiving Less Than \$10,000 in the Last Four Years
- E. Attitudes for Agencies Receiving No Funds in the Last Four Years

The respondents generally favored the provision of federal funds to support state and local criminal justice activities. However, the police executives were also quick to point out that crime is a state and local problem and must be dealt with as such. Hence, federal assistance is desirous but policy and tactical decisions must be made by the state and local authorities most familiar with the problems presented in a given jurisdiction. LEAA's performance in program development was seen, for the most part, as being consistent with its Congressional mandate. At the same time, respondents were critical of LEAA priorities, feeling that they do not correspond to local priorities. In spite of this criticism, respondents were satisfied

that LEAA programs do have a positive impact on crime and local criminal justice system and individual law enforcement agency efforts.

Generally, the agencies surveyed felt that LEAA has not allocated funds fairly among police, courts, and corrections, but that police should not be the sole recipients of funds. LEAA should solicit local viewpoints and base programs on them. LEAA should not enforce EEO guidelines as a condition of funding, but should encourage the adoption of NAC recommendations.

In general, the agencies surveyed felt that LEAA should directly fund programs of departments. Respondents firmly believe that program priorities should be defined by those affected, as opposed to an LEAA mandate. The priorities of the SPA's and of local and regional planning groups were not seen as meeting needs. These views were held over more widely among agencies receiving little or no funds over the last four years. However, state agencies were not so critical of SPA funding priorities, and felt that SPA's should channel funds to departments, under a comprehensive state plan. Also, agencies with more than 500 members, and those receiving more than \$100,000 in the last four years, were less critical of SPA priorities, and felt that local and regional planning groups met their needs.

Some dissatisfaction existed concerning communications between law enforcement agencies and LEAA and other agencies in the planning and funding system. This dissatisfaction relates to the usefulness and timeliness of information concerning program and policy changes affecting specific grants.

The results showed support for the funding of programs for the criminal justice system as a whole rather than for law enforcement exclusively.

Respondents for the most part, however, felt that law enforcement is not adequately represented on regional or local planning boards or SPA policy-making bodies.

Regarding specific types of LEAA programs, those surveyed felt that research and development funding should not take precedence over technical assistance projects. In general, respondents were more highly favorable toward LEAA programs which are managed by or directed toward law enforcement agencies as opposed to those programs devoted to other criminal justice system components. The LEEP program, in particular, received widespread, strong support from the sample, with respondents indicating that this program is useful and should be continued.

Efforts to reduce the funding of LEEP and diminish its vital contribution to law enforcement has been avoided on two previous occasions because of the expressed interest of the nation's police administrators. On both occasions when LEEP funding was threatened literally hundreds of letters and telegrams were sent to legislators, and the funding was reinstated.

Because of LEEP, law enforcement education in the United States is a practical reality, rather than a dream. As I am sure you know, close to 100,000 persons have on an annual basis been educated through LEEP, and a great majority of these students—almost two-thirds, were active, on-duty, full-time police officers. The ability of the police agencies to provide sensitive, informed law enforcement services has been enhanced greatly because of LEEP. It is fair to say that a large number of colleges and

universities now offering degree programs in law enforcement will be forced to cancel those offerings if LEEP money is no longer available.

I would like to make one further comment on LEEP. The IACP opposes the transfer of the functions, powers, and duties regarding LEEP from the LEAA to the Department of Education upon its establishment by an Act of Congress. Someone close to the administration recently stated "if it ain't broke, don't fix it." I think that homily applies perfectly to removal of this significant activity from the Law Enforcement Assistance Administration and the Department of Justice.

The Public Safety Officers' Benefits (PSOB) program has been similarly effective and beneficial. In my own experience, I have never seen another program become effectively operational as rapidly as did PSOB. At the present time, only approximately six weeks is required from the application for benefits under this Act to the delivery of those benefits to public safety officers' survivors.

Several survey questions inquired as to the respondents' attitudes toward specific types of LEAA funded projects on two dimensions, their impact and their importance. Respondents were asked to indicate their opinions on a continuum ranging from "of great impact/importance" to "no impact/importance," with a "no opinion" option. The types of LEAA programs respondents were asked to comment on included programs administered by or directed toward law enforcement agencies and programs administered by or directed toward other agencies/groups in the criminal justice community (e.g., courts, corrections).



- A majority of respondents felt that community-wide juvenile delinquency prevention and treatment programs have some impact (66%), but 20 percent of the sample felt they had no impact, with only five percent undecided. Nine percent felt these programs have great impact.
- A majority felt that correctional and rehabilitational programs have some impact but the percentage of respondents listing "no impact" was higher (30%). The percentages of respondents who felt these programs have great impact were smaller (2-4%). Uncertainty about these programs was somewhat higher (8-12%).
- Again, a majority of respondents felt that community education and crime prevention programs have some impact (66%), but respondents were more favorable toward these programs in that 14 percent of the sample indicated they have great impact and only 14 percent showed "no impact." Only a very small percentage (3%) were undecided.
- The majority of respondents credited law enforcement research and development, technical assistance and demonstration projects with having some impact (approximately 66%). Only a small percentage felt that R & D and demonstration programs had great impact (8%) while 13 percent rated technical assistance programs this highly. Law enforcement demonstration programs received the highest percentage of "no impact" votes (19%), followed by R & D programs and technical assistance programs (approximately 13%). Uncertainty was highest concerning demonstration programs (14%), with

only 6-7 percent listing "no opinion" on R & D and technical assistance questions.

- Almost half of the sample (42%) felt that police-operated juvenile delinquency programs were of great importance, with 48 percent indicating they are of some importance. Negative and undecided responses to this question were very low (5%). Community operated juvenile delinquency programs received substantially fewer votes of "great importance" (22%), although the majority did feel these programs are of some importance. Conversely, a higher percentage felt that community operated juvenile delinquency programs were of no importance (10%).
- Criminal deterrence/detention/apprehension programs received strong support from the sample, with 63 percent stating these programs are of great importance. One-third of the sample fell into the "some importance" category, with "no importance/no opinion" registering three percent each.
- Half of the sample felt that law enforcement information/communication projects and law enforcement criminal justice education projects were of great importance (approximately 53%). Only two percent of the sample was negative or undecided as to the importance of these programs, with the remainder listing "some importance."
- While the majority felt that criminal justice system coordination and development projects were of some importance, a significant percentage (one-third of the sample) indicated these programs are of great importance. Only four percent listed "no importance" or "no opinion" on this question.

- Overall, the sample ranked LEAA funding priorities in order from most important to least important as follows; law enforcement training programs, law enforcement technical assistance programs, research and development programs and, lastly, law enforcement demonstration programs. In other words, respondents felt that LEAA money spent on law enforcement training was of highest benefit to agencies, with the least benefit resulting from demonstration projects.
- Agencies with staffs of more than 500 persons were consistently less negative in their appraisals of the relative impact and importance of specific types of LEAA projects. This group registered the lowest percentage of "no impact/no importance" responses. This group had consistently higher percentages in the "some impact/some importance" ranges.
- Agencies receiving no funds tended to list negative scores ("no impact/no importance") to a higher degree than the Survey I population on 75 percent of the questions. Conversely, this group listed the lowest percentage of high positive scores ("great impact/great importance") at the same rate.

As a consequence of this survey the IACP learned that 53% of the police executives responding favored the continuing existence of LEAA while 47% opposed the continuance of LEAA.

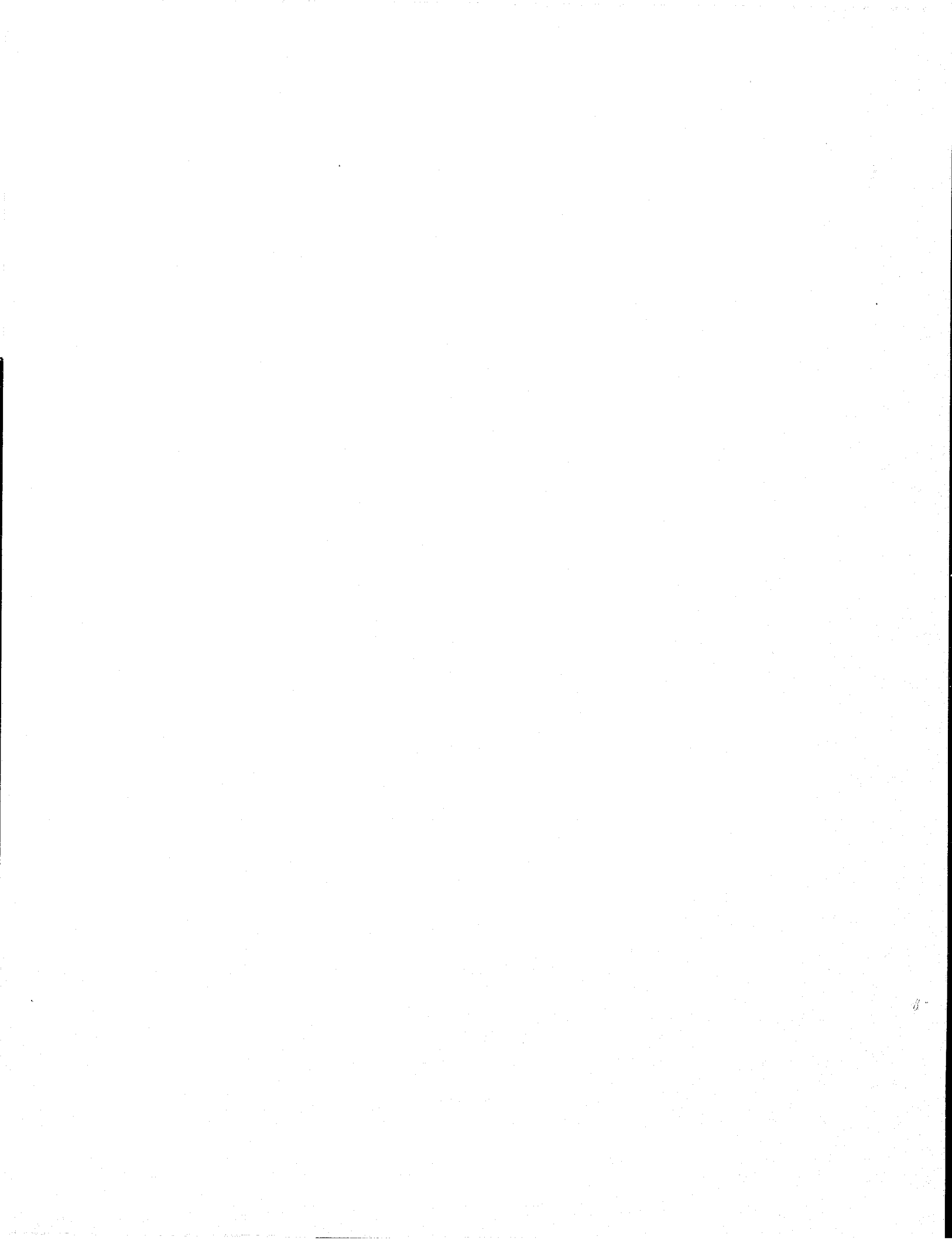
Conclusion

In concluding, let me reiterate that crime is a problem in this nation and it is a state and local problem in most nearly all instances. Since the passage of the Omnibus Crime Control and Safe Streets Act of 1968, much money has been spent and, contrary to many critics, there has been progress made in the war with crime.

I have outlined in my testimony changes that we in law enforcement would like to see incorporated in any reorganization and reauthorization of the LEAA. We do not think it has been a total exercise in futility on the government's part. We do think that the LEAA as it is now constituted has become a bureaucratic swamp, with its people mired in a fight to preserve domain rather than in carrying out the mandate of the 1968 act.

The Attorney General, in his testimony on the reauthorization of the LEAA, mentioned that you can buy a lot of friends with six billion dollars. I would add that you can do a lot to make an impact on crime with less money than that if the direction is there and the police of this country, given the opportunity to demonstrate their knowledge and abilities, stand ready to prove that something can be done.

Thank you.



**END**